

The Higher Education Workplace

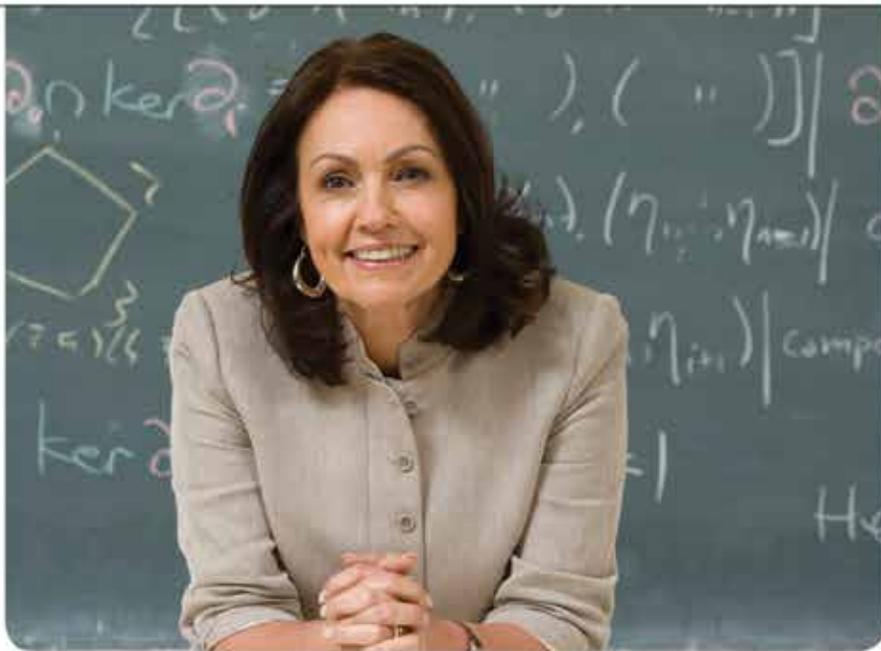
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The Higher Education Workplace

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Stop and Smell the Roses

By Andy Brantley, CUPA-HR President and Chief Executive Officer



When was the last time you were involved in an event or activity that caused you to look around and think, “I am so fortunate to be here”? To be honest, I never really thought about this very much until recently.

A few “I am so fortunate to be here” moments for me during the last several months:

- Getting to hike in and out of the Grand Canyon with one of my sons;
- Hiking in Zion National Park (and experiencing one of the most beautiful views I have ever seen);
- Seeing hundreds of wild azaleas in bloom during a hike to Gregory’s Bald in the Smoky Mountains;
- Running along the shore of a local lake as the morning fog lifted;
- Spending time with friends and family on my screened porch;
- Successfully finishing an intense P90X plyometrics workout without feeling like I was going to throw up;
- Celebrating the 10-year anniversary of the move of the CUPA-HR national office from Washington, D.C., to Knoxville, Tennessee;
- Participating in this year’s Association Leadership Program with CUPA-HR’s national, regional and chapter leaders from across the country;
- Seeing CUPA-HR’s new Learning Framework “come to life” through the programming for the upcoming annual conference in Las Vegas;
- Having a friend and colleague tell me how much CUPA-HR has impacted her personally and professionally.

I could list a few more examples, but the point is that I am trying to do a better job of enjoying and embracing important moments at and away from work. The event

or activity does not have to be as “grand” as hiking the Grand Canyon. The point is that we stop the speeding train that is our life long enough to acknowledge and enjoy the ride!

We HR types have talked about work/life balance for years, but for me it’s not as much work/life balance as it



is a commitment to enjoying the things I do at and away from work. Not every portion of my work role is enjoyable (being stuck in an airport for hours) and not every part of my life away from work is enjoyable (my house is always clean, but I hate housecleaning). But I can tell you that I approach every day with a “my cup is AT LEAST half full” attitude and that I continue my quest for those “I am so fortunate to be here” moments. I challenge you to come up with your own list of “I am so fortunate to be here” moments from the last few months and commit to continuing to seek more of these moments every single day.



Andy Brantley | CUPA-HR President and CEO

Employers Continue to Be Tentative About the Role of Social Media in Hiring Process

The topic of social media remains top-of-mind for many employers. As adoption rates of social media continue to cross generational boundaries and new sites emerge, employers are struggling to remain ahead of the curve and better define how their organizations use social media. In an era where social media increasingly influences, and in some instances, even dominates, both personal and professional environments, organizations must tackle some serious questions:

- How much access to social media should employees be granted on company systems?
- Is social media a distraction, or does it help boost workplace productivity?
- How much are organizations permitted to regulate what is written by their employees on social networking sites?
- Can an employer take disciplinary action against a worker who posts unflattering comments about the organization on social media?

Federal Guidance Remains Absent for Social Media Use in Hiring

Unfortunately for talent management professionals, there has yet to be any such federal guidance on social media for a critical HR function like hiring. Therefore, employers are still not entirely certain about social media's role in the process. That said, a majority of employers do actively use social media as part of their recruiting function. In HireRight's 2013 *Employment Screening Benchmarking Report*, 54 percent of respondents indicated that they currently use social media for recruiting, with another 7 percent planning to do so. The practice is even more entrenched at larger employers (500+ employees), with 73 percent utilizing social media sites for talent acquisition.

Employers Wary of Social Media Background Checks

When it comes to social media background screening, however, employers tend to be much more cautious. Only 14 percent of survey respondents reported that they currently use social media for background screening purposes, with 7 percent planning to do so.

Far and away, Facebook is the most popular site for employers using social media for background screening, with 83 percent incorporating it into their employment screening process. LinkedIn (68 percent) and Google+ (32 percent) were the second and third most popular sites, respectively. At least part of this reluctance is not just due to the lack of clear regulatory or case law guidance on the practice, but can also be attributed to employers wanting to steer clear of thorny issues like discrimination and invasions of privacy.

Given these concerns, HireRight asked employers that were using social media as part of their background screening efforts if they have a company policy to govern the process. Fewer than one quarter (24 percent) of respondents indicated they do.

Without any guidelines governing how social media background screening is conducted, what information can be used in the hiring decision, and how to verify information, organizations risk exposing themselves to a variety of potential liabilities and may be inappropriately limiting their candidate pool based on subjective criteria.

This article first appeared on the HireRight blog on June 3, 2013. It was reprinted here with permission from HireRight.



With regards to the last couple of questions, employers received some clarification via the National Labor Relations Board (NLRB)'s recent decisions on social media policies in the workplace. For many employers, the NLRB's guidance reversed much of the conservative approach many employers had taken about social media (i.e., prohibition of any negative portrayals of the employer on social media).

AMA Says Obesity's a Disease ... What'll That Mean for HR?

Here's a thought that should make HR and benefits people shudder a little: the American Medical Association has officially recognized obesity as a disease. In a statement, the organization said it had "adopted a policy that recognizes obesity as a disease requiring a range of medical interventions to advance obesity treatment and prevention."

"Recognizing obesity as a disease will help change the way the medical community tackles this complex issue that affects approximately one in three Americans," AMA board member Patrice Harris, M.D., said in the statement. "The AMA is committed to improving health outcomes and is working to reduce the incidence of cardiovascular disease and type 2 diabetes, which are often linked to obesity."

So what does that mean? According to Andrew Pollack, writing for *The New York Times*: "To some extent, the question of whether obesity is a disease or not is a semantic one, since there is not even a universally agreed upon definition of what constitutes a disease. And the AMA's decision has no legal authority. Still, some doctors and obesity advocates said that having the nation's largest physician group make the declaration would focus more attention on obesity. And it could help improve reimbursement for obesity drugs, surgery and counseling."

Pollack goes on to summarize the arguments for and against calling obesity a disease. One reason in favor, he wrote, was that it would reduce the stigma of obesity that stems from the widespread perception that it's simply the result of eating too much or exercising too little. Some doctors say that people don't have full control over their weight. Supporters of the disease classification also say it fits some medical criteria of a disease, such as impairing body function.



Those arguing against it say that there are no specific symptoms associated with it and that it's more a risk factor for other conditions than a disease in its own right. They also say that "medicalizing" obesity by declaring it a disease would define one-third of Americans as being ill and could lead to more reliance on costly drugs and surgery rather than lifestyle changes. Some people might be over-treated because their "body mass index" was above a line designating them as having a disease, even though they were healthy.

We see a few more problems here. If obesity is a recognized "medical condition," would that mean obese employees could be eligible for such things as intermittent FMLA leave? Would formal diet programs have to be included in a company's no-pay preventive care package?

Only time will tell.

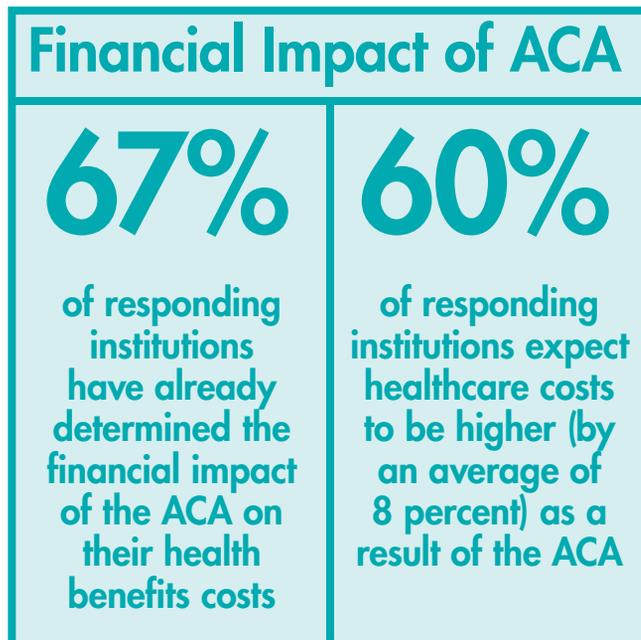
This article was authored by Tim Gould and first appeared on HRMorning.com. It was reprinted here with permission from HRMorning.com.

Institutions Expect Benefits Costs to Increase Under ACA

Many higher education institutions have been going like gangbusters to determine the impact the Affordable Care Act will have on their benefits plans and health insurance costs. And many are already implementing changes. According to findings from CUPA-HR's *2013 Employee Health Benefits in Higher Education Survey*, two-thirds of respondents indicated that they had already determined the financial impact of the ACA on their health benefits costs. Of those who have already done the math, 60 percent expect costs to increase an average of 8 percent. Forty percent of respondents expect costs to stay the same after the ACA mandate goes into effect, while no respondents indicated that they expected costs to decrease.

in-network deductibles, adopting or expanding the use of financial incentives to encourage healthy behavior among employees, and increasing in-network deductibles.

Only a quarter of the survey respondents said they have already identified the criteria they will use to determine if part-time or adjunct faculty are working 30 hours or more per week (and therefore must be provided healthcare coverage under the ACA). The majority (67 percent) indicated they are still working on determining that criteria. The majority of institutions surveyed do not plan to alter their use of part-time staff or adjunct faculty as a result of the ACA. On a related note, a substantial number of institutions already offer healthcare benefits to part-time staff and faculty who work at least 20 hours a week (39 percent and 46 percent respectively).



Other Findings of Note

Other findings of this year's benefits survey:

- PPO plans continue to be the plan of choice for most institutions. While 84 percent of institutions surveyed offer PPO plans, only 45 percent offer HMO plans, the second most commonly used plan type.
- The number of institutions utilizing high-deductible health plans (HDHPs) has more than doubled over the past four years (HDHPs are offered now by 40 percent of the institutions surveyed; in 2009 it was 17 percent).
- Fifty-seven percent of respondents offer healthcare benefits to same-sex partners (up from 46 percent in 2009 and 40 percent in 2006); the percentage offering benefits to opposite-sex partners has also increased (from 30 percent in 2006 to 42 percent this year).
- Roughly half of the respondents offer health benefits to retirees, both under and over 65, and half of these also pay part of the premium.

More than a quarter of respondents (27 percent) increased the employee share of premium costs in 2013 in preparation for the now-delayed 2014 employer mandate. Twenty-three percent said they had adopted or enhanced a wellness program and 17 percent indicated they had increased the employee share of dependent coverage costs. Other changes being planned or considered in light of the looming ACA requirements include increasing

For more information on CUPA-HR's 2013 Employee Health Benefits in Higher Education Survey, or to order results, visit www.cupahr.org/surveys/benefits.aspx.

Northwestern's HR Team Advances Institution's Academic Mission With Faculty Database

Northwestern University's office of human resources has found a way to do what every HR organization in a university setting strives to do: contribute in a meaningful way to the institution's academic mission. As part of a focused effort to introduce more innovative university-wide talent strategies, human resources created a robust faculty database designed to promote collaboration, boost productivity and attract new talent. Dubbed Northwestern Scholars, the application has not only contributed directly to the university's research, teaching and clinical missions, but also has contributed to HR management on campus and beyond.

What It Is

Northwestern Scholars is a searchable online database of faculty expertise across all disciplines at Northwestern University. The workforce application, developed and maintained by the office of human resources in collaboration with the office of the provost, contains profiles of faculty members comprised of publications and other scholarly accomplishments, grants and other user-input data. These data are used to visualize research networks and collaborations both within Northwestern and across a global community of institutions using such tools.

Northwestern Scholars unites information about the Northwestern faculty workforce in a unique and useful way. The tool enables the university to help new faculty and students find faculty members as research advisors, mentors, colleagues or collaborators at Northwestern and elsewhere and showcases the institution for the purpose of recruiting new faculty and graduate students. The database helps university leaders gain more insight on productivity by providing metrics on publications, grants and collaborations for individual faculty, departments and the university as a whole. It also helps identify faculty who need mentoring to improve levels of collaboration and productivity; assists faculty in finding funding opportunities; extracts collaboration data for proposals and faculty annual reports; and profiles and displays core facilities data across Northwestern, integrating these data with publications and grants.

Attend the concurrent session "Case Study: Can HR Truly Contribute to the Academic Mission?" at the CUPA-HR Annual Conference and Expo 2013 in Las Vegas this fall to learn more about the Northwestern Scholars database. Visit www.cupahr.org/conference2013. To see the database in action, visit www.scholars.northwestern.edu.

"Our university strategic goals are predicated upon the ability for faculty, students and staff to collaborate in a multidisciplinary way," says Pam Beemer, associate vice president for human resources at Northwestern. "We knew that traditional networking alone would not be sufficient to help us meet this goal. Rather, we needed to give our faculty a way to showcase their talent and connect with others in new and different ways, and the Northwestern Scholars database allows them to do just that."

How It Works

Northwestern Scholars is unique in its scope and technical underpinnings. In terms of scope, the application extends across all fields of study in the university. "Typically, tools such as this are focused in the areas of STEM and medicine," says Beemer. "However, we think it is critical to include the entire university, as innovations are increasingly born of collaboration across all disciplines. Northwestern Scholars has the ability to capture far more than published books and articles, including accomplishments as diverse as music and theatrical performances and journalistic publications."

The technical underpinnings were conceived by Northwestern and developed in partnership with an outside vendor. While some of the functionality is driven by vendor products, there are two notable Northwestern innovations in the tool. First is the use of "fingerprinting," using semantic web ontology, in new research areas outside of the STEM fields. This allows new search capabilities based on the unique taxonomies of the various fields of study. The second innovation is the "profile enhancer," which allows the inclusion of research

interests, educational and clinical background, awards, honors, committee work, previous employment and many other activities of faculty.

“In many cases, we were able to automatically populate these data elements from feeds from the various schools at Northwestern,” says Beemer. “In other cases, we used digital copies of faculty CVs and copied and pasted the data into the profile enhancer. By using existing university data, we were able to create a robust tool with virtually no time burden on our faculty.”

The application integrates information from Northwestern enterprise systems and other databases, including appointment data from the institution’s Faculty and Staff Information System; grant data from the office for research and affiliate hospital systems; patent data from the office for innovation; research statements, education and publications from a variety of local school databases; and more.

Northwestern Scholars initially profiled 3,000 faculty members, including all tenure-track faculty; paid emeritus faculty; 75 percent time or greater research and clinical faculty; continuing lecturers in arts and sciences; faculty of Northwestern University in Qatar; academic full-time faculty at or above assistant professor rank; library and contributed services faculty receiving grants or with publications; 75 percent time or greater instructors; and institutional collaborators such as scientists at the Chicago Botanic Garden and the Solar Fuels Institute (SOFI) (in fact, Northwestern is helping SOFI develop a similar application for solar fuel researchers globally). Profiles are matched to the vendor’s grant funding application, allowing faculty members to receive e-mail notifications of grant opportunities from more than 4,000 government and private funding sources.

How It’s Been Received

One of the best leading indicators of an innovation’s value is that it is being used frequently, repeatedly and intensively. And Northwestern Scholars is. The database was made available to faculty in February 2012. In just a year and a half, the site has had more than 200,000 visits. There have been more than 42,000 repeat users, with a core group of around 2,000 individuals who use the site on a regular basis. Among the application’s regular users are executives in Northwestern’s office of alumni relations and development, who have been using the database to match funding opportunities they receive from the private sector and foundations to faculty members, and

the various Northwestern schools, which are downloading data for their websites’ faculty profiles and annual activity reports.

“Our faculty will not spend their time on an application that does not advance their research, teaching and clinical agendas,” says Beemer. “We are delighted at the indicators of success at this stage of implementation. Data show us that our faculty members, and many administrators and executives, find the database to be truly useful and helpful.”

In addition to providing value to faculty and contributing to the academic mission of the university, the application has also served to advance the institution’s HR management practices. “The database serves as a powerful and unique recruiting tool, provides a wealth of objective data for use in individual development planning and performance feedback, gives our administration new tools with which to analyze human capital within the university, and brings faculty members to self-service,” says Beemer.

Provost-Approved

One of Northwestern Provost Daniel Linzer’s highest priorities is to help the institution’s faculty sustain high levels of productivity and impact. And he’s certain Northwestern Scholars is helping to meet that goal. “Northwestern Scholars exemplifies the power of connection and innovation in higher education,” says Linzer. “This tool provides a comprehensive picture of scholarly activity on our campuses (and beyond), facilitates multidisciplinary collaboration among faculty and students, sparks research innovation and impact, and strengthens mentorship. I believe the Scholars database will have a profound long-term impact on the creativity and productivity of our faculty and students.” 

For its Northwestern Scholars database, Northwestern University’s Faculty and Staff Information System (FASIS) team received CUPA-HR’s 2013 HR Innovation Award. Thanks to the generous support of PeopleAdmin, CUPA-HR is pleased to offer a \$3,000 contribution to Northwestern’s endowment or a scholarship of the team’s choice. The team will be recognized at CUPA-HR’s annual conference in Las Vegas this fall.

Building a Safe Community for Children

The horrific acts committed by ex-Penn State assistant football coach Jerry Sandusky against children he came in contact with through The Second Mile organization and the alleged cover-up of this abuse by authorities at the highest levels in the Penn State organization left an indelible mark on the university. The nation was outraged and the powers that be at Penn State were widely viewed as caring more about their own reputations and the legacy of their football program than about the victims of Sandusky's unspeakable crimes. Penn State became the example of how NOT to handle a crisis situation.

After the abuse came to light, morale at the institution was at an all-time low, distrust was at an all-time high and the shame and embarrassment of the crimes Sandusky committed permeated the Penn State culture. The campus community needed something positive on which to focus. "There was absolutely no way we could ever right the wrong that occurred here," says Susan Basso, Penn State's vice president for human resources. "What we could do however — with the support of leadership — was try to ensure something like this never happens again on our campus or in our community."

In January 2012, under the leadership of Susan Cromwell, Penn State's Center for Workplace Learning and Performance (CWLP) was charged with leading a campus-wide education initiative on mandated child abuse reporting. The focus of the initiative was centered around the development of consistent and sustainable professional development programs focusing on training for reporting child abuse, helping participants not only increase awareness regarding child abuse, but more importantly preparing them to take action in the event they encounter a situation where they might suspect abuse.

The initiative was geared toward individuals at Penn State — well over 50,000 faculty, staff, administrators, students and volunteers — who interact with children in any way, particularly those involved with any of the institution's youth-centric programs, camps or workshops. The initiative focused on teaching the Penn State community to be better bystanders whether or not they have a mandate to report abuse; helping the campus community to be proactive in the prevention of abuse; ensuring a safe environment for children on campus; establishing a clear protocol for reporting abuse or suspected abuse and educating

the campus community on that protocol; ensuring that people know what resources are available to assist them in reporting; ensuring that people understand the importance of reporting; and easing the fear of reporting.

"Developing the reporting child abuse education program was a campus- and community-wide undertaking," says Basso. "In order to develop a robust, quality program, we needed to engage both university experts and community experts." This included seeking guidance, resources and input from Penn State faculty (from the Dickinson School of Law, Hershey Medical Center and the College of Health and Human Development); student affairs; public media; HR; the athletics department; IT; Penn State Extension; Penn State Outreach; public relations; university police; and a number of community organizations.

The CWLP team benchmarked over 20 different providers and curriculums around the topic of child abuse and reporting. A mandated reporter training program, provided through the Pennsylvania Coalition Against Rape and authored by NOVA Bucks County, a local victim assistance network, was selected and permission to use

Did You Know?

According to the Child Welfare Information Gateway, 48 states and the District of Columbia designate professions whose members are mandated by law to report child maltreatment. Individuals designated as mandatory reporters typically have frequent contact with children and include social workers; teachers, principals and other school personnel; physicians, nurses and other healthcare workers; counselors, therapists and other mental health professionals; childcare providers; medical examiners or coroners; and law enforcement officers. Directors, employees and volunteers at entities that provide organized activities for children, such as camps, youth centers and recreation centers, are also considered by many states to be mandated reporters. And four states (Louisiana, Oregon, Virginia and Washington) have designated as mandatory reporters faculty, administrators, athletics staff and other employees and volunteers at higher ed institutions.

For more information and resources on mandated child abuse training, visit www.childwelfare.gov.

giving back

the content was secured. A learning design team made up of staff from CWLP and Penn State public media began the process of creating a program that would address Penn State's needs.

The first round of mandated training began in April 2012 and targeted the roughly 8,000 Penn State employees and more than 8,000 volunteers who were considered mandated reporters under Pennsylvania law (those responsible for children at the numerous camps and summer offerings across the university). The training is designed to help participants understand the issues surrounding child abuse, Pennsylvania laws and Penn State policies, and how to report child abuse. "In light of what happened at our institution, this was an opportunity to do something proactive, to begin to try to make a difference in the child abuse epidemic and give our community something positive on which to focus," Basso continues. "Providing this education was an important step in our healing process."

The live, classroom training — facilitated by a team of CWLP certified trainers — was delivered to more than 10,500 Penn State faculty, staff, students and volunteers

in just under a year's time. Due to the sheer volume of training sessions and participants and the need for a more sustainable model of delivery, the CWLP team created an online version of the training, which went live in March of this year. Classroom training will continue to be available for specific groups or situations.

"A key benefit, beyond the Penn State goal of building a safe place for children, is the fact that every person who completes this training, whether employee or volunteer, is part of a family, home or community in Pennsylvania," says Basso. "All of the individuals who have been trained are now prepared to take this knowledge with them when they leave Penn State, and hopefully will be poised to make the world a safer place for children." 

Penn State's reporting child abuse training program was nominated for CUPA-HR's 2013 Community Service and Outreach Award. This year's recipient, University of Georgia's Young Dawgs program, was highlighted in the Fall 2010 issue of *The Higher Education Workplace* magazine. Visit www.cupahr.org/youngdawgs to read the article.

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RIT's Multidimensional Diversity Framework

Like most institutions of higher learning, Rochester Institute of Technology (RIT) is committed to growing and sustaining a diverse and inclusive campus community. To help meet this goal, the university has developed a framework designed to guide the integration of diversity efforts across the campus. Shaped by RIT's core values, the Inclusive Excellence Framework infuses diversity practices into the university's recruiting, admissions and hiring processes, curriculum, and administrative structures and practices. The framework consists of four dimensions — access and success, campus climate and intergroup relations, education and scholarship, and institutional infrastructure.

Access and Success

The goal of the framework's access and success dimension is to achieve a more diverse and inclusive student body, faculty and staff. RIT's Office of Faculty Recruitment and Retention (OFRR) plays an integral role in this effort. OFRR works closely with colleagues across the institution, including deans, faculty members and senior administrators, to help recruit and retain diverse faculty and to address issues that arise in the domain of faculty success. OFRR's core mission is to build a relationship network with women and African Americans, Latina/o Americans and Native Americans (AALANA) and scholars, faculty and executive-level professionals. OFRR provides support, direction and training to search committees conducting faculty searches and plays a significant role in assisting human resources in attracting and recruiting candidates of color and women to faculty positions.

Faculty Retention. OFRR provides leadership and oversight for RIT's AALANA and Women Faculty Associates (WFAs) initiatives. WFAs provide leadership and guidance to their colleagues by offering support on navigating the promotion and tenure process and other duties in support of the success of faculty members.

Faculty Recruitment. In 2012, OFRR provided support to faculty search committees for approximately 53 faculty positions including AALANA and women referrals within all nine colleges and RIT's Golisano Institute of Sustainability. OFRR collaborates with human resources on continuous process improvements and recruitment best practices and works with search committees to help them transition from a "screening and selection" ideology

to a recruitment committee paradigm with special emphasis on greater institutional consideration. OFRR also provides multicultural and bias awareness training for search committees.

This fall will mark the 10th year that OFRR has hosted its nationally recognized signature event, the Future Faculty Career Exploration Program (FFCEP). This innovative program brings students from around the world who are nearing the end of their doctoral studies to RIT for an all-expenses-paid weekend to explore potential career choices through exploratory interviews; presentations of their research; meetings with deans, department heads, students and RIT's president; and campus and community tours. AALANA students and individuals from other underrepresented and minority groups are encouraged to apply for the program.

In 2012, FFCEP received a total of 186 AALANA applicants and an additional 20 non-AALANA applicants from 113 institutions representing 38 states and six countries. Twenty-three prospective faculty members participated in last year's program. Six participants from the 2012 program have applied for faculty openings to date, three of which participated in the interview process and one of which was offered a tenure-track position.

Campus Climate and Intergroup Relations

The goal of the Inclusive Excellence Framework's campus climate and intergroup relations dimension is to create and sustain an organizational environment that acknowledges and celebrates diversity and employs inclusive practices throughout its daily operations.

GLBT Task Force. In December 2011, RIT President William Destler assembled and charged a GLBT task force to examine the climate and related issues for gay, lesbian, bisexual and transgender faculty, staff and students on the RIT campus. The institution's director for diversity education co-chaired the committee, overseeing an 11-person group comprised of faculty, staff and students. The group completed a comprehensive report last fall, outlining 16 recommendations that addressed various GLBT issues within the RIT community. The report was based on members' assessments, benchmarking, an examination of best practices regarding GLBT employment practices, extensive research, feedback from on-campus focus groups, and an employee survey.

Recommendations included changes in organizational structure, redefinition of policies, clarification of procedures, enhanced training for supervisors and managers, and increased options related to GLBT curriculum.

Partnerships in Pluralism. RIT's Partnerships in Pluralism, now entering its 10th year, facilitates a more interconnected and welcoming environment by encouraging interpersonal relationships between RIT faculty and staff from diverse backgrounds. The program pairs up diverse colleagues who otherwise might not be able to connect easily and provides structured opportunities for them to get to know one another. Partners are encouraged to meet over lunch or during work breaks every couple of weeks. The program provides exercises and activities for the partners to use to help them get acquainted.

Global Leadership Certificate Program. The Global Leadership Certificate Program creates a cultural experience for students to learn from others within RIT's diverse community. The program provides an opportunity for participants to learn and study with students from different cultural backgrounds and allows for peer-to-peer and professional mentoring.

2012 Employee Engagement and Climate Survey. The office for diversity and inclusion and human resources partnered last year to redesign RIT's bi-annual employee engagement survey to include the integration of 17 diversity-related climate items assessing employees' perception of the institution's commitment, support and promotion of diversity; their work environment with senior management, supervisors and colleagues; and race, gender, religion and sexual orientation bias in the workplace.

Education and Scholarship

The goal of the Inclusive Excellence Framework's education and scholarship dimension is to engage students, faculty and staff in learning varied perspectives of domestic and global diversity, inclusion and social justice.

Bridges Certificate Program. RIT's Bridges Certificate program is designed to educate faculty and staff on the Inclusive Excellence Framework's principles and guidelines. The program is focused on topics geared toward helping participants better understand the value of diversity in the real-world workplace. The format focuses on blended presentations, emphasizing

simulations and group participation. Participation has generally reached occupancy of the room, with waiting lists occurring on a number of occasions.

Leadership Training Program. The office for diversity and inclusion collaborated with human resources to design and implement a diversity-based class within the leadership training program for one of the university's largest divisions — finance and administration. In the last 18 months, the program was offered to approximately 200 managers, supervisors and leaders across 11 service units in finance and administration. Participants learned about subtle ways in which people exhibit exclusive and potentially discriminatory behavior, ways to discern the behavior, and how to respond to it in a meaningful and respectful manner. The program is now offered university-wide.

Institutional Infrastructure

The goal of the Inclusive Excellence Framework's institutional infrastructure dimension is to create and sustain an institutional infrastructure that effectively supports progress in achieving the diversity goals in the university's strategic plan. This component creates an expectation of assimilating diversity efforts into the core of institutional functioning. Elements of the framework are embedded into the university's strategic plan, including annual performance commitments specific to AALANA and female tenure-track and staff hiring and achieving high levels of stakeholder satisfaction among faculty and staff.

A Catalyst for Excellence

RIT continues to adopt and develop institutional capacity for the cohesive, coherent and collaborative integration of diversity and inclusion into the institutional pursuit of excellence. The Inclusive Excellence Framework reflects the understanding that diversity and inclusion are catalysts for institutional and educational excellence and ensures that diversity and inclusion efforts are invited and integrated into the very core of the educational enterprise. 

For its diversity efforts, Rochester Institute of Technology was a nominee for CUPA-HR's 2013 Inclusion Cultivates Excellence Award. To learn more about RIT's Inclusive Excellence Framework, visit www.diversity.rit.edu. To read about this year's Inclusion Cultivates Excellence Award recipient, Central Michigan University, visit www.cupahr.org/excellencethroughinclusion.

Health or Consequences

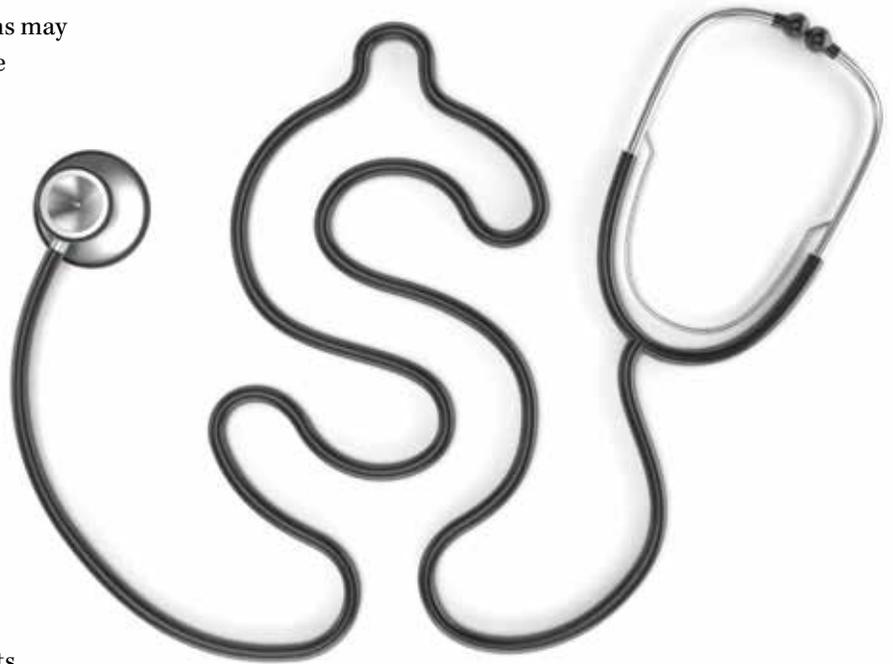
Rewarding participation in company health programs is an increasingly popular approach to encouraging employees to take a larger role in improving their health. A growing number of organizations, however, seem to feel that rewards won't be enough in the near future, according to recent Aon Hewitt research.

The Lincolnshire, Ill.-based consultancy polled nearly 800 large and mid-size employers, finding 83 percent of organizations offering employees incentives for participating in programs that help them become more aware of their health status. These actions may include completing a health-risk questionnaire or participating in biometric screenings, according to the survey. Among the 83 percent of employers that reported offering incentives for these types of programs, 79 percent offer incentives in the form of a reward; 5 percent offer incentives in the form of a consequence; and 16 percent offer a mix of both rewards and consequences. Looking ahead, 58 percent of respondents said that, in the next three to five years, they plan to impose consequences on participants who do not take appropriate actions for improving their health.

Overall, these findings shouldn't exactly come as a revelation, given the rising healthcare costs employers are bracing for in the wake of the Affordable Care Act's passage, says Stephanie Pronk, senior vice president and leader of Aon Hewitt's clinical, health improvement and measurement team. "Incentives have been around for a long time; even back in the 1980s," says Pronk. "So this [strategy] really isn't new." What is new, she says, is the trend toward a more assertive approach to encourage involvement in health programs and creating consequences for employees who don't participate in or comply with wellness policies. "There's shared accountability now," she says, "and some employers are being more aggressive and asking individuals to do more around maintaining or improving their health."

This strategy is not without its detractors, of course. CVS Caremark Corp., for instance, is the latest large

employer to experience blowback from the addition of a new wrinkle to an employee health program. In hopes of encouraging better employee health, and in turn containing the company's healthcare costs, the drug retailer announced last month it would start asking employees receiving CVS-sponsored healthcare coverage to disclose their heights, weights and body fat percentages, as well as blood pressure, glucose and fasting lipid levels to the company's insurance carrier as part of a wellness screening.



According to CVS, which employs more than 200,000 workers, employees can opt out of the requirement, but will be hit with a \$600 annual charge — an extra \$50 per month in health insurance premiums — for doing so. The company will also reportedly pay for the health reviews, and claims health records and personal information will be for a third-party administrator's eyes only, with no one in the organization able to access data gleaned from these reviews. Critics have called such measures an invasion of employee privacy and an attempt by employers to essentially penalize workers for engaging in unhealthy behaviors that may not directly affect job performance.

It is important to note, however, that these incentives should be viewed as “only one aspect of a comprehensive population health improvement program,” says Pronk. “That said, all these programs are voluntary. The biggest consequence is employees will choose not to participate in the health activities, which is a loss for the employee and the organization.” Still, HR professionals must be careful to design employee health programs that motivate workers to get involved while ensuring the consequences for not complying or participating aren’t perceived as punishment, says LuAnn Heinen, vice president of the Washington-based National Business Group on Health. “Programs must clearly be in employees’ best interests and seen as a net positive,” she says, suggesting HR leaders “consider a mix of rewards that are positively received and penalties that spur action but might leave a sting.”

With regard to imposing consequences on workers who don’t engage in healthy behavior, there’s still a lot more talk than there is action.

Most employers leave a sting in the form of higher insurance premiums, says Pronk. “However,” she adds, “we are seeing a small number of employers thinking about the concept of ‘gated benefits.’ In this model, completion of an HRQ or biometric screening enables the employee to select from a broad menu of plan choices in the following year. Those who do not complete the assessment would receive a base level of medical coverage.”

Financially-driven incentives — bigger premiums for smokers or workers found to be at greater risk for diabetes, for example — may ultimately be the most effective motivator for workers to adopt healthier behaviors, but employers and HR must also “make it easier for employees to be healthy at work than it is for them to be unhealthy” on the job, says Pronk. “For example,” she says, “having 80 percent of your vending machines include healthy options for employees sends a message. Or, instead of allowing employees to take smoke breaks, you let people take 10-minute activity breaks.”

Or, organizations with large numbers of employees who sit for most of the day might offer options for “walking meetings,” conference rooms with no chairs or sit-to-stand workstations, she says.

While many large employers are implementing these and other health program engagement and communication strategies — wellness champions, mobile applications, gaming technologies and social networking, for example — financial incentives are “particularly straightforward and efficient” in fostering employee participation, says Heinen. “Health messages alone do not attract employee attention, but money talks, at least for getting people to take specific actions,” she says, adding that financial incentives’ effectiveness in helping to sustain healthy behavior is largely “unproven.”

Indeed, many large employers are “still in the early stages of trying to find programs that work well,” says Paul Dennett, senior vice president of health policy with the Washington-based American Benefits Council. “Programs that

do work well,” he adds, “tend to be the ones that are uniquely designed to [fit] the needs of the employer’s own population.” With regard to imposing consequences on workers who don’t engage in healthy behavior, “there’s still a lot more talk than there is action,” says Pronk, noting the number of organizations that reported currently offering incentives in the form of a consequence — 5 percent — is unchanged from a similar survey Aon Hewitt conducted in 2011. “But I think it may come,” she adds. “And if employers and unions start to step up in terms of making health an important part of work, it could be a win for everybody. We don’t want [employees] to look at this as a negative. It’s just a matter of finding what will work to motivate people.” 

This article was authored by Mark McGraw and first appeared in the April 18, 2013 issue of Human Resource Executive Online. It was reprinted here with permission from HRE Online.

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Who Will Lead Community Colleges?



More than 40 percent of the nation's 1,200 community college presidents are likely to retire in the next five years. And the current pipeline to replace them is not up to the task. Those are the findings of a new report — *Crisis and Opportunity: Aligning the Community College Presidency With Student Success* — from Achieving the Dream and the Aspen Institute College Excellence program. In the report, the two groups called for an urgent national conversation about how to best prepare community college leaders to succeed in jobs that won't be getting easier anytime soon.

Past reports have also predicted rapid turnover at the top for two-year institutions, but this one goes further by calling for new and improved ways to train and select presidents. "There is urgency," said William Trueheart, president and CEO of Achieving the Dream. "There is also an inadequacy." Incoming presidents will need to have solid grounding in how to improve graduation and retention rates at community colleges, according to

the report. They will also face challenges such as how to reform remedial education, engage with part-time faculty members and make decisions about "uncertain technological innovation," such as emerging forms of online learning — all with limited money.

Leaders of both groups said good work is being done at some existing community college leadership training programs, including doctoral degree tracks at universities and professional development offerings by higher education associations. But many more opportunities are needed, they said. Some training programs need to better incorporate recent lessons learned about what makes a community college president succeed, according to the report. Likewise, trustees and presidential hiring committees often neglect valuable traits when selecting new presidents. Kay McClenney, director of the Center for Community College Student Engagement, agreed with the report's findings. "There's a lot of room for expansion, proliferation and new approaches."

The report generally found an inadequate emphasis on student completion in the grooming of new community college chiefs. Also lacking is the placement of a priority on presidents who are ready to take risks and push changes, sometimes painful ones. Two key qualities were identified often among top-notch presidents, according to the report: acknowledging when their institutions aren't cutting it and making tough budget decisions to fix those problems. "Rather than defending current institutional performance — including completion and transfer rates that are commonly below 50 percent — exceptional presidents openly acknowledge shortcomings," the report said. They also "understand that budget reallocations are necessary to maximize the portion of limited resources spent on what matters most to student success."

Looking Outside

In recent years Aspen has identified top performing community colleges based on a broad set of completion-oriented data as well as site visits. The report drew on that process by including interviews with 14 presidents who lead colleges that have fared well in the Aspen Prize. Achieving the Dream is a nonprofit group that works with more than 200 community colleges on data-driven improvements, many of which are aimed at retention and graduation rates. The report includes results from

focus groups with presidents at some of those colleges, as well as experts who have worked on student success-oriented reforms.

In addition to the importance of risk-taking, making tough choices about money and being committed to boosting completion, the research determined that successful presidents need to be in it for the long haul. For example, Aspen Prize winners and finalists all had their presidents in place for more than a decade. The report describes how presidents can create lasting change by creating strong plans, collaborating on campus and building external partnerships.

To study how desirable presidential traits are being encouraged through preparation and the hiring process, the report included interviews with eight veteran search consultants. It also featured an analysis of the curriculums of 16 traditional academic and professional training programs. The training programs fell short in a few areas. For example, budgeting and finance courses did not consistently address how to measure the efficiency of campus initiatives. And none of the curriculums reviewed included course content in communicating effectively with faculty and staff members. Trueheart said he hopes the report can be used to develop “open-source curricula” for training presidents. To that end the two groups plan to collaborate with the American Association of Community Colleges and other higher education associations.

The most prominent academic program for aspiring community college leaders has long been the one at the University of Texas at Austin. But UT’s Community

College Leadership Program has faced recent turbulence, most notably the departure of John E. Roueche, its founder and leader for 41 years. Roueche subsequently moved to National American University, where he now runs a leadership program at the Roueche Graduate Center. Current programs cannot possibly fill the wave of looming vacancies, said Josh Wyner, executive director of Aspen’s College Excellence Program. The UT graduate degree track, for example, enrolled only four students last year, down from 12-15 in previous years.

Wyner and Trueheart encouraged community colleges to be open about looking outside of traditional pools of talent for new leaders. But those candidates, like others, will need proper orientation and preparation for how to tackle the job’s unique challenges. One possible model to emulate comes from K-12. Trueheart and Wyner said the Broad Center’s Superintendents Academy is an innovative approach to training superintendents for success in urban school districts. McClenney said coping with leadership turnover in the sector will require both creativity and hard work. “We’re going to have to be able to look in nontraditional places because of sheer numbers,” she said, but cautioned that to “come in knowledge-free is not going to work.” 

*This article was authored by **Paul Fain** and first appeared in the June 21, 2013 issue of *Inside Higher Ed*. It was reprinted here with permission from *Inside Higher Ed*. To read the *Crisis and Opportunity: Aligning the Community College Presidency With Student Success* full report, visit <http://as.pn/ccleadership>.*

By the Numbers

- Community colleges educate more than **7 million** degree-seeking students, close to half of the U.S. college population.
- Two-year institutions are growing at **four** times the rate of four-year colleges.
- The nation’s **1,200** community colleges enroll a disproportionately large share of the rapidly expanding number of students of color and first-generation students.
- Based on retirement projections, by 2017, **500** community colleges will be led by different presidents than are at the helm today.

Source: Crisis and Opportunity: Aligning the Community College Presidency With Student Success (2013) – Achieving the Dream and the Aspen Institute College Excellence program



How Will the Repeal of DOMA Affect Your Employee Benefits Plans? By Patti Couger

Among the rulings handed down by the Supreme Court so far this year, none has more impact on human resources management than *United States v. Windsor*. In striking down section 3 of the Defense of Marriage Act (DOMA), which precludes the federal government from recognizing a same-sex partner in the definition of “spouse,” the Court held that DOMA deprived same-sex couples due process and equal protection rights guaranteed under the Fifth and Fourteenth Amendments.

Presumably federal benefits and protections currently provided to opposite-sex married couples will be extended to those in state-recognized same-sex marriages. Currently, there are 13 states which recognize same-sex marriage: California, Connecticut, Delaware, Iowa, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New York, Rhode Island, Vermont and Washington. Such marriages are also recognized in the District of Columbia and three Native American tribes. The *Windsor* decision has no immediate effect on the 36 other states whose laws forbid same-sex marriages. It is not clear, however, how same-sex couples who are considered lawfully married but who do not reside in a

state that recognizes same-sex marriage will be treated with regard to federal agency regulations that define marriage based on the state of residence. In recent informal comments, President Obama has indicated that he will direct federal agencies to honor lawful marriages regardless of the state of residence.

Implications

By some counts there are more than 1,000 federal laws under which marital or spousal status is addressed, including the Internal Revenue Code (IRC), Employee Retirement Income Security Act (ERISA), Consolidated Omnibus Budget Reconciliation Act (COBRA), Family and Medical Leave Act (FMLA), and Health Insurance Portability and Accountability Act of 1996 (HIPAA). While the watershed of implications are in the process of being assessed by the federal government and the states, it is obvious that federal law will no longer distinguish between same-sex and opposite-sex marriages.

While many questions and issues will be resolved by future interpretation and guidance from federal agencies, employers should begin thinking about the near and

long-term implications of this case. Clearly, the Court's decision will have a significant impact on many employee benefits plans, including tax implications for both employers and employees. Following are some HR-related topics that will be affected.

Retirement and IRA Plans: Employers with retirement and IRA plans may be required to recognize same-sex spouses for purposes of determining surviving spouse annuities or death benefits. Also at issue is the administration of qualified domestic relations orders.

Health Plans: Under *Windsor*, employers in states that recognize same-sex marriage will be required to offer the same benefits to same-sex married couples as they do to opposite-sex married couples, including COBRA continuation and HIPAA special enrollment rights.

Other Benefits: Federal leave laws, such as the FMLA which provides that an employee may take job-protected leave to care for a spouse with a serious health condition or medical and non-medical leave for a spouse serving in the armed forces, are also impacted.

Immigration: It is expected that the Supreme Court's ruling will result in immigration benefits being conferred upon same-sex married couples equal to those benefits currently available to heterosexual couples. These benefits are expected to apply to marriages that were lawfully entered into in a U.S. state or foreign country recognizing same-sex marriage.

Taxes and Payroll: Heretofore, despite their marriage certificates, gay and lesbian spouses could not get tax-free health benefits from their employers. That alone cost them about \$1,000 a year on average. Also, married gay and lesbian couples could not file joint federal tax returns, as can heterosexual married couples, which often saves thousands of dollars. And when a gay or lesbian spouse dies, the widow or widower is liable for inheritance taxes; heterosexual couples enjoy a marital deduction. Changes to these rules could be forthcoming.

More Questions Than Answers

The ruling conjures up an ever-growing list of questions, hopefully soon to be answered by the federal government. For example:

- What changes to procedures and policies should plan sponsors, trustees and custodians of Individual Retirement Accounts (IRAs) and retirement plans make regarding the spousal rights of same-sex spouses?

- Must survivor annuities and benefits of tax-qualified plans be provided to same-sex spouses?
- Should new beneficiary designations be solicited?
- How should same-sex spouses be treated for purposes of required minimum distributions, rollovers and separation decrees?
- Are same-sex spouses entitled to insist on mid-year enrollments?
- Are the children of a nonworking spouse now considered stepchildren entitled to dependent coverage under the Affordable Care Act?
- What are the impacts on estate planning for same-sex couples, including marital deductions for federal tax purposes?
- Should refund claims be filed for employer and employee Federal Insurance Contributions Act (FICA) taxes previously paid on imputed income from employer-provided healthcare benefits for married same-sex couples?
- What information should be provided to affected employees seeking to file individual income tax refunds on imputed income?
- Should corrected Forms W-2 be filed?
- Is the decision retroactive? If so, is there a time limit on the retroactive application of the ruling?
- Are there different time limits for different claims? Do the time limits depend upon the state in which a claim is made?
- Do same-sex spouses have claims for the survivor benefits of deceased spouses who participated in a qualified retirement plan?

In summary, you should continue to monitor state and federal legislation that may seek to clarify the impact of the rulings in these areas and consult with legal counsel about potential impacts for current and upcoming benefit plan years. 

Patti Couger is content manager for CUPA-HR's Knowledge Center. She can be reached at pcouger@cupahr.org.



Building Our Competencies

HR Professional Development on the Cheap

By Mary Anne Berzins and Loretta Harper

Over the past three decades, human resources as a profession has undergone tremendous change as a consequence of numerous external as well as internal issues. Beginning in the mid-1980s, sweeping federal legislation resulted in a limited recognition of the value that HR professionals bring to the workplace — there was lots of policy writing and rule enforcing going on in HR offices, but not much else. Then in the early 1990s, there came an increased emphasis on managing the workforce rather than simply complying with laws. In general, the workforce in higher education institutions represents 80 to 90 percent of expenses. These expenses are not just those that can be directly connected to the budget, such as payroll and benefits; they are related to elements that are more difficult to measure, such as the impact of employee actions on student enrollment and retention and donor relations.

Since the onset of the economic turbulence beginning in 2008, higher education has experienced a wave of discussion about the relevance, benefits and costs associated with producing college-educated citizens. As educators, we are engaged in conversations about access and how to deliver value-added education cost effectively. Discussions around funding models to enable us to fulfill our missions are occurring at the same time. Alongside these conversations, leadership in higher education continues to attract scrutiny in some highly visible ways. What is clear, in the midst of these continuing conversations, is that the challenge of building and enhancing competencies — individual, departmental and institutional — remains center stage. As HR professionals, we have a contemporaneous challenge — facilitating professional development not only for others in the institution, but also for ourselves.

Meeting Expectations

The professional development challenge is made more complex in resource hungry environments where there are many demands on resources, particularly dollars and time. Human resources, like any campus department, has been forced to consider how to meet institutional expectations within challenging, budget-constrained frameworks. The truism of “more for less” has been and will continue to be part of the environmental landscape for the foreseeable future.

We know that customer expectations of HR departments are not diminishing. HR is an integral part of a landscape in which higher education is continually redefining itself. We are neither apart from the landscape nor immune to its challenges. Continual reshaping of the higher education landscape demands that, as HR professionals, we pay attention to our own competencies to meet institutional expectations not just for today, but also for tomorrow.

For us as HR professionals, the delivery of operational excellence is a given; our customers and clients expect (and in some instances demand) customized and specialized options. We are expected to partner with our customers and clients to find the optimal solutions for challenging situations as well as anticipate future ones. We are called upon to design and implement cost-effective, high-value practices which integrate strategy, technology and processes to deliver engaged, high-performing employees. Expectations of us as practitioners have never been higher and the need for agile capability never more apparent.

A Blueprint for Professional Development

Have you seen CUPA-HR’s new Learning Framework? The framework serves as a guide for building the expertise and professional competency of HR professionals working in higher education. CUPA-HR is using the framework to develop resources, conference sessions and online courses. It can also be used by individuals and teams to gauge their own proficiencies and identify gaps. To learn more, visit www.cupahr.org/learning/framework.aspx.

As HR professionals, we must pay attention to our own competencies to meet institutional expectations not just for today, but also for tomorrow.

Within this dynamic framework, we oftentimes — at our peril — ignore the task of developing and enhancing our own competencies. If we are to engage with agility in the present as well as anticipate future challenges, sitting idly by and doing nothing to expand our knowledge and capability is simply not an option.

No Time, No Money, No Resources ... No Problem

In resource-challenged environments, funds dedicated to training and development are often the first to be “reallocated,” making the task of building and enhancing competencies more daunting. In reality, not having training funds can be an excuse to do nothing; it allows us to defer the issue to another day. The downside is that the wait time for additional or “new” funding can be very long or may never end. A lack of development among HR professionals can lead to stagnation, career derailment and loss of confidence by our customers. It is, however, possible to deliver interventions to support building and enhancing competencies with limited resources.

The starting point for determining appropriate activities to build or enhance HR competencies is to be clear about what the institution requires of the HR department and expects its value proposition to be. This step necessarily involves communications with customers, clients (including the president and president’s cabinet) and employees, with the data being captured through a combination of online surveys, focus groups and conversations. Data of this kind enables the department to get a clearer understanding of the types of transactional and transformational services expected by its constituent groups. This data also enables HR professionals to gauge their current professional strengths as well as areas for future development.

Using customer and client data, the human resources department at the University of Utah evolved toward a business partner model by identifying the key competencies of relationship building, understanding the organization, understanding capacity and focusing on the “right” things. The available data also facilitated a series

of internal strategic conversations about the contribution of human resources. During this process it became clear that competency development within HR was needed at three levels — individual, functional (that is, benefits, employee services, etc.) and departmental (overall human resources). As the vision for human resources was clarified, it became evident that differentiated training and development interventions would be challenging in terms of both time and dollars.

A number of tactics were utilized to address the range of training and development interventions we identified for ourselves, including:

- Leveraging existing work assignments, projects and initiatives as learning opportunities, particularly after action reviews;
- Leveraging all staff meetings to introduce educational content facilitated by subject matter experts within the institution, such as public safety, environmental health and safety, diversity and disability services;
- Utilizing short articles and blogs to facilitate discussion and learning in functional and team meetings;
- Developing in-house skill workshops on topics such as accountability, customer service, being an HR ambassador, ethical dilemmas, coaching and facilitation skills for HR professionals;
- Partnering with institutional subject matter experts to deliver workshops on topics such as creating safe environments, student employment and differing generations in the workplace;
- Utilizing free technical knowledge/skill workshops and seminars provided by vendors, law firms, chambers of commerce and community partners;
- Engaging customers in the development of new processes as well as the enhancement and review of current ones to leverage different perspectives in critical thinking and problem solving;
- Utilizing in-house training providers for technical skills, such as IT applications and services;
- Growing in-house knowledge of the institution through participation in university committees and events;

- Leveraging existing meeting and committee commitments to acquire and share knowledge with HR colleagues; and
- Focusing dollars on participation in selected national and local professional association meetings, leadership assessments and workshops, and inviting selected external speakers.

Having a broad range of tactics to address the differentiated needs has enabled the University of Utah's HR department to make available professional development to its staff at relatively low cost which, in turn, has enabled the targeting of dollars to areas where in-house expertise is not available.

Complacency Is Not an Option

As the go-to unit for training and development in most organizations, it's easy for those of us who work in human resources to spend so much time and energy on creating and facilitating learning and development opportunities for others that we neglect our own professional development needs. However, if we truly aspire to delivering excellence, not paying attention to our own HR competencies is not really an option.

As institutional expectations have evolved, the development of HR professionals has not always evolved at the same rate. The ever changing landscape of higher education (and the preparedness of those who choose to develop their careers in human resources within it) presents an imperative for HR leaders, who must give equal attention to their own talent as well as the talent in the departments they serve. HR professionals at all levels can and should drive their own development and shape their own curriculum, and HR leaders are accountable for ensuring that the development of those who serve the needs of others in the organization is robust, timely and ongoing. 

Mary Anne Berzins is assistant vice president for human resources at the University of Utah. She can be reached at mary.anne.berzins@utah.edu.

Loretta Harper is the former (retired) vice president for human resources at the University of Utah.

Are your Stars Ready to Fly?

With turnover low and a large pool of talent available, some institutions are unaware that there is a new war forming: the War for Stars. High performers and staff with scarce skills are in demand and are seizing opportunities outside of your institution.

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Labor and Employment Law: Test Your Knowledge

By Ira M. Shepard

For the last three years I have given a presentation at the CUPA-HR annual conference in which I summarize what I deem to be some of the most important and sometimes controversial labor and employment court cases of the past year. I try to choose the cases I'll cover based on their factual underpinnings and the fact that they involve a scenario that those working in higher education human resources may well one day face (or may have already faced). They all involve an everyday HR issue, some unique to higher ed and some not. Also important is that the case could very well go either way. In my presentation, I give the facts and circumstances to the audience and let them vote on the outcome. Then I give the actual court result.

So what do you say? Wanna play?

(As an aside, while I sometimes give a similar presentation to lawyer groups as part of their continuing legal education, the CUPA-HR audience always fares better than the lawyers in predicting the outcomes of the cases. There's definitely something to be said for the hands-on, front-line experience of an HR professional. However, no matter how smart and intuitive an HR pro you are, the courts do strange and sometimes unpredictable things.)

Case #1: Narcoleptic Worker Fired for Sleeping on the Job Files ADA Suit

The employee involved in this case worked the overnight shift at a production plant, where she had been employed for six years as a line worker and an inspector. In addition to her eight-hour-a-day shift at the production plant, she twice a week worked four hours at a local card store before beginning her overnight shift at the plant.

In February of the year of her termination, a coworker found her asleep in the women's restroom. She was suspended at that time and told that she could be subject to termination in the future if the conduct continued. She was advised to make sure she got enough sleep to stay awake at work. She returned to work with a doctor's note stating that she recently discontinued the anti-anxiety medicine that had contributed to her "passing out." She was again suspended in April of that same year following another incident of sleeping at work. This time she was suspended pending termination. She met with human resources and said that she had not experienced any sleeping problems since she had changed her medication and accused her coworkers of lying about her sleeping on the job. After that meeting, she saw her doctor and was

Get the Answers

To find out the outcomes of these court cases, see page 43. Learn about more court cases relevant to higher ed in the super session "Most Important Higher Ed Labor and Employment Cases of 2013" at CUPA-HR's annual conference this fall and by visiting www.cupahr.org/advocacy/courts.aspx.

referred to a sleep disorder specialist. She returned to work on April 16 and requested time to deal with her sleep disorder and also requested paperwork to file an ADA claim. She was denied the extra time off, but her doctor submitted paperwork to the company noting that in his estimation she may have a mental or physical disability covered by law. She was fired on April 28 and was later diagnosed with narcolepsy. She filed suit in federal district court alleging that her termination violated the ADA because she was terminated because of her disability (*Spurling v. C&M Fine Pack Inc.* (N.D. Ind., No. 1:11-cv-00039, 2/21/13)).

How do you think the court ruled in this case?

Case #2: Employee With PTSD Resulting From Discovering Deceased Boss at Work Denied FMLA Leave, Sues for Retaliation

This case involves a plaintiff who was a computer operator at a county office in New Jersey. She had worked for the county in that position for 11 years before she was suspended for an alleged attendance problem and then terminated as a result of her annual reappointment not being renewed.

The plaintiff had a clean job performance record during her 11-year tenure. Nonetheless, after she discovered her boss deceased at work six years into her employment, her attendance suffered due to post-traumatic stress disorder (PTSD) and she depleted her vacation and sick leave. Her PTSD condition coupled with family obligations involving caring for her sick mother and her own medical complications from the PTSD which reoccurred some five years later and required hospital care led her employer to conclude that she had a severe attendance problem. It had already put her on probation, and when she had to be hospitalized for her PTSD treatment, the employer converted her suspension into a discharge by not reappointing her to her annual position. She then filed a lawsuit alleging retaliation for seeking FMLA leave (*Bravo v. Union County* (D.N.J., No. 2:12-cv-02848, 5/23/13)).

The operative facts are that after the plaintiff discovered her boss's body at work some six years into her employment, she immediately began treatment under her employer's employee assistance program (EAP). The EAP counsel diagnosed her with PTSD and she took a short leave of absence. Some five years later when she attempted to use FMLA leave to care for her sick mother, her employer told her she would have to use her sick and

vacation leave first. She was entitled to 26 sick days that year. She took 12.5 personal sick days and 32 additional days to care for her mother. The employer recorded 30.5 days spent caring for her mother as "FMLA with pay" and the remaining days as "FMLA without pay."

Toward the end of that year, the employer put the plaintiff and three other employees on probation for inadequate attendance. The plaintiff asked that she be able to purchase additional vacation time for the new year because she had used all her vacation time as FMLA leave. This request was denied even though the employer had let two other employees purchase additional vacation time. Halfway through the following year, the plaintiff was suspended because she had used more than half of her annual sick leave. Two months later she requested time off for sinus surgery. She was granted that time but allegedly was told, "You know you are on probation and this doesn't look good." The day she returned to work after the sinus surgery, her supervisor stated that she had exceeded her 15 sick days for the year and recommended that she be suspended without pay for 15 days.

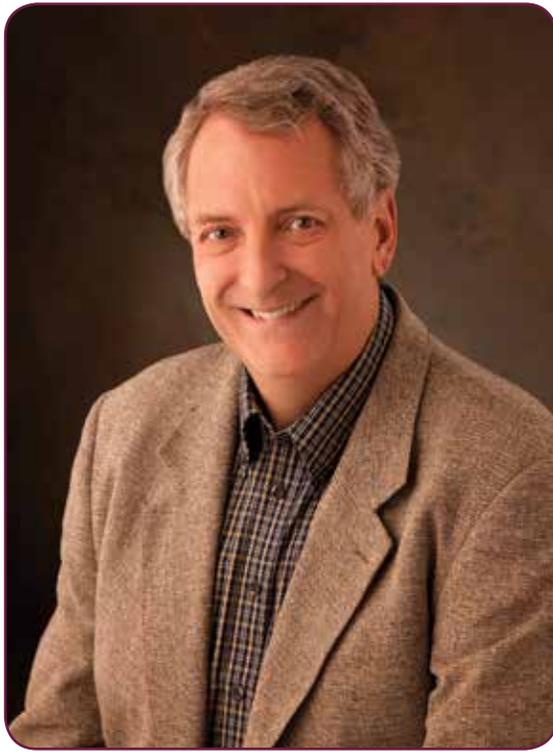
Four months later, the plaintiff was again diagnosed with continued PTSD, anxiety and depression stemming from the discovery of her deceased boss several years ago. Her doctor recommended immediate inpatient hospital treatment and subsequent intensive outpatient treatment. She was ultimately granted FMLA leave, even though she was refused the applicable FMLA paperwork and only received it when her lawyer demanded it. When she was granted the FMLA leave she was allegedly told, "You are on probation. I don't know what's going to happen with your reappointment."

At the end of the year, while the plaintiff was on FMLA leave, she was terminated, as the county decided not to reappoint her contract. She filed a lawsuit in federal district court alleging interference and retaliation with her FMLA rights. The county moved for summary judgment in an attempt to dismiss the case and avoid a jury trial on the issue.

What do you think the court decided? 

Find out the outcomes of both cases on page 43.

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Want more insight from HR guru Dave Ulrich? Join us at this year's CUPA-HR Annual Conference and Expo 2013 in Las Vegas, October 27-29. You can hear more from him in his keynote presentation, and then get up close and personal in a follow-up session. Visit www.cupahr.org/conference2013 to learn more.

While the basic functions of higher education institutions to generate and generalize ideas have remained constant for centuries, recent environmental and social changes have redefined how colleges and universities operate. Technology has moved institutions from brick-and-mortar places to massive open online courses, allowing for much broader access. Funding of institutions has become more demanding with the cost of education going up and the sources of funding becoming a more complex mix of government, tuition, donation and sponsored research. Students, who used to be primarily between the ages of 18 and 25, are now lifetime learners who approach higher education very differently. University types are diverging, which creates competition and new business models for learning.

In the face of these and other changes, HR professionals face the daunting task of “adding value.” At one level, HR builds the infrastructure of the institution so that all employees have their administrative requirements

Redefini

By Dave Ulrich

(hiring, payroll, benefits, etc.) flawlessly delivered. However, as these foundational HR transactions are increasingly delivered through technology, HR professionals at colleges and universities now have the challenge (and opportunity) to redefine the value they create in the unique higher ed setting.

In our work on the future of HR, my colleagues and I have asserted that HR delivers value in three domains: talent, leadership and capability (culture). **Talent** refers to helping an organization define, identify, source, motivate, engage and retain employees for today and tomorrow. Often called human capital, HR's focus on talent ensures that the right people are in the right job with the right skills and commitments to use those skills.

Leadership refers not just to the C-suite executives, but to the leaders throughout an organization. Shared, or collective, leadership means that decision makers at whatever level recognize the requirements for success, collect information to make decisions and make informed choices. HR can help define what leaders should be, know and do and can coach and develop them to help them make wise choices about their organization's future.

An organization's **capability** has been defined as culture, processes, resources or social networks. The organization's capability defines what the organization is known for and good at and becomes a key factor in shaping how the organization works as a system. HR delivers value by connecting talent, leadership and capability not only with an organization's strategy, but with its external business conditions and key stakeholders.

In higher ed institutions, the issues of talent, leadership and capability are paramount to success, but because of the nature of colleges and universities, they require subtlety in their application. A simplistic typology of university employees separates academic staff from support staff. Academic staff includes researchers, scholars, authors, professors and teachers who bring deep

ing Our Roles

expertise to the scholarship and education mission of an institution. Support staff encompasses the numerous administrators, facility managers, technology experts, registration and enrollment experts, and so forth who make the institution operate. With this distinction, we can begin to look at how HR can add the most value through talent, leadership and culture.

HR and Talent

HR understands and helps make choices about the entire flow of talent in an organization. However, I would argue that HR (with the exception of academic HR units) should take a back seat on talent requirements for academic staff. Who better to define standards for faculty or research staff, to interview potential candidates, to build an employee value proposition to attract candidates, to orient new hires, or to do performance reviews (e.g., tenure) than those immersed in these activities everyday?

Because academic staff are so central to an institution's core mission and because the technical requirements for academic success (peer reviewed research, innovative teaching) are so specialized within a given discipline, other faculty hire faculty. It would be unwise for HR professionals to try and build their credibility and add value by intruding in the academic support talent processes. In this light, university academic staff are a bit like doctors in a hospital, actors in a movie production, or elite athletes. These uniquely talented individuals need to be vetted and managed by others with similar skills.

For support staff, HR plays a more traditional and involved role with talent, working with managers to set standards, source candidates, and screen, hire, orient, review, compensate and motivate employees. In these more traditional talent management roles, HR collaborates with administrative leaders to establish the requirements of key positions and to fill those positions. The distinction of HR's talent responsibilities for academic and support staff requires that HR professionals know when to be more proactive and advocating (support staff) and when to be more reactive and docile (academic staff).

HR and Leadership

Just like academic and support roles differ in colleges and universities, so do leaders in those roles. Most academic leadership roles are filled by faculty who accept department, college or provost leadership roles on a contract or rotating basis. Generally, academic leaders have been credible faculty who have earned the respect of their colleagues and who are willing to assume the leadership for their department or college. These roles generally are for a specific time period and relieve the faculty member of research and teaching duties during this time.

In these roles, leaders set strategy, manage budgets and schedules, deal with faculty issues (hiring, salary increases, promotion), and coordinate with other university departments. As faculty scholars, few of these leaders have formal leadership training. However, HR can play a significant behind-the-scenes coaching role in helping these often new-to-leadership individuals recognize and learn the skills of leadership. Just like most professors learn how to teach by teaching and not by being formally trained to teach, most academic leaders learn how to lead from observing experiences of previous leaders and from trial and error. While generally smart, insightful and experts in their academic disciplines, academic leaders often do not recognize the disciplines and skills of leadership.

HR can work with academic leaders in the following ways to fulfill the requirements of effective leadership:

- **Strategy:** HR can help academic leaders define the key requirements of an effective strategy by focusing on the future, anticipating external demands, defining key decisions and building deliverable plans.
- **Execution:** HR can help academic leaders manage change, build accountability and deliver schedules and results.
- **Talent management:** HR can help academic leaders coach faculty, communicate goals to

an organization unit, develop staff and create appropriate reward and promotion processes.

- **Human capital development:** HR can help academic leaders develop future talent by empowering faculty, building workforce plans for the future and helping manage careers.
- **Personal proficiency:** HR can help academic leaders maintain personal credibility by building their emotional intelligence, helping them manage their time and calendars, and finding emotional support for leadership.

In helping academic leaders, HR professionals are likely to do more coaching than formal leadership training, as each academic leader comes with a unique leadership predisposition. To be effective as coaches, HR professionals need to build relationships of trust, find early successes and tailor their counsel to the styles of the academic leader they coach. HR should ideally be invited in to help academic leaders accomplish their leadership goals.

For support leadership roles, HR may also build leadership skills in strategy, execution, talent, human capital and personal proficiency. In these cases, since these leadership requirements for support functions may be similar across university departments, HR can create leadership training activities and workshops that help leaders deliver what their position requires.

HR and Capability

Ask anyone why they admire an organization, and they can generally come up with quick answers: Apple for innovation; Walmart for cost; Marriott for service; and Disney for the guest experience. These admirable identifiers in the minds of customers become an organization's brand or identity. When these external identities transfer to internal employee behaviors, the organization creates a culture that shapes both how the organization is known and how employees think and act.

Higher ed institutions create capabilities, or cultures, at multiple levels. Institutions as a whole create an identity and culture of scholarship, community service or student engagement. One thoughtful university president created the tag line "genius of small" to communicate to external stakeholders (e.g., parents, donors) that the university would focus on the needs of each individual student. This mantra translated to faculty also focusing on individual student needs and creating a culture of personal

attention. Another university president worked to create the identity of "serious, engaged and inclusive." Under this rubric, this president committed to external stakeholders (e.g., legislatures, alumni, donors, potential employers) and to internal constituents (faculty, staff and students) that the school would balance serious scholarship with engagement with the community and with commitment to a broad and inclusive group of students. These capabilities, or cultures, at the university level are owned by the senior leaders, but HR can play a significant role in architecting the conversations to create them and in designing the systems to implement them.

For academic leaders with excellent scholarship and nascent leadership, HR can coach and facilitate the creation of a culture within a department or college. HR can collect data on how the academic unit is perceived both outside and inside, about how the organization unit makes decisions, shares information, handles conflict and treats people. Academic departments may vary dramatically in their cultures or capabilities, often because they emerge without much guidance. HR, serving as cultural guardian, can help shape conversations to define the desired culture, then create practices to embed that culture.

For support staff, culture becomes a critical predictor of how well the support unit meets expectations. When support staff recognize the outcomes they want to be known for by key stakeholders, the culture may be built to make this identity a reality. As staff support groups face change, the culture should also change to define desired future outcomes.

Flexibility Is Key

Universities are complex and changing organizations, and HR professionals should know that one size does not fit all. While the outcomes of talent, leadership and capability may be common across the university, the specific roles and responsibilities of HR for each outcome may vary depending on the employee group. As HR organizations recognize and act on these subtleties, they will help their institutions fulfill their unique missions. 

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What Matters to Millennials?

In the last issue of *The Higher Education Workplace* magazine, seasoned HR professionals offered some words of wisdom to those just starting on their higher ed HR career paths. Now, we're turning the tables. Here, three early career professionals offer some insight into what makes them tick, how best to identify and develop their talent, and how to keep them engaged and motivated.

The Value of Mentoring

I am a huge proponent of mentoring, as it has played an important role in my professional development over this past year. As a mentee participating in CUPA-HR's mentoring pilot program, I have had the opportunity to establish a professional relationship with a senior-level HR administrator. This mentoring relationship has played a pivotal role in my career development and has allowed me to seek professional guidance and insight into various issues I have encountered that were essentially uncharted waters for me, as I have developed the HR department from the ground up at the institution where I am employed. Not only have I received professional guidance for issues in my current position, but I have also received career guidance and access to my mentor's connections.

Having the opportunity to work with a mentor has been a valuable experience for me, and it is a professional relationship that I hope will continue in the years to come. I would strongly encourage those organizations that don't already have a mentoring program to consider implementing one. It's a simple, inexpensive way to invest in and engage young and entry-level practitioners while also serving to bridge the gap between senior-level administrators and those who wish to someday fill those roles. – *Megan Mentzel, human resources and career services coordinator, Mitchell Technical Institute*

Opportunities for Growth, Career Planning and Leadership Development

Being given opportunities is crucial for the success of young professionals. Opportunities motivate us. Opportunities allow us to develop and strengthen our skills, which in turn enables us to provide more value to the organizations for which we work. Organizations should capitalize on the energy of their young professionals. Give us projects. (Many of us graduated college within the past five years. College is full of projects. In fact, workplace projects may help us transition more easily from the educational realm to the professional realm.) Giving us projects affords us an opportunity to learn about the organization, how it works, and why it works the way it does, while at the same time identifying new and potentially more effective ways to do business. Allowing us to tackle special projects is beneficial for senior professionals because rather than having to focus energy on teaching us the ins and outs of the organization, they can coach us while we are learning for ourselves. Leading a project is beneficial for us as young professionals because it affords us an opportunity to develop and enhance our skills.

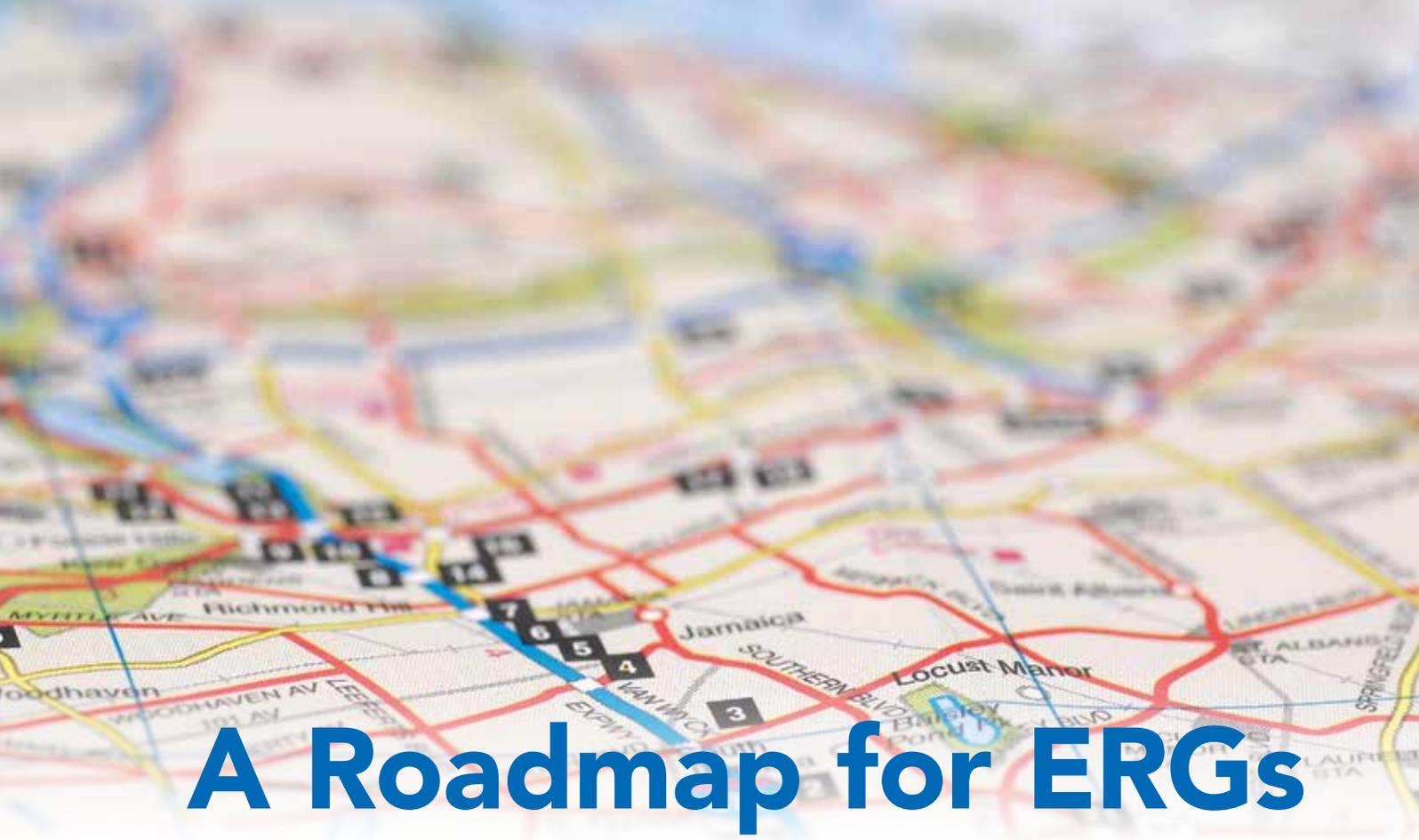
I would also stress the importance of career planning and leadership development opportunities for today's young professionals. Career planning is critical, as it assists us in identifying benchmarks for our career development. Benchmarks permit us to work toward reaching attainable objectives and afford us the opportunity to grow and make and learn from our mistakes. To this end, organizations should strive to find ways to facilitate career planning and development for their young professionals. Along these same lines, today's young practitioners also value leadership development. Effective leadership skills cannot be learned simply by attending training sessions or

leadership academy classes. We must observe and emulate leadership in action; therefore, senior leaders and long-time practitioners must make themselves available and approachable and must be willing to form a personal and professional bond with the young professionals in their charge. – *Jenny Grieve, labor coordinator, University of Alaska System*

Engage Us Differently

Motivating, engaging and retaining employees will never cease to be a principle management objective. Organizations typically have a one-size-fits-all engagement policy, without much consideration for the different generations of employees. Managers have become accustomed to using certain practices to engage their workforce and are going to have to adapt these practices if they hope to engage and retain their young professionals. Millennials have a drastically different outlook than the other generations on what we expect from our employment experience. We desire an identity that we can feel proud of. We have high expectations for ourselves and seek challenges, yet work/life balance is of the utmost importance. We value flexible working hours, a commitment to wellness, workplace diversity and opportunities for professional development. We prefer to work in teams rather than silos. Our need for social interaction and immediate results in our work and our desire for speedy advancement may be seen as weaknesses by other generations. However, it is important to realize that we have grown up in a time where information has become available instantly.

We want to work on new and tough problems — ones that require creative solutions. I began my career in human resources in 2006 as an HR assistant. I had internal struggles in my role because I wanted the opportunity to act on more of my ideas. I wanted to feel included. More importantly, I wanted a mentor and someone who would listen. Thankfully I found a great mentor and role model who was invaluable in supporting my personal and professional development. Our frequent exchanges of information were broader and deeper than just a knowledge transfer or skills development exercise. I was provided a “helicopter view” and was able to learn the organization from the inside out, and this made all the difference. – *Andrew Lenhardt, assistant director of human resources, Southern Illinois University Edwardsville* 



A Roadmap for ERGs

(With HR at the Wheel)

Employee resource groups (ERGs) have been commonplace in corporate America for some time, but they've just recently begun popping up with more frequency on college campuses. ERGs can be an important part of an institution's employee engagement and diversity and inclusion strategies, but they must be more than just social, feel-good groups. For an institution to realize the full benefits of ERGs, they must support the institution's mission. And with HR in the driver's seat mapping the way, employee resource groups at Princeton University and Georgia Institute of Technology are doing just that.

Refining and Aligning at Princeton

When Romy Riddick joined Princeton University's human resources organization a year ago as director of diversity and inclusion, part of her job responsibilities included oversight of the institution's eight employee resource groups. Riddick's primary focus was to develop a meaningful partnership between human resources and the ERGs, while keeping in place the spirit of autonomy and entrepreneurialism of each group.

Princeton's eight ERGs — centered around the Chinese community, international employees, Latino/as, LGBT individuals, African American male administrators,

people of color, social professionals and South Asians — had always been employee-driven (in that groups of employees who wished to form an ERG would approach human resources for help in getting established) and mostly social in nature. And while the social function of ERGs is an important one, in that it serves to build a sense of community and create connections, particularly among populations that are not widely represented on campus, Riddick had a grander vision for these groups.

"We had been taking a more reactive than proactive approach in anticipating the needs of Princeton's various demographic groups," says Riddick. "And although there was a desire by our ERG leaders to do more for the institution, they just didn't have the dedicated support in place to do so." So she set out to change that. For the past year, Riddick has been working on a collaborative process to provide Princeton's ERGs with structure and direction and, together with ERG leaders, develop plans to help them tie their activities to the university's strategic goals and priorities.

Building a Foundation

The first item on Riddick's agenda was to understand the purpose the ERGs had been serving and to build consensus on how they could and should evolve as

entities with a vital role to play in the institution's mission. The office of institutional equity and diversity and the office of human resources, along with ERG leaders, partnered to create a governance model, recruit executive sponsors for each group, create an overall strategy, establish individual plans for each ERG, and formalize the elections of presidents and vice presidents for each group.

Working with ERG leaders, Riddick developed a strategic framework around the topic areas of engagement, recruitment and retention, professional development, community outreach, and diversity and inclusion. The ERGs then began creating their own individual plans to align with the strategic framework. "The opportunity for the groups to create their own plans fosters individuality and allows them to focus on their own particular areas of interest and need while still moving them together in support of overall institutional strategy," says Riddick.

Spreading the Word

Next, Riddick set out to create awareness of the newly-refined ERGs. "Some of Princeton's ERGs have been in existence for years, but there were members of the campus community who had no idea they existed," says Riddick. "We needed to provide visibility for these groups." How? "Our president has mentioned some of the ERGs in public remarks; we've supplied the ERG strategic framework to senior administrators so that they can share with their leadership teams what these groups are doing; we've incorporated ERGs into our new hire orientation and allow for people to become members as they enter Princeton; and we are featuring the ERGs on our website," explains Riddick. "Visibility continues to be a priority for us as we work toward more fully penetrating across campus to get the word out."

Riddick also felt it was important to recognize those who have spent considerable time and effort keeping the ERGs afloat. "Last year, for the first time, we wrote recognition letters, authored by the vice president of human resources and vice provost for institutional equity and diversity, for each ERG volunteer leader and sent them right before performance appraisal time to that individual's supervisor and unit head," says Riddick. "Although leadership in the ERGs is a volunteer role rather than an official job responsibility, it is a valued form of university

citizenship as well as an opportunity to build new skills." This one simple act created much goodwill. "The gesture was received extremely well by the ERG leaders, as it was an explicit acknowledgment of the work they had done in this volunteer capacity," says Riddick. "And we were surprised to learn that some of the managers did not know and were thrilled to learn the extent of the work their employees had contributed to the groups."

Some of Princeton's ERGs have been in existence for years, but there were members of the campus community who had no idea they existed.

Moving in the Right Direction

Results of a recent campus climate survey provided some additional wind in the sails for Princeton's ERGs. The survey, designed to gauge levels of engagement and satisfaction across campus, showed some differences in the way different demographic groups rated their level of satisfaction with their working environment. "The results of the survey reaffirmed for us that our ERGs can indeed serve a purpose around two of our institution's top priorities — employee engagement and diversity and inclusion," says Riddick. "We are continuing to work on connecting more people with the ERGs and hopefully facilitate greater connections on campus."

On the Horizon

For Princeton's ERGs, the past year served as a time of reflection, strengthening of the infrastructure and trying new things. Now they're ready to move forward. "We've just completed a set of bylaws, which provide direction on operation and governance, and we have employees who are newly motivated to assume leadership roles in the ERGs," says Riddick. Plans for the coming year include setting in motion the plans of the current ERGs and exploring the possibility of creating new groups.

One of the top focus areas for Princeton's ERGs is a deeper partnership with the university's recruiting department. "Recruiting is mission critical for our institution," says Riddick. "We are now systematically planning ERG involvement in recruiting efforts, which lends valuable support to our recruiters and enables us to represent to candidates the diversity of Princeton's workforce."

As Princeton's ERGs continue to grow, Riddick is increasingly hearing from employees how important

the groups are to them. “Through the ERGs, people are developing professional relationships that make them feel even more connected to the university and to colleagues,” she says. “They feel like they are part of something that reaches beyond themselves and their daily work. And this has been our goal all along. In the end, it’s all about creating an engaging, inclusive, satisfying work environment for our people and providing opportunities for them to contribute in meaningful ways to Princeton’s mission, vision, values and goals.”

Blazing a Trail at Georgia Tech

Unlike Princeton’s ERGs, which began as employee-driven groups, Georgia Tech’s ERGs have been driven by human resources from the start and were designed at the outset to support several of the institution’s key goals and objectives. As director of culture, diversity and inclusion, Cheryl Cofield spearheaded the design and creation of Georgia Tech’s six ERGs — all of which are poised to launch this fall.

Doing the Research

Cofield began exploring the option of creating employee resource groups at Georgia Tech in April 2011 after conducting focus groups with a cross section of nearly 200 faculty and staff to examine nuances of the institution’s culture and establish a baseline for future diversity and inclusion programming. During the focus groups, the establishment of ERGs consistently emerged as a top

ERGs can be an important part of an institution’s employee engagement and diversity and inclusion strategies, but they must be more than just social groups.

recommendation. Cofield took these findings from the focus groups to Georgia Tech’s executive team, which enthusiastically greenlighted her proposal to explore the option of ERGs on campus.

After securing support from institutional leadership, Cofield assembled a team of 21 people from across campus to serve as the project’s steering committee. The team’s first order of business was to survey corporate entities to gather information about ERGs. The team sought to determine from each organization: (1) what types of ERGs they sponsor as well as the key service areas for their ERGs; (2) the level of leadership that

visibly supports and/or serves as executive sponsors for ERGs; (3) methods used to evaluate the success and/or effectiveness of the groups; (4) the degree to which leaders encourage managers to support employee participation in ERGs; (5) the level of annual fiscal support provided to the groups; (6) how time is “counted” for participation in ERG activities; and (7) promising practices and potential landmines that might derail the success of ERGs.

The team also sent out surveys to 23 peer higher education institutions inquiring about ERGs on their campuses. “We were surprised to learn that very few of the universities we surveyed had these groups,” says Cofield. “We knew ERGs were uncommon in higher ed, but we had no idea we’d be trailblazing!”

Creating the Infrastructure

After taking a close look at Georgia Tech’s demographics, the steering committee decided on six ERGs — African Heritage; Hispanic/Latino; Gay, Lesbian, Bisexual, Transgender, Questioning, Ally; Introverts; Veterans; and Women. “We took care to organize the groups around a common dimension of diversity so that they could support the institution’s diversity and inclusion efforts to sustain a work environment where all employees feel valued, respected and productive,” says Cofield. “And given the dense pockets of quiet brilliance on Tech’s campus, we were particularly thrilled about launching what we believe to be the nation’s first ERG for introverts!”

Cofield and her team then set about creating a governance structure and laying out clear expectations for the groups. Georgia Tech’s ERGs are managed by the office of HR’s culture, diversity and inclusion team. Each ERG has two executive champions (senior-level leaders like the provost, vice presidents and deans) and

a principal empowerment officer (individuals at the director-level and above), as well as two staff/faculty liaisons. The executive champions visibly promote ERG programs and initiatives, explore funding and resource options, and provide mentoring and development to ERG membership. The principal empowerment officer serves as the ERG’s chief operating officer and liaison between the executive champions and HR and holds the ERGs accountable for adding value and contributing to institutional goals. The staff/faculty liaisons lead the strategic planning of the ERG’s annual business plan and annual report, serve as liaisons between the principal

empowerment officer and the general ERG membership, and coach and provide support to ERG committee chairs.

Adding Value

In line with Georgia Tech's institutional priorities, the ERGs have three main focus areas — recruiting, employee engagement and professional development. "Everything they do must relate back to these three areas," says Cofield. "We need to be able to show the institutional value of these groups, or they can get shut down pretty quickly. The fact of the matter is, the administration is not going to fund social groups." And human resources is committed to helping the ERGs succeed. "We will work with our ERGs to ensure they stay on track," says Cofield. "We'll equip them with the tools, knowledge and resources they need to be able to contribute to the institution in a meaningful way." In fact, human resources is working on compiling a catalogue of presentations, workshops and other professional and personal development opportunities that the ERGs can pull from to create programming.

To ensure Georgia Tech's ERGs are aligned with the goals of the institution, each group is charged with developing an annual business plan — goals, objectives, desired outcomes and tactics for meeting those goals. These business plans will be shared with HR leadership and each group will be held accountable for adhering to its plan. Cofield also hopes to get representatives from each ERG in front of Georgia Tech's executive team annually to report out on what they're doing. "The administration needs to be able to see how these groups are contributing to the success of the institution."

And how exactly does Cofield see the ERGs contributing to the greater good? "We believe the ERGs will add value in many ways," she says. "ERG members can serve as role models and mentors to new hires. The ERGs will also work with our talent acquisition team to attract diverse candidates. Having these groups available may

help prospective employees and new hires feel more at ease if they are members of underrepresented groups. ERG participants can serve as built-in focus groups for new programs and services. They can help promote an inclusive workplace and help us uncover issues that are specific to the needs of diverse communities. And they will most certainly help to promote and facilitate engagement, networking, collaboration and professional development."

Strong Out of the Gate

Although Georgia Tech's ERGs are just out of the gate, they're already making strides. They have significant leadership support anchoring the plans for the kick-off this fall. Likewise, appointments to the core leadership team were strategic moves to facilitate a successful launch. "The buzz around these groups is absolutely incredible," says Cofield. "People are more excited than we'd even imagined."

Recipe for Success

"I know it's early in the game, but I'm hopeful that we can be a success story and an example of how to do employee resource groups right in a higher education setting," says Cofield. Her strongest piece of advice for institutions considering starting ERGs on campus? "Be sure to create a sound governance model and accountability structure; make sure you have strong, visible support from institutional leadership; and take care to align the work of the ERGs with institutional goals and objectives." 

We're working on compiling some resources related to employee resource groups on college campuses for inclusion in the CUPA-HR Knowledge Center. Does your institution have ERGs? To which populations do they cater? Is HR a key player in creating or supporting these groups? Do you have sample operating procedures or frameworks for your ERGs? Give us the scoop by sending an e-mail to communications@cupahr.org.

Attend the concurrent session "Ready, Set, Engage! Improving Engagement Through Employee Resource Groups" at the CUPA-HR Annual Conference and Expo 2013 in Las Vegas this fall to learn more about ERGs in higher education. Visit www.cupahr.org/conference2013.



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Nuclear Showdown Defused for Now

Filibuster Remains Intact **By Josh Ulman and Christi Layman**

When most people hear the term “nuclear option,” they think of the cold war era or an alternative energy source. But this summer, Washington was consumed with a different “nuclear option;” one involving possible significant changes to U.S. Senate procedures. The changes in question would have effectively killed the time-honored filibuster made famous in the film “Mr. Smith Goes to Washington.” In the end, several senators struck a deal and the filibuster survived — at least for now.

For close to a century, Senate rules have required that three-fifths of sitting senators (60 senators, if there are no vacancies) vote for “cloture” in order to end debate over a particular piece of legislation or a presidential nominee who requires Senate approval. Any senator wishing to prevent a bill or nomination from moving forward may continue debate until 60 senators approve cloture. This tactic is known as a filibuster. Because of the filibuster, 60 rather than 51 votes often are needed to pass legislation or confirm a nominee.

In the last few decades, both parties have increasingly relied on the filibuster to block legislation or nominees. Democrats regularly used the filibuster or threat of a filibuster when they were in the Senate minority during much of George W. Bush’s presidency. At that time, Senate Majority Leader Bill Frist (R-TN) threatened to change the Senate rules to overcome expected filibusters of several judicial nominations. Senators referred to the possible rule change as the “nuclear option” because it was regarded as an irrevocable change to Senate procedure that would increase rather than decrease partisanship.

The concept of the nuclear option traces back to the 85th Congress in 1957, when Richard Nixon, then vice president, wrote that he believed the Constitution allows the presiding officer of the Senate to change the Senate rules if the rule change is later upheld by the majority of the Senate. Thus, Nixon felt the Senate majority leader could declare 60 votes for cloture unnecessary as long as 51 senators voted in favor of the rule change after the fact. Some have characterized this as breaking the rules in

order to change the rules. When Frist proposed using the nuclear option in 2005, both then-Sen. Barack Obama (D-IL) and then-Senate Minority Leader Harry Reid (D-NV) vigorously objected to the rule change. In the end, senators struck a compromise and Frist did not change the rules.

This summer, the shoe was on the other foot. Republicans, now in the Senate minority, were frequently relying on the filibuster, and Reid — now Senate majority leader — was threatening to use the nuclear option to secure Senate approval of several of President Obama's controversial

temporarily fill certain positions otherwise requiring Senate confirmation if the appointment is made when Senate is in recess.

The "recess" appointments of Block and Griffin, however, took place when the Senate was in pro forma session. Over the last year and a half, three U.S. courts of appeals have found those appointments unconstitutional. The matter is now under consideration by the Supreme Court, with a decision expected sometime in 2014. Democrats and the White House spent months defending these nominations and the president's authority to make them,

so withdrawing the nominations was a major concession.

Finally, the deal allowed for the White House to name two other Democratic nominees

With a new labor secretary now in place, the DOL is expected to move quickly to advance the remaining labor priorities of the Obama administration.

executive branch nominees. Intense negotiations between Senate Republicans and Democrats followed this threat. In the end, Sens. Chuck Schumer (D-NY) and John McCain (R-AZ) worked closely to bridge the divide between the two parties and were able to broker a deal. The final details were hashed out in an unusual, closed-door meeting that lasted more than three hours in the rarely-used Old Senate Chamber with 98 senators present.

The Deal

The high-profile and highly controversial nominations at stake that were the centerpiece of the deal included nominations to the Department of Labor, the Consumer Financial Protection Bureau (CFPB), the National Labor Relations Board (NLRB) and the Environmental Protection Agency (EPA). Republicans conceded, with stipulations, to allow Thomas Perez to be confirmed as labor secretary, Richard Cordray to be the head the CFPB and Gina McCarthy to be the administrator of the EPA. These were all nominations that Republicans had voiced strong opposition to for some time.

In exchange, Democrats and the White House agreed to withdraw the nominations of Sharon Block and Richard Griffin to the NLRB. Block's and Griffin's nominations were controversial because the president previously bypassed Senate confirmation and placed them on the Board in January 2012 by giving them recess appointments. Under the Constitution, the president may

to the NLRB, with significant deference to the AFL-CIO. Republicans agreed to allow an up or down vote on these new nominees. The president named as replacements to Block and Griffin former AFL-CIO Associate General Counsel Nancy Schiffer and Kent Hirozawa, former chief counsel to NLRB chairman Pearce. The Senate has since confirmed all of the appointees to the DOL, CFPB, NLRB and EPA as detailed by the deal, along with three additional appointments that were made to the NLRB to make it fully operational. These additional appointees were Republicans Phil Miscimarra and Harry Johnson and current NLRB Chair and Democrat Mark Pearce. Miscimarra and Johnson formerly represented employers in private practice at Morgan Lewis and Arent Fox, respectively.

The Impact

While the nuclear option was avoided this time, we will likely see similar showdowns in the future. Given the intensity of the most recent conflict, the minority party may be more reluctant to use the filibuster. This may keep the filibuster alive, while also providing the majority more latitude in moving legislation and nominees.

As far as an immediate impact on higher ed HR, now that these positions are filled, we expect the agencies will move forward with aggressive agendas impacting employers significantly in the coming months. Much of the regulatory agenda at the DOL was on hold waiting for a new secretary to be confirmed after Hilda Solis

stepped down in January. With Perez now in place, the department is expected to move quickly to advance the remaining labor priorities of the Obama administration. The top priorities for the DOL will be to advance its proposed revisions to affirmative action requirements for government contractors and “persuader activity” regulations, which will impose additional reporting and disclosure requirements on employers.

DOL’s Office of Federal Contract Compliance Programs (OFCCP) is expected to issue final rules sometime this fall revising federal contractors’ nondiscrimination and affirmative action requirements for individuals with disabilities and veterans. Possible changes in the rule include an expanded definition of disability (to reflect the Americans with Disabilities Act Amendments Act of 2008 definition), workforce composition goals (nationwide goal of 7 percent for each job group for individuals with disabilities), and linkage agreements between contractors and disability and veterans recruiting resources. The rule is expected to require contractors to invite individuals to voluntarily self-identify as an individual with a disability pre- and post-offer and conduct an annual survey. In addition, the rules may increase data collection and reporting requirements, necessitating contractors to change affirmative action policies and conduct an annual review.

Also, the Office of Labor Management Standards (OLMS), another division of DOL, will likely release a final rule this fall or early 2014 to revise the interpretation of “advice” under the reporting requirements of Section 203 of the Labor Management Reporting and Disclosure Act (LMRDA). The rule may increase reporting requirements for employers facing union organizing campaigns on almost any communication with employees about unions if a consultant or attorney has assisted the employer in drafting the communication. Currently, under the LMRDA an employer must report any agreement or arrangement with a third-party consultant to persuade employees about union organizing.

Attorneys and other consultants hired to provide advice to employers facing organizing campaigns, however, generally do not trigger the reporting requirement unless they speak directly to employees. DOL’s rule is expected to significantly narrow this “advice exemption,” requiring

employers to report substantially more information, including correspondence with attorneys. Under the rule, employers and consultants or attorneys will likely need to file extensive forms detailing their agreements, salaries paid and other clients if they participated in “persuader activity.” Failure to comply with the filing requirements would result in criminal sanctions.

Now that the NLRB is fully operational with all five members, its top priority will be to reissue the rule changing procedures for representation elections. The prior version of the rule has been caught up in litigation. We expect any new rule will be similar to the prior version and empower hearing officers to limit the pre-election hearing to questions of representation and forgo post-hearing briefs. The rule also likely will eliminate pre-election appeals and related 25-day waiting periods, restrict the circumstances surrounding the NLRB’s special permission to appeal aspects of an election, and change appeal procedures themselves. It’s expected the changes will shorten representation elections from their current timetable of approximately 40 days to a 14- to 21-day timeframe.

The Board has three higher ed specific cases pending before it: *Point Park University*, *New York University* and *Polytechnic Institute of New York University*. It may issue decisions in these cases sometime this fall. In *Point Park University*, the Board will address the extent to which faculty members at private institutions are employees covered by the National Labor Relations Act (NLRA), while the other two cases turn on whether graduate students at private colleges and universities are covered employees. Employers are required to recognize and collectively bargain with unions representing employees covered by the NLRA, but have no such obligation for employees that are excluded from the Act’s coverage. Currently, neither faculty nor graduate students are usually considered protected employees, so a change in the law could bring an influx of unions to campuses. 

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Christi Layman is manager of government relations for CUPA-HR. She can be reached at clayman@cupahr.org.

For the latest information on CUPA-HR’s advocacy efforts in D.C., visit www.cupahr.org/advocacy.



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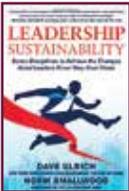
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Recommended Reading

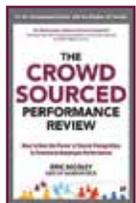
Leadership Sustainability: Seven Disciplines to Achieve the Changes Great Leaders Know They Must Make (by Dave Ulrich and Norm Smallwood)



Every day, thousands of people put great effort, and money, into becoming more effective leaders — through seminars, personal coaching and employee development plans. These undertakings can do wonders to help leaders of all stripes improve their effectiveness. But not every leader finishes what he or she starts — and many revert back to less effective habits, often without even realizing it. This book offers advice on how to ensure you stick with all the positive changes and how to avoid slipping back into your old ways.

Hear from Dave Ulrich at CUPA-HR's Annual Conference and Expo 2013, October 27-29 in Las Vegas.

The Crowd Sourced Performance Review (by Eric Mosley)



Today's most successful companies are transforming their predictable "one-way" performance review processes into dynamic, collaborative systems that apply the latest social technologies. This book will examine how crowdsourcing — through which managers and employees receive collective feedback from everyone across their company — can enhance engagement, create positive energy and foster collaboration in an organization.

Cracking the Wall 20 Years Later: Women in Higher Education Leadership (edited by Patricia Turner Mitchell)



In 1993, CUPA-HR published a book called *Cracking the Wall*, in which women in leadership positions in higher education detailed the challenges they faced while climbing the ivory tower ladder and offered specific strategies on how women could enhance their advancement opportunities in academia. Now, 20 years later, many of those same women have revisited the topic and explore the progress that has been made over the past two decades.

Visit www.cupahr.org/bookstore/index.aspx to read more about the book or to order your copy.

The New Talent Acquisition Frontier (by Edna Chun and Alvin Evans)



Based on the most current research and on interviews with HR and diversity leaders in major organizations, this book examines strategies and tools for implementing a successful and sustainable talent management program. It also addresses common barriers to the development of synergistic HR and diversity strategies and presents a systematic approach to integrating HR practices and strategic diversity initiatives to create an inclusive, high-performance workforce.



Community

Movers and Shakers

2013 CUPA-HR Region Awards Recipients

Norma Allen, associate vice president of HR and organizational effectiveness at Collin College District, received the Western Region's Emerging Leader Award.

Patricia Burks-Jelks, director of HR, equity and diversity at the University of Tennessee Space Institute, received the Southern Region's Meritorious Service Award.

Case Western Reserve University's Staff Mentoring Circles program received the Midwest Region's Successful Practices Award.

Mark Coldren, chief HR officer at Ithaca College, received the Eastern Region's Diedrich K. Willers Award.

Lori Gentles, associate vice president for HR, safety and risk management at San Francisco State University, received the Western Region's Emerging Leader Award.

Amy Grubbs, assistant director of employment services at North Carolina State University, received the Southern Region's Meritorious Service Award.

Jennifer Lucas, co-director of HR at Gettysburg College, received the Eastern Region's Emerging Leader Award.

Linda Lulli, chief HR officer at Bryant University, received the Eastern Region's Member of the Year Award.

Paul Michaud, chief HR officer at Georgia Southern University, received the Southern Region's Distinguished Service Award.

Margaret R. Phillips, vice president of HR at West Virginia University, received the Southern Region's Excellence in HR Practices Award.

Pima Community College's Human Resources Department received the Western Region's Excellence in HR Practices Award.

Trish Richards, associate vice chancellor and CHRO and division business administrator for the vice chancellor of governmental affairs at the University of Arkansas for Medical Sciences, received the Southern Region's Meritorious Service Award.

St. John's University's Office of Human Resources received the Eastern Region's Excellence in HR Practices Award.

2013 CUPA-HR Higher Education HR Awards Recipients

Paul Brown, president of Zane State College, received the inaugural Chief Executive HR Champion Award.

Derek Carissimi, vice president for HR for Oregon Health and Science University Healthcare; **Northwestern University's HR FASIS Team**; and **University of Virginia's HR Department** received HR Innovation Awards.

Central Michigan University received the Inclusion Cultivates Excellence Award.

Jack Giarusso, former executive director of HR at University of Massachusetts Lowell, received the Donald E. Dickason Award.

Margaret R. Phillips, vice president of HR at West Virginia University, received the Excellence in HR Practices Award.

Betsy Rodriguez, chief HR officer for the University of Missouri System, received the Distinguished Service Award.

University of Georgia received the Community Service and Outreach Award.

Read more about these award recipients and their programs at www.cupahr.org/publications/press-awards.aspx.

Been promoted? Retiring? Moving to another institution? Received an award? Send your announcements to communications@cupahr.org. Looking to make a move? Visit CUPA-HR's JobLine (www.cupahr.org/jobline) to find a position that's right for you.



Welcome to CUPA-HR!

We're pleased to welcome our newest members to CUPA-HR.

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What Did the Courts Decide? (from p. 24)

Case #1 Outcome:

The court dismissed the plaintiff's case, holding that the company did not actually know of her disability — narcolepsy — when it fired her so it could not have terminated her because of the disability. The court held that it was the employee's responsibility to notify her employer of her disability if she was seeking an accommodation. The court wrote that "firing someone because they have the 'symptoms' of a disability is not the same as firing someone because of the disability itself." Nonetheless, the case could have gone the other way, especially since the employee's doctor raised the specter of a protected disability before firing even though it was not specified in the paperwork.

Case #2 Outcome:

The court rejected the county's motion to dismiss, holding that the plaintiff should be granted a jury trial. Specifically, the court concluded that a reasonable jury could conclude from the facts of the case that the plaintiff was put on probation first as a result of excessive use of sick leave which resulted largely from her use of FMLA leave. Therefore, she has a right to go to a jury over the allegation of interference with her use of FMLA leave. She also has a right to have the jury decide whether the county's failure to reappoint her was in retaliation to her use of FMLA leave.

CUPA-HR Featured Events

September 2013

September 9-10: South Carolina Chapter Meeting – Myrtle Beach, South Carolina

September 13: Alabama Chapter Meeting – Auburn, Alabama

September 15-17: Florida Chapter Conference – Delray Beach, Florida

September 18-20: Kentucky Chapter Conference – Bowling Green, Kentucky

September 19-20: Rio Grande Chapter Meeting – Albuquerque, New Mexico

September 20: Virginia Chapter Conference – Roanoke, Virginia

September 26-27: InterMountain West Chapter Conference – Bozeman, Montana

October 2013

October 15-17: West Virginia Chapter Conference – Charleston, West Virginia

October 17-18: Missouri Chapter Conference – Osage Beach, Missouri

October 18: Upstate New York Chapter Meeting – East Syracuse, New York

October 27-29: CUPA-HR Annual Conference and Expo – Las Vegas, Nevada



We're constantly adding to our calendar of events – chapter meetings, region conferences, just-in-time webinars and more. Visit www.cupahr.org/events/calendar.aspx for a full listing.

With Gratitude

We would like to extend our sincere thanks and appreciation to the three board members who completed their terms on CUPA-HR's national board of directors on June 30. These individuals each gave freely of their time and talents, and each made tremendous contributions to the association over their past few years of service on the board. You will all be sorely missed on the board!



Donna Popovich
Executive Director of Human Resources
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