

Faculty Rights and Responsibilities Committee
End-of-Year Report for AY 2019/20
Submitted to the Academic Senate Executive Board
May 4, 2020

The Faculty Rights and Responsibilities Committee – 2019/2020

Devon Brooks, Suzanne Dworak-Peck School of Social Work

Stephen Bucher (Co-Chair), Viterbi

Gerald Davison (Co-Chair), Dornsife/Psychology

Rima Jubran, Keck

Caroline Muglia, USC Libraries

Trisha Tucker, Dornsife

First, and most importantly, the co-chairs would like to thank the committee's members for their hard work on difficult issues. We acknowledge that the subject matter and need for confidentiality can be challenging, and we appreciate all their efforts and input.

We report on our committee's activities for the past year and include some topics for next year's committee to address. Please note that some descriptions are general due to concerns over maintaining anonymity of faculty.

MEETINGS AND CONSULTATIONS

The Faculty Rights and Responsibilities (FRR) committee as a whole met on three occasions with other smaller meetings throughout the year. We also met as a committee with the Vice President of Professionalism and Ethics and the Executive Director of Equity and Diversity and Title IX. The co-chairs were in constant contact with each other throughout the year.

The committee consulted with 19 faculty this past AY. Faculty included both TT and RTPC tracks, full-time and part-time faculty. The issues included:

- Appeals to Office of Equity and Diversity (OED) or Office of Conduct, Accountability and Professionalism (OCAP) findings and Committee on Professional Responsibilities (CoPR) sanctions
- Procedural errors in investigative processes
- Procedural errors in dismissal processes
- Tenure denial based on unfair criteria
- Rights of Part-time Lecturers to teach at other universities
- Merit review irregularities

In addition to the initial consultation, many, if not all, cases required multiple follow up communications. These communications involved emails, in-person meetings, virtual meetings, and phone calls to the faculty, the Provost's office, OED and OCAP officials, Academic Senate officers and staff member, and others. Several cases have extended over a single AY and many are ongoing as of this writing.

While most committee time was spent in consultation, our committee members and chairs also participated in other activities and efforts.

OTHER ACTIVITIES

Submission of Recommendations to the Executive Board

In September of 2019, our committee submitted a proposal to the Executive Board in response to ongoing concerns about the OCAP investigative process. In the memo, we proposed the following:

- *The Executive Board requests data on all OCAP investigations, including number of reports, cases investigated, cases dismissed, cases passed on to the Committee on Professional Responsibility (CoPR), breakdown of cases between faculty and staff, lengths of investigations, nature of resolution, and number and nature of appeals.*
- *A clear description of the OCAP process be provided by the Office of Professionalism and Ethics (OPE) **before any other complaints are investigated**. This description should be disseminated widely and posted on the Academic Senate website for all in the USC community to see and should include:*
 - *A step-by-step explanation of an OCAP investigation.*
 - *A reasonable clarification of the rights of faculty who are respondents (including the role of advisors during the investigation). Currently, no representation or colleague is allowed to be present during investigation interviews.*
 - *A description and rationale of the appeal options and deadlines. Currently, only 7-10 calendar days, including weekends, are allowed for appeals that respond to months-long investigations. Appeals are not permitted until after sanctions are applied, while faculty are not given the opportunity to provide a statement to the sanctioning panel.*
 - *A good faith estimate of how long an investigation will take.**This description should also be included in the next edition of the Faculty Handbook.*
- *A working group of faculty and staff be formed to review and improve OCAP policies and procedures.*

- *A faculty-led audit of past investigations be carried out to ensure no faculty have been unfairly treated during this process. This includes information on who does the questioning and their qualifications.*

We are pleased that a joint Provost/Senate task force is addressing OCAP and is considering our recommendations.

Informal Resolution of Issues

Part of the FRR charge involves collegial problem solving. We met with various faculty to try and resolve issues after requests from Deans' offices or others.

Working with the Ombuds

Since our charge involves informal resolution of various situations, we often work with both university Ombuds to help identify the best way forward for faculty.

Faculty Handbook Changes

We gave input to the Faculty Handbook committee on two of the changes that were approved by the Senate: extending the deadline for faculty who are appealing findings or a sanction from 7 to 30 days, and providing the ability of faculty to send a 2 page letter explaining extenuating circumstances to CoPR before sanctioning. We feel both changes provide better protections for faculty in difficult circumstances.

MOVING FORWARD

We include the following topics for further work and consideration:

- A continued emphasis on clarifying OCAP procedures and how they impact faculty rights.
- A renewed call for better information being provided to FRR of the results of ongoing grievance hearings.
- A reconsideration of how grievances are mediated. The current process and how it is communicated to faculty should be reviewed.
- Greater awareness among faculty of the existence of FRR and the ways that we can be of service to faculty, the Academic Senate and administration.
- More detailed feedback to faculty (and to FRR, when appropriate) by administrators on the rationale behind decisions that impact faculty rights (non-reappointments, plagiarism and grade appeal decisions, etc.)
- An effort to develop a university-wide model of peer intervention, ala the Keck Professionalism Program (aka the Vanderbilt *Co-Worker Observation Reporting System (CORS)*).

Finally, we include a note of thanks to Connie Roque for assisting us in coordinating our consultations with faculty.

Respectfully submitted,

Steve Bucher, Co-Chair
Jerry Davison, Co-Chair