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2 **ACADEMIC SENATE**
3

4 **UNIVERSITY OF SOUTHERN CALIFORNIA**

5 Meeting of December 11, 2019

6 Doheny Memorial Library, Room 121

7 2:00 - 4:00 p.m.
8

9 **Present:** P. Adler, S. Ahmadi, M. Apostolos, Y. Bar-Cohen, S. Bucher, T.A. Brun, J. Cederbaum,
10 D. Crombecque, M. Crowley, G. Davison, A. Elefano (alternate for M. Daniels-Rauterkus), E. Fife, S. Friar
11 (alternate for L. Holding), D. Griffiths, L. Gross, S. Gupta, J. Israel, A. Imre, M. Jacobson (alternate for
12 C. Pike), J. Kirschner, R. Labaree, R. Lonergan, A. Mackay, C. Park, D. Pecchenino, G. Polidori, C. Redfearn,
13 S. Rich, A.U. Simon, C. Tucker, G. Ulkumen, J. B. Walker, E. Warford, T. Wattenbarger, S. Wickersheimer,
14 A. Wilcox, A. Wu, A. Zoto

15 **Present Online:** B. Belcher, R. Filback, L. Gazette, G. Kung, T.J. McCarthy, L. Matchison (guest), D. O'Leary,
16 J. Parga, C. Resnik (alternate for J.M. Gray), T. Sandmeier, T. Ton (alternate for C. Park), G. Zada

17 **Guests Present:** M. Blanton, R.E. Cislowski, S. Dincer, C. Folt, K. Greenwood, D. Kelly, T.A. Kozakowski,
18 M. Levine, G. Means, B. Mico, C. Neuman, N. Olmos, B. Shuster, F. Washington, C. Zukoski

19 **Absent:** B. Blair, D. Armstrong
20
21

22 **AGENDA**
23

24 Rebecca Lonergan, Academic Senate President, called the meeting to order at 2:00 pm.
25

26 **Approval of November Senate Meeting Draft Minutes**

27 Ashley Uyeshiro Simon, Secretary General, presented the November 2019 draft minutes for discussion and
28 approval.
29

30 *Chimene Tucker moved to approve the minutes; Daniel Pecchenino seconded. Motion passed with 25 in*
31 *favor, 0 opposed, and 0 abstentions.*
32

33 **Dialogue with President Carol Folt and Provost Chip Zukoski**

34 President Carol Folt wished the Senate happy holidays and thanked everyone for their work given this busy
35 time of year. She offered the following updates.
36

37 Folt began by stating that she hopes to have a response to Senate Resolution 19/20-02 (LINK) prepared
38 during the Spring semester and requested the Senate work with them in producing these analyses. Many
39 pieces needed for these analyses are already underway, along with changes that will hopefully prevent
40 future misconduct issues like the ones referenced in the Resolution. She believes that it is important that
41 faculty, staff, and students are included whenever possible in deciding what changes should be made, and
42 if the administration is ever in a position to not include everyone, Folt wants to explain why, as she believes
43 this makes a difference in the way work is done and how it is received.
44

45 Folt stated there are changes happening relating to the organization of USC's investigatory offices. The
46 Office of Civil Rights (OCR), which is currently investigating USC, recommended that we move our
47 investigative offices under Human Resources (HR), instead of legal counsel. Folt also plans to move our
48 compliance and audit offices under HR, which will hopefully help ensure better accountability, training
49 programs, and support for all of these offices, without changing their functions. Felicia Washington, Senior
50 Vice President of HR, offered her thanks to those who have already given their time to help redesign our
51 HR structure.
52

53 Regarding athletics, Folt stated she will launch a new task force to look at everything in athletics from
54 recruitment to graduation, including admissions processes. They will announce this task force in January.
55 There will be faculty, staff, and students on it, and it will be asked to issue periodic progress reports.
56

57 Lastly, Folt updated the Senate about student mental health. She stated that moving the oversight and
58 management of the Engemann Student Health Center under the Keck School of Medicine seems to have
59 had led to improvements. She also suggested the Senate invite Dr. Steven Siegel, MD, PhD, Chair of
60 Psychiatry in Keck, to talk about his plans for integrating more comprehensive mental health services for
61 students, and later faculty and staff. She reported that the main “pain points” for students seem to include
62 the impersonal nature of the past system, a lack of long-term care, and a strong feeling that faculty are not
63 sympathetic to the mental health needs of students. To start to address the first point, Folt stated they
64 hope to have in-person screenings implemented by the end of January, so students do not have to fill out
65 forms online or be screened via calls. When the Department of Psychiatry (on the 5th floor of Engemann) is
66 fully staffed, they should be able to provide services for up to 50% of those who need long-term services.
67 Although they will not be able to assume the cost of insurance for services, they can do better to bridge
68 costs, and better guide those who will need to go off-campus. Regarding faculty responding to the mental
69 health needs of students, Folt stated Zukoski will work with the Senate to think about procedural (e.g.,
70 extra time for assignments) and personal (e.g., faculty trainings) strategies to address these needs.
71

72 Folt went on to state they are trying to reduce the number of students referred to outside counselors from
73 80% to 40%, increasing the number of therapists to achieve the peer average ratio of 1:500 students
74 (before we were at a ratio of 1:1750, now 1:1000). We will also be adding more therapist hours, including
75 weekends and nights. However, the biggest barrier has been building and retaining the therapist
76 workforce, as many of our therapists are already overworked. She went on to state this Fall we have seen
77 the beginning of the opioid crisis moving to the West, with students using a lethal combination of drugs,
78 sometimes recreationally.
79

80 Provost Zukoski stated he has worked with the Senate and the Deans to evaluate the dean-reappointment
81 processes, and that he hopes to put out a new process next week. This is one of the root-cause issues
82 identified in [Resolution 19/20-02](#). He also stated he now sits on a sub-committee of the Board of Trustees
83 that aims to enhance the health enterprise at USC and ensure it is managed productively.
84

85 Questions were then asked by attendees. A concern was voiced about the quality and nature of mental
86 health services being provided; Alison Wilcox (Keck, Senate Executive Board Member at Large) responded
87 by assuring the Senate that Dr. Siegel is addressing these concerns. A question was raised about
88 communications to students about drugs; Folt responded that there have been several communications
89 with all students, one communication to parents about this issue, as well as other efforts in progress.
90 Lonergan stated the Committee on Teaching and Academic Programs was charged this year to look at
91 excused absence policies, and that she will also ask them to look at excuses for mental health as well.
92

93 A question was asked about USC’s position on the recent California law allowing student athletes to be
94 compensated, and how USC might respond to this legal change. Folt stated that she had written a letter
95 stating we need to find a way to better support our student athletes, but that she did not take a position
96 regarding the new law. She stated that we need to work with the NCAA on this, or it will be difficult for our
97 programs. There was a Pac-12 committee that was just created about this. One of the people on it is our
98 Senior Woman Administrator (SWA).
99

100 Questions were asked regarding the [2019 AAU survey](#) on Campus Climate on Sexual Assault and Sexual
101 Misconduct, including whether we are looking at our communications to ensure they are more timely and
102 sensitive, and what we are doing to prevent sexual assault on campus. Folt stated she cares a lot about this
103 issue, and that this issue is moving under Human Resources and Felicia Washington. They are trying to
104 work with the student groups to do better training, but they realize that we also need more places where
105 students can seek help. Washington added they are working on a best practices policy, which should

106 include preventative measures and in which faculty partnership will be important. In the meantime, her
107 office may soon issue an interim policy.

108

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

110 Paul Adler, Academic Vice President, presented the revisions made to [Resolution 19/20-03](#) as a result of
111 last month's Senate discussion. Matters discussed at the last meeting included whether retired faculty and
112 part-time faculty should be allowed to vote, and how to best characterize the desire for "diversity" in the
113 slate of candidates.

114

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

127

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

134

135 *Motion made by the Executive Board (no second required). Motion passed with 30 in favor, 7 opposed, and*
136 *2 abstentions.*

137

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

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

141

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

145

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

149

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

158

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

159 1 abstention.

160

161 **USC Ombuds Presentation**

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

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

181

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

188

189 **Presentation regarding Faculty Rights & Responsibilities Committee**

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

201

202 **Misconduct Investigations conducted by OPE (OCAP)**

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

209

210 Means began by stating there is a lot of concern and fear about OCAP, and apologized that these issues
211 were not thoroughly vetted by the past administration before OCAP was established two years ago. She

212 stated OCAP follows traditional corporate investigative models, but it does not determine any sanctions or
213 do appeals. The Faculty Handbook controls these other processes. Most instances of misconduct in the
214 work and academic environment are handled by HR and/or Faculty Affairs. Full OCAP investigations are
215 initiated only as a last alternative for serious misconduct, as described in Chapter 6 of the Faculty
216 Handbook. Currently, investigations are only considered for the following categories of behavior: conduct
217 that merits significant discipline (e.g., serious ethical violations, insubordination, drugs and alcohol, and
218 failure to follow governmental laws or regulations), violence in the workplace, or retaliation for making a
219 report or participating in a non-protected-class investigation.

220
221 Means went on to outline the actual OCAP process:

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

255
256 Questions for the Ombuds, FR&R, and OCAP groups were taken.

257
258 A question was asked about why Respondents are not allowed to bring legal counsel to the OCAP meetings.
259 Means stated this follows the traditional workplace model, but if faculty feel this is needed, it can be built
260 into the Handbook. One Senator questioned whether a traditional workplace model was appropriate for a
261 higher ed setting. Lonergan stated the Senate will work on this issue, to have consistency between OCAP
262 and OED. Means suggested the Senate have an advisor panel for those that cannot afford a lawyer, as they
263 have done for Title IX cases.
264

265 A question was asked if the OCAP process is publicly available. Means stated they have a website that is
266 ready to go, but there have been some delays in its publishing. Lonergan stated the Senate is pushing on
267 this issue as well.

268
269 Another question was asked about whether all the relevant documents are shared with Respondents prior
270 to their meeting with investigators to allow the Respondent time to prepare a response. Means stated in
271 document-rich cases, they allow Respondents to come in to review documents, and they then schedule
272 another time for the interview or do the interview in two parts. For geographically dispersed faculty, they
273 use a secure file-sharing website, and interviews are conducted via video conference. She also stated any
274 report of the investigation must also be reviewed in-person due to employment law.

275

276 **New Business**

277 No new business was brought forward.

278

279 **Announcements**

280 a) January 15, 2020: Next Senate meeting

281 b) Please hold February 7-8, 2019 for the Joint Provost/Senate Retreat. Venue: The Westin
282 Bonaventure Hotel & Suites, DTLA; Topic TBD.

283

284 **Adjournment**

285 Meeting was adjourned at 4:16 pm.

286

287 Respectfully submitted,

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289

290

291

292

293 Ashley Uyeshiro Simon

294 Secretary General of the Academic Senate