

Final Report of the Faculty Conduct Working Group – Faculty Senate Minutes – February 3, 2021

Faculty Conduct Working Group* – Lester Arnold, Vice President, Human Resources/ Payroll

We want to primarily give you an update on the work coming out of the Faculty Conduct Working group, since our last update which happened pre COVID in March of 2020. Since then, we have gotten back together and really have finalized the work and the documents that hopefully you all have the opportunity to take a look at in the prep material that Shannon has provided prior to this meeting.

Faculty Conduct Working Group (Submitted by Shannon Davis, Suzanne Slayden and Girum Urgessa -January 25, 2021)

The Working Group has completed all tasks as charged in July 2019. The final report and documents are available to the University community and will be presented by Girum Urgessa and Lester Arnold during the February 3, 2021 Faculty Senate meeting.

[HR Procedures for Investigations into Alleged Workplace Policy Violations](#)

[Considerations during Sanctions Process](#)

[CDE Revised Process](#)

[Educational Materials in Progress: Promoting Civility in the Workplace](#)

Chair Davis provided a brief background of the undertaking:

- group was assembled to take a look at the current HR and CD investigatory processes as it relates to faculty misconduct allegations.
- group was comprised of representatives from all the stakeholders involved: HR, Compliance, Diversity, and Ethics, University Counsel, Audit, Provost Office and Faculty Senate.
- Spring 2019 - the Faculty Senate (Executive Committee) presented to President Cabrera, Provost Wu, and Sr. VP Kissal, a documented communication correspondence to speak to concerns around due process faculty rights.
- The most significant change of the HR process is the creation of an appeals process for any employee. This change will allow for a panel of five to hear the case and understand what the appeals or the appellant is claiming and have the opportunity to review that and make recommendations as to the final outcome.
- Chair Davis reiterated that this is a new policy that is in support of faculty rights if there is an allegation of misconduct.
- VP Arnold indicated that the policy goes into effect immediately.
- Chair Davis thanked Senators Slayden and former Senator Urgessa for their leadership and all the working group members for working collaboratively in response to issues that emerged from creation of this new policy.
- VP Arnold presented the update (presentation included below).



FACULTY SENATE MEETING – FEBRUARY 3, 2020

Faculty Conduct Working Group - Update



WORKING GROUP MEMBERSHIP

Lester Arnold – Human Resources
Shernita Parker – Human Resources
Danielle Reich – Human Resources
Regina Ryder – Human Resources
Kevin Jackson – Human Resources
Dietra Trent – Compliance, Diversity & Ethics
Elizabeth Woodley – Compliance, Diversity & Ethics
Brian Walther – Office of University Counsel
Eli Schlam – Office of University Counsel
Ed Dittmeier – University Audit
Renate Guilford – Office of the Provost
Shannon Davis – Faculty Senate
Girum Urgessa – Faculty Senate
Suzanne Slayden – Faculty Senate

FACULTY CONDUCT WORKING GROUP– PROCEDURE REVIEW

Introduction

- Spring 2019 – Letter(s) from Faculty Senate to President Cabrera, Provost Wu, & SVP Kissal
 - Due Process and Faculty Rights
 - Handling of misconduct allegations
- Spring 2019 – Response from Provost Wu, & SVP Kissal to the Faculty Senate
- Summer 2019 – Working Group Established (HR/ER, University Audit, Office of the Provost, University Counsel, CDE, Faculty Senate, Faculty Handbook Revision Committee)
 - Charge – Determine how we can enhance and improve on our current procedures
 - Recommend improved process and procedures to leadership

FACULTY CONDUCT WORKING GROUP– PROCEDURE REVIEW

- March 2020 – met with Faculty Senate and shared our draft procedures.
- We considered faculty feedback and edited and updated procedures accordingly.
- We finalized the procedure documents:
 - Compliance, Diversity and Ethics – Grievance Procedures
 - Human Resources & Payroll – Investigative Administrative Procedures
- We developed a training and education plan for promoting civility in the workplace.

COMPLIANCE, DIVERSITY AND ETHICS GRIEVANCE PROCEDURES

What's Changed?

- Clarifies the investigative procedure:
 - Who is a reporting and responding party
 - Clarifies where the outcome of a formal investigation is sent
- Updates the investigative procedure in accordance with Federal Law and Mason's discrimination policy:
 - Explains that Mason's Title IX/Sexual misconduct procedures apply when a complaint alleges conduct prohibited under Title IX/Mason's sexual misconduct policy
 - Adds gender expression to the list of forms of discrimination prohibited by Policy 1201 and investigated under this procedure

HR INVESTIGATIVE PROCEDURES

- WHAT'S CHANGED?
 - Appeals process
 - Appeals are heard by a panel
 - Considerations Document
 - Published list of factors to consider when contemplating corrective action/sanctions
 - Procedure review period every two years

TRAINING AND EDUCATION PLAN

- In order to be successful in creating and maintaining a culture of civility, we have developed a plan to increase awareness and to engage our community surrounding a positive workplace.
 - Teaching Civility in the Workplace:
<https://www.linkedin.com/learning/teaching-civility-in-the-workplace/>
 - Diversity, Inclusion, and Belonging:
<https://www.linkedin.com/learning/diversity-inclusion-and-belonging-2>
 - Civility in Action Committee
-