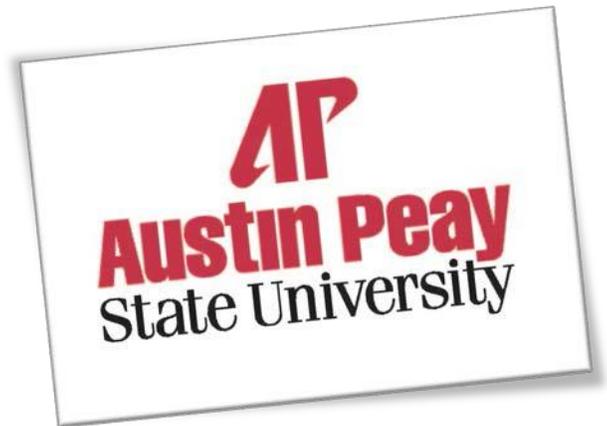

University Policy Committee Meeting

November 2017

Browning Conference Room



Minutes

November 14, 2017

Attendees: Mitch Robinson, Rex Gandy, Derek van der Merwe, Sherryl Byrd, Barry Jones, Stephen Dominy, and McCartney Andrews (minutes)

Guest: Mike Hamlet and Sheila Bryant

Absent: Frank Burns

1. Approval of minutes from the October 10, 2017 meeting

Dominy made a motion to approve the university policy committee minutes from the October 10, 2017 meeting; Jones seconded the motion. The committee approved the minutes.

Old Business – First Reading – Tabled:

2. Reclassification of Non-Faculty Personnel/New Position Requests 5:026

Gandy motioned to table the policy until further discussion about the compensation plan. Jones seconded the motion.

Discussion:

Changes were made this morning. The changes are under the procedures section. Old procedures were out dated due to new compensation plan. Trying to make the policy to where the compensation money is not used to close the gap for reclassifications. Gandy asked about a written compensation plan that has the formula and numbers but this has been removed from the compensation plan. It seems that the plan is changing from year to year. Byrd suggested that the information in the policy may need to be in the compensation instead of the policy and just general procedures in the policy. There was confusion about the differences between

reclassification and promotion. The employee needs to stay at the percent of their median point even when they move to the reclassified position. This could cause an issue with the budget as well. Issue with not having the formulas online anymore because this makes it seem that there is not a compensation plan. It seems that there is a mystery to faculty and staff of how their market median is calculated and the process as well. The calculation has been moved out of the plan but is still a part of the decision when the implementation committee makes recommendations for salary adjustments. Further discussion needs to be had about the compensation plan and aligning the policy with the plan. Also, need to discuss the possibility of having formulas in the plan.

Issue with capping the professors time in position.

Committee Vote:

The committee approved the policy to be tabled.

3. Discrimination and Harassment Based on Protected Categories other than Sex – Complaint and Investigation Procedure 6:004

No vote was taken. Further discussion and vote will be held at next meeting.

Discussion:

Why did we separate the two out? There are different things that have to be done for discrimination based on sex compared to discrimination. The policy may change further due to new administration. On page 6 and 7, refers to “victims” but should it be “alleged victims”? It can say “who believes they have been a victim” on page 6, number 1 and “who believes they have knowledge of potential discrimination” on page 7, number 3. On page 13, number 8, “the respondent should get a complete record of the written complaint.”

What recourse, if any, can be done for the respondent, such as can a lawyer be hired? Once a lawyer has been hired, then has to be turned over to Legal Affairs. On page 12, “After review by Legal Affairs...” On page 15, number 13 “Any investigation ...a report is submitted” but to whom is the report submitted? The report will be submitted to the President or Board of Trustees. If person is found to not be discriminatory, then the disciplinary action needs to be changed. May need to say referral will be made to Human Resource. On page 15, number 14 “a ~~final~~ written determination”.

Move to adjourn by van der Merwe and seconded by Gandy. Another meeting will be scheduled to discuss 6:001 and 6:004. All other policies will be sent to the committee by email for a vote.

Adjourned at 2:57 p.m.

4. Misconduct, Discrimination, and Harassment Based on Sex (Including Pregnancy, Sexual Orientation, and Gender Identity/Expression) 6:001

Policy will be discussed at next meeting.

The below policies were sent for an email vote on November 15, 2017.

Old Business – Second Reading - Tabled:

5. Moving Allowance 5:009

Approved = 5
Declined = 0
Further Discussion = 0

The committee approved the policy for policy for second reading and to be sent to the President.

Old Business – Second Reading:

6. Delegation of Authority for Approval and Execution of Contracts and Agreements 4:002

Approved = 3
Declined = 0
Further Discussion = 2

Further discussion is needed on the policy. An amendment was proposed page 3, under Contract Approval Process as indicated below. Byrd would like to see contracts between \$10-50,000. "Before any ~~\$50,000~~ \$10,000 and above contract/purchase order is executed, the associated budget amount must be approved by the appropriate Vice President."

7. Contracts 4:013

Approved = 5
Declined = 0
Further Discussion = 0

The committee approved the policy for policy for second reading and to be sent to the President.

8. Reports of Expenditures by the President 4:016

Approved = 5
Declined = 0
Further Discussion = 0

The committee approved the policy for policy for second reading and to be sent to the President.

9. Educational Assistance for Spouse and Dependents of APSU Employees 5:005

Approved = 5
Declined = 0

Further Discussion = 0

The committee approved the policy for policy for second reading and to be sent to the President.

November 29, 2017 Meeting

Attendees: Mitch Robinson, Rex Gandy, Derek van der Merwe, Sherryl Byrd, Barry Jones, and McCartney Andrews (minutes)

Guest: Sheila Bryant

Absent: Stephen Dominy and Frank Burns

1. Discrimination and Harassment Based on Protected Categories other than Sex – Complaint and Investigation Procedure 6:004

Gandy made a motion to approve the policy for first reading with changes noted and to be moved to second reading. Jones seconded the motion.

Discussion:

We can take out victim and use accuser/complainant and accused/respondent, similar to 6:001. This has been done at other schools.

Getting a copy of the written complaint can be a concern. What is specific to the complaint, then the respondent can get that or the written complaint could be redacted. The complaints are very general in nature. The personal identifiable information can be removed/redacted from the complaint. The issue with redacting is the document will not flow. Need to speak with legal about giving the whole complaint without it being redacted. There can be an issue that only one person complains and there could be many others that are named in the complaint who have witnessed the discrimination or been a part of the discrimination.

Van der Merwe motioned to approve having the original report with redaction and Jones seconded. Gandy felt that anything that should be fouye should be given up front. Robinson worried that retaliation could occur. Jones asked if the claimant could not include others names without their names but you can't make them not write the names. Legal advised not to give the written report but give the summary as it is written in the policy. The summary is in quotes and has examples given by the complainant. A majority of the committee was in favor of having a redacted report with one apposed.

On page 15, number 13, the second to last sentence needs to say "Any investigation and subsequent discussion should be documented and a report submitted to the President as set forth in this procedure." On page 15, on number 13, the final sentence should say "It should also be noted that conduct that does not rise to the level of actionable discrimination or harassment may provide a basis for disciplinary action through the supervisory chain against the Respondent." On

page 15, number 14, in the first sentence “final” needs to be taken out.

Committee Vote:

The committee approved the policy for first reading with changes noted and to be moved to second reading.

2. Misconduct, Discrimination, and Harassment Based on Sex (Including Pregnancy, Sexual Orientation, and Gender Identity/Expression) 6:001

Gandy made a motion to table the policy until the UT-Knoxville policy can be reviewed. Van der Merwe seconded the motion.

Discussion:

Concern that the policy is too long. Bryant showed what UT-Knoxville’s policy looked like. They have a policy and then appendices with procedures. Byrd would like for the procedures to not be in the policy. Who is the amending authority for procedures? In this case, the procedures would still come to the policy committee for review since they are appendices, which are a part of the policy. Gandy thinks that all discrimination should be handled the same way. There are different federal regulations for each policy. UT’s policy does not discuss discrimination. Robinson asked for a motion to be made for the policy to be tabled to see if UT has a solid and valid policy that APSU could use as an option.

Committee Vote:

The committee approved the policy to be tabled.

3. Delegation of Authority for Approval and Execution of Contracts and Agreements 4:002

Gandy made a motion to approve the policy for second reading and to be sent to the President upon confirmation with Purchasing. Van der Merwe seconded the motion.

Discussion:

Byrd would like to just be notified of the contract but does not have to approve it. We will check with Purchasing to see if that is possible.

Committee Vote:

The committee approved the policy for second reading and to be sent to the President upon confirmation with Purchasing.