

Dealing with Faculty and Staff Personnel Issues

Presented by:
Lisa Gehring
 Assoc. Director, HRS
Terry Ryan
 Asst. Attorney General, AGO

Revised November 2018

WASHINGTON STATE UNIVERSITY
 World Class. Face to Face.

Recording date of this workshop is
November 6, 2018.

Some of the rules and procedures discussed in this workshop are subject to change.

Please check university resources before relying exclusively on this recorded presentation.

TODAY'S FACULTY TOPICS

- HRS and AGO
- Responsibility
- Review
- Separation
- Discipline
- Leaves
- Resources

HUMAN RESOURCE SERVICES

Human Resource Services and Attorney General Office

- What we do?
- Why contact us?



HUMAN RESOURCE SERVICES

Faculty Responsibility

- Code of Professional Ethics
- Ethics in Public Service
- Student Academic Integrity




HUMAN RESOURCE SERVICES

Faculty Responsibility

Faculty Manual II. G., H.


- Title IX
- Mandatory Reporting



HUMAN RESOURCE SERVICES

Review of Faculty

- ✓ Faculty Manual Section III.C.
- ✓ Provost's Annual Review Guidelines
- ✓ Significant Change in 2016



HUMAN RESOURCE SERVICES

We Are Not All Above Average

- Take the time to do thoughtful, thorough, and specific annual performance evaluations of all employees
- Keep notes of progress, remembering public records principles
- Touch base mid-year on performance goals
- Address problems and document them as they arise

HUMAN RESOURCE SERVICES

Separation Processes

Faculty Manual Section III. E.

- Nonreappointment


A faculty member on appointment *without terminal date and without tenure* has no presumption of reappointment, including reappointment with tenure.

HUMAN RESOURCE SERVICES

Separation Processes

Nonreappointment

Section III E. 1. "...A nonreappointed faculty member will be advised in writing by the department chair as soon as it has been decided that the appointment is not to be renewed. This decision shall be made by the department Chair with the approval of the Dean and following consultation with tenured members of the department involved."



HUMAN RESOURCE SERVICES

Separation Processes

Nonreappointment

Section III E. 1 "...This notification will be given to the faculty member as follows: (a) at least three months in advance of the termination of services if in the first year of employment; (b) at least six months in advance of the termination of services if in the second year of employment; (c) at least twelve months in advance of the termination of services if in the employment of the University for two years or longer. At the request of the faculty member, a written statement of the reason for nonreappointment shall be provided."


HUMAN RESOURCE SERVICES

Separation Processes

Section V. K.

- Nonreappointment

Faculty *with a terminal date* and temporary research faculty




HUMAN RESOURCE SERVICES

Separation Processes

Temporary Faculty

Section V K. 1

A faculty member with an appointment carrying a terminal date, the appointment ENDS on the terminal date, unless positive action is taken to reappoint that faculty member.




HUMAN RESOURCE SERVICES

Separation Processes

Temporary Faculty

V K. 1.

A written notice of non-reappointment is required only when a faculty member's fixed term appointment length is three years or more and the faculty member has not yet received a letter of reappointment. The written notice must be issued at least sixty (60) calendar days prior to the termination date. Contingency appointments always end on the designated terminal date unless the specified contingencies are satisfied.




HUMAN RESOURCE SERVICES

Separation Processes

Temporary Research Faculty
V.K. 6

Separation For Cause: Unsatisfactory Performance


- ✓ Compensated by extramural grant funding
- ✓ Performance unsatisfactory



HUMAN RESOURCE SERVICES

Disciplinary Process

Section II F.
Contact the Office of the Provost and Attorney General's Office



HUMAN RESOURCE SERVICES

Performance Concerns Don't Go From 0 to 60

Engage in progressive discipline, most of the time

- Why it is important
 - Communication and fairness
 - Documentation
- Where required
- Where recommended
- Exceptions



HUMAN RESOURCE SERVICES

Faculty Leave

- Family Medical Leave **Section III D. 6**
- Reasonable Accommodation **Section III B**
- Other Health Related Concerns


Contact Human Resource Services



HUMAN RESOURCE SERVICES

Faculty Leave

Do not maintain medical/health related documents of any sort at the department level – all medical documents must be forwarded to HRS



HUMAN RESOURCE SERVICES

Utilize Your Village!

No one can be an expert in all things . . .

Internal resources:

- Human Resource Services (and referrals from it, including Employee Assistance Services) and Urban Campus Human Resource Offices
- Office for Equal Opportunity
- Finance and Administration
 - Contract and policy issues
 - Risk management
- Police Department
- Internal Audit
- Attorney General's Office
- Public Records Office
- Others

HUMAN RESOURCE SERVICES

RESOURCES

- Available on the HRS website hrs.wsu.edu
- Faculty Recruitment Processes
- Separation Resources
- Manager's Resources - Access Sample Letters
 - Memo of Concern
 - Accept Resignation (verbal/written)
 - Unsatisfactory performance
 - Non-reappointment letters

HUMAN RESOURCE SERVICES


Contact Information

Human Resource Services
509-335-4521 | hrs.wsu.edu

Theresa Elliot-Cheslek: telliott@wsu.edu

Office of the Attorney General
509-335-2636

Terry Ryan: tryan@wsu.edu





TODAY'S STAFF PERSONNEL TOPICS

This session will cover information and processes for:

- Civil Service Employees
- Bargaining Unit Covered Employees
- Administrative Professional Employees

Hourly/Temporary Employees
(HRS assists with performance issues)


Session Objectives

1. Define and understand staff employment at WSU and the policies/ procedures, rules and laws that apply to each
2. Know and understand the basics of class/comp; recruitment; performance management; employee and labor relations; leave and benefits; and training and development
3. Identify and locate specific HR-related resources




Staff Personnel Processes

REMEMBER



- All employee types have required PROCESSES
- All disciplinary actions require the approval of Appointing Authority.


Information is located on the HRS website:
[Appointing Authority Information](#)

HUMAN RESOURCE SERVICES

Staff Personnel Processes

Civil Service and Bargaining Unit Covered


- **Required** procedures outlined either by the State of Washington, Business Policies and Procedures OR in the Collective Bargaining Agreements
- Business Policies and Procedures Manual (BPPM)



HUMAN RESOURCE SERVICES

Civil Service

- **Washington Administrative Code (WAC) Title 357**
<http://apps.leg.wa.gov/wac/default.aspx?cite=357>
- **Collective Bargaining Agreements**
<http://hrs.wsu.edu/LR%20Home>



HUMAN RESOURCE SERVICES

Foundations

- Position description, Performance Expectations*
 - Current and accurate
- Last Annual Review (not applicable to BUC)
- Review applicable policies/procedures
 - If there is a department policy how was it communicated to staff?

Position Descriptions are required for CS, BUC and AP

** Performance Expectations are required for civil service employees and recommend for AP*

HUMAN RESOURCE SERVICES

Civil Service

Time Sensitive

Probationary Appointments – SIX MONTHS
Requires 1 full day written notice if "rejected" during probation

Trial Service Employees – SIX MONTHS
Rejection requires 7 calendar days written notice

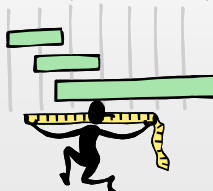
Contact HRS as soon as possible if there are performance issues for either probationary or trial service employees

HUMAN RESOURCE SERVICES

Civil Service

Addressing Performance Concerns Progressive

- Typically, corrective and disciplinary actions are "progressive" -- starting at the lowest level.
- However, this depends on the specifics of each case




HUMAN RESOURCE SERVICES

Performance Concerns

Common Errors

- Not clear about expectations
- Not clear about violations
- Not clear about rules
- Not following contract
- *Improper or no documentation (limit the use of email and utilize HRS for any written correspondence)*
- Over inflated annual reviews




HUMAN RESOURCE SERVICES

Performance Concerns

Basics


- Apply discipline consistently and impartially
- Employees in leadership roles need to lead by example
- Don't "save up" discipline
- Treat every case as if it will be appealed
- Get help for suspected substance abuse from HRS



HUMAN RESOURCE SERVICES

Corrective ACTIONS


Informal Discussion
Verbal Warning
Performance Improvement Plan
Notice of Counseling
Letter of Reprimand



HUMAN RESOURCE SERVICES

Disciplinary ACTIONS

- Formal actions, taken when either corrective measures fail to correct problem OR seriousness of offense warrants more formal measures
- Imposed only by Appointing Authority



HUMAN RESOURCE SERVICES

Disciplinary ACTIONS

Decision as to if disciplinary action is appropriate and what type is made after opportunity to participate in a pre-disciplinary meeting.

- Suspension
- Reduction in Salary
- Demotion
- Dismissal

HUMAN RESOURCE SERVICES

Civil Service

Progression

Corrective Action

- Verbal
- Notice of Counseling
- Performance Improvement Plan
- Written Reprimand

Pre-Disciplinary Notice - Due Process
Opportunity to address allegations in writing or at Pre-Disciplinary meeting

Disciplinary Action (Appointing Authority)

- Suspension (1 – 15 days)
- Reduction to Pay
- Demotion
- Termination

HUMAN RESOURCE SERVICES

Civil Service

Appeals

- Civil Service Employees may appeal disciplinary actions within 30 days of the action to the State Department of Personnel's - Personnel Resource Board
- Bargaining Unit Covered employees have grievance procedures



HUMAN RESOURCE SERVICES

Basics

- Know the rules
- Praise in public--criticize in private
- Fact Find/Investigate
- Address concerns as soon as possible
- Contact HRS with questions

HUMAN RESOURCE SERVICES

Employee Assistance Program


Referrals to Employee Assistance Program (EAP) may be appropriate

If you are experiencing personal problems which may be impacting your ability to effectively perform the duties of your position, I encourage you to contact the Employee Assistance Program

HUMAN RESOURCE SERVICES

Administrative Professional

- AP positions must meet exemption criteria as outlined in the Revised Code of Washington (RCW) 41.06.070 and 41.06.170(3)
- AP Handbook
- Business Policies/Procedures Manual (BPPM)



HUMAN RESOURCE SERVICES

Administrative Professional

Processes


- Discontinuation of Appointment (*not for cause*)
 - Notice Requirements
 - Return Rights to Civil Service
- Non-reappointment
- Disciplinary Action Process (*for cause*)

HUMAN RESOURCE SERVICES

Administrative Professional

Discontinuation of Appointment

- Notice period begins upon receipt of official written notice.
- Must be signed by Appointing Authority.
- Verbal notification does not start "clock"



HUMAN RESOURCE SERVICES

Administrative Professional

End of Term Appointment

- Appointment ends on date specified
 - Unless positive action is taken to renew
 - Hire letter and PAF should state temporary appointment dates and use standard language
- AP temporary employees can be given a 30 day notice of discontinuation of appointment

HUMAN RESOURCE SERVICES

AP for Cause

- Requires Written Notice of Charges
 - Include the facts
- Meeting with employee is not required
- Employee allowed 10 working days to respond to the notice of charges
- Supervisor reviews employee's response and makes recommendation to Appointing Authority
- Appointing Authority reviews recommendation from Supervisor
- Appointing Authority notifies employee of decision in writing.

HUMAN RESOURCE SERVICES

AP Appeal Process

- Termination for Cause
- Appeal in writing to the Provost, appropriate Vice President, or their designee within 10 working days of notice.
- The appeal shall be conducted on the basis of the written material unless, in the discretion of the Provost, Vice President or designee, oral statements are allowed. The Vice President shall render a final decision within 30 working days of receipt of the appeal. This decision shall be the final decision of the University.

HUMAN RESOURCE SERVICES

Student Temporary or Hourly Employees


- Student Employment Processes
Student Employment Center website:
[\(https://wsu.studentemployment.ngwebsolutions.com/\)](https://wsu.studentemployment.ngwebsolutions.com/)
- Employment performance concerns
 - Contact HRS (typically temporary workers are “at will employees”)

HUMAN RESOURCE SERVICES

Overtime Eligibility

Fair Labor Standards Act (FLSA)

- Determinations as to if a position is overtime eligible or are based on the duties performed by the employee and not the title of the position.
- HRS makes the overtime eligibility determination
- It is important to know if your staff person is eligible for overtime or not.



HUMAN RESOURCE SERVICES

Staff Leave

- Family Medical Leave
- Reasonable Accommodation

Do not keep any copies of medical documents. Forward all to HRS.

Direct all employees to HRS regarding any medical/reasonable accommodation concerns



HUMAN RESOURCE SERVICES

HRS Resources

HRS website: www.hrs.wsu.edu

- Classification/ Compensation
- Recruitment/ Selection
- Offer Letters
- New Employee Orientation and Checklist
- Benefits/ Retirement
- Family Medical Leave & Reasonable Accommodation
- Corrective/ Disciplinary Action
- End of Employment/ Separation

HUMAN RESOURCE SERVICES

Utilize Your Village!

No one can be an expert in all things . . .

Internal resources:

- Central Human Resource Services (and referrals from it, including Employee Assistance Services) and Regional Campus Human Resource Offices
- Office for Equal Opportunity
- Finance and Administration
 - Contract and policy issues
 - Risk management
- Police Department
- Internal Audit
- Attorney General's Office
- Public Records Office
- Others

HUMAN RESOURCE SERVICES

REMEMBER TO:

Contact HRS for assistance



HUMAN RESOURCE SERVICES

Contact Information

Human Resource Services

- Pullman: 509-335-4521
- Spokane: 509-358-7554
- Vancouver: 360-546-9587
- Tri-Cities: 509-372-7470

www.hrs.wsu.edu

HRS Contacts

HUMAN RESOURCE SERVICES

WASHINGTON STATE UNIVERSITY



Washington State University
Office for Equal Opportunity

Issues Related to
Discrimination, Sexual
Harassment, Sexual
Misconduct

Holly Ashkannejhad
Assistant Director
Office for Equal Opportunity

November 2018

OEO Primary Responsibilities

- Central intake and investigation office for student and employee complaints of:
 - Discrimination,
 - Discriminatory harassment, and
 - Sexual misconduct
- Central resource for compliance recommendations and work relating to:
 - Equal Employment Opportunity / Affirmative Action compliance
 - Title IX compliance
 - ADA compliance
 - Education and training

Applicable WSU Policies

WSU's Policy Prohibiting Discrimination, Sexual Harassment, and Sexual Misconduct (Executive Policy 15)

Applies to all WSU Employees, Students, and others having an association with WSU.

Discrimination in all its forms destroys mutual respect and a trusting environment, can bring substantial personal harm to individuals, and violates individual rights.

Other Relevant WSU Policies

- [EP 28](#) Policy on Faculty-Student and Supervisor-Subordinate Relationships
- [EP 7](#) - University Web Accessibility Policy
- [EP 12](#) - EEO/AA Policy
- [EP 26](#) - Internal Investigations, Training, and Policy
- Reasonable Accommodation (BPPM 60.21.1)
- Bullying Prevention and Reporting (BPPM 50.31.1)
- Workplace Violence (BPPM 50.30.1)
- WSU's Standards of Conduct for Students ([Washington Administrative Code \(WAC\) Chapter 504-526](#))

Discrimination Prohibited

WSU policy prohibits discrimination on the basis of:

- Race	- National or ethnic origin
- Sex/Gender	- Physical, mental or sensory disability
- Sexual orientation	- Marital status
- Gender identity/expression	- Genetic information
- Religion	- Status as an honorably discharged veteran or member of the military
- Age	
- Color	
- Creed	

Discrimination = Behavior
(Prejudice = Attitude)

Selective, unjustified negative behavior toward a group or member of a group. Demonstrated by...

Disparate Treatment:

- Treating individual(s) differently/adversely because of protected category.
- Can be shown by direct evidence or inferred through statistics, anecdotes or comparative evidence. **Intent is a necessary element**

Disparate/Adverse Impact

- Practice/policy which results in selection of members of a protected group at a rate lower than that of other groups.
- Can be facially neutral practice – but still discriminatory in its application
- Intent is not a necessary element

Discrimination = Behavior

Harassment

A form of discrimination that unreasonably interferes with an individual's performance or adversely affects an individual's employment opportunity.
(Verbal – Written – Physical)

Behavior that is sufficiently severe, persistent, or pervasive that it has the purpose or effect of:

- Creating an intimidating, hostile, or offensive environment; or
- Unreasonably interfering with work, academic performance, living environment, personal security, or participation in any WSU activity.

Discrimination and Protected Speech

Not protected (students or employees):

- Discriminatory harassment (severe, persistent, or pervasive)
- Obscenity (e.g. child pornography)
- Defamation/libel
- True threats: Statements in which the speaker means to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.
- Fighting words
 - Words which are likely to provoke an immediate violent reaction

Sexual Harassment Prohibited

WSU policy prohibits sexual harassment, which is a form of discrimination on the basis of sex or gender.

Sexual harassment encompasses:

- unwelcome sexual advances,
- Quid pro quo harassment, and/or
- unwelcome **verbal or physical conduct** of a sexual nature, including sexual assault.

Behavior that is sufficiently **severe, persistent, or pervasive** to interfere with an individual's educational performance or environment.

WASHINGTON STATE UNIVERSITY

Sex and Gender Based Violence

WSU policy prohibits sexual misconduct and other forms of sex and gender based violence as forms of sexual harassment, including:


- Non-consensual sexual contact;
- Sexual exploitation;
- Intimate partner violence (dating violence); and
- Stalking

One instance of sexual misconduct will be considered **sufficiently severe, persistent, or pervasive** to rise to the level of sexual harassment.

WSU will address student allegations of sexual harassment **regardless of where the conduct occurred (on or off campus)** if it may interfere with the educational pursuits of the parties involved.

WSU's processes are separate from the criminal process and **can be pursued simultaneously**.

WASHINGTON STATE UNIVERSITY



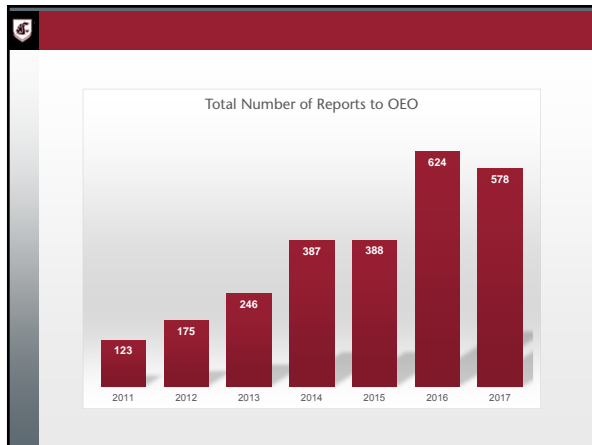
Reporting Requirements

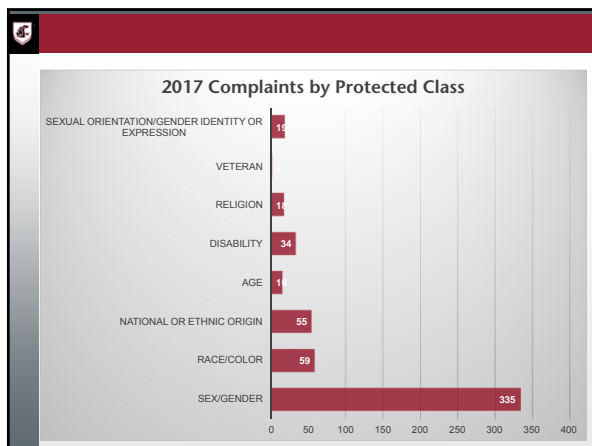
November 2018

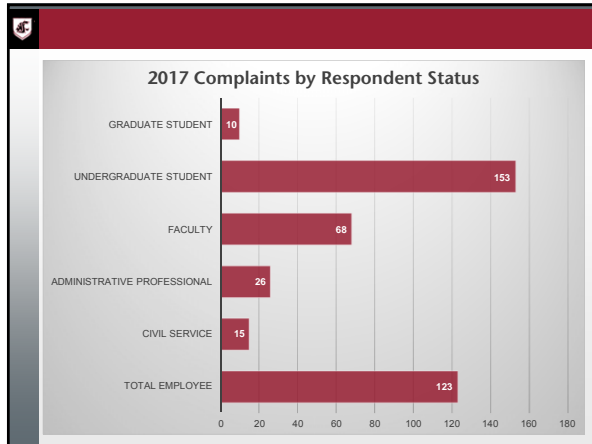
Employee Reporting Obligations

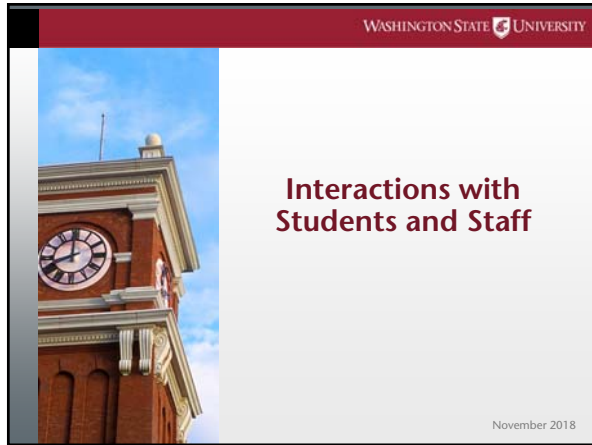
- All WSU employees*, including student employees, who have information regarding incidents of **sexual harassment** or **sexual misconduct** must *promptly* report that to OEO or the WSU Title IX Coordinator.
- All supervisors, who have information regarding incidents of **discrimination** or **discriminatory harassment** report that to OEO

**Limited exceptions for health care providers or staff, mental health care providers or staff, preventative education providers, or employees who have no authority to take action or who are not viewed by students as having authority*









-
- A presentation slide with a red header containing the Washington State University logo. The title is "Students – Common Triggers" in a dark red font. Below the title is a bulleted list of triggers.
- Domestic Violence
 - Sexual Assault
 - Stalking
 - Instructor discriminated in grading
 - *Discriminated, harassed, hostile environment*

Common Scenarios - Students

- "I did not complete my homework, because I was assaulted over the weekend."
- "I think my professor has graded me unfairly, because he doesn't like students from XYZ."
- "I can't work in this student group, because the other student is harassing me."

Students – What to do?

- Let the student know you are not a confidential resource, and you may have to report the information to OEO
- Ask some preliminary questions to assess what type of concern the student has. *Do not investigate.*
- Assess whether the student's concern includes information related to EP 15.
 - If so, report.
 - If not, handle internally or identify other resources.
- Provide resources and reporting options.

Students – Resources

Confidential Resources:
 Cougar Health Services or WSU Counseling Services
 WSU Health and Wellness (Pullman)
 Local Hospital
 Local Advocacy Groups (ATVP Pullman)

University Resources:
Dean of Students/Student Affairs: Can assist with academic and/or residential arrangements
Office of Student Conduct: Works with OEO on student conduct cases involving discrimination, sexual harassment and sexual misconduct.

Visit oeo.wsu.edu/resources/ for information specific to your campus.

Staff – Common Triggers

- Bullied
- Harassed
- Intimidating
- Hostile
- Stifling my voice
- Treating me differently
- Compensation or work assignments are unfair

Common Scenarios - Staff

- “You can’t hold me accountable for that task, because you are aware that I have a disability.”
- “My coworker hushes me in meetings and laughs when I share my opinion”
- “Work assignments are being distributed unequally.”
- “My coworker is harassing and bullying me.”
- Tenure related complaints

What to do?

- Inform employee that you are not confidential and need to report the information
- Ask some preliminary questions to assess what type of concern the student has. *Do not investigate.*
- Provide reporting options
 - HRS, OEO, Ombudsman, police
- Consult with HRS and OEO
- Provide Resources

Employee Resources

These offices will protect employee privacy as far as possible, and will share information only on a need to know basis.

- WSU Employee Assistance Program (Confidential)
- Human Resource Services
- Office of the University Ombudsman

Visit oeo.wsu.edu/resources

General Departmental Assessment

- Are policies enforced consistently in your department?
- Do you evaluate people on a regular and fair basis?
- Have you ever criticized an employee on matters that are not work related?
- Are your comments and questions strictly work-related when you evaluate job candidates?
- Do you take accurate, objective notes?
- Are those notes about strictly factual information?
- Do you do your best to leave any stereotypes you may have outside the office door?
- Do you strive to make your department a supportive, bias-free environment?
- Do you set an example your employees can follow?

Supervisor Liability

Brown vs. Scott Paper Worldwide Co.

April 5, 2001 WA State Supreme Court

Individual supervisors can be held individually liable for their discriminatory acts under the Washington Law Against Discrimination, RCW 49.60

Supervisor – s/he is the actual wrongdoer

WASHINGTON STATE UNIVERSITY



Accessibility

November 2018

WASHINGTON STATE UNIVERSITY

Accessibility Policies/Laws

- Americans with Disabilities Act (ADA)
- Section 503 and 504 of the Rehabilitation Act of 1973
- Fair Housing Act
- Executive Policy #15
- Business Policies and Procedures Manual 60.21.1

<https://access.wsu.edu/>

WASHINGTON STATE UNIVERSITY

What is a Disability?

Federal Definition:

- A physical or mental impairment that substantially limits one or more major life activities;
- A record of such an impairment; or
- Being regarded as having such an impairment.

Why Accommodate?

- Ensuring that individuals have the opportunity to reach their full potential.
- Diversity of experience enriches the learning/working environment.

What is a Reasonable Accommodation?

Employees

- Any **modification or adjustment to a job or the work environment** that will enable a qualified applicant or employee with a disability to participate in the application process or to perform essential job functions – *US Department of Justice*

Students

- Modifications or adjustments to the tasks, environment, or to the way things are usually done that enable individuals with disabilities to have an **equal opportunity to participate in an academic program** – *US Department of Education*

Accessibility

- Review your programs and practices
- Think critically – anticipate challenges
- Plan for visitors
- Encourage faculty, staff to provide supportive and flexible response to requests for accommodations
- Know your resources (HRS, Access Center, ADA Coordinator)
- Web Accessibility

<https://access.wsu.edu/>

Process for Addressing Requests for Disability Accommodations

- Employee/student request a disability accommodation
- Supervisor refers employee/student to HRS/Access Center
- HRS/Access Center will facilitate the accommodation request of the employee/student
- HRS/Access Center will provide recommendation for an accommodation, if appropriate, to Supervisor/Instructor
 - Work with Supervisor/Instructor to determine options/reasonableness

Accommodations

Generally, requests for accommodations will be granted unless:

- The employee will no longer be performing the essential functions of the job or (fundamental alteration)
- The requested accommodation will not enable the employee to perform the essential functions of the job.
- The employee's request for a reasonable accommodation is primarily for non-disability reasons, rather than because of a disability.
- The employee's request for a reasonable accommodation would impose an undue hardship on the operations of the agency and there is no alternative reasonable accommodation.
- The employee's requested accommodation would pose a direct threat to health or safety.

Accommodations

- The supervisor's role is to ensure that the employee can perform the responsibilities of the job with the accommodation.
 - Supervisors should consult HRS regarding any concerns about the accommodations prior to making any changes to Employee's duties.
- Supervisor's focus is on the job not the disability.
- Supervisors do not need to know what the disability is.

WASHINGTON STATE UNIVERSITY



Complaints

November 2018

What can the Dept. handle?

- No bright line rule
- Generally, departments can handle (without involving OEO)
 - Disputes, that do not involve discrimination
 - Venting – where language used is alarming, but descriptions of conduct are low-level
 - Grading concerns through Academic Rule 104
 - Low-level complaints of discrimination
 - *Best practice: always provide complainant with OEO information*

It is *never* a bad idea to call and consult with OEO.

Resources
<https://oio.wsu.edu/resources>

Resources

If you or someone you know has experienced discrimination, sexual harassment, or sexual misconduct, there are organizations available to help you. Please see the below resource lists for your community to access information on university offices, legal advocacy, medical services, mental health services, and law enforcements.

- Pullman Resources Page
- Tri-Cities Resources Page
- Spokane Resources Page
- Vancouver Resources Page
- Everett Resources Page

The federal government has also compiled helpful information for students and universities, including information on what to do if you have been sexually assaulted, how to help a friend who has been sexually assaulted, and information about your rights if you share information about a sexual assault with your university.

- Not Alone Home Page

Once WSU learns of a concern:

- Resources
- Complainant Interview/Intake
- Determine appropriate next steps
- Notice of Investigation
- Impartial Investigation: (Review Documents, Interview Witnesses and Respondent)
 - Preponderance of the Evidence
- OEO will summarize the investigation (Findings of fact; Conclusion; and a recommendation to HRS/OSC)
- Appeal
- HRS and/or Supervisor or OSC will address any disciplinary action.

Investigations

Typically, there is sufficient information to warrant an investigation when:

- Allegations have supporting information
- Allegations are of a very concerning nature
- Allegations describe conduct prohibited by EP 15 (sufficiently, severe, persistent, or pervasive)
- Some indication of credibility

• Investigation is the best resolution path vs. Informal resolution.

**No bright line rule.
Each case assessed individually.
Credibility/Veracity of complaint also assessed.**

Examples:

Investigation would likely be triggered if:

- Student alleged that their professor was sexually harassing them, asking them on dates, and sending them inappropriate text messages.
- Student alleged that their lab teaching assistant made statements about their ethnicity, graded them differently, and provided a co-student's test to show how the grading was different.
- Student alleged that another student sexually assaulted them off campus, and the student wants to proceed with an investigation.
- Employee alleged that their negative tenure review was based on intentionally false rumors spread by another employee about their sexual orientation.

And, OEO determined that an investigation was the most appropriate resolution path.

Key considerations

- Not every complaint results in an investigation
 - 2017: 578 complaints, 50 investigations
- Many complaints result in other actions
 - Consultation
 - Referrals
 - Performance Expectation Counseling
 - Additional training
 - Mediation

Many complaints are concurrently assessed by OEO, HRS, or Internal Audit


What is expected of supervisors during an investigation?

- Collaboration with OEO and HRS
- Assist with identifying appropriate interim measures
- Help deliver notice
- Direct questions to OEO or HRS
- Provide support for all participants (*allegations only at this point*)
- Maintain confidentiality, as appropriate
 - Do not share nature of allegations or OEO involvement with others.
 - If employee is on home assignment, simply say they are working on a special project at home.
- Help limit gossip, if possible
- May ask for help scheduling an employee witness

Retaliation and Interference Prohibited

Retaliation includes any act that would dissuade a reasonable person from making or supporting a complaint, or participating in an investigation, under this policy.


Interference: Actions that dissuade or attempt to dissuade complainants or witnesses from reporting or participating in an investigation, or actions that delay or disrupt, or attempt to delay or disrupt, an investigation



What happens when OEO issues an employee report?

- Supervisors, HRS, Complainant(s) and Respondent(s) receive a copy
- 15 days to appeal to WSU President's Office
- Appeals Committee convenes with a 30 day review
 - Supports OEO conclusions or
 - Sends back to OEO for additional review/investigation
- Supervisors/HRS review to determine appropriate sanctions

WASHINGTON STATE UNIVERSITY



Diversity and Hiring

November 2018

WASHINGTON STATE UNIVERSITY

Initiative 200

- The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.
- Hiring:
 - Once the applicant pool is established race, sex, color, ethnicity, or national origin are not considered
 - Search committees are charged with selecting the most qualified person for the job

WASHINGTON STATE UNIVERSITY

Diversifying the Workforce

- Commit your department to diversity
- Build a reputation for being a diversity-friendly workplace
- Ask existing employees for referrals
- Update your hiring strategies
 - Increase outreach/marketing to a wider audience
- Provide diversity training to staff
- Take an active role in retaining and supporting employees
- Job description – emphasize details that will attract a more diverse candidate pool

Achieving Diversity Through Recruitment

- **Forming the Committee;**
 - Diverse perspectives; knowledgeable about needs of the position
- **Educating the Committee;**
 - Laws etc.; Best practices – consult with HRS – new trainings available, and in progress
- **Position Description;**
 - Thoughtful; Make sure job trying to fill is the job advertised; Include everything you want to consider as a qualification in the position description; minimum vs. preferred (too narrow vs. too broad)
- **Diversity Experience;**
 - Not about looking for underrepresented candidates, but about looking for people with experience that is diversity related

Examining Hiring Biases

- **Implicit Bias:**
 - The attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner.
- Committees may tend to look for and favor candidates who are like them in terms of:
 - Educational background
 - Social skills
 - Values
 - Fit the “standard mold” for the field

Questions?



This has been a WSU Training Videoconference

If you wish to have your attendance documented in your training history, please notify Human Resource Services within 24 hours of today's date:

hrstraining@wsu.edu

HUMAN RESOURCE SERVICES
WASHINGTON STATE UNIVERSITY
