![USC University of Southern California]

EMPLOYEE RELATIONS ADVISORY AND CONSULTATIVE GROUPS

REPORT AND RECOMMENDATIONS

Presented to Provost and Senior Vice President of HR, Equity, and Compliance
by Employee Relations Advisory Group
Kristi Culpepper, Stacy Giwa, Elizabeth Graddy, Tracy Tambascia
December 16, 2022
Updated March 21, 2023 with minor adjustments to align graphics with the narrative

I.   INTRODUCTION

A robust Employee Relations (ER) function is incredibly important for helping create a safe, productive, and engaged workforce. ER encompasses many issues, including cultivating positive working relationships, navigating fairness disputes, embracing transparent and open communication, and resolving personality conflicts. A solid ER unit will be integral in working with members of our community to prevent, manage, and resolve concerns in an effective and thoughtful manner. All employees should know where to turn for support and information and what to expect, and they should be able to trust that the right person with the necessary skills and role responsibilities will take a proactive approach to address any concerns. In addition, supervisors and unit/department leaders should be able to access support for resolving workplace issues early – with support for early intervention and non-investigatory measures, when appropriate. ER services can help create a safe, productive, and engaged workforce. By intervening early, risk, absenteeism, and workplace conflict can be reduced; productivity and retention can be increased; and the USC workforce can thrive.

In November 2021, the SVP of HR, Equity, and Compliance, Felicia Washington, and Provost Chip Zukoski convened members of the USC community to form the ER Consultative Group. The objective was to gain valuable input, encourage collaboration, and to solicit recommendations in the design of the employee relations function.

The ER Consultative Group, under the guidance of the ER Advisory Group (Co-Chairs), consists of a university-wide team of faculty and staff, including employees who currently work in the university's Employee Relations space.

USC University of Southern California

Employee Relations Advisory Group

Kristi Culpepper President, Staff Assembly	Stacy Giwa VP, Ethics & Compliance	Elizabeth Graddy Executive Vice Provost	Tracy Tambascia President, Academic Senate

Employee Relations Consultative Group

Brigid Balcom, Associate Vice Provost, Office of the Provost
Paula Cannon, Distinguished Professor; Associate Director of Cross School Programs for the MESH Academy; Special Advisor to the Provost, KSOM
Patrick Cates, Director of Culture, OCEC

Erika Chesley, Program Director, Auxiliary Services
Amelia Jones, Vice Dean of Academics and Research, Roski
Lavonna Lewis, Professor, Associate Dean of Diversity, Equity and Inclusion, Price
Rebecca Lonergan, Associate Director of Legal Writing and Advocacy Program; Professor, Gould

Don Longjohn, Assistant Professor, KSOM
Mark Manley, Director of Professionalism and Ethics, HREC Division
John Matsusaka, Professor, Marshall
Patti Riley, Associate Professor, Director, Global Communication Master's Degree Program, Annenberg
Ilene Rosenstein, Associate Vice Provost, CWCI

HR Partners

Jeff Jones, Dornsife
Jennifer Filart, Keck
Kasia Bzdak, Viterbi

Sonia Miranda, Auxiliaries
Steve Adcook, Marshall
Wendy Snaer, Gerontology

Advisory & Consultative Support Provided by HR, Equity, and Compliance (HREC) Division including:

Michael Blanton   Moira Mulroney

II.   THE APPROACH

Provost Zukoski and SVP Washington charged the Co-Chairs with leading the process to engage with the ER Consultative Group for input into the design and rollout of the ER function. The Co-Chairs met on three occasions, including counsel and other advisors as needed, to strengthen their understanding of the charge, and to set the framework for the initiative.

ER Advisory Group Charge

Step 1: Set the Framework
❖ Complete principles framework for non-protected class factfinding and inform other proactive and positive resolutions and early interventions
❖ Solicit feedback for consistent intake (triage), including documentation for necessary care, safety, and compliance functions

Step 2: Reconcile
❖ Review and provide inputs on identified policy reconciliation needs

Step 3: Educate and Train
❖ Create visuals of the process that are accessible and user friendly
❖ Provide input for effective training and development, communication (reporting out), and engagement
❖ Provide input on mechanisms (e.g., communications guidelines/principles) to provide wide-spread understanding, confidence, and trust in process

To best achieve the objectives, the Co-Chairs assigned each member of the Consultative Group to a subgroup[1]. The subgroups were tasked with reviewing materials from various sources, including the work of prior committees such as the 2019 OCAP Joint Task Force, and identifying issues raised and recommendations made by stakeholders and the university community.

The subgroups were supported by Moira Mulroney, who managed the project and worked with the subgroup leads to set the agenda and identify any materials for the meetings. Although each group worked independently, Ms. Mulroney was able to provide continuity and share insight from the other subgroup to ensure consistency in their efforts. In addition, the subgroup leads met twice with the Co-Chairs to provide updates and receive feedback from their colleagues, affirming the work of each subgroup was aligned.

It became clear from the outset that there were similar issues for each group, and some general themes ran through the discussions. In particular, it was important for each of the subgroups to anchor their recommendations in the university's Unifying Values. This is the type of work needed to bring our values into action by fostering early resolution of issues – focusing on the types of behaviors in the workplace that support a healthy environment.

Principles Subgroup	**Processes Subgroup**
Members: Erika Chesley (lead), Paula Cannon, Patrick Cates, Jeff Jones, Rebecca Lonergan	**Members:** Patti Riley (lead), Don Longjohn, Mark Manley, John Matsusaka, Sonia Miranda, Ilene Rosenstein

Charge:
• Identify and define foundational concepts to guide ER
• Align with USC Unifying Values
• Consider needs of a broad range of work environments
	Charge:
	• Identify pain points in current processes
	• Propose procedures for:
	  • consistent and equitable response and resolution
	  • documentation and case management
	  • employee support and protection

Meetings and Method: • Bi-weekly meetings from March – May 2022 • Reviewed prior draft Principles • Reorganized and drafted in plain language • Brainstorming + drafting - Jamboard • Document sharing + editing - SharePoint	**Meetings and Method:** • Bi-weekly meetings from March – October • Discussed work of prior teams • OPE presentation of current state processes • Tool to visualize workflows - Miro • Reviewed case scenarios – faculty + staff • Group drafting of final report

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[1] Originally, the Advisory Group created a Communications Subgroup, led by Brigid Balcom. The members (including Steve Adcook, Kasia Bzdak, Lavonna Lewis, and Wendy Snaer) met three times in the Spring. The Advisory Group made a decision to suspend the committee when it became clear that without the final deliverables from the Principles and Processes subgroups, Communications would not be able to complete their work. The Advisory Group will remain as a support during the implementation of these recommendations and the Consultative Group can provide feedback for the communications planning going forward.

A. ER PRINCIPLES SUBGROUP

Chaired by Erika Chesley, the Principles Subgroup met between March and May of 2022 to review a draft document on ER principles (initially drafted with input from outside counsel) for addressing non-protected class workplace concerns, and to discuss and debate changes needed to reflect key principles moving forward. The subgroup agreed with many of the core principles in the draft ER principles and made changes to the tone and style, creating something that would be accessible to all employees. They recommended this be a public-facing document, perhaps on an ER website.

The subgroup created a draft document focused on essential principles in forming the foundation of an effective ER program. The Principles Subgroup presented the draft Principles document to the Co-Chairs on May 12, 2022.

The Principles document was drafted with plain language with the expectation that it will be made available to all community members in an accessible format, such as a website. This is an important way to demonstrate that the university is implementing our Unifying Values when addressing our behavior when engaging with each other.

When the Advisory Group received the Principles, they met to review the document and discuss the recommendations. The majority of the Principles were accepted as written; however, where there was a difference of opinion, the Advisory Group considered the intention, or "drivers," of each recommendation when proposing an alternative. For example:

SUBGROUP RECOMMENDATIONS	ADVISORY GROUP RECOMMENDATIONS	DRIVERS
Representation of faculty and staff member on Initial Assessment Triage Team (IATT)	AG does not recommend peer representation on IATT. AG recommends communicating with the community on a regular basis to ensure clear triage criteria and community-wide reporting on process, data, and resolution outcomes.	~ AG believes this stems from lack of data, lack of trust, concerns re: # of investigations v. other resolution efforts. ~ Need trained expertise, confidentiality, significant resources of IATT, and having the appearance of a monitor may restrict discussion of personal and sensitive matters. ~ Recommend ongoing, community-wide reports with de-identified data -- number of issues considered, paths to resolution, outcomes, etc. -- with clear criteria for triage and process.
Sanctioning panels for staff modeled after CoPR	AG recommends staff sanctioning panel comprising 1 HR manager + 2 managers outside of the individual's school or unit; emphasis on training	AG considered panel make-up and involvement of non-manager staff; concerns: privacy & confidentiality, legal considerations, scheduling delays
Right to appeal findings of fact, conclusion of policy violation, and sanction	AG agreed with the recommendation but clarified that the appeals are to be at conclusion of the process.	AG considered whether appeal can occur at each stage and whether all levels of sanction can be appealed.

EMPLOYEE RELATIONS PRINCIPLES

Based on the Recommendations of the ER Principles Subgroup submission of May 12, 2022; modified by the ER Advisory Group

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Employee Relations Overarching Principles

Introduction

An Employee Relations (ER) function plays a critical role in promoting a safe and productive environment where USC's workforce can engage and thrive. A mature ER function includes but is not limited to cultivating positive working relationships, navigating fairness disputes, fostering open communication, and resolving interpersonal conflicts. A solid ER function is integral in preventing, managing, and resolving concerns in an effective and thoughtful manner.

The ER function will operate to support a culture for our faculty and staff where all behaviors are guided by our unifying values of integrity; excellence; diversity, equity and inclusion; well-being; open communication; and accountability. The institution's systems and processes should support, define, and incentivize those behaviors, and encourage open communication in an environment where everyone feels safe.

A primary responsibility of a robust ER function is the prioritization of early intervention to address concerns before they elevate to more serious conflict or misconduct. ER serves all of our faculty, staff, and leaders and encourages leaders who have identified issues in their workplace dynamics to reach out as soon as possible for support and early measures.

Recognizing that trust in the processes is essential, the ER unit will provide periodic reports to the community, including data on its operations.

Types of Issues Covered

While the ER function will engage on a range of issues, many of them addressed by early interventions and not requiring investigation, some matters may involve serious employee misconduct that calls for fact finding and investigation. The following principles apply to investigations of serious employee misconduct that do not involve protected classes (such as actions targeting race, gender, religion, nationality, disability, sexual orientation, or other protected classes identified in the University's Policy on Prohibited Discrimination, Harassment, and Retaliation).

1. "Misconduct", when referenced in these Principles, refers broadly to an allegation, issue, or problem that a person has raised in relation to their treatment or experience

at work. This can cover a wide range of concerns, ranging from a complaint about unprofessional behavior to more serious issues such as non-protected class harassment.

2. Types of behavior covered by these principles include, but are not limited to, bullying, dishonesty, favoritism, insubordination, theft, substance abuse at work or impacting work, and unprofessionalism.
3. Less serious employee performance issues (for example, absenteeism, timeliness, failure to adequately perform job duties or unpreparedness) should be managed at the unit level in consultation with a supervisor and/or the HR Partner.

Guiding Principles for Response to Employee Misconduct

Initial Management of Misconduct Reports

In response to complaints of employee misconduct, there is a preference for early intervention, including but not limited to counselling, coaching, training, skills building, and improvement plans, to prevent escalation of the behavior. All reports alleging that an employee has committed or been subjected to non- protected class misconduct shall be carefully reviewed by a triage team to determine if a formal investigation is needed, and if so, where that investigation should be referred. The triage team should take into account that informal resolution is preferred for non-serious, non-repeat problems.

Fact-Finding and Investigations

Concerns may be identified for investigation where the triage team or other USC policy calls for an investigation. Factors that may indicate an investigation is needed include, but are not limited to, when the misconduct is severe or ongoing including and repeated misconduct following unsuccessful early intervention efforts.

1. Fact-finding and investigations should be handled in a manner that is respectful and courteous to all participants, recognizing that being involved in an investigation is a stressful experience.
2. Formal investigation of serious misconduct will be handled by trained factfinders
   a. The trained investigators should have backgrounds in dealing with a broad range of workplace issues, including professional training on conducting workplace investigations, training on elimination of bias, and the ability to engage with the different communities at USC (for example, race, gender, religion, nationality, disability, or sexual orientation), and have experience in cultural sensitivity.
   b. Multiple factors should be considered when assigning fact finders including skill match to issue presented, community or impacted party needs.
   c. All investigations should adhere to the Guiding Principles (see below) of respect, timeliness, communication, and fairness.
3. The factfinder should document their findings and investigation steps in a written report at the conclusion of the investigation. The decision of whether there has been a policy violation should be determined by a separate ER professional.

4. Accurate documentation of all stages of the process will be kept.

Access to information

1. Involved parties will be given prompt notice of the opening of an investigation, the nature of the allegations, the nature of any findings, and the expected procedural steps – including their role and ability to be informed of all related findings.
2. In addition to regular communication about the investigation from the investigative office, each party will be provided with an ER contact, who is not responsible for the fact finding in the matter under review, to answer process questions and provide information about other supportive resources available at USC.

Timeliness

Every effort will be made to proceed as promptly as reasonably possible at every stage of every investigation, and to inform all involved parties of the expected timeline, progress, and any delays.

Decision of Whether a Policy Violation Has Occurred

After the investigation is completed, a separate individual or group will review the investigative report. That individual or group will make the determination as to whether a university policy has been violated. Such determination will be promptly reported to all involved parties.

Corrective Actions and/or Sanctions

1. Sanctioning Committees: For faculty, as outlined in the Faculty Handbook, the investigative report and findings are referred to the Committee on Professional Responsibility (CoPR) to determine the corrective action or sanction. CoPR members are senior faculty from diverse schools.
2. For staff, we propose the formation of a similar committee for sanctioning decisions. A three-person panel of managers to include one manager from Human Resources and two managers from other disciplines
3. Members of the Sanctioning Committees for both staff and faculty will be trained to ensure they understand the entire investigative and sanctioning process, and their responsibilities. Training will emphasize the necessity of maintaining privacy and confidentiality.

Supportive Measures

Information about how to access resources and request supportive measures will be provided to all involved parties.

1. Supportive measures are individualized services offered as appropriate, as reasonably available, and without a fee or charge to the parties.

2. These measures may include referrals to counseling, workplace accommodations (such as an office location or schedule change), no-contact orders, leaves of absence, or other forms of support that would ensure the safety of all parties.

Appeals

At the conclusion of the process, employees who have been found responsible for a violation or received a sanction have the right to appeal the findings of fact, conclusion that a policy violation occurred, and/or the sanction.

1. For faculty, the appeal is reviewed by the Executive Vice Provost or designee.
2. For staff, the appeal is reviewed by the Senior Vice President of HR, Equity, and Compliance or designee.

Key Responsibilities of USC Employees

1. All parties involved in any investigation will be responsible for being familiar with USC policies, fully and truthfully participating in any incident investigation, providing any requested documentation, and adhering to directives regarding the treatment of confidential information.
2. University leaders and supervisors who are apprised of the investigation, findings, and sanction, if any, will cooperate with the investigation, collaborate with providers of early intervention or corrective actions, and maintain appropriate confidentiality of the matter.
3. Human Resources and Employee Relations professionals in University HR or within the schools and units will conduct themselves with courtesy, civility, respect, and fairness.

Overarching Guiding Principles throughout the Process

Retaliation is Prohibited

1. Retaliation is prohibited. Examples of retaliation include any negative job action, such as demotion, discipline, firing, salary reduction, transfer, job or shift reassignment in response to an employee's report of misconduct.
2. Retaliation includes behavior, such as spreading disparaging gossip or untruths, exclusion from team activities, and undermining effectiveness.
3. This retaliation prohibition applies to all employees, regardless of whether they were directly involved in the matter under review.

Open Communication

Keeping in mind the parties' privacy rights, ER professionals will keep school and unit HR or leadership informed (HR Partners, supervisors, and Deans), as needed, to enable effective resolution and support of parties and impacted work groups.

Fostering a Healthy Workplace

The Employee Relations unit and/or Provost's office will follow up with schools and units that have been involved in or affected by a report of workplace misconduct to ensure that every effort is being made to foster a healthy workplace. This will include a plan to address any ongoing tensions or problems that may have been uncovered by the investigation, and a plan to move toward healing.

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The work of the Principles and Processes Subgroups, although charged with different objectives, intersected in many significant areas. These were contemplated together as the Co-Chairs developed the final recommendations.

B.   ER PROCESSES SUBGROUP

Chaired by Patti Riley, the ER Processes Group met bi-weekly from March – July 2022 to establish a fundamental understanding of the current processes for reporting and handling employee complaints. Michael Blanton, Vice President of the Office of Professionalism and Ethics (OPE) presented the current state of the process for non-protected class investigations, and the subgroup developed a flowchart using Miro, an online visual collaboration tool. This allowed the team to visualize the current processes, identify areas of focus, and brainstorm. This tool was then refined to create a high-level overview Processes Flowchart to present recommendations to the Co-Chairs.

The ER Processes Subgroup presented a written report to the Co-Chairs on September 15, 2022, stating in part:

> *We expect the specifics of the processes under discussion will be more fully articulated by administrators responsible for operational matters of ER. We intend the following guidelines to help inform all persons involved in developing procedures about some of the historically developed and contextually derived concerns about the complaint process at USC and to recognize that the ER function can play an important role in creating a culture of openness and integrity that are enabled by DEI principles and actions. The community desires real change and appropriate conflict management or resolution of differences is a critical part of the desired culture.*
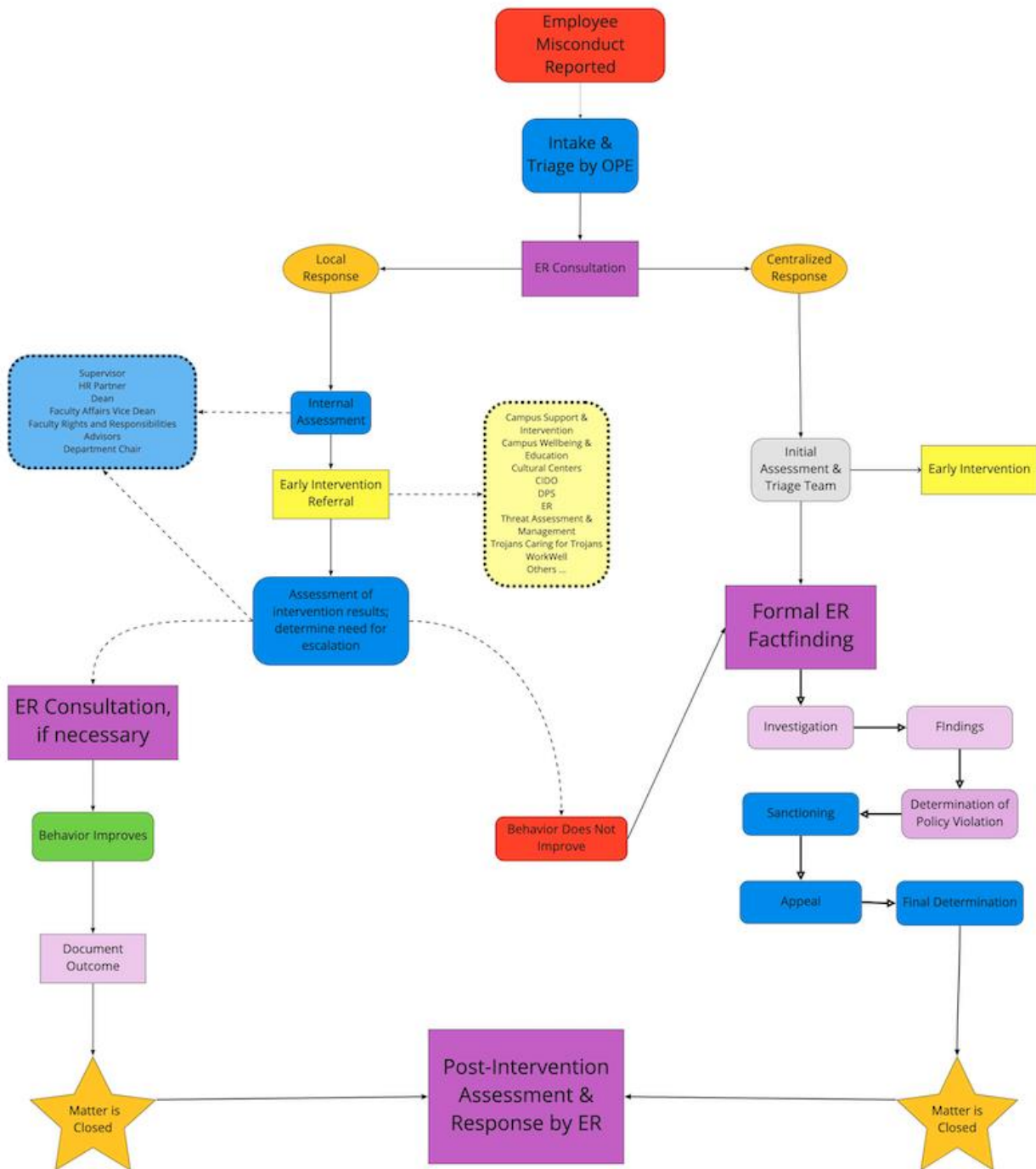
Some of the key concepts that the Processes Subgroup focused on included:

- Clarification on what types of behavior would be appropriate for an ER response;

- Preference for resolution in the school or unit for low level concerns, in collaboration with the local decision-makers (dean/SVP, faculty affairs/HR, FRRA, etc.) and the ER unit;

- Emphasis on early intervention methods, referring matters to a partnering unit such as Campus Wellbeing & Education, WorkWell Center, and others for training, coaching, or professional support;

- Training of those in supervisory or leadership roles to effectively engage in resolving conflicts in the workplace with appropriate guidance;

- Clearly defining when a matter needs to be escalated to formal factfinding process, and identify who decision-makers will be at each stage and establish guidelines for consistent, equitable progressive disciplinary response;

- Identifying skills and qualifications of ER factfinders, such as high emotional intelligence EQ, mediation skills, trust-building, diplomacy, with higher ed experience.

With the Processes Group final report, the Co-Chairs performed a similar analysis to identify which recommendations they would move forward and where they diverged:

SUBGROUP RECOMMENDATIONS	ADVISORY GROUP RECOMMENDATIONS	DRIVERS
Rec #1: Informal response begins in the school or unit. ER is called in for advice and consult	ER unit is consulted post triage. Early inquiry will guide local response	Emphasis on the importance of early interventions and prevention to address and resolve workplace concerns
Rec. #8: Appeals: Recommending a 2-step process for appealing the findings.	We recommend one appeal post-sanctioning given that we are accepting recommendation that respondent will have opportunity to respond in writing after the findings.	Fairness of process and opportunity to respond balanced with timeliness
Rec. #9: Sanctions: The sanctioning entity will receive a recommendation and rationale from Dean/supervisor before finalizing sanctions.	Dean/supervisor should be consulted but not asked to recommend the sanction. AG recommends that a consultation includes information on consistency of practice.	Deans/supervisors have contextual information that may not be available to the sanctioning entity. Sanctioning entity will have information about corrective action.

In their report, the Processes subgroup emphasized the importance of handling as much of the response at the local level as possible. Once these options were exhausted, supervisors and deans would call in ER personnel for consultation and advice. The Co-Chairs discussed having ER personnel involved earlier in the process to guide school or unit leaders and provide insight on possible options. That led to agreement that the ER unit should be consulted earlier in the process. They may be able to provide insight, strategy, training, and other support as the school or unit leaders resolve the matter.

The Processes Subgroup recommended a two-stage appeal process. First, after the conclusion of fact-finding and, second, after sanctioning. The Advisory group had concerns regarding timeliness as the length of the process directly impacts perceptions of fairness and issues can become increasingly worse over time. The Advisory Group recommends that a Respondent be allowed 10 days to review the written report and raise questions or concerns

about the investigatory process. After that response, the investigator can respond. The matter will then be reviewed by ER personnel not associated with the fact-finding, to determine if a policy was violated and if the matter should be referred to sanctioning based on policy or other standards violations. All parties should be provided an opportunity to appeal the findings and/or sanctions at the conclusion of the process – after the sanctioning decision.

It was recommended by the subgroup that deans, unit leaders, or appropriate supervisors be consulted about what sanctions to apply (unless they are involved parties in the matter). The subgroup's recommendation was that the sanctioning committee or officer will be required to seek a recommendation from the dean or supervisor before handing down the sanctions. The Co-Chairs recommends a slight modification, that the sanctioning committee or officer should seek input from the dean or supervisor before making a final recommendation and notifying the employee.

All other recommendations from the Processes Subgroup were accepted by the Advisory Group. The Advisory Group is recommending that the guiding principles (on pages 5-9 above) be adopted and eventually posted for our community on a website covering the ER process. In addition, the Advisory Group is proposing the ten recommendations that are detailed below.

III. ER ADVISORY GROUP RECOMMENDATIONS

The Advisory Group met throughout the process to ensure the work of the subgroups was on track and to collaborate on the proposed recommendations. The subgroup leads were invited to meet with the Advisory Group to give periodic updates and receive feedback on their approach to finalizing the deliverables.

The Advisory Group members also kept constituencies up to date on the progress of the work. On December 7, 2021, Tracy Tambascia provided an update to the Academic Senate. On July 26, 2022, the Advisory Group provided an interim report to the Provost and SVP of HR, Equity, and Compliance.

A. WHAT WE HEARD

Through Subgroup meetings and reports to the ER Advisory Group, we heard several issues and concerns that developed into the set of recommendations to be addressed by the Employee Relations function as we build the team and develop new policies, processes, and procedures.

Included in the charge from the Co-Chairs to the subgroups was to incorporate USC's Unifying Values in the discussions of ER principles and processes. Both subgroups identified that building out the new ER function will be an opportunity to demonstrate to the community

how we are putting our Unifying Values into action. Throughout the process, several themes that were revealed:

1. **Fairness & Trust**
   It is important to build trust in the ER process. Over recent years, there has been much improvement in the handling of matters involving misconduct and harm, but the university's history of high-profile cases of misconduct has left a mark on the community. We heard that faculty and staff perceive a process that is not transparent, timely, or fair. Moving forward, it will be imperative that we improve communication with our community at large, and individually with impacted parties when there has been a report of wrongdoing. The Principles Subgroup emphasized the importance of providing notice of allegations at the opening of an investigation, with an opportunity to be heard. The Processes Subgroup recommended that there should be a designated ER role to act as a point of contact for the involved parties to ensure open communication throughout the process.

2. **Open Communication & Clear Processes**
   Clarity of the ER function is important to continue to build confidence in the process. It will be most effective when our community members know where to go to report conduct, and what to expect after a report has been made. Parties should receive regular communication and status updates during the investigation and/or resolution process. There is a real interest in the data, and the Co-Chairs recommend regular reports to the community on data and outcomes, *e.g.,* how many reports, what types of conduct, how many matters go to formal investigation, and resolution outcomes. It is likely that when the community sees the information, they will start to understand how and why cases go to a formal investigation and resolution.

3. **Clarify Role Of Decision-Makers**
   From the Process Subgroup, we heard that it is important to clarify the role of decision-makers. It should be required that the factfinders present their findings for review by a separate individual within the ER unit to determine if policy violation occurred. This will ensure that the factfinder has not developed any biases during the investigation. Once a policy violation has been determined and the matter is moved to sanctioning, it should go to a trained, confidential committee or panel. For faculty, this is a function of the Committee on Professional Responsibility (CoPR) and it is recommended that the university create a similar committee for staff. Additionally, deans and supervisors should be consulted before sanctions applied as they have valuable insight into an employee's workplace conduct history and department culture.

4. **Local Response & Early Intervention**
   From the beginning of the work of our ER Advisory and Consultative Groups, the message was clear that we need to balance the local conduct management with the ER function. The emphasis of both the Principles and Processes Subgroups was on early intervention options to include referrals to units such as Campus Wellbeing and Education, WorkWell Center, or other supportive units for coaching, training, and skills

building. Supervisors and managers should receive training on how to address conflict and when to engage the ER unit to assist in resolution. There also needs to be a clear and equitable escalation process when reviewing a matter for formal factfinding.

5. **Data Management & Documentation**
   There is support for a central reporting and case management database to ensure we capture all reports centrally for triage, consistency of response, and tracking of concerns. It is important that all matters are documented, even when they may not escalate to a formal factfinding, so that the university can identify themes and trends, direct appropriate resources to affected units, and provide reports to leadership and the broader community. The Office of General Counsel (OGC) will need to be consulted to help determine what information should be captured in an employee's personnel file in compliance with the university's legal obligations.

6. **Wrap-Around Support**
   When any type of misconduct occurs, it does not only impact the parties directly involved, but can reverberate throughout a work unit. To promote healing, there should be regular check-ins with parties and their school or unit after resolution. At the end of the process, whether by formal or informal resolution, the ER unit should circle back with the parties to check in and provide support. When matters affect the working environment for others, it is important to provide support to unit and teams.

B.   WHAT WE RECOMMEND

The Subgroups delivered thoughtful reports to the Advisory Committee (*see Appendix*) that were accepted, reviewed, revised, and presented back to the ER Consultative Group on November 8, 2022, for additional discussion and input. The work of both the Principles and Processes Subgroup, as well as the initial contributions of the short-lived Communications Subgroup, resulted in a comprehensive set of recommendations, as follows:

1. Provide clarity on what types of issues are handled by the ER unit and include examples of covered conduct. The ER unit should educate school and unit leaders on process, response, and supportive services.

2. Reports will be triaged by a trained team to review and refer matters to the appropriate unit for strategy and response, including referring back for local handling. Emphasis is on early interventions, such as coaching, counseling, training, conflict resolution, etc.

3. Create a central reporting portal for intake, tracking, and documentation throughout process. Review data for trends and recurring issues or locations. It is important to report out on data to the community regularly.

4. Offer access to information to the involved parties throughout the process. Provide prompt notice when opening an investigation, and regular status updates throughout.

Each party should be assigned an ER staff person, who is not the factfinder, as point of contact.

5. Act as promptly as reasonably possible. Inform parties of time goals, progress, and any delays.

6. Manage documentation at all stages of the process. Consult with OGC to determine how to document conduct for compliance with legal obligations, including what information goes into a personnel file.

7. Formal factfinding is appropriate when conduct is severe, ongoing, or when early interventions are unsuccessful. Factfinding should be conducted respectfully by trained factfinders from diverse personal and professional backgrounds, assigned to matters with representation considered. A separate ER member will review findings to determine whether a policy violation occurred.

8. Findings should be presented in writing to Respondent, who will have an opportunity to respond in writing within 10 days with new evidence that will become part of the record for sanctioning.

9. Sanctioning should be made by a specially trained, independent panel. Faculty currently has that function provided by CoPR; staff should have similar committee comprising one HR manager and two managers from other units or departments. Before formal sanctioning, the committee should seek input from deans and supervisors for context, culture, and history involving the employee.

10. Provide a single opportunity to appeal findings and/or sanctions at the end of the process. This function will continue to be performed by the Executive Vice Provost for faculty or the SVP of HR, Equity, and Compliance for staff. The appellate authority may name a designee.

IV. TIMELINE

The Co-Chairs acknowledge that the work of the ER Advisory and Consultative Groups has taken longer than was first contemplated. We feel that it was important to get it right, and to do so there was a need for some foundational learning. The Advisory Group met with unit leaders, OGC, and outside counsel to understand the current environment and identify where the gaps are. The subgroups took the time to learn about the benefits of having a robust ER function and reviewed the work of prior committees to take advantage of what had been done and how to move the work forward. Below is a brief timeline.

CONVENE
Provost + SVPHR appoint members and convene ER Advisory and Consultative Groups

DEC 17, 2021

NOV 1, 2021

CHARGE
Advisory Group charges Subgroups

SUBGROUPS
Subgroups meet regularly to build recommended Principles & Processes

MAY + JULY + SEPT 2022

MARCH – JULY 2022

INTERIM REPORTS
Subgroups Submit Reports to Advisory Group

Advisory Group Presents Interim Report to Provost + SVPHR (July 26)

FEEDBACK
Advisory Group presents draft recommendations to Consultative Group for feedback

NOV + DEC 2022

NOV 8, 2022

FINAL REPORT
Advisory Group present oral summary of Final Report to Provost + SVPHR (Nov 17)

Submitted written Final Report to Provost + SVPHR (Dec 16)

IMPLEMENTATION
Build ER team + Create ER process

FALL 2023

SPRING 2023

COMMUNITY
Rollout to Community with commitment to Continuous Improvement

V.   CONCLUSION

At the core of building a robust and meaningful ER function is trust. By acting in accordance with our Unifying Values of Open Communication, Accountability and Excellence – we believe the ER function can build a strong foundation now and continue to evolve to meet the needs of our community. By communicating openly statistics, general case scenarios, and current and future state of process, we can encourage on-going feedback from our community about what is working, what can be improved, and purpose and outcomes of an effective ER function.

Accountability in ER for seeking ongoing feedback from stakeholder is key. This feedback and continuous improvement cycle will drive excellence and support our community in their daily interactions at the university. The ER Advisory Group has agreed to remain available for advice and we believe the engagement with Academic Senate and Staff Assembly will be essential moving forward.

ER PROCESS DESIGN
The ER unit will develop polices, processes, and procedures to be communicated to the community

CIRCLE BACK
At various stages, ER will present status updates to stakeholder groups: Staff Assembly, Academic Senate, PCAC

ADVISORY GROUP
The ER Advisory Group is committed to remaining a resource for the ER unit leaders