Quarterly Compliance Report – Civil Rights/Employment

INFORMATION

For information only.

BACKGROUND

In November 2015, Elizabeth Cherry, Associate Vice Provost, Compliance and Risk Services, presented a report on the University’s new Structural Compliance Program. Over an 18-month cycle, the Board of Regents will receive a quarterly report from each of the six key institution-wide compliance areas:

- Research
- Health & Safety
- Financial
- Information
- Special Areas (e.g. global activities)
- Civil Rights/Employment

The quarterly report for April 2017 is Civil Rights/Employment. Relevant information is included in the attachments.

Attachments
1. University of Washington Civil Rights/Employment Compliance
2. University of Washington Civil Rights/Employment Compliance Priority Item 1: Implementation of Student Conduct Code Revision
University of Washington Civil Rights/Employment Compliance

Overview

Opportunity, accessibility, diversity, equity, and inclusion are implicit in the mission of every public research institution – not just because they are reflected in laws and regulations – but because they provide an essential foundation for higher education’s primary functions: teaching, research, and service. University communities, including their students, employees, and patients, are supported by a broad group of civil rights mandates which include the Civil Rights Act, the Americans with Disabilities Act (ADA), and Title IX. Additional rights are conferred on faculty and staff by statutes such as the Fair Labor Standards Act, Age Discrimination in Employment Act, Family and Medical Leave Act (FMLA), and Consolidated Omnibus Budget Reconciliation Act (COBRA). Simply put, these laws and regulations support many of a university’s key objectives: hiring top faculty and researchers; ensuring equal access to programs, facilities, and financial aid; providing equitable treatment of patients in teaching and research hospitals; and offering students a welcoming learning environment.

The University of Washington takes its obligations under the spectrum of civil rights and employment laws seriously. Service provider units across all three campuses – including those in Human Resources, Academic Human Resources, Student Life, and Compliance Services – are staffed by subject matter experts. These professionals deploy the institution’s policies, procedures, and reporting and investigation mechanisms, to ensure that federal and state compliance mandates are observed.

Compliance is embedded in UW’s day-to-day operations, and its ethos is deeply rooted in the institution’s vision and values. Current initiatives and efforts demonstrate the University’s essential commitment to fairness, equality, and non-discrimination. Among many others, these include: the challenges articulated by the Race and Equity Initiative, the aspirations contained in the UW Diversity Blueprint, and the goals of the Brotherhood Initiative.

Compliance Services facilitates and supports compliance work across the institution by providing a unifying framework for the University’s diverse compliance obligations and subject matter experts. The framework is based on seven elements that characterize effective compliance programs: 1) leadership and oversight, 2) standards of conduct, policies and procedures, 3) education and outreach, 4) monitoring and auditing, 5) receiving reports and investigating, 6) accountability, incentives and corrective action, and 7) response and prevention.

Compliance Services convenes subject matter experts for facilitated assessments designed to identify strategies or initiatives that strengthen the maturity of the University’s compliance functions and emphasize continuous improvement.
Assessment

In February 2017, assessment sessions were held with civil rights and employment compliance subject matter experts representing areas across the institution: human resources (staff, faculty, and medical centers), disability services (staff, faculty, and students), enrollment and undergraduate admissions, and compliance services among them. Through those meetings, two priority items were identified for focused attention over the next 18 months: 1) implementation of a revised Student Conduct Code designed to keep pace with broad and evolving compliance requirements; and, 2) creation of a task force to examine governance and delivery of disability services provided to the University community.

The Civil Rights/Employment compliance assessment was led by:
Elizabeth Cherry | Associate Vice Provost, Compliance and Risk Services
Jill B. Lee | Executive Director, Compliance Services
Erin F. Rice | Assistant Vice President, Campus HR Operations

Subject matter experts:
Phil Ballinger | Associate Vice Provost for Enrollment & Undergraduate Admissions, Enrollment Management
Beth Beam | Assistant Vice Chancellor, Organizational Excellence & Human Resources, UW Bothell
Bree Callahan | Director, Disability Resources for Students (DRS)
Ian Campbell | Manager, Disability Resources Office (DSO)
Christina Chang | Assistant Vice President, University Advancement, Finance & Administration
Peter Denis | Assistant Vice President, Labor Relations, Human Resources
Trish Fiacchi | Director of Human Resources, UW Tacoma
Rob Kosin | Assistant Attorney General, UW Division of the Attorney General’s Office
Shelley Kostrinsky | Assistant Vice Provost for Academic Personnel, Office of the Vice Provost for Academic Personnel
Kate Leonard | Title IX/ADA Coordinator, Compliance Services
Ian Messerle | Manager, University Complaint Investigation and Resolution Office (UCIRO)
Jackie Mynarski | Associate Athletic Director, Compliance, Intercollegiate Athletics (ICA)
Jennifer Petritz | Director, UW Medicine Human Resources – Employee Relations
Shari Spung | Director, Claim Services, Compliance and Risk Services
Barb Van Ess | Director of Personnel Policy, Dean’s Office, UW School of Medicine
Randy West | Executive Director, HR Compensation, Campus HR Operations
Anne Winkelman | Director, Academic Human Resources

Summary of Priority Items

Priority Item 1: Implementation of Student Conduct Code Revision
The UW maintains a code of student conduct to help foster a positive learning and living environment on its three campuses and in its educational programs. Effective implementation and application of the
code as it applies to all types of misconduct – discriminatory and sexual harassment, intimate partner violence, sexual assault, stalking, and other behavioral, as well as academic, misconduct – is essential to preserving that environment. Compliance mandates, coupled with increasing national attention to the problem of sexual assault on college campuses and the needs of students participating in the conduct process, dictate the need for a revamped Student Conduct Code. Student Life and Compliance Services will lead a collaborative effort to implement the forthcoming student conduct code revision.

Priority Item 2: Disability Services Governance Task Force
Every day, tens of thousands of people – faculty, staff, students, patients, and visitors – access University of Washington facilities, programs and services. University websites and online documents, classrooms and residence halls, research labs and offices, venues for sports and arts, and hospitals and clinics, should be accessible to anyone who uses them. While dedicated offices across the institution provide individual accommodations and work diligently to ensure accessibility, the large and decentralized nature of the University means that identifying and implementing systemic improvements is challenging. A task force will be convened to make recommendations for an operational structure that will effectively assess, prioritize and coordinate institution-wide strategic priorities for an inclusive and accessible campus environment.
Challenge Statement
The UW maintains a code of student conduct to help foster a positive learning and living environment on its three campuses and in its educational programs. Effective implementation and application of the code as it applies to all types of misconduct – discriminatory and sexual harassment, intimate partner violence, sexual assault, stalking, and other behavioral, as well as academic, misconduct – is essential to preserving that environment. Processes and procedures for code enforcement must comply with applicable federal and state laws and regulations, be prompt and equitable, and utilize the expertise of faculty and staff process partners across the University. Compliance mandates, coupled with increasing national attention to the problem of sexual assault on college campuses and the needs of students participating in the conduct process, dictate the need for a revamped Student Conduct Code.

Context
At universities across the country, there has been a renewed focus on student conduct processes, especially with regard to sexual misconduct. For the last year – at the direction of the Title IX Steering Committee and UW senior leadership – Student Life and Compliance Services have engaged in extensive work with external experts and close collaboration with faculty governance entities to review and approve revisions to the Student Conduct Code. These efforts also include the development of companion University policies that further clarify the conduct process for students and facilitate future updating and improvement. The overarching goal of this code revision and policy development endeavor is to devise a Student Conduct Code process that better serves students by making it more clear, streamlined and responsive.

The UW's Student Conduct Code articulates a shared understanding of expected behavior, and the process for addressing and resolving complaints that a UW student has engaged in behavior that violates standards of conduct. A conduct system that is student-centered and trauma-informed, and provides ample notice and opportunities to be heard, is better for students and outcomes; it also fulfills the compliance mandates of the Washington Administrative Procedure Act, Title IX, and the Violence Against Women Act.

Mitigation Plan
The implementation of a revised Student Conduct Code is a complex, multi-faceted effort. Student Life and Compliance Services will continue to collaborate with leadership, faculty and staff, student conduct offices, and other service providers across the three UW campuses to:

- Determine necessary resources, and administrative and operational procedures, that support the new conduct code set out in a forthcoming provision of the Washington Administrative Code (Chapter 478-121 WAC), and University companion policies (Chapter 209 and 210 (Student Governance and Policies));
• Ensure functional integration of the new code into schools, colleges, and programs across the institution, including those that have specialized professional or program conduct codes, for example study abroad programs and the medical school;
• Create and coordinate delivery of education and outreach for students on the code process, how to make a complaint about student misconduct, and related resources; and,
• Develop a plan for a continuous cycle of monitoring and review to assess the effectiveness of the new conduct code, and to facilitate future process improvements.

Project Leads
Jill Lee | Executive Director, Compliance Services
Ellen Taylor | Associate Vice President, Office of the Vice President for Student Life

Sample of Relevant Laws and Regulations
Federal
• Title IX of the Education Amendments of 1972: 20 U.S.C. § 1681

State
• Administrative Procedure Act (APA): Chapter 34.05 RCW
Challenge Statement
Every day, tens of thousands of people – faculty, staff, students, patients, and visitors – access University of Washington facilities, programs and services. University websites and online documents, classrooms and residence halls, research labs and offices, venues for sports and arts, and hospitals and clinics, should be accessible to anyone who uses them. While dedicated offices across the institution provide individual accommodations and work diligently to ensure accessibility, the large and decentralized nature of the University means that identifying and implementing systemic improvements is challenging. UW needs an operational structure that can effectively assess, prioritize and coordinate institution-wide strategic priorities for an inclusive and accessible campus environment.

Context
The Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 prohibit discrimination and ensure that persons with disabilities have equal opportunity and equal access to employment, state and local government services, public accommodations (e.g., restaurants, places of lodging, retail establishments, social service organizations, etc.), commercial facilities, and transportation.

A decentralized network of accessibility and disability accommodation service providers operate across the University, including: Disability Resources for Students, Disability Services Office, ADA Coordinator, Facilities Services, and the Accessible Technologies division of UW-IT. These providers, along with their counterparts at UW Bothell and UW Tacoma, are responsible for carrying out the mandates of relevant laws and regulations. A group of them recently assessed the current state of service delivery to individuals with disabilities and discussed opportunities for improvement. They are developing recommendations for improving the effectiveness, efficiency, and coherence of service delivery – some of which can be implemented immediately, and some of which will require institution-level assessment and prioritization.

Mitigation Plan
A task force, with appropriate representation from across the institution, will be convened to:

- Review peer institutions’ best practices for creating an inclusive and accessible campus environment
- Review charters and memberships of existing disability-related UW boards and committees, and their reporting systems, and make recommendations for streamlining and improvement
- Recommend organizational placement, authority, and a structure for service delivery that will effectively assess, prioritize and coordinate institution-wide strategic priorities
Sample of Relevant Laws and Regulations

Federal


State

- Discrimination – Human rights commission: Chapter 49.60 RCW