

PROFESSIONAL STAFF EMPLOYEE ADVISORY COMMITTEE MEETING

11/20/08 MINUTES

Present: Amy Diamond Barnes, Les Gearhart, Beverly Lorig, John Jacobs, Julie Knudson, Darlene Moore, Mary Katherine Snead, Louise Uffelman, Jonathan Webster, Mike Young

Guest: Rob Straughan, Associate Dean of the Williams School

1. **Grievance Procedure.** Amy introduced Rob who was a member of the Designated Officer and Grievance Procedure Working Group. She explained that Rob and Sidney Evans had asked to meet with each of the employee advisory committees to discuss their recommendations.

Rob began by giving background on the Grievance Committee as well as outcomes from the committee's recommendations. The discussion focused primarily on an overview of the new grievance procedure for harassment/discrimination complaints, but also included information about the ombuds recommendation. The committee report and outline of the new Grievance procedure is available on the President's website and by clicking this link:

<http://www.wlu.edu/documents/president/DesignatedOfficerReport.pdf>.

The committee was formed by President Ruscio two years ago to look at the formal and informal options for addressing work related concerns. A large part of the committee's initial work included focus groups from all areas of the University. These were used to gauge understanding of the current policies, consistency of policy administration, fairness, etc. From these focus groups a number of concerns emerged:

- lack of understanding about how to file a complaint that does not deal with harassment/discrimination (i.e., conduct that is inappropriate but not necessarily illegal)
- HR was at that time in a period of turnover and was not seen as a channel for addressing concerns
- formal processes that were in place were viewed by staff as inaccessible; most of the administrators of the policy were all from the academic side (except for HR Director position, which at the time was vacant)
- there was a need for multiple points of access
- lack of role separation of roles (counselor, investigator, judge). Under the current procedure the Designated Officer (DO) receives a complaint, investigates the complaint and decides the outcome. The DO needs to remain impartial – making it difficult to provide needed support to the complainant and the respondent
- decisions were made by a single person

Due to these factors, the committee recommended the creation of an ombuds position to serve as an objective, confidential channel for resolution of workplace concerns. The ombuds program will be a two year pilot. It is the hope of the committee that, at that time, other channels (including HR) will be effectively addressing concerns and the need for an ombuds will be less. The committee also recommended a much altered grievance procedure to provide more support for complainant and respondent as well as to make the process more accessible to staff.

Rob explained that an ombuds is an impartial problem solver, someone who through informal means can help resolve conflict. The ombuds would work at the behest of the employee, so no formal action need be taken until the employee is ready to move forward. Amy clarified that this is the real distinction between

the ombuds and other channels – generally when you bring concerns to HR, they are treated with complete confidentiality. However, there are some issues which HR has a legal obligation to address – such as sexual harassment. If an employee comes to HR (or to another university representative) with an allegation of sexual harassment, we are required to investigate these allegations (which can include talking with witnesses) and therefore cannot promise complete confidentiality. An ombuds can meet with an employee and go over the options but is not required to act in these cases.

One committee member shared a concern that regarding these procedures since investigations would be conducted by people who don't normally conduct investigations. Rob explained that there will be training on investigations that all individuals involved in the process would undergo. In addition, Discrimination Policy Advisors (DPAs) or Investigation and Review Officers (IROs) could seek guidance from campus professionals – i.e., public safety. Rob pointed out that the investigators would be IROs (see list of positions which will serve this function) rather than by DPAs (individuals appointed across campus). This will allow individuals in these positions to acquire investigative experience. Additionally, because of their roles, they will probably have informal investigation experience.

Q) How many complaints of this type come up in a year?

A) At this point, there are about 3-4 each year, however, but there may be some that currently go unreported. The committee hopes that these changes to the procedures will bring unreported concerns forward to be addressed.

Q) Are you looking for DPA nominations?

A) Nominations will be solicited after the first of the year. About 15-20 individuals from across the university will be selected to serve as DPAs. These individuals will serve as the first point of contact for those with a concern or complaint. Their role will be to explain the process/options and to provide support.

Q) Will supervisors be trained to handle these types of complaints?

A) The entire community needs to be educated about legal issues but also about general respect in the workplace. There will be open forums available about the process that will include information about what is appropriate for this grievance procedure (illegal harassment based on a protected category). HR will be offering supervisory training support in various forms in the future, and is always available as a resource should supervisors have questions about how to address a particular concern.

Q) What is the timeline for the Grievance procedure to be in place?

A) The DPA Coordinator will need to be appointed and other DPAs selected and trained before concerns can be brought using this grievance procedure (until then the current procedure remains in effect). It is the hope of the committee that this can all be done relatively early in the winter term and the process open to the community shortly thereafter. The community will be notified when the new process is effective.

2. EAC Membership Rotation.

The committee continued the discussion of who will rotate off the committee at the end of this year. Since there are 9 active members of the committee, four members will need to rotate off.

The following members volunteered to rotate off as of June 2009.

- Julie Knudson – who has agreed to serve on the University Committee on Inclusiveness and Campus Climate
- Darlene Moore
- Jonathan Webster

The committee also suggested that Tammy Futrell rotate off the committee as her other responsibilities have precluded her from attending EAC meetings.

3. Doctor's Excuses with CTO

Current policy states that employees are required to bring a doctor's excuse after 3 days. That was designed to protect against sick leave abuse under an unlimited sick leave policy. Under CTO, this seems like an unnecessary requirement. Supervisors may establish their own internal procedures for doctors notes based on departmental needs. Amy wanted to make sure that supervisors would be comfortable with this change, and thus brought to EAC for discussion.

The committee was comfortable with the change, so long as each department retains the right to make individual case reviews and/or keep their own policies in place for department specific needs.

A doctor's note will still be required for extended absences to verify that the individual is "fit for duty."

Minutes respectfully submitted by Mary Katherine Snead, Human Resources.