ACADEMIC SENATE

UNIVERSITY OF SOUTHERN CALIFORNIA

Meeting of December 11, 2019
Doheny Memorial Library, Room 121
2:00 - 4:00 p.m.


Absent: B. Blair, D. Armstrong

AGENDA

Rebecca Lonergan, Academic Senate President, called the meeting to order at 2:00 pm.

Approval of November Senate Meeting Draft Minutes
Ashley Uyeshiro Simon, Secretary General, presented the November 2019 draft minutes for discussion and approval.

Chimene Tucker moved to approve the minutes; Daniel Pecchenino seconded. Motion passed with 25 in favor, 0 opposed, and 0 abstentions.

Dialogue with President Carol Folt and Provost Chip Zukoski
President Carol Folt wished the Senate happy holidays and thanked everyone for their work given this busy time of year. She offered the following updates.

Folt began by stating that she hopes to have a response to Senate Resolution 19/20-02 (LINK) prepared during the Spring semester and requested the Senate work with them in producing these analyses. Many pieces needed for these analyses are already underway, along with changes that will hopefully prevent future misconduct issues like the ones referenced in the Resolution. She believes that it is important that faculty, staff, and students are included whenever possible in deciding what changes should be made, and if the administration is ever in a position to not include everyone, Folt wants to explain why, as she believes this makes a difference in the way work is done and how it is received.

Folt stated there are changes happening relating to the organization of USC’s investigatory offices. The Office of Civil Rights (OCR), which is currently investigating USC, recommended that we move our investigative offices under Human Resources (HR), instead of legal counsel. Folt also plans to move our compliance and audit offices under HR, which will hopefully help ensure better accountability, training programs, and support for all of these offices, without changing their functions. Felicia Washington, Senior Vice President of HR, offered her thanks to those who have already given their time to help redesign our HR structure.
Regarding athletics, Folt stated she will launch a new task force to look at everything in athletics from recruitment to graduation, including admissions processes. They will announce this task force in January. There will be faculty, staff, and students on it, and it will be asked to issue periodic progress reports.

Lastly, Folt updated the Senate about student mental health. She stated that moving the oversight and management of the Engemann Student Health Center under the Keck School of Medicine seems to have had improvements. She also suggested the Senate invite Dr. Steven Siegel, MD, PhD, Chair of Psychiatry in Keck, to talk about his plans for integrating more comprehensive mental health services for students, and later faculty and staff. She reported that the main “pain points” for students seem to include the impersonal nature of the past system, a lack of long-term care, and a strong feeling that faculty are not sympathetic to the mental health needs of students. To start to address the first point, Folt stated they hope to have in-person screenings implemented by the end of January, so students do not have to fill out forms online or be screened via calls. When the Department of Psychiatry (on the 5th floor of Engemann) is fully staffed, they should be able to provide services for up to 50% of those who need long-term services. Although they will not be able to assume the cost of insurance for services, they can do better to bridge costs, and better guide those who will need to go off-campus. Regarding faculty responding to the mental health needs of students, Folt stated Zukoski will work with the Senate to think about procedural (e.g., extra time for assignments) and personal (e.g., faculty trainings) strategies to address these needs.

Folt went on to state they are trying to reduce the number of students referred to outside counselors from 80% to 40%, increasing the number of therapists to achieve the peer average ratio of 1:500 students (before we were at a ratio of 1:1750, now 1:1000). We will also be adding more therapist hours, including weekends and nights. However, the biggest barrier has been building and retaining the therapist workforce, as many of our therapists are already overworked. She went on to state this Fall we have seen the beginning of the opioid crisis moving to the West, with students using a lethal combination of drugs, sometimes recreationally.

Provost Zukoski stated he has worked with the Senate and the Deans to evaluate the dean-reappointment processes, and that he hopes to put out a new process next week. This is one of the root-cause issues identified in Resolution 19/20-02. He also stated he now sits on a sub-committee of the Board of Trustees that aims to enhance the health enterprise at USC and ensure it is managed productively.

Questions were then asked by attendees. A concern was voiced about the quality and nature of mental health services being provided; Alison Wilcox (Keck, Senate Executive Board Member at Large) responded by assuring the Senate that Dr. Siegel is addressing these concerns. A question was raised about communications to students about drugs; Folt responded that there have been several communications with all students, one communication to parents about this issue, as well as other efforts in progress. Lonergan stated the Committee on Teaching and Academic Programs was charged this year to look at excused absence policies, and that she will also ask them to look at excuses for mental health as well.

A question was asked about USC’s position on the recent California law allowing student athletes to be compensated, and how USC might respond to this legal change. Folt stated that she had written a letter stating we need to find a way to better support our student athletes, but that she did not take a position regarding the new law. She stated that we need to work with the NCAA on this, or it will be difficult for our programs. There was a Pac-12 committee that was just created about this. One of the people on it is our Senior Woman Administrator (SWA).

Questions were asked regarding the 2019 AAU survey on Campus Climate on Sexual Assault and Sexual Misconduct, including whether we are looking at our communications to ensure they are more timely and sensitive, and what we are doing to prevent sexual assault on campus. Folt stated she cares a lot about this issue, and that this issue is moving under Human Resources and Felicia Washington. They are trying to work with the student groups to do better training, but they realize that we also need more places where students can seek help. Washington added they are working on a best practices policy, which should
include preventative measures and in which faculty partnership will be important. In the meantime, her office may soon issue an interim policy.

**Second Read & Vote on Resolution 19/20-03: Direct Elections**

Paul Adler, Academic Vice President, presented the revisions made to Resolution 19/20-03 as a result of last month’s Senate discussion. Matters discussed at the last meeting included whether retired faculty and part-time faculty should be allowed to vote, and how to best characterize the desire for “diversity” in the slate of candidates.

Regarding part-time faculty voting, the Resolution was revised to be consistent with the Faculty Handbook and allow voting rights for all part-time faculty. At least thirteen of our schools allow part-time faculty to vote for Faculty Council leadership and therefore Senate leadership. The consensus on the Executive Board was therefore to open this direct election process to part-time faculty as well. Additional concerns were voiced about allowing part-time faculty to vote, including (1) the lack of distinction between types of part-time faculty (e.g., adjunct, length of employment, percent load); (2) the fact that some schools do not currently allowing their part-time faculty to vote in shared governance; and (3) the fact that schools will be required to pay for part-time faculty’s service time. It was clarified that this Resolution does not address whether part-time faculty can serve on the Executive Board. Lonergan stated there was a previous Senate Resolution 15/16-04 that specified that part-time faculty should be allowed to fully participate in governance. One senator expressed the desire to have this issue addressed independently from the proposed Resolution.

A concern was voiced about disparate school sizes affecting the results of direct elections. Adler stated the desire is for this effect to be minimized through presenting a balanced slate of candidates. A question was raised about the modified characterization of “diversity,” and whether certain qualities would require disclosure. Lonergan clarified no disclosure is required, and the new description of a diverse slate does not guarantee all forms of diversity will always be present, but that best efforts will be made to take diversity into account.

*Motion made by the Executive Board (no second required). Motion passed with 30 in favor, 7 opposed, and 2 abstentions.*

**Second Read & Vote regarding Resolution 19/20-04: Handbook Changes**

Sandeep Gupta, Co-Chair of the Senate Handbook Committee, presented Resolution 19/20-04 for a second read. He reviewed the two proposed changes briefly:

1. Allowing the reporting and responding parties to submit a 2-page statement to the Sanctioning Panel about mitigating or aggravating circumstances for the panel to consider
2. Increase time for filing an appeal from seven to 30 days

Gupta also stated the increased time for appeals has already been put into effect. He also stated the only modification to the proposed Resolution since the last reading was in section 6-AA (3)(c), changing “misconduct” to “non-compliance” to more accurately reflect the possible causes for sanctioning.

A concern was voiced that these modifications are still inadequate in addressing investigatory processes. Lonergan agreed more work is needed after these changes, and that she has communicated with the Provost about examining investigatory and grievance procedures and policies. Another concern was raised that the proposed amendments state the person is not allowed to bring in new information or make new arguments when submitting their 2-page statement to the Sanctioning Panel, but that if the information is germane to the sanctioning process, it is considered new information, and not having the opportunity for the other party to respond to the new information seems unwise. Lonergan asked Gupta to bring this issue to the Handbook Committee for consideration.

*Motion made by the Executive Board (no second required). Motion passed with 39 in favor, 0 opposed, and*
1 abstention.

**USC Ombuds Presentation**
Katherine Greenwood and Thomas Kozakowski, USC Ombuds for UPC and HSC (respectively), gave a presentation about what their offices do and how they operate. They stated they serve all faculty, staff, and students at USC from any location, and people can come to them with any type of concern, including academics, workplace, clinical, and more. They talk with the people who have contacted them to create a safe space, inform them of their position and goals, and obtain relevant information. They can also direct people to other offices as needed, facilitate conversations, coach people through situations, and serve as mediators for USC-related problems. They do not perform investigations. They adhere to international standards of practice which include:

1. Confidentiality: anything reported remains confidential unless it breaks the law or presents imminent danger. They are not mandatory reporters for Title IX, and people can talk about issues anonymously. Their role is to generate resources, referrals, and information.
2. Independence: they do not report to the Office of Equity and Diversity. They do keep some anonymized statistical data to be able to track trends and patterns in order to alert the administration when needed.
3. Informality: they do not interfere with any formal processes, but they can help people going through these processes by providing conflict resolution models, communication strategies, and more.
4. Neutrality or impartiality: they try to partner with anyone they work with to resolve conflicts, provide coaching, etc. They do not serve as advocates or attend meetings with people.

The Ombuds stated they have been heavily utilized so far, and they are trying to better inform the USC community about their presence and services. They specified Greenwood’s office is located in the University Religious Center on UPC, and Kozakowski’s office is located in Seaver Hall on HSC. A question was asked about what hurdles they have encountered. They stated that the lack of an operating budget and sufficient support staff were of concern. Lonergan stated she has been advocating for the expansion of their offices and resources.

**Presentation regarding Faculty Rights & Responsibilities Committee**
Steve Bucher and Gerry Davison, Co-Chairs of the Faculty Rights and Responsibilities Committee (FR&R), presented their committee’s scope and charge. They stated their committee’s purpose is to help faculty who feel their rights have been violated, and they mainly help with faculty grievances as described in the Handbook, such as the non-renewal of someone’s contract, a lack of transparency in merit evaluations, the rights of part-time faculty, and problems with possible biases in the RTPC appointment processes. They can also provide guidance about the grievance process itself and advise faculty during investigations to ensure due process. They act as colleagues and peers who are familiar with the processes and people, but do not offer legal advice. The FR&R also communicates with the Faculty Handbook Committee, the Ombuds office, and other relevant offices on campus, such as OED or OPE. They also reported there has been a recent increase in the number of faculty whom they are helping, and that they continue to be dedicated to being advocates for faculty rights.

**Misconduct Investigations conducted by OPE (OCAP)**
Gretchen Means—the Title IX Coordinator and Executive Director of the Office of Equity and Diversity (OED), Office of Conduct, Accountability, and Professionalism (OCAP), and the Title IX Office—and Michael Blanton—the Vice President of Professionalism & Ethics—presented the current processes for misconduct investigations (see slides) conducted by OCAP. Blanton clarified this presentation pertains to the current OCAP setup, and that they have been working hard with Felicia Washington to make improvements to these processes.

Means began by stating there is a lot of concern and fear about OCAP, and apologized that these issues were not thoroughly vetted by the past administration before OCAP was established two years ago. She
stated OCAP follows traditional corporate investigative models, but it does not determine any sanctions or do appeals. The Faculty Handbook controls these other processes. Most instances of misconduct in the work and academic environment are handled by HR and/or Faculty Affairs. Full OCAP investigations are initiated only as a last alternative for serious misconduct, as described in Chapter 6 of the Faculty Handbook. Currently, investigations are only considered for the following categories of behavior: conduct that merits significant discipline (e.g., serious ethical violations, insubordination, drugs and alcohol, and failure to follow governmental laws or regulations), violence in the workplace, or retaliation for making a report or participating in a non-protected-class investigation.

Means went on to outline the actual OCAP process:

1. A referral or direct report is received (ocap@usc.edu or 323-442-0488)
2. The issue is assessed as to whether it meets two thresholds: if it involves a University policy, and if it should be triaged to an office with specialized knowledge (e.g., OED, compliance, athletics)
3. An evaluation is performed that includes defining the conduct and identifying parties involved, assessing the significance of the conduct, and whether HR/Faculty Affairs has attempted to address the problem. Currently approximately two thirds of cases are sent back to HR/Faculty Affairs to be addressed at a local level.
4. The case is then routed one of three ways:
   a. To a more appropriate University entity (e.g., HR, Faculty Affairs)
   b. A preliminary “inquiry” is conducted and then the case is routed to HR/Faculty Affairs to address the conduct
   c. A full investigation is conducted. As OCAP issues often span multiple years and/or departments, defining the scope of these issues is difficult and a lot of preliminary ground work is required before contacting the Respondent.
5. Should the case require an investigation, the Respondent is notified in writing (see sample letter on slide 15). The Respondent then meets with investigators to be interviewed, is shown all relevant documents, and is asked to respond to all allegations. Per the current Faculty Handbook, no advisors are present in the meeting, but an advisor/support person can be nearby. Respondents can ask for additional meetings if desired, and they are allowed to provide any documentation, witnesses, or other information. OCAP sends a follow-up letter to summarize the meeting after it has taken place.
6. For faculty cases, per the Faculty Handbook [sections 6AA (3) and 6F], the investigator determines if a policy was violated. OCAP then passes the findings on to the Committee on Professional Responsibility (COPR), which makes a recommendation as to what sanction should be imposed. The case then goes to the Provost to impose any sanction and to handle any appeal that may be filed. Should a faculty member appeal a finding, they are allowed to review the report and documents as much as needed, but are required to do so in-person.
7. The people who are notified of the results of the investigation include the appropriate dean, Faculty Affairs, the reporting party (with limited information), and COPR. HR and other managers may also be informed about the investigation so they can manage the work environment. The Office of Campus Wellbeing and Education may also be asked to work with the involved employees in the environment, to examine factors that contributed to the disruption, and to facilitate workplace wellbeing.

Questions for the Ombuds, FR&R, and OCAP groups were taken.

A question was asked about why Respondents are not allowed to bring legal counsel to the OCAP meetings. Means stated this follows the traditional workplace model, but if faculty feel this is needed, it can be built into the Handbook. One Senator questioned whether a traditional workplace model was appropriate for a higher ed setting. Lonergan stated the Senate will work on this issue, to have consistency between OCAP and OED. Means suggested the Senate have an advisor panel for those that cannot afford a lawyer, as they have done for Title IX cases.
A question was asked if the OCAP process is publicly available. Means stated they have a website that is ready to go, but there have been some delays in its publishing. Lonergan stated the Senate is pushing on this issue as well.

Another question was asked about whether all the relevant documents are shared with Respondents prior to their meeting with investigators to allow the Respondent time to prepare a response. Means stated in document-rich cases, they allow Respondents to come in to review documents, and they then schedule another time for the interview or do the interview in two parts. For geographically dispersed faculty, they use a secure file-sharing website, and interviews are conducted via video conference. She also stated any report of the investigation must also be reviewed in-person due to employment law.

**New Business**

No new business was brought forward.

**Announcements**

a) January 15, 2020: Next Senate meeting
b) Please hold February 7-8, 2019 for the Joint Provost/Senate Retreat. Venue: The Westin Bonaventure Hotel & Suites, DTLA; Topic TBD.

**Adjournment**

Meeting was adjourned at 4:16 pm.

Respectfully submitted,

Ashley Uyeshiro Simon
Secretary General of the Academic Senate