

Faculty Senate Meeting
Friday, December 19, 2008
3:30-5:30 p.m. – Adelbert Hall, Toepfer Room

AGENDA

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|------|--|-----------------------|
| 3:30 | Approval of Minutes from the November 24, 2008 Faculty Senate meeting, <i>attachment</i> | G. Starkman |
| 3:35 | President's announcements | B. Snyder |
| 3:40 | Provost's announcements | B. Baeslack |
| 3:45 | Chair's announcements | G. Starkman |
| 3:50 | Report from the Executive Committee | S. Moore |
| 3:55 | Report from Secretary of the Corporation | J. Arden Ornt |
| 4:00 | Announcement about an Activity for University Presidents' Climate Commitment | M. De Guire |
| 4:05 | Report on the Revised Sexual Harassment Policy <i>attachment</i> | S. Nickel-Schindewolf |
| 4:20 | Faculty Senate Input on University Budget Priorities | G. Starkman |
| 4:30 | Presentation on Strategic Planning Implementation | B. Baeslack |
| 4:50 | Presentation on Conflict of Interest Implementation | M. Edwards |
| 5:25 | New Business | G. Starkman |



Faculty Senate

Minutes of the Meeting of December 19, 2008
Toepfer Room, Adelbert Hall

Members present

Kathryn Adams
Keith Armitage
Bud Baeslack
Nabil Bissada
Christine Cano
Joseph Carter
Martha Cathcart
Mark De Guire
Dave Diles
Molly Fuller
Steven Garverick
Cheryl Killion
Kenneth Ledford
Alan Levine
Sana Loue
Leonard Lynn
Charles Malemud
David Matthiesen
Frank Merat

Shirley Moore
Diana Morris
Roland Moskowitz
Carol Musil
Ray Muzic
Ronald Occhionero
Joseph Prah
Roy Ritzmann
Cassandra Robertson
Alan Rocke
Jonathan Sadowsky
Barbara Snyder
Glenn Starkman
Susan Tullai-McGuinness
Michelle Walsh
Rhonda Williams
Elizabeth Woyczynski
Jeff Zabinski

Members Absent

Jeffrey Alexander
Cynthia Beall
Robert Bonomo
Daniela Calvetti
Susan Case
Sami Chogele
William Deal
Robin Dubin
Robert Greene
Peter Haas
James Harris
Susan Hinze
Christine Hudak

Elizabeth Kaufman
Wilbur Leatherberry
Jacqueline Lipton
Kenneth Loparo
Kalle Lyntinen
Kathryn Mercer
Faisal Quereshy
Jonathan Sadowsky
Benjamin Schechter
Scott Shane
Kathleen Wells
Terry Wolpaw
Elizabeth Tracy

Others Present

Jeanine Arden Ornt
Christine Ash
Donald Feke
Lev Gonick

Virginia Leitch
Beth Murray
Dean Patterson
Timothy Robson

Chris Sheridan
John Sideras
Lynn Singer
Jeff Wolcowitz

Call to Order

Professor Glenn Starkman, chair of the faculty senate, called the meeting to order at 3:30 p.m.

Approval of minutes

Upon motion, duly seconded, the minutes of the Faculty Senate meeting of November 24, 2008 were approved as submitted.

President's announcements

President Barbara Snyder noted the hire of Dr. Marilyn Sanders Mobley, vice president for inclusion, diversity, and equal opportunity. She thanked Prof. Rhonda Williams for her vigorous leadership of the search committee. President Snyder issued a reminder that everyone in the university community, not just the vice president, is responsible for supporting diversity. She encouraged all to welcome Dr. Mobley to her new position at Case Western Reserve. President Snyder noted the continuing work of the Conflict of Interest drafting committee. There were three forums held in December to solicit feedback and questions, and the policy has been edited on the basis of feedback received. Standard and Poor's recently gave Case Western Reserve a ranking of "stable." The university is pleased with the rating, given the university's recent deficits and the pressure rating agencies are under to tighten their ranking standards. She complimented John Sideras, interim senior vice president of finance and chief financial officer, for his outstanding service. Lastly, President Snyder announced that undergraduate applications for admission are 21% ahead of where they were last year at this time. She urged faculty members to assist in recruitment activities with the aim of improving the university's yield on admitted students who chose to enroll.

Provost's announcements

Provost Bud Baeslack noted his presentation to be delivered later in the meeting about the Strategic Planning Implementation process. He also urged faculty members to support recruitment and retention efforts. Personalized attention can sometimes make the difference between a student staying at the university or transferring to a less expensive university. He will be making phone calls to prospective students.

Chair's announcements

Prof. Glenn Starkman, chair of the faculty senate, noted the work of the *ad hoc* committee on the grievance process reform; the committee, chaired by Prof. Bill Leatherberry, has proposed a pilot program for mediation, and they will commence work shortly on any changes needed to the grievance process as outlined in the Faculty Handbook. The *ad hoc* committee on university-level faculty committees, chaired by Prof. Carol Musil and Prof. Robin Dubin, will start their meetings shortly and commence with their final report by March 1. He mentioned the continuing work on the Conflict of Interest (Col) policy and the proposal to restructure the UUF under the umbrella of the Faculty Senate, as put forth by the *ad hoc* committee on undergraduate education and life, chaired by Prof. Ken Loparo. Both the Col policy and the proposal to restructure the UUF will be voted on by the Faculty Senate on January 27, 2009.

Report from the Executive Committee

Prof. Shirley Moore gave the report on the recent Executive Committee meeting on December 5 where discussions continued about the Conflict of Interest policy and the proposal to restructure the UUF. Additionally, the Executive Committee decided to reaffirm the ongoing commitment to last year's top proposed university budget priorities (faculty salaries and on-campus day care), and recommended not to include them in the prioritization list for this year. It was decided that the Faculty Senate will rank order this year's proposed budget priorities in January. The Executive Committee also approved four honorary degrees to be awarded as soon as any of the recipients were available.

Report from the Secretary of the Corporation

Jeanine Arden Ornt, vice president and general counsel, and secretary of the corporation, reported on the recent December meeting of the Executive Committee of the Board of Trustees. Faculty appointments were confirmed; a resolution on tuition, room and board was passed; retirement plans were discussed; and honorary degrees were passed. John Sideras, interim senior vice president of finance and chief financial officer, reported on the recent favorable ranking of the University by Standard and Poor's; Provost Bud Baeslack discussed the activities of emeriti faculty and reported on increased activities at Squire Vallevue Farm; and John Wheeler reported that campus crime rates remain stable and he mentioned the planned efforts of campus security to increase positive, casual interactions with students at the residence halls.

Announcements about an Activity for Presidents Climate Commitment

Prof. Mark De Guire reported on an upcoming activity in support of the American College and University Presidents Climate Commitment which President Snyder signed in July 2008, with the expressed support of the Faculty Senate Executive Committee. The event is RecycleMania; universities around the county compete to minimize waste and increase per capita recycling between January 18 and March 28, 2009. Prof. De Guire is serving as a contact person for faculty and students who have inquiries about the effort. He encouraged all to participate in the event. A couple faculty members mentioned that recycled materials were sometimes being mixed in with trash by the custodial staff; President Snyder offered to pass along this feedback to Campus Services.

Report on the Revised Sexual Harassment Policy

Sue Nickel-Schindewolf, associate vice president for student affairs, Prof. Patricia Higgins, and Colleen Trembl, deputy general counsel gave a presentation about the updated sexual harassment policy. The policy was last confirmed in 1995 and in need of revisions. Faculty asked some questions. *(The presentation will be attached to the approved minutes when posted to the web.)*

Faculty Senate Input on University Budget Priorities

Prof. Glenn Starkman confirmed that the Faculty Senate will vote to rank order the 13 proposed university budget priorities. The vote will take place by email, and the rankings will be announced at the faculty senate meeting on January 27. President Barbara Snyder confirmed the university's ongoing commitment to the faculty senate's proposed budget priorities from last year –on campus day care and faculty salaries. Reports will be made to the Faculty Senate in the spring. She warned that it would be impossible for the University to follow through on two additional very expensive proposals; although progress is anticipated on one or both of last year's proposals this year, most of the funding needed to complete those objectives is yet to be secured.

Presentation on Strategic Planning Implementation

Provost Bud Baeslack gave a presentation about the Strategic Planning Implementation process. The planned dates for each step of the process for this year and upcoming years, the list of portfolios, alliances and sub-alliances were detailed. *(The presentation will be attached to the approved minutes when posted to the web.)*

Presentation on Conflict of Interest Implementation

Mike Edwards, associate vice president for research, discussed the challenges and processes of implementing the revised Conflict of Interest policy in 2009. Mr. Edwards highlighted key components of what will be new processes and emphasized the importance of compliance on behalf of the faculty and the investigators. He also stated that there will be an expected increase in the number of COI reports, the introduction of a new electronic reporting system, and training on how and what to report. Any questions or concerns regarding the COI policy should be directed to Maureen Landies, conflict of interest administrator, at maureen.landies@case.edu or 368-0838. After the presentation, senators asked about the status of the final draft of the COI policy and expressed an interest to have the University Faculty review the most recent version of the policy. A motion was proposed by the Senate to have an email blast sent to all faculty of the most recent draft of the COI policy by Monday, January 5, 2009 requesting that any concerns or comments be made to their schools' senators by Thursday, January 8, 2009; and then, the senators would communicate this feedback to the chair of the faculty senate and/or the secretary of the university faculty on Friday, January 9, 2009. Upon motion, duly seconded, the senators unanimously approved the e-mail blast of the most recent draft of the COI policy. *(The presentation will be attached to the approved minutes when posted to the web.)*

Adjournment

Upon motion, duly seconded, Chair Glenn Stark adjourned the meeting at 5:25 p.m.

APPROVED
by the
FACULTY SENATE



ELIZABETH H. WOYCZYNSKI
SECRETARY OF UNIVERSITY FACULTY

SEXUAL HARASSMENT POLICY

INTRODUCTION & POLICY STATEMENT

It is the policy of Case Western Reserve University to provide a positive, supportive, discrimination-free educational and work environment. Sexual Harassment is unacceptable and unlawful conduct, which will not be tolerated. The purpose of this policy is to define sexual harassment and the procedures the university uses to investigate and take appropriate action on complaints of sexual harassment. This policy and the accompanying procedures shall serve as the only internal university forum of resolution and appeal of sexual harassment complaints.

This policy applies to all members of the university community including all students, faculty, staff, and other university officials, whether full or part-time or under temporary contract, and guest lecturers, volunteers and visitors. Sexual harassment may involve the behavior of a person(s) of either gender against a person(s) of the opposite or same gender. All members of the university community must adhere to the sexual harassment policy and report violations of the policy.

Further information about sexual harassment can be found on the University's Sexual Conduct website at <http://www.case.edu/provost/sexualconduct/>.

Laws Governing Sexual Harassment

Sexual harassment in the workplace is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964 and by [Section 4112.02 of the Ohio Revised Code](#). EEOC Guidelines require employers to affirmatively address the issue of sexual harassment and to adopt procedures for the prompt resolution of employee complaints. Similarly, federal regulations implementing Title IX of the 1972 Education Amendments require educational institutions that receive federal funds to provide a prompt and equitable procedure for resolving complaints of sex discrimination, including sexual harassment claims.

DEFINITION

Sexual Harassment can be defined as any unwelcome verbal or non-verbal sexual advance, requests for sexual favors, other verbal or physical conduct of a sexual nature, and/or conduct directed at an individual(s) because of gender when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or student status; or
- b. Submission to or rejection of such conduct is used as the basis for decisions affecting that individual with regard to employment (raises, job, work assignments, discipline, etc.) or to student status (grades, references, assignments, etc); or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creates an intimidating, hostile, or offensive work and/or educational environment*. Such conduct generally involves more than one incident and must be severe or pervasive.

*The work or educational environment includes, but is not limited to: offices, classrooms and clinical settings; residence halls and Greek Houses; on or off campus interactions between university community members; and all university sponsored activities, programs, or events (including off-campus activities such as international travel programs).

Examples of Sexual Harassment:

Acts that constitute sexual harassment take a variety of forms and may include but are not limited to the following *unwelcome* actions:

1. Propositions, invitations, solicitations, and flirtations of a sexual nature.
2. Threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments, or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.
3. Verbal expressions of a sexual nature, including sexual communications about a person's body, dress, appearance or sexual activities; the use of sexually degrading language, name calling, sexually suggestive jokes, or innuendoes; suggestive or insulting gestures, sounds or whistles; sexually suggestive phone calls.
4. Sexually suggestive objects or written materials, such as e-mail or internet communications, pictures, photographs, cartoons, text messages, videos, or DVD's.
5. Inappropriate and unwelcome physical contact such as touching, patting, pinching, hugging or other sexually suggestive contact.
6. Stalking of a sexual nature; i.e. persistent and unwanted contact of any form whether physical, electronic or by any other means.
7. Stereotyping or generalizing about a group based on gender. These types of comments typically constitute sexual harassment when associated with other sexual behavior or comments.

Power Relationships

When one party has any professional responsibility for another's academic or job performance or professional future, the university considers sexual relationships between the two individuals to be a basic violation of professional ethics and responsibility; this includes but is not limited to sexual relationships between faculty (including teaching assistants and laboratory supervisors) and their students or between supervisors and their employees, even if deemed to be mutually consenting relationships. Because of the asymmetry of these relationships, "consent" may be difficult to assess, may be deemed not possible, and may be construed as coercive. Such relationships also may have the potential to result in claims of sexual harassment. See Consensual Relationship Policy at <http://www.case.edu/finadmin/humres/policies/standards/cr.html>.

Although Sexual Harassment often takes place when the alleged harasser is in a position of power or influence (e.g., a faculty advisor to a student, supervisor to supervisee), other types of harassment are also possible e.g., peer to peer.

Intent

The fact that someone did not intend to sexually harass an individual is not considered a sufficient defense to a complaint of sexual harassment. Although the accused's perceptions will be considered, in most cases, it is the effect and characteristics of the behavior on the accuser and whether a

reasonable person in a similar situation would find the conduct offensive that determine whether the behavior constitutes sexual harassment.

Academic Freedom

Case Western Reserve University adheres to the principles and traditions of academic freedom. As stated in the Faculty Handbook, academic freedom is a right of all members of the university faculty and applies to university activities including teaching and research <http://www.case.edu/president/facsen/frames/handbook/CASEFH2006.pdf>. Each faculty member may consider in his or her classes any topic relevant to the subject matter of the course as defined by the appropriate educational unit.

Case Western Reserve University also recognizes, however, that these freedoms must be in balance with the rights of others, including the rights of individuals to not be sexually harassed. It is therefore understood that the principles of academic freedom permit topics of all types, including those with sexual content, to be part of courses, lectures, and other academic pursuits. If there are questions about whether the course material or the manner in which it is presented falls within the definition of sexual harassment, the concerned party(s) should contact a designated university representative (See: Designated Reporting Offices section in this policy).

RESPONSIBILITIES OF THE UNIVERSITY COMMUNITY

Members of the university can expect to be free from sexual harassment, and it is the responsibility of all members of the university to identify and report such sexual harassment. Any member of the university community who is consulted about potential sexually harassing behavior has the responsibility to advise the accuser of the university's sexual harassment policy and encourage prompt reporting.

When a first-hand allegation of sexual harassment is made and the alleged harasser is named, members of the university community are obligated to report the allegation to one of the designated reporting office representatives (see Chart II).

Note: Confidential resources(i.e. those members of the university who are licensed or designated by law as professionals who can receive privileged communication, and receive information regarding possible sexual harassment in the context of a professional relationship with the reporter of that information) are not required to report allegations of sexual harassment to university representatives (see Chart I).

Specific Responsibilities of University Community Members

All members of the university community are responsible for:

1. Complying with this policy;
2. Identifying and reporting sexual harassment; and
3. Cooperating in any subsequent investigation, including appearing before a hearing committee.

Deans, directors, department chairs, department heads, supervisors, and administrative officers are responsible within their area for:

1. Complying with this policy;
2. Identifying and reporting sexual harassment;

3. Informing individuals bringing complaints about the university's policy and their right to talk to a representative in the Office of Office of Equal Opportunity & Diversity or the University Office of Student Affairs as appropriate;
4. Cooperating and participating in investigations, resolutions of complaints, and the implementation of recommended sanctions, if any; and
5. Providing a work and educational environment that is free from harassment and intimidation.

Designated Reporting Office Representatives in the Office of Equal Opportunity & Diversity (216-368-8877), and the Office of Student Affairs (216-368-2020), are responsible for:

1. Complying with this policy;
2. Identifying and reporting sexual harassment;
3. Coordinating, disseminating, and implementing this policy;
4. Serving as a resource for all matters dealing with sexual harassment complaints;
5. Conducting informal sexual harassment complaint inquiries and facilitating resolutions as appropriate; and
6. Referring formal sexual harassment complaints to the Vice President for Inclusion, Diversity and Equal Opportunity.

REPORTING

The university supports and encourages anyone who believes they have been sexually harassed to report the incident to the reporting source of their choice. Individuals who wish to seek advice or obtain consultation regarding sexual harassment have two types of university resources:

1. **Confidential Resources** (See Chart I)
 - a. Enables the person(s) concerned about sexual harassment to seek advice, support, and guidance about how to manage the situation without initiating university action.

Note: Discussing a matter with a confidential counseling resource is not considered a report to the university or a request that any action be taken by the university in response to any allegation.

Chart I. University Confidential Resources

Student Complaints	Faculty or Staff Complaints
University Counseling Services (216) 368-5872 (24 Hours)	Employee Assistance Program (216) 241-EASE (3273) or (800) 521-3273 (24 hours)
University Health Services (216) 368-2450 (24 hours)	
Flora Stone Mather Center for Women (216) 368-0985 Ask to speak with the Licensed Professional Health Advocate (M-Fri) 8:30 a.m. to 5:00 p.m.	
Inter-Religious Center Muslim Campus Ministry, Newman Catholic Campus Ministry, and United Protestant Campus Ministry (216) 421-9614 or Hillel (216) 231-0040 (Ask to speak with a Clergy person)	

2. Designated Reporting Offices (see Chart II)

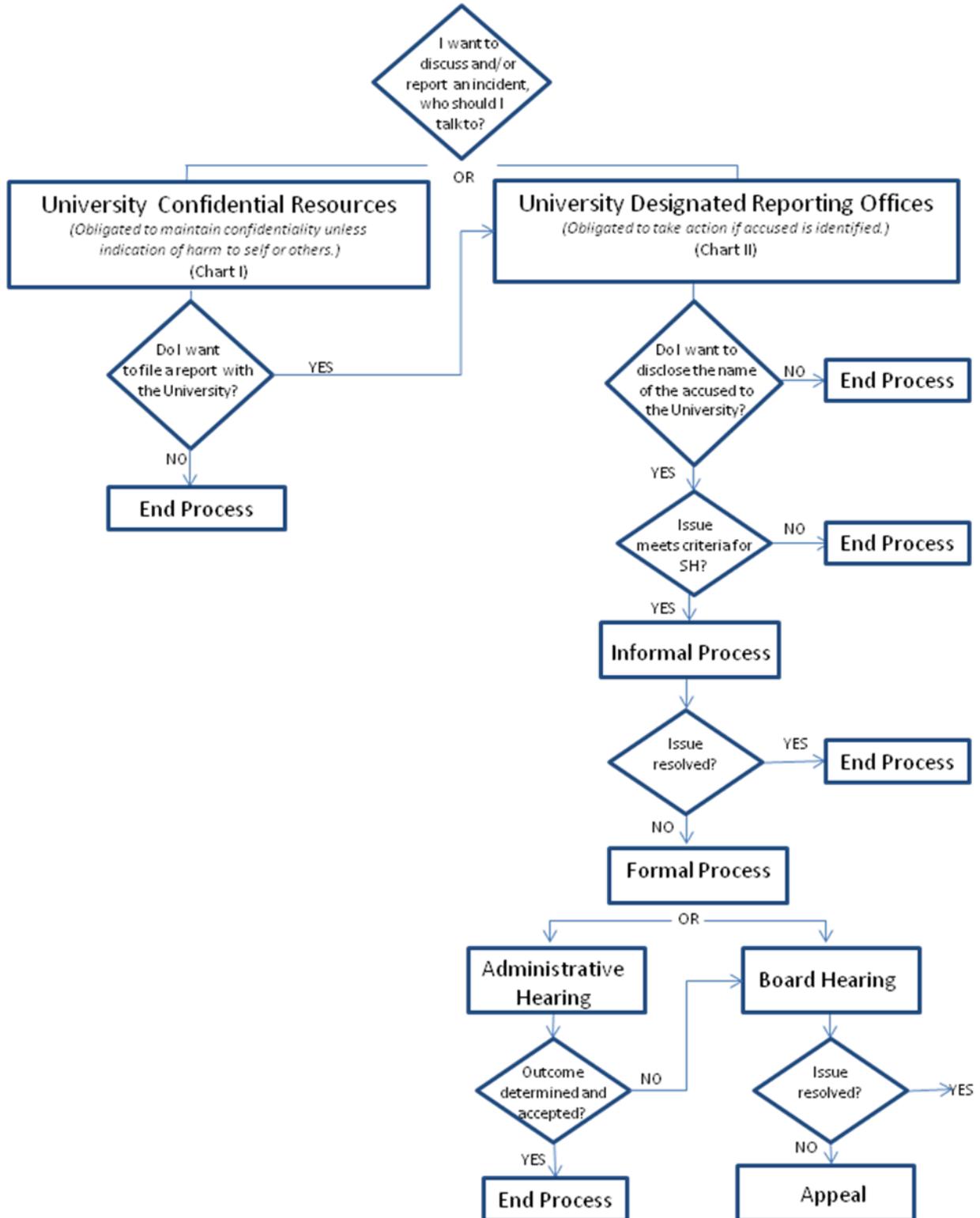
- a. Enables the person(s) concerned to seek advice, support, and guidance about sexual harassment *without disclosing* the name(s) of the accused.
and/or
- b. Enables the person to file a complaint of sexual harassment with the university, and when the name of the accused is made known to a designated reporting office representative, university action will be initiated.

Note: Designated reporting office representatives are obligated to investigate complaints of sexual harassment and to pursue university action as appropriate; consequently, the designated reporting resources will attempt to keep complaints confidential to the extent possible and consistent with the university's requirement to investigate allegations and take appropriate action.

Chart II. University Designated Reporting Offices

Student Complaints	Faculty Complaints	Staff Complaints
Associate Vice President for Student Affairs (216)368-2020 (M-Fri) 8:30 a.m. to 5:00 p.m.	Faculty Diversity Officer (216)368-8877 (M-Fri) 8:30 a.m. to 5:00 p.m.	Vice President of Inclusion, Diversity and Equal Opportunity (216) 368-8877 (M-Fri) 8:30 a.m. to 5:00 p.m.

**Student, Faculty, and Staff
Sexual Harassment Complaint Process**



Complaints Involving Different Constituents

When a sexual harassment complaint is made against an individual from a different constituency than the accuser (i.e. students/faculty complaints, faculty/staff complaints, etc.), the designated reporting office representatives representing each constituency will work together to investigate and bring resolution to the complaint.

Reporting Alternatives

Prompt reporting is in the best interest of the entire university community and enables the university to address and correct unacceptable behavior and provide support for the person(s) bringing the complaint. Anyone who has been sexually harassed may choose whether to pursue both the university sexual harassment process and/or criminal prosecution (if applicable). However, choosing not to pursue university or criminal prosecution does not remove the responsibility of the university to investigate and/or take action (*See Investigative Responsibility Section of this policy*).

Anonymous Reports

The University recognizes that a person who has been sexually harassed may choose not to report the incident(s) to a confidential source or a designated reporting office representative. In those situations, the University allows an individual who has been sexually harassed to file an anonymous report which allows the reporting person time to decide what course of action they want to take. To access this form, go to the University's Sexual Conduct website at <http://www.case.edu/provost/sexualconduct/> and access the Sexual Harassment Anonymous Reporting form. Please note that even with anonymous reports, the university has an obligation to investigate. However, anonymous reporting may limit the ability to conduct an effective investigation and take action concerning the complaint (see University's Responsibility section of this policy).

Responsibility of Confidentiality & Non-Retaliation

When a report of sexual harassment is made, both the accused and the accuser, and all identified witnesses who are named in the investigation, will be notified of the university's expectation of confidentiality. The university will attempt to maintain confidentiality to the extent possible within legitimate conduct of an investigation and/or as required by law.

In addition, all parties will be informed of the consequences of retaliating against anyone involved in the complaint. Retaliation against persons raising concerns about sexual harassment or against witnesses or any person cooperating in the sexual harassment process is prohibited and will constitute separate grounds for disciplinary action. An individual who believes they have experienced retaliation should contact a designated reporting office representative (see Chart II) under the policy and the university will investigate the complaint. If the university determines that evidence exists to support that retaliation occurred, appropriate action will be taken, regardless of the outcome of the underlying sexual harassment complaint.

UNIVERSITY RESPONSE

University's Responsibility

Once a report of sexual harassment is made to one of the designated reporting office representatives, the university is obligated by law to investigate and to take appropriate action regardless of whether the accuser wishes to participate or considers the behavior sexual harassment.

The university's authority to investigate, to compel cooperation, or to impose sanctions against those who are not members of the university community is limited. The informal and formal processes as described below apply to faculty, staff and students of the university. Complaints against guest lecturers, volunteers and visitors will be referred to the Vice President of Inclusion, Diversity and Equal Opportunity or his/her designee for investigation and appropriate action.

Immediate University Action

Upon receiving a complaint, the designated reporting office representative will take appropriate immediate actions to protect the safety and well-being of the individuals involved in a complaint of sexual harassment. Generally, such actions include but are not limited to the following:

1. Notify the accused that a complaint has been made against them;
2. Provide a copy of the university sexual harassment policy to both parties;
3. Establish an agreement between the parties that they are not to initiate contact with the other party or parties until further notice by the university. Failure to cooperate or honor the agreement could result in restricting either party's presence on campus;
4. Have each of the parties and any witnesses sign a confidentiality statement, agreeing that they will keep the sexual harassment complaint and process confidential;
5. Advise all parties and any witnesses that they may not retaliate against any party or any witness involved in a sexual harassment complaint.

University Police Responsibility

There may be instances in which sexual harassment constitutes a criminal act. If a designated university representative or the Case Police receives a complaint, or is made aware of a complaint of sexual harassment that also involves possible criminal activity, the university representative and/or Case Police have a responsibility to uphold and enforce the law, even if the person sexually harassed does not want to participate in the process and/or make a complaint.

COMPLAINT RESOLUTION

Those having a concern about sexual harassment are encouraged to refer to the sexual conduct website at <http://www.case.edu/provost/sexualconduct/> for information and resources about sexual harassment. To discuss university policy and/or to file a complaint, the designated reporting office representatives in the Office of Equal Opportunity & Diversity or the University Office of Student Affairs will meet with any person(s) who raise concerns about sexual harassment at the university. They will provide general advice and resources about sexual harassment and will also discuss options for pursuing both informal and formal resolution of a sexual harassment complaint.

Resolving the Complaint

Once the accuser initiates an allegation and the accused person or group is identified, the designated reporting office representatives will conduct an initial inquiry of the sexual harassment complaint.

Initial Inquiry

An initial inquiry will include interviews with the person(s) reporting harassment and those person(s) accused of harassment and may include interviews of other potential witnesses. Following the initial inquiry, the designated reporting office representative will determine if the information gathered during the initial inquiry indicates that the complaint falls within the sexual harassment policy.

If so, the **informal and formal** complaint processes will be utilized, as appropriate, to bring resolution to the complaint. If the initial inquiry finds that the complaint does not fall within the sexual harassment policy, the accuser may be referred to other university policies or resources.

While an initial inquiry will be pursued for every identified complaint, generally, disciplinary action will not be taken against an individual or group unless the formal complaint process is used.

Complaints by the University

The university may bring a complaint against an accused person in instances in which the accuser is not willing to bring a complaint and the university determines it is necessary for the university to initiate a complaint. In such a case, the university will select a representative to act during the formal process.

Generally, if the accused is a faculty member, the university representative shall be the Provost or his/her designee; if the accused is a student, the university representative shall be the Vice President for Student Affairs or his/her designee; and if the accused is a staff member, the university representative shall be the Vice President for Human Resources or his/her designee. If the university representative is the accused or a potential witness, the president shall appoint the university representative. The university representative shall have the same rights and responsibilities as the accuser as outlined in this policy. The university representative shall not be an attorney from the Office of General Counsel.

Rights Under the Process

The accuser and the accused can expect the university to respect the rights of all involved by following the stated university sexual harassment process.

Rights of the Accuser and the Accused:

- To confidentiality as provided in this policy (see above).
- To options outlined in the informal process or formal process if applicable.
- To the presence of an advisor at a board hearing (see Board Hearing Procedures).
- To not be questioned about past sexual conduct unless relevant to the case.
- To have the allegations investigated in a thorough and timely manner.
- To refrain from making self incriminating statements. However, the university will make a determination of whether a violation of the sexual harassment policy occurred based on the information presented.
- To be informed of the outcome of the sexual harassment process.

Informal Process

All parties will participate in the informal process. If the matter is not resolved to the satisfaction of the accuser or the accused, and/or the university determines the matter should be resolved through the formal process, the accuser, the accused and/or the university may pursue the formal process. The following are possible options, one or more of which may be used to bring resolution to an informal complaint.

Potential Informal Actions:

1. Distribute a copy of the sexual harassment policy as a reminder to the department or area whose behavior is being questioned;
2. Educate all parties regarding the university sexual harassment policy;

3. Advise the person(s) how to communicate the unwelcome nature of the behavior to the alleged harasser;
4. Conduct a sexual harassment educational workshop for the designated department/school/university organization;
5. Meet with the accused to raise awareness about alleged inappropriate behavior and provide notice about possible university consequences;
6. Mediate and/or negotiate with the accuser and accused (with the agreement of all parties);
7. Institute alternative work, living arrangements, class schedule, advisor/supervisor arrangements; or
8. Limit contact between accused and accuser.

Formal Process

The university offers a formal process leading to resolution of a complaint if the complaint falls within one of the elements of the university definition of sexual harassment (see definition on page 1: a, b, or c); the informal resolution is not agreed upon or fails to satisfactorily resolve a concern; and/or the university determines the formal process is necessary.

To initiate the formal process, the person or university representative making the complaint must complete Step 1. Steps 2-4 will follow.

Step 1-Accuser's Written Statement:

1. Complete a statement on the university sexual harassment complaint form <http://xxxxxxx>. The statement should be as specific as possible, including dates, times, locations, a description of the alleged harassing behavior and the name(s) of the alleged harasser(s).
2. Provide a list of any person(s) who may have information that would be helpful to the hearing process.
3. Submit the above information to the designated university representative.

Step 2- University's Response:

The designated university representative will contact the accused, provide him/her with a copy of the written statement, and ask that a written response to the complaint be submitted by a specified date.

Step 3-Accused's Response:

1. Submit a written response to the complaint to the designated university representative. The response will be forwarded to the accuser and/or the university representative bringing the complaint, when applicable.
2. Provide a list of any person(s) who may have information that would be helpful to the hearing process.

Step 4-Determination of Administrative Hearing vs. Board Hearing:

A formal process may be resolved in one of two ways, through an administrative hearing or a board hearing.

An administrative hearing may be used when all of the following exist:

1. The accuser wishes to use an administrative hearing to resolve the complaint.
2. The accused has admitted to the alleged harassment and admits that the conduct is or could be construed as sexual harassment under the university's policy.
3. The accused agrees to an administrative hearing to resolve the complaint.

4. The designated reporting representative(s) determine(s) that an administrative hearing is appropriate to bring resolution to the complaint.

A board hearing is used when the following exists:

1. The accuser wants to use a board hearing to resolve the complaint, and/or the designated reporting representative(s) determine(s) that a board hearing is necessary to resolve the complaint.

Or

2. The accused does not admit that the alleged harassment has occurred and/or does not admit that the alleged conduct is sexual harassment under the university's policy.

Formal Process: Administrative Hearing

If the requirements listed above are met, an administrative hearing will be conducted. The function of this hearing is to hear from the accuser and the accused and to determine an appropriate sanction.

All Administrative hearings will be conducted by the Vice President for Inclusion, Diversity and Equal Opportunity or his or her designee.

Administrative Hearing Procedure:

1. The accuser and accused will be notified of the date, time and location of the hearing.
2. The hearing is closed and generally includes only the accused and the Vice President for Inclusion, Diversity and Equal Opportunity or his or her designee.
3. The accuser may submit an additional written statement concerning the effect of the harassment and the desired sanction for the accused.
4. The accused may make a statement about the harassment and the possible sanction for the harassment, and present any other information to the university hearing representative.
5. The university hearing representative may ask questions of the accused and will consider the statements and any relevant information received during the investigation.
6. Prior to determining a sanction: the Vice President for Inclusion, Diversity and Equal Opportunity or his/her designee will consult with the following individuals depending on the constituency of the accused:
 - When a student is the accused:** Vice President for Student Affairs or his/her designee;
 - When a faculty member is the accused:** Provost or his/her designee;
 - When a staff member is the accused:** Vice President for Human Resources or his/her designee.
7. After the hearing is concluded, the Vice President for Inclusion, Diversity and Equal Opportunity or his/her designee will make a decision promptly on the appropriate sanction and communicate that decision in writing to the accused, accuser, and to any university administrators, faculty or staff who require the information to carry out the sanction.

Administrative Hearing Appeal Process

If the accuser or the accused is not satisfied with the outcome of the administrative hearing, either may notify the Vice President for Inclusion, Diversity and Equal Opportunity or his/her designee of the desire to initiate a formal board hearing. Appeals must be submitted within five (5) business days of receipt of the written decision. A formal board hearing as outlined below will then be held.

Formal Process: Board Hearing

Sexual Harassment Board Membership: A sexual harassment hearing board is appointed by the President annually and will include representatives of the administration, faculty, staff, and students. The appointees serve one-year terms renewable at the option of the President for up to three consecutive years. All board members will receive training specific to sexual harassment issues.

Hearing Board Composition: Three representative members will be selected from the board-at-large (faculty, staff and/or students) to serve as the hearing board for an individual case.

Chairperson: The Vice President of Inclusion, Diversity and Equal Opportunity or his/her designee serves as the chairperson and is an ex-officio, non-voting member of the board and facilitates the hearing process.

Board Members: The role of the selected board members is to determine if the action(s) or behavior(s) of the accused violates the university's sexual harassment policy. If the board finds the accused in violation of the policy, it will determine a sanction(s) to resolve the complaint.

Pre-Hearing Procedure: Prior to the board hearing, the chairperson will:

1. Determine available and appropriate hearing board members. An attempt will be made to include board members representing the constituencies of the accuser and the accused;
2. Consult with the accuser, the accused and potential board members to determine any personal and/or professional conflicts of interest that may make the board member unable to render an unbiased decision. All board participants are required to disclose any personal and/or professional conflicts of interest to the chairperson prior to agreeing to participate in a board hearing. The chairperson will determine whether a member should not serve on the board because of a conflict of interest;
3. Advise the accuser and accused of their right to have an advisor at the hearing. An advisor may not be an attorney or a witness in the matter. Advisors may only consult with their advisee; they may not participate in the hearing in any way or address the board unless responding to a direct question from the chairperson;
4. Allow the board to require relevant members of the university community to participate in the hearing and request those outside the university community to appear at the hearing.
5. Notify all board members, the accuser, the accused, the witnesses and all those involved in the hearing process that the hearing is confidential and should not be discussed outside the hearing proceedings;
6. Make a determination as to the relevance of the information submitted and prepare information to be considered by the board; the information should include the following:
 - Accuser's written statement;
 - The accused's response;
 - Any other information submitted by the accuser or accused as deemed relevant to the complaint;
 - Any other information that may be relevant to the complaint;
 - Witness list.
7. Provide accuser, accused, and advisors an opportunity to review all information prior to the hearing;
8. Arrange a hearing date, time, and location and notify all hearing participants in writing;

9. Advise board members about the complaint and the hearing procedures.

Hearing Procedure:

1. The chairperson will convene the hearing by introducing the participants and explaining the sexual harassment hearing purpose, procedures and standard of proof;
2. Standard of Proof is preponderance of evidence which means that the board must be convinced, in light of all the information presented, that it is more likely than not that the alleged sexual harassment took place;
3. An audio recording of the hearing will be made;
4. The accuser will be invited to make a statement to the board;
5. The accused will be invited to make a statement to the board;
6. Witnesses invited to appear before the board will be asked to make statements;
7. Board members will be permitted to ask questions at the conclusion of each statement. The accuser and the accused may then ask questions of each other. All questions must be directed to the chair.
8. The accuser, the accused and their advisors will be permitted to sit in the hearing during all statements and questioning. Witnesses will be permitted to attend only during their own statements and questioning.
9. The board may ask further questions of the accuser and the accused after it has heard from all witnesses invited to appear.
10. After all statements and questioning are completed, the board will dismiss the accuser, the accused and their advisors from the hearing and meet to discuss findings in confidence.
11. The board will consider all information received as part of the hearing process.
12. The board will issue one of the following findings:
 - a. The university's sexual harassment policy was not violated or
 - b. The university's sexual harassment policy was violated;
13. The board may also determine that the accuser's actions may violate some other university policy. This information will be provided to the appropriate university official for further investigation and resolution.
14. If the board determines that the sexual harassment policy was violated, the board members will determine sanctions. Sanctions will be based on the nature and severity of the offense. In general, sanctions may include, but are not limited to, one or more of the following:
 - Apology and/or reprimand;
 - Participation in educational, skills or management training;
 - Written warning, or letter of reprimand;
 - Institute alternative work and/or living arrangements, class schedules, advisor/supervisor arrangements;
 - Limit contact between accused and accuser;
 - Faculty and staff may face suspension without pay, consideration of or denial of advancement or pay raise, demotion, or termination for cause;
 - Students may be suspended from the university, university housing, selected activities or organizations; placed on probation; or expelled from the university.
15. Prior to determining a sanction, the board may consult with the following individuals depending on the constituency of the accused:
 - **When a student is the accused:** VP for Student Affairs or his/her designee
 - **When a faculty member is the accused:** Provost or his/her designee
 - **When a staff member is the accused:** VP for Human Resources or his/her designee

Report of Findings

1. The board shall draft a written report that includes its finding of whether the policy has been violated or the policy has not been violated, the reason for the finding, and sanctions (if applicable).
2. The chairperson will distribute a copy of the report to the accuser, accused, and to the accused's department chair, dean/supervisor, and appropriate vice president(s) or his/her designee. A copy of the report will be kept on file in the Office of Equal Opportunity & Diversity. The chairperson will identify and notify the appropriate individuals to carry out the accused's sanctions, if applicable.

Appeal Process

Either the accused or the accuser may appeal the board's finding and/or sanction to the president on the basis for appeal set out below. Appeals must be submitted to the Vice President for Inclusion, Diversity and Equal Opportunity or his/her designee **within five business days of receipt of the written decision** and must specify the grounds for the appeal. The individual appealing must complete an Appeal Form in writing at [http.....](http://.....)

- The grounds on which an appeal may be filed with the president are limited to the following:
 1. New information not available to the board which, if available at the time of the hearing, may have affected the decision
 2. Evidence that established procedures were not followed in a manner that may have affected the decision
 3. The sanction was inappropriate for the violation
- The president shall review the report and sanctions to be imposed, and may review any documents, the recording or statements presented to the board
- The president may accept, reject, or modify the finding and/or sanctions of the board based on one of the three grounds for appeal.
- The president will communicate his/her decision, in writing, to the Vice President for Inclusion, Diversity and Equal Opportunity, who will forward the decision to the accused, the accuser, and the board members.
- If the president rejects or modifies the board's decision, the Vice President of Inclusion, Diversity and Equal Opportunity also shall forward the president's decision to the accused's department chair, dean/supervisor, and appropriate vice president(s).
- The president's decision shall be final.

If the sanction, following any appeals, is termination of a tenured faculty member's appointment and if the procedures in Section IV of the Faculty Handbook for termination of a tenured faculty member's appointment are initiated, the factual findings and conclusions of the sexual harassment board, or the president following appeal, shall be determinative as to whether the university's sexual harassment policy has been violated. The Section IV Faculty Handbook proceedings shall be limited to a determination of whether the finding constitutes just cause for termination of the tenured faculty appointment.

False Claims of Sexual Harassment

The University reserves the right to take appropriate action concerning members of the community who bring false claims of sexual harassment. A “false claim” exists when a person knowingly files a complaint against another person which the accuser knows is not true. No complaint will be considered “false” solely because it cannot be corroborated or because a formal process found there was no violation of the university’s sexual harassment policy. An accused may file a complaint of a false claim of sexual harassment by contacting one of the designated reporting office representatives under the policy. The university will investigate the complaint of a false claim and if it determines that evidence exists to support the false claims complaint, it will take appropriate action, which may include disciplinary action up to and including suspension, expulsion or termination.

RETENTION OF DOCUMENTS

All records will be retained for at least as long as the accused and/or the accuser(s) are members of the university community. Records will be kept in a confidential and secured location and only made available to designated reporting office representative(s), other appropriate university officials, or other authorized individuals as determined by law.

Informal Complaints: Information about all informal complaints will be kept on file in the offices of the designated reporting office representatives, and in the Office of Equal Opportunity and Diversity to ensure that the university is maintaining records of those individuals about whom multiple informal complaints have been made.

Formal Complaints: If the accused is found to have violated the sexual harassment policy, a copy of the decision letter will be retained in the individual’s official university file.

If the person found in violation is a:

Faculty: The information will be kept on file in the Office of the Provost, the Office of the Dean, the Department, and the Office of Equal Opportunity and Diversity.

Staff: The information will be kept on file in Human Resources, the Department, and the Office of Equal Opportunity and Diversity.

Student: The information will be kept on file in the University Office of Student Affairs, the Dean’s Office of the appropriate school, and the Office of Equal Opportunity and Diversity.

If the accused is found not to have violated the sexual harassment policy, a copy of the decision will be retained in the Office of Equal Opportunity and Diversity.

Annual Report

An annual report of sexual harassment complaints and their resolutions shall be produced by the Vice President of Inclusion, Diversity and Equal Opportunity or his/her designee. The report shall identify accusers and accused by constituency only, e.g., student, staff, faculty.

Last Updated: 11/17/08



CASE WESTERN RESERVE
UNIVERSITY EST. 1826



STRATEGIC PLAN IMPLEMENTATION UPDATE

BUD BAESLACK
PROVOST & EXECUTIVE VICE PRESIDENT

December 2008

Steady-State Annual Process

Fourth Quarter

First Quarter



Communication



Full BOT Mtg.

Second Quarter

Portfolio Definition



A portfolio is an organizational entity or unit with its own strategic plan that aligns with the University plan. Each portfolio is responsible for developing an annual action agenda for achieving its plan, as well as a set of metrics to measure success. Each portfolio will be expected to evaluate its performance and make recommendations for improvement and/or change.

Webster's – Materials that are representative of one's work.

List of Portfolios



- ❑ **College & Schools**
- ❑ **Office of the Provost**
- ❑ **Student Affairs**
- ❑ **Research & Tech Transfer**
- ❑ **Information Technology**
- ❑ **The Alliances**
- ❑ **Governing Bodies**

Working Groups



FY09 Initiatives

Academic Advising
PhD Program Review
Internat'l Program Leadership
Competitive Faculty/Staff Salaries
Faculty Recognition
Resource Allocations
VP for Inclusion, Diversity & EO

Alliances/Sub-Alliances

Energy
Environment
Human Health
Culture, Creativity & Design
Social Justice
Ethics
Origins
Infectious Disease
Child Development
Informatics
Entrepreneurship
Advanced Materials
Sustainability

Data Gathering for Leadership Retreat



Retreat Scheduled for January 27-28

Each Unit will submit the following:

- ❑ FY10 Action Agenda**
- ❑ Alignment with University Plan Goals/Sub-Goals**
- ❑ Metrics – Baseline, 5 Yr. Goal, Benchmark Institutions**
- ❑ Resource Needs – Start-Up & Continuing**
- ❑ Collaborations**

Resources



Multiple Sources – Cash

FY09

- ❑ **Funding for organizational development**

FY10

- ❑ **Expectation that central funds will be leveraged with the schools & external agencies**
- ❑ **Some funds will be awarded after a competitive process**
- ❑ **Types of support**
 - ❑ **Support for faculty set-up**
 - ❑ **Support for proposal preparation**

Communications



Web Site Development

- ❑ **Internal Access**
- ❑ **External Access**

FY09 Process



Draft 12-5-08

FY08-09 FY09 PLAN

FY08-09 FY10 PLAN

FY09-10 OUT YEARS

	FY08-09 FY09 PLAN	FY08-09 FY10 PLAN	FY09-10 OUT YEARS	
JUL	Draft implementation	Draft implementation	Implement FY10 action agenda	FIRST QUARTER
AUG	Draft implementation	Draft implementation	Portfolios assess FY09 performance & metrics Outcomes posted on web	
SEP	Draft implementation	Draft implementation	★ Portfolios refresh action plans for FY11 Plans posted on web	
OCT	Mtgs. various groups "First Steps" - BOT	Mtgs. various groups "First Steps" - BOT	Leadership retreat late October Modification of FY11 plans	SECOND QUARTER
NOV	Select leaders for FY09 actions	Form & charge Plan Action Com. Form & charge Alliance Working Groups	PAC prepares draft FY11 action agenda Reviews feedback fr stakeholders	
DEC	Complete plan outlines for FY09 actions	★ Portfolios work on plan outlines Alignment, FY10 actions, benchmarks, costs	★ Input from stakeholders Portfolios prepare FY10 biannual progress reports	
JAN	Implement FY09 actions	Outlines due PAC review Leadership retreat	PAC prepares final FY11 action agenda	THIRD QUARTER
FEB	Implement FY09 actions	PAC recommendations for FY10 action agenda	Action agenda integrated with budget	
MAR	Implement FY09 actions	★ Annual budget preparation Seed funding proposals due	★ Annual budget preparation	
APR	Implement FY09 actions	Annual budget preparation Allocation of seed funds	Annual budget preparation	FOURTH QUARTER
MAY	Portfolios prepare FY09 progress reports	Portfolios prepare FY09 progress reports	Portfolios prepare FY10 biannual progress reports	
JUN	Presentation to BOT FY09 progress	★ Presentation to BOT FY09 progress & FY10 action agenda	★ Presentation to BOT FY10 progress & FY11 action agenda	



INDICATES QUARTERLY INTERNAL COMMUNICATION

Definition of an *individual* COI according to new Case policy

"An individual conflict of interest exists when an individual covered by this policy has an outside interest that might adversely affect or appear to adversely affect the individual's judgment in carrying out University responsibilities, or that might adversely affect or appear to adversely affect the University's responsibility to the public, the safety of research subjects, or the integrity of research."

Policy section #I-B

Definition of an *institutional* COI according to new Case policy

"An institutional conflict of interest arises when the financial interests of the University, or a University official acting within his or her authority on behalf of the University, may influence or appear to influence the research, education, clinical care, business transactions, or other activities of the University. In the case of research, the concern is that the financial interests of the University, or of a University official acting within his or her authority on behalf of the University, might affect—or reasonably appear to affect—University processes for the conduct, review, or oversight of the research." Policy section #II-B

Who is required to report under the new policy?

"All University officers and senior officials, all University faculty (whether or not engaged in research), except volunteer faculty in the School of Medicine or special faculty members not paid by the University, unless engaged in sponsored research; emeritus faculty (who have an ongoing relationship with the University or who are engaged in sponsored research); and senior/key personnel and other individuals who contribute to the scientific development or execution of a research project in a substantive way, and any other employees at the request of their supervisor." Policy sections I-A and I-C-1.

What's new for faculty and investigators under the revised COI policy?

2009 - new COI policy clarifies:

1. Report any "financial interest"
2. "Special" (not full-time) faculty paid by Case are required to report
3. Covered individual reports financial interest of self, spouse, dependent children, *domestic partner, or any other person living in the same household as the individual.*
4. Deans receive COI management plans of their faculty
5. Clarification that a financial interest held by an institutional official can create an institutional conflict of interest. Expanded in policy: definition of "institutional official"

COI Committee procedures:

1. For COIs related to research: reported \geq \$10,000 annual compensation, and/or \geq \$10,000 or 5% in a publicly held company.
2. "Special" faculty were not required to report (except researchers).
3. Individual reported financial interest of self, spouse, dependent children
4. Deans received a list of names, and could request COI plans for their faculty.
5. COIs were managed where institutional official had an interest related to research.

Expected increase in 2009--# of COI reports

2008 annual COI reports were required of these populations

• FT faculty	2597
• <u>Non-faculty investigators</u>	<u>434</u>
2008 Total	3031

2009 annual COI reports will be required of these populations

• FT faculty	2597
• Non-faculty investigators	434
• <u>"Special faculty" paid by Case</u>	<u>520</u>
Expected 2009 total=17% increase over 2008 total	3551

NOTE:

<u>Special faculty not paid by Case are not required to report</u>	<u>2741</u>
Requiring these special faculty to report would =100.8% increase, or...	6292

Opportunities under new policy

- In 2008, 1200 (40%) of 3031 annual forms were submitted on paper (mail/fax) due to lack of Case network IDs for faculty not paid by Case
- 520 special faculty paid by Case will be added to the online system
- Paper reporting will be impossible due to level of detail required on 2009 report; thus, there will be 1720 *new users of the online system*.
- Ongoing provision of network IDs by Central IT for all required to report will be crucial, including SOM faculty not paid by Case
- Staffing will be required in COI office to:
 - Develop IT resources, procedures for reporting, annual and "off-cycle"
 - Train 1720 new users to report online
 - Train all faculty, investigators on new policy
 - Analyze increased data reported annually and "off-cycle"
 - Manage increased workload for COI Committee (review, COI plans)
 - Monitor (1-3 years) all COI plans, process increased # of updates to plans
 - Develop additional processes to identify and manage institutional COIs

Considerations for faculty and investigators

- 2009 SpiderWeb online annual reporting process, as well as update reporting will be similar, but the form will be more detailed.
- No immediate drastic changes are expected to existing COI plans or in the management of new COIs. The COIC has begun the discussion of how COIs will be managed under the new policy and how best practices can be improved.
- Faculty and investigator input will be welcomed by the COIC regarding reporting, as well as COI review and management.

Research COI Management Plans

- Factors considered in developing a COI plan
 - Human subjects research?
 - Animal research?
 - NIH sponsorship?
 - Supervision of staff or academic advisees?
 - Will publications be generated?
 - Who will analyze the data?
 - Is there independent data review?
- Precedent guides COI plan development
- *NIH regulations; AAMC, AAU and other professional association guidance; and best practices among other academic medical centers are considered in developing COI plans at Case*