

**Faculty Rights and Responsibilities Committee**  
**End-of-Year Report for AY 2020/21**  
**Submitted to the Academic Senate Executive Board**  
**March 31, 2021**

The Faculty Rights and Responsibilities Committee – 2020/2021

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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 twice this past year with other smaller meetings throughout the year. We also spoke with both Ombuds many times and were in touch with the heads of OCAP on a variety of occasions. The co-chairs were in constant contact with each other throughout the year.

The chairs also met quarterly with the Senate president, the Vice President of Professionalism and Ethics, the chairs of COPR and FTPA, and the new Vice President for Equity, Equal Opportunity, and Title IX.

The committee consulted with 16 faculty this past AY. Faculty included both TT and RTPC tracks, full-time and part-time faculty. The issues included:

- Issues with OCAP investigations
- Questions and concerns with COPR sanctions
- Non-reappointment process of RTPC faculty
- Toxic workplace conditions

- Procedural errors in university investigative processes
- Loss of administrative stipend due to retaliation

In addition to the initial consultation, many, if not all, cases required multiple follow up communications. These communications involved emails, Zoom meetings, and phone calls to the faculty, the Provost's office, 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.

### RECOMMENDATIONS

Like we did in the previous year, in September of 2020 our committee submitted a proposal to the Executive Board in response to ongoing concerns about the OCAP investigative process. These issues were raised in various meetings over the year and our consultations with faculty reinforced their importance to us.

In the memo, we proposed the following:

- **Data Requests:** *We feel it imperative in following up recent reviews of OCAP to have a yearly compilation of anonymized data from all relevant investigative units that impact faculty. This includes OCAP and (EEO-TIX) reports and results, COPR sanctions, FTPA (all grievance-related information, mediation efforts and results. We recognize the extra work involved but strongly feel the resulting transparency will have a positive impact on the university's culture.*
- **Mediation Review:** *The mediation process currently used to informally resolve faculty grievances should be reviewed to determine its impact. We understand this may be underway and want to support such an effort.*
- **Development of University-Wide "Vanderbilt" System:** *We suggest the EB discuss developing a peer intervention system comparable to the CORES (or Vanderbilt) system currently used at Keck. This can have a long-term impact on university culture and place initial intervention efforts with the faculty.*
- **OCAP Redesign Update:** *We support the report from the Senate's Joint Committee to Review Processes and Practices: OCAP that was submitted in June and hope an update is provided to the Executive Board.*
- **Evaluation/Reappointment Review:** *We have seen many cases where there are disparities in the faculty evaluation and reappointment processes used in the various units.*
- **Legal Representation for Faculty:** *This is an ongoing issue. When faculty are involved in an investigation or grievance, any legal representation is dependent on their awareness of the necessity of such representation and their*

*financial means to retain counsel. By contrast, the university has staff and outside lawyers available at all times. We hope this inequity can be discussed by the Executive Board.*

- **Advocate for Faculty in Investigative Processes:** *Often faculty will cycle through investigations and grievance processes with only limited advocacy. FRR can advise and offer support, but we can't accompany the faculty through what sometimes are a series of opaque processes. This differs from legal representation and from the role of the Ombuds. This advocate (or someone who can shepherd faculty through the various processes) can also keep track of investigative and other timelines and make sure that there is reasonable communication from all parties.*

## MOVING FORWARD

We suggest the following topics for next year's FRR to consider:

- **Data Requests:** Per the recommendation in the previous section, the next page of this report identifies a rough draft of what the relevant data might comprise. We feel this site should be jointly maintained by the Academic Senate and the Staff Assembly. Also, data on complaints and resolution should be broken down by gender and rank. There may be gender bias in OCAP and other actions that discriminate against women or other groups.
- **OCAP:** We hope to have more details from the Senior Vice President, Human Resources soon on the OCAP revisions.
- **Investigation Timelines:** Several faculty we consulted were impacted by lengthy investigations. Establishing timelines and reasonable notification of delays is important in having fair investigations.
- **Investigation Dashboard:** In addition to the data requests, the design and utilization of a dashboard to provide ongoing investigation updates would be a needed step toward reasonable transparency.
- **Legal Representation for Faculty:** We believe such a resource is long overdue and that this egregious inequity be forcefully addressed as expeditiously as possible. University funds are used to protect the University. The rights of the faculty and staff should also be respected and protected.

Finally, we include a note of thanks to Connie Roque for assisting us in our duties to this committee.

Respectfully submitted,

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

## SUGGESTED CONTENT OF WEBSITE DATA DISPLAY

### Academic Senate Staff Assembly

To better inform the USC community, below are the reports of and responses to harassment and other examples of inappropriate conduct within various university policies. These include safety and security issues (non-emergency), harassment and/or discrimination in the workplace, code of conduct and compliance breaches, theft and/or fraud, unprofessional conduct and conflict of interest violations.

#### **OCAP (2020)**

##### Faculty as Reporting Parties

Reporting Parties	Xx
Findings Against	Xx
No Findings	Xx
No Investigation after Inquiry	Xx
Rerouted	Xx

##### Faculty as Respondent

Respondents	Xx
Findings Against	Xx
No Findings	Xx
No Investigation after Inquiry	Xx
Rerouted	Xx

##### Staff as Reporting Party

Reporting Parties	Xx
Findings Against	Xx
No Findings	Xx
No Investigation after Inquiry	Xx
Rerouted	Xx

##### Staff as Respondent

Respondents	Xx
Findings Against	Xx

No Findings	Xx
No Investigation after Inquiry	Xx
Rerouted	Xx

**EEO-TIX (2020)**

Reporting Parties	Xx
Findings Against	Xx
No Findings	Xx
No Investigation after Inquiry	Xx
Rerouted	Xx

**FACULTY GRIEVANCES (2020)**

Grievances Filed	Xx
Hearings Held	Xx
Decisions	Xx
Grievances Upheld	Xx
Grievances Denier	Xx

**COMMITTEE ON PROFESSIONAL RESPONSIBILITIES (2020)**

Reports Received	Xx
Sanctions Assigned	Xx
<i>Termination</i>	Xx
<i>Reduced Salary</i>	Xx
<i>Counseling</i>	Xx
<i>Warning Letter</i>	Xx
<i>No Sanction</i>	Xx