

The Higher Education Workplace

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Best Practices in Training on Title IX, VAWA and the Clery Act

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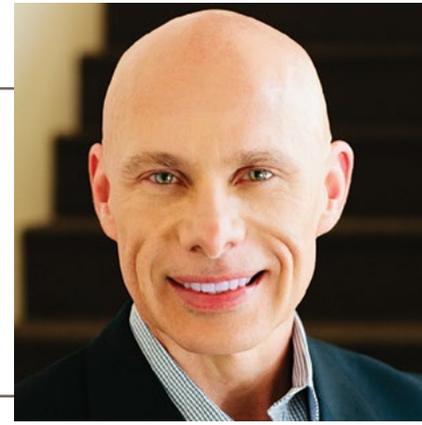
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Diversity and Inclusion – It’s the Personal Responsibility of Everyone on Campus

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



In light of recent events at several higher education institutions, campus leaders across the country are working with student and employee groups to address increasing concerns that diversity and inclusion are not core values of our colleges and universities. Are there phenomenal campus diversity and inclusion efforts that have created better learning and working environments? Absolutely. Are there campuses that have been too caught up in the dialogue to move to action? I’m afraid so. Are there campuses that have totally ignored their responsibility to create a more diverse, inclusive environment? Unfortunately, yes, there are.

When it comes to diversity and inclusion in higher education, everyone on campus must be committed to take action — immediate and long-term — to create and sustain a diverse, inclusive campus community. Without a doubt, this commitment (or lack thereof) starts at the top with an institution’s board of trustees, which chooses and assesses the performance of the president or chancellor. While some board members understand and champion efforts to create a more inclusive campus community, many need a greater understanding of what is essential for a 21st-century learning and working environment. Board members also need to more fully understand that the decisions they make (or choose not to make) regarding the leaders of our institutions have a significant, long-term impact.

I challenge all boards of trustees to reassess the selection criteria they use to choose a new president or chancellor and to more clearly articulate performance expectations of sitting presidents and chancellors that require a demonstrated commitment to diversity, equity and inclusion. **Not just a commitment to an “institutional” plan, but a personal commitment ... a demonstrated cultural competency that is clear to everyone, every day.**

Our presidents and chancellors must also realize that they set the tone for creating and sustaining an inclusive campus community. This tone is moved to action every day (or not) by others who are part of the campus leadership

team. Each of these individuals must also have a personal commitment to diversity, equity and inclusion. In my opinion, the president or chancellor sometimes “takes the fall” because he or she has not done a good job of holding other campus leaders accountable.

Thus, I challenge every college and university president and chancellor to reassess the selection criteria they use to choose new members of their institution’s leadership team. I also challenge presidents and chancellors to more clearly articulate performance expectations of every member of the leadership team — expectations that require a demonstrated commitment to diversity, equity and inclusion. **Not just a commitment to an “institutional” plan, but a personal commitment ... a demonstrated cultural competency that is clear to everyone, every day.**

As HR professionals, we are strategically positioned to help our boards, presidents and other campus leaders demonstrate a commitment to diversity and inclusion. By helping our boards of trustees and presidents and chancellors review and, if need be, revise the selection criteria used to fill campus leadership positions (with an emphasis on cultural competency and a deep-rooted commitment to diversity and inclusion), we can help shape our campus culture and ensure that those at the top are leading by example.

However, in order to do this, we as higher ed HR pros must also more clearly require a demonstrated commitment to diversity, equity and inclusion of ourselves and of every member of our HR team. **Not just a commitment to an “institutional” or “departmental” plan, but a personal commitment ... a demonstrated cultural competency that is clear to everyone, every day.**

A handwritten signature in black ink that reads "Andy Brantley". The signature is stylized and fluid.

Andy Brantley | CUPA-HR President and CEO

UT Austin Campus Carry Working Group Offers Recommendations

The Campus Carry Policy Working Group at The University of Texas at Austin has submitted a set of 25 recommendations to President Gregory L. Fenves for implementing Senate Bill 11 (SB 11), the state’s campus carry law.

The 19-member group worked for three months, hosted two public hearings that drew 400 people, reviewed more than 3,300 online survey responses and met weekly throughout the fall semester to produce the report. The group considered how handguns must be carried and stored, where handguns may not be carried, implementation measures and proactive measures the university should take.

Fenves will use the recommendations to develop final rules for implementing the law on campus that he will send to the University of Texas System and report to the Legislature. SB 11 gives university presidents the authority to develop campus-specific rules, although UT System regents can amend or reject them with a two-thirds vote.

“I thank Professor Goode and the Working Group for their hard work, thorough review and commitment to developing recommendations that consider UT Austin’s specific needs,” said Fenves. “I will study the report closely and decide on our policy in the near future. [Although I do have] deep concerns about SB 11 and the potential impact that handguns will have on campus, I have a responsibility to implement the law and will do so in a way that addresses the safety of our community.”

Among the Working Group’s recommendations:

- License holders who carry a handgun on campus must carry it on or about their person at all times or secure it in a locked motor vehicle. Handguns must be carried in a holster that meets specified standards.
- Handguns will generally not be permitted in on-campus dormitories, where few students are older than 21 (the minimum age required for a permit) and some are younger than 18. Parents who have a license, however, will be permitted to carry a concealed handgun while visiting their children.

- University employees who have a single-occupant office will be able to determine whether to allow handguns in those spaces.
- Handguns will not be permitted at campus health centers, childcare facilities, certain laboratories, pre-K through 12 school-sponsored activities on campus and university-sponsored campus programs for minors, among other venues. State law already prohibits them at ticketed collegiate sporting events.

The Working Group expressed concerns about allowing handguns in classrooms but concluded it could not recommend that handguns be banned there. Because attending class is central to most students’ daily lives, the Working Group said that barring handguns in classrooms would have the effect of generally prohibiting students from carrying them, which is not allowed under the law. “We are aware of, and sympathetic to, the overwhelming sentiment on campus that concealed carry should not be permitted in classrooms,” the group wrote. “Every member of the Working Group — including those who are gun owners and license holders — thinks it would be best if guns were not allowed in classrooms. Nevertheless, the Working Group does not recommend that classrooms should be designated as gun-exclusion zones.”

SB 11 was passed by the Texas Legislature and signed into law by Gov. Greg Abbott during the spring. It provides that, beginning August 1, 2016, people who hold handgun licenses may carry concealed handguns both on the grounds and in the buildings of public higher education institutions. The bill also authorizes the president of a university to enact reasonable rules and regulations regarding the concealed carry of handguns on campus, so long as they don’t generally prohibit or have the effect of generally prohibiting license holders from carrying their concealed handguns on campus. A second bill passed by the Legislature — the open-carry law — expressly exempts institutions of higher education, and the open carry of handguns on campus remains prohibited.

This article was first published on University of Texas at Austin’s website on December 10, 2015. The Campus Carry Policy Working Group’s full report is available at <http://campuscarry.utexas.edu/CCWorkingGroup-FinalReport.pdf>.

ACA Final Rules Issued in Bulk: 12 Changes You Need to Know

Over the years, federal agencies have issued a plethora of ACA proposed and interim rules, as well as regulatory guidance. But none of it was officially finalized — until now. The feds just issued final rules in bulk (published in the November 18 issue of the *Federal Register*), solidifying those earlier efforts. For the most part, the rules don't contain many substantial changes from the regulatory paperwork the feds have issued over the years. But there were a few modifications that employers and insurers will need to know about. Here's a breakdown of the most substantial changes and those that will affect the most plans:

Dependent Coverage

Service area restrictions. Eligibility restrictions requiring plan participants to work, live or reside in a service area (as is typically the case with HMOs) cannot be applied to dependent children until they reach age 26. However, plans can continue to provide coverage only within a designated service area.

Variations in coverage. Terms of plan coverage cannot vary based on the age of a dependent child, except for children age 26 and older.

Patient Protections

Individual primary care designation. If a plan requires participants to designate a primary care provider, each participant must be permitted to designate his or her own provider.

Children's primary care providers. If a plan requires the designation of a primary care provider for a child, the plan must allow any physician who specializes in pediatrics (including subspecialties in pediatrics) — and who is in-network and available to accept the child — to be designated as the child's primary care provider.

OB/GYN access. All women, no matter their age, must be ensured direct access to OB/GYN care. That means no authorizations or referrals can be required to seek OB/GYN care.

Lifetime and Annual Limits

General prohibition on limits. Lifetime and annual dollar limits on coverage for "essential health benefits" are

generally prohibited, regardless of whether those benefits are provided by in-network or out-of-network providers.

Claims Appeals

Evidence. Plans must provide claimants with any new or additional evidence that is being relied upon or used in anyway in connection with a claim, as well as any new or additional rationale for a denial of an internal appeal. This must be provided free of charge automatically. Merely providing a notice of the availability of such information is not enough.

Rescissions

Non-payment of COBRA premiums. A retroactive termination of COBRA coverage is permissible if the participant has failed to pay the required premium.

HRA Integration

Medicare. Employers with fewer than 20 employees that are not required to offer their group health plan coverage to employees who are eligible for Medicare coverage can integrate an HRA with Medicare Part B or D.

Grandfathered Plans

Multi-employer plans. New contributing employers can join a multi-employer plan for the express purpose of taking advantage of the plan's grandfathered status without violating anti-abuse rules.

Plan changes. One plan's status change doesn't change the status of all benefits packages. Example: The loss of grandfathered status for a PPO plan won't impact the status of an HDHP plan.

Generic alternatives. Plans can move brand-name drugs to a higher cost-sharing tier when a generic alternative becomes available without losing grandfathered status.

Disability Benefits Claims Appeals

Published along with the final rules were proposed rules on the claims and appeals rules applicable to plans providing disability benefits. In a nutshell, the rules would apply the claims and appeals procedure rules for standard healthcare claims to disability benefits claims.

This article was authored by Christian Schappel and first appeared on HRMorning.com on December 9, 2015. It was reprinted here with permission.

Five Ways to Evolve Your Diversity Training

By Daniel Y. Nicolas

Has diversity training in your organization evolved, or are you using a five-year-old PowerPoint presentation? Is diversity and inclusion woven throughout every facet of your organization, or is it seen as a check-the-box task to meet compliance obligations? Is conversation and dialogue around DEI on campus encouraged and facilitated, or does the discussion stop once the training session is complete? If there is robust, sustained dialogue, does that talk then move into action?

Compelling diversity and inclusion training is not only necessary and vital in today's increasingly multicultural, multiethnic, multigenerational workplace, but it's also good for the bottom line. Research has shown that organizations with robust diversity training programs have more engaged, innovative, committed employees. If you're looking for ways to reenergize or evolve your diversity and inclusion training, here are five easy-to-implement ideas.

Incorporate Diversity-Related TED Talks Into Your Training

Today's pertinent issues in diversity touch on sensitive topics in our society including racial injustice, generational disparities, hiring individuals with disabilities and rights for LGBT employees, and it can be difficult to find subject matter experts that can authentically speak to these issues.

That's where the popular TED Talks series can come into play, as organizations large and small can easily and inexpensively (read, for free!) incorporate TED Talks into their diversity training. A groundbreaking example was the State Street Corporation holding a viewing party onsite so that employees could watch a coworker give a TED talk about coming out (read the story and view the TED talk at blog.ted.com – search “Morgana Bailey”).

It's important to note that using TED Talks in diversity training is scalable. For large organizations such as State Street, an actual TED Institute event can be hosted with one of the speakers addressing a key issue in diversity. On a smaller scale, viewing a TED Talks diversity-related video during a lunch and learn can also have an impact by giving attendees an authentic perspective.

Be a Diversity Think Tank

Merriam-Webster defines a think tank as “an organization that consists of a group of people who think of new ideas on a particular subject or who give advice about what should be done.” Diversity training within your organization should always include time for participants to share new ideas on the issue or topic being presented. Employee ideas developed through these “think tanks” often lead to unique diversity programs, policies, reports and initiatives for the organization. Many organizations are also starting to publicly showcase on their websites their DEI best practices, so don't be afraid to share your own innovative programs and/or borrow from others.

Utilize Your Employee Resource Groups

With the onset of an increasingly diverse workforce, employers should look to their employees as a resource to conduct diversity training. Northrop Grumman has used its employee resource groups (ERGs) for individuals with disabilities and LGBT employees to conduct lunch and learns for the organization. This helps employees to make a personal connection with the topic at hand. It can also be helpful to vet diversity-related training programs through applicable ERGs in your organization, as doing so can add relevance and ensure credibility of the content. Smaller organizations that do not have employee resource groups can benefit from engaging DEI-related community organizations and volunteers.

Be Social

Diversity training and initiatives can be enhanced through social media campaigns. Most recently, the federal government launched the #ItsOnUs campaign to end sexual assault on college campuses. The campaign includes short awareness videos on YouTube and a website with tools and resources on dealing with sexual assault on campus. In this campaign, social media provided a unique platform to showcase a difficult-to-discuss topic. Organizations can use this same model to enact internal campaigns for diversity training. Examples would be the use of an internal intranet to share awareness videos on a certain topic or the use of a hashtag to highlight the theme of the training.

inclusion cultivates excellence

Use Technology to Your Advantage

As we all know, today's workforce is increasingly dynamic and mobile. According to the *Fortune* magazine article "Lessons Learned From 3 Companies That Have Long Embraced Remote Work," remote work continues to trend upward, with a 26 percent increase in remote job postings from 2013 to 2014. Moreover, 83 percent of hiring managers say telecommuting will be more prevalent in the next five years. Accordingly, diversity training programs must also be able to evolve in order to accommodate this new workforce.

Organizations can incorporate the use of web conferencing platforms for diversity training. These programs maximize the use of advanced sharing tools, chat features, screen sharing and virtual classrooms. To enhance impact, use live trainings via web conferencing instead of pre-recorded

webinars. The creation of a virtual environment with live interaction is critical for an engaging experience. And by diversifying your delivery approach, your DEI content will have a broader reach and a longer shelf life.

Are your organization's diversity training and DEI initiatives stuck in limbo, or are they ahead of the curve? Does your campus community walk away from DEI training with a "glad-that's-over" mentality, or are they energized by new insight and a resolve to continue the dialogue? If your diversity initiatives are falling flat, maybe it's time to rethink how, where and why you deliver the message. 

Daniel Y. Nicolas is coordinator of equal opportunity programs and diversity at Florida International University. He can be reached at dannicol@fiu.edu.

THE STATS

FEWER THAN 1 IN 4
ORGANIZATIONS WITH LESS THAN
500 WORKERS
PROVIDED DIVERSITY
TRAINING IN 2012.



FEWER THAN 1 IN 8
HAD A DIVERSITY TRAINING BUDGET IN 2012,
LESS THAN IN 2011,
WHEN ABOUT 1 IN 6 HAD SUCH BUDGETS.



ABOUT 2 IN 3 (66 PERCENT)
HAD NO WAY TO MEASURE
THE IMPACT OF THEIR
DIVERSITY PRACTICES.



ANOTHER 16 PERCENT
WERE NOT SURE IF THEIR
COMPANIES MEASURED IMPACT.

MORE THAN 9 IN 10 (93 PERCENT)
DIDN'T MEASURE THE RETURN ON
INVESTMENT FOR THEIR
DIVERSITY INITIATIVES.



INNOVATIVE TRAINING IDEAS



IMPACT – MAKE IT MEAN SOMETHING



TIE DIVERSITY TRAINING TO A GOAL AND TRACK IT



TIE DIVERSITY TO EXECUTIVE PERFORMANCE



DIVERSITY SHOULD BE INCLUDED IN THE ORGANIZATION'S VISION OR GOAL STATEMENTS

SOURCE: SOCIETY FOR HUMAN RESOURCE MANAGEMENT DIVERSITY AND INCLUSION SURVEY, APRIL 2014



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Why Your Wellness Program May be Missing the Mark

By Victor Tringali

Cognizant of the need to suppress healthcare costs and in an ongoing effort to attract, retain and incentivize the most talented employees, many organizations have implemented wellness programming intended to prevent disease through the encouragement of healthy behaviors conducive to greater wellbeing within the workplace and beyond.

The proliferation of wellness programs is evident within multiple industries and among employers of varying sizes. According to the article “Systematic Review of the Impact of Worksite Wellness Programs” in the February 2012 issue of *The American Journal of Managed Care*, as of 2012, more than half of U.S. employers with at least 50 employees and more than 90 percent of larger employers offered a wellness program.

Research has clearly demonstrated that when properly executed, worksite wellness programs contribute to both improved health and costs savings, revealing a direct correlation between program participation rates and financial returns. According to the article mentioned above, properly assembled wellness programs elicit a litany of intangible but unequivocally impactful benefits which encompass the recruitment and retention of a higher-quality workforce while collectively curtailing absenteeism and improving job satisfaction.

Healthy People 2010, a federal health promotion initiative, recommended that a comprehensive organizational wellness program include health education, supportive social and physical environments, integration into organizational structure, links to related programs like employee assistance programs and onsite health screenings.

However, in spite of these precedents and scores of research findings which provide a rudimentary framework on how to develop workplace wellness programs, many organizations continue to miss the mark with their wellness initiatives. So why do so many wellness programs fall short? Oftentimes, lack of success can be attributed to one or more of the following: a failure to focus on

contextual change; lack of leadership support; excessively challenging or irrelevant programs; and/or the wrong person or team leading the effort.

Failure to Focus on Contextual Change

Thomas Frieden, former director of the Centers for Disease Control and Prevention, developed something called the Health Impact Pyramid — a multi-tiered theoretical structure which outlines the potential significance and scope of strategies intended to improve health. At the top of the pyramid are interventions that include education and counseling. Examples include health education “lunch and learns,” nutrition counseling, exercise classes and smoking cessation classes.

While these types of interventions appear attractive on the surface, Frieden has found that they require immense efforts to implement and deliver only the smallest impact. Unfortunately, many well-intentioned organizations naively aim their efforts toward these types of initiatives and consequently struggle to achieve an expansive reach to their employee population. Frieden found in his research that interventions with the greatest potential impact are those comprising the base of the pyramid — efforts that attempt to make individuals’ default decisions healthy. Frieden found that these lower-level interventions tend to be more effective due to their wide-ranging scope, which influences larger population segments while requiring less individual effort.

For example, according to the article “Creating Healthy Food and Eating Environments: Policy and Environmental Approaches” in the April 2008 issue of the *Annual Review of Public Health*, increasing the availability of healthy foods through various environmental improvements can help improve diet and decrease obesity. The authors found that modifying beverage vending and snack machines to reduce unhealthy foods, sodas and other sugar-sweetened beverages can confer large-scale benefits and create healthy default choices. Other examples of lower-level interventions that serve to promote healthier default choices include designated smoke-free areas and policies

wellness works

that deter tobacco use and modifications to the physical environment that promote increased physical activity — such as designing buildings to promote stairway use. Even spatial organization (size and aesthetics of a work area, workplace décor, color schemes) and ambient conditions (lighting, temperature, noise, air quality) all have the potential to affect employee wellbeing (as detailed in the chapter “Physical Work Environment” in *The Handbook of Work Stress*).

Lack of Leadership Support

Contextual changes like the ones mentioned above require the action and support of those in leadership and administrative roles in order to be successful. According to the article “Selected Barriers and Incentives for Worksite Health Promotion Services and Policies” in the May/June 2007 issue of *American Journal of Health Promotion*, employees are encouraged by participation-friendly organizational policies, physical environments and other health-related resources that meet and adapt to their needs. Having leadership support leads to more resources available for programs and enacting of policies, which can promote healthier behaviors and create genuine culture change.

Engagement (a key determinant of success) has been associated with leadership that is strongly motivated to support wellness programs and to improve their own health. Visible participation from top leadership demonstrates a commitment to wellness that can influence widespread participation throughout the entire organization.

Excessively Challenging or Irrelevant Programs

Contextual changes in the workplace are more likely to succeed when combined with educational and interactive activities. However, activities need to be interesting and relevant. If employees are not interested or information is not personally significant, even a well-planned program can fail. Therefore, it is imperative that programs render an impactful and positive first impression during initial engagement. Bottom line: the program must be enjoyable or people won't participate.

Programs also must be accessible and convenient and should take into consideration time constraints and logistical challenges employees face on a day-to-day basis. Research has indicated that inconvenient times and locations are two of the most commonly reported reasons for not participating in workplace health and wellness programs (these findings were presented in the article “Barriers to Participation in a Worksite Wellness Program” in the April 2010 issue of *Nutrition Research and Practice*).

The Wrong People Leading the Effort

Organizations often assign the responsibility of implementing wellness programs or initiatives to their benefits administrator, human resources leader or internal “wellness champion.” While these well-intentioned professionals may encompass lauded attributes, they often don't possess the thorough understanding of health promotion and behavior needed in order to design and implement effective programs.

Instead, individuals who have a degree in public health (which usually includes course work in epidemiology and biostatistics; health policy, management and administration; health promotion and education; environmental health; and occupational safety) or a background in exercise science may be best equipped to handle the multifaceted role of wellness director.

Get Your Wellness Program Back on Track

Effective worksite wellness programs can present a significant financial return through reduced healthcare costs and improved employee health in addition to soft savings attributed to things like improved employee retention and job satisfaction and less time away from work. Organizations wishing to create an impactful, well-utilized, results-producing wellness program should consider the barriers mentioned above and look for ways to overcome those obstacles. By focusing on contextual changes, securing buy-in at the highest levels of the organization, ensuring programs are accessible, fun and relevant, and tapping the appropriate individual or team to lead the effort, your workplace wellness program can thrive. 

Victor Tringali is executive director of university wellness at Drexel University. He can be reached at vmt33@drexel.edu.

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Transforming the Student Employment Experience at St. John's University

By Lillian Dotolo

A quality education and experiential learning both contribute to a student's total college experience. Opportunities made available through on-campus student employment and internships are excellent ways to positively impact the student experience and increase the return on investment made by students and their families. A positive student employment experience not only assists in student retention, it provides meaningful opportunities for career development and job readiness by giving students a meaningful on-campus work experience where they learn skills that will translate to a future career. In support of St. John's University's number one strategic priority — to ensure student success — the office of human resources has been working over the past two years to drive initiatives to impact student success within the area of student employment.

With around 1,600 student workers employed annually by St. John's, the opportunities for human resources to impact career preparation were everywhere. HR's approach was four-pronged — to shift the culture of student worker supervision to a proactive, coaching-based model (supervisory practices at the time focused more on getting tasks done than on providing student workers with developmental coaching and real-world experiences that they could connect to their professional careers); to engage departments campus-wide in creating more internal academic internships and job opportunities for students; to implement a student worker recognition program as a means of both motivating student employees and honoring outstanding performance; and to automate the student worker employment process.

Equipping Supervisors to Effectively Manage Student Workers

Supervising student workers requires more than delegation — it requires mentoring, direct communication and ongoing guidance. But many of our supervisors had not had the opportunity to practice this kind of coaching-based supervision model. To address this, HR's training and development team launched several new training

programs for managers of student workers. Training topics include defining the job, orientation/onboarding, assigning work, coaching and providing feedback and identifying and responding to student workers in distress. With help from career services, HR also developed an online supervisor's toolkit, which contains information and resources around job descriptions, templates, interview guides, competencies, evaluation sheets and coaching tips.

Additionally, HR revised and updated its existing *Supervisor's Guide to Managing Student Workers* publication, which now serves as a comprehensive guide for managers and includes everything from pre-hire activities to resources, toolkits, recommended training programs, policies and procedures, all positioned within the university's strategic framework and direction.

Creating More Opportunities for Student Workers

In an effort to encourage departments to utilize student interns wherever they can feasibly do so, HR developed and distributed to internship coordinators across campus a how-to guide and presentation on how and why departments should host internships. HR also partners with career services and the office of community relations to host an annual on-campus student employment fair. In just four years, the event has grown from 30 participating departments and 440 students to 49 departments, 14 local businesses and nearly 900 students and has expanded to include internship opportunities as well as student worker and work-study positions. As a result of the most recent event, 243 students obtained a job or an internship on campus.

HR and career services also partnered to present a session open to the entire campus community on the responsibility that all employees have to help prepare students for employment after graduation. Additionally, HR recently hosted a lunch-n-learn for supervisors of student workers to share the progress that has been made on these initiatives and to brainstorm additional ideas around ways to continue to equip students to enter the workforce.

Recognizing Student Workers Who Go Above and Beyond

This past academic year, HR introduced Students Honored in Employment (SHinE), a new program to recognize outstanding student workers. The idea for this award program came about in 2013 when the HR department was deciding how best to utilize award money it had received as a result of being selected as the recipient of the CUPA-HR Eastern Region's Excellence in HR Practices Award. Since the department received the award for its implementation of an automated student worker employment process, HR felt that students should be the direct beneficiaries of the award money.

The program recognizes students for outstanding contributions and achievements in the workplace through a competitive nomination and selection process. The program aims to motivate student workers to take initiative and strive for excellence while reinforcing qualities that are important for success in any career. Student workers are nominated by their supervisors and entries are evaluated by a cross-functional selection committee.

In its inaugural year, 82 student workers were nominated, 12 were selected as semi-finalists and four individuals received the 2015 SHinE Award. Award recipients received a recognition plaque, a \$500 check and congratulatory letters from both the university president and the chief HR officer. A luncheon ceremony was held during National Student Employment Week to honor award recipients and semi-finalists, with their supervisors and university leaders in attendance.

Automating the Student Worker Employment Process

Three years ago, St. John's HRIS unit implemented an automated student worker hiring and employment process designed to simplify the student job search, streamline application and hiring, reduce paperwork and errors, increase communication throughout the process, and increase convenience for students, hiring managers and HR staff.

Whereas the old process required students to physically come to the HR office to apply for student employment positions, after which HR would make copies of the application and send it to various hiring managers (sometimes resulting in application delays and lost or misplaced applications), the new process offers online employment application, online tracking of applications

and personnel change forms, e-mail alerts to both students and hiring managers throughout the process, and has cut hiring time by two days. Post-employment paperwork has been reduced by 70 percent and more than 40,000 pieces of paper generated annually during the student hiring process have been eliminated.

In addition, HR migrated student employee records to electronic files and scanned in all remaining paper documents. Now, all student employment files are accessible via the HRIS system with no more need for paper filing or storage. Through a partnership with the provost's office, a similar process was rolled out for graduate assistants this past fall.

Outcomes

The culture is shifting at St. John's as it relates to student employment. Employees now regard work study as a key component of a student's total experience, acknowledging that the university has a responsibility to provide not only quality academics but quality experiential learning as well. As more and more individuals across campus realize the attributes that student employees bring to the university as a whole as well as to their own teams and departments, more and more opportunities are being created for St. John's students to gain valuable work experience on campus.

The statistics seem to show that these efforts are paying off. A survey of 2014 St. John's graduates showed that within six months of graduation, 93.2 percent were in graduate school, employed full-time, or both (up from 80 percent in 2010). The university has also gained national recognition for its student employment initiatives. In addition to the aforementioned CUPA-HR award, earlier this year the university was named as the recipient of the National Association of Colleges and Employers' Diversity and Inclusion Excellence Award for its efforts to provide economically-disadvantaged students with development opportunities and career-oriented preparation.

And with its focus on improving the student employment experience and process, HR has been able to contribute in a concrete way to student success at St. John's. 

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Working Overtime on Overtime

By Josh Ulman and Basil Thomson

We hear from CUPA-HR members almost every day that if the Department of Labor (DOL) issues a final overtime rule similar to the proposal it released in July, higher education institutions, their employees and their students will be significantly and negatively impacted. That is why our top priority right now in Washington is to convince DOL to reconsider its proposal.

Background

The Fair Labor Standards Act (FLSA), enacted in 1938, requires employers to pay their employees a minimum wage set by the statute and “overtime” pay at a premium rate of time-and-a-half of the employee’s regular hourly wage for every hour the employee works over 40 hours in a given week. The statute exempts certain categories of employees from these requirements.

Under the “white collar” exemptions, executive, administrative and professional employees are exempt from the FLSA’s overtime and wage requirements if they are paid a salary (salary basis test) of at least \$455 per week or \$23,660 annually (minimum salary requirement) and primarily perform responsibilities that DOL considers customary of professional, executive and administrative work (duties test). In 2004, DOL added to the regulations a more streamlined “duties test” for employees paid a total annual compensation of at least \$100,000; this is known as the highly compensated test for exemption.

On March 13, 2014, President Obama issued a memorandum directing Secretary of Labor Thomas Perez to make changes to the regulations governing the white collar exemptions. On July 6, 2015, DOL published the Notice of Proposed Rulemaking (NPRM), which proposed several changes to the exemptions and invited public comment on those proposals. Under DOL’s proposed rule, the salary threshold would be increased by over 100 percent to \$50,440 per year in 2016, meaning that any currently exempt employees governed by this exemption making less than this threshold would no longer be eligible for exempt status and would have to be paid on an hourly basis regardless of their job title or duties and would be eligible for overtime pay (note this threshold does not apply to faculty and teachers).

Furthermore, the proposal would require that the salary threshold be updated annually based on either the Consumer Price Index for All Urban Consumers or by pegging the salary threshold to the 40th percentile for weekly earnings of all full-time, non-hourly (i.e., salaried) employees. This is the first time since the FLSA was signed into law in 1938 that an automatic threshold increase would be imposed by DOL.

In November, the Obama administration released its autumn 2015 Unified Regulatory Agenda and Regulatory Plan, in which DOL announced that the targeted release date for a final rule is July 2016. Keep in mind that the agenda is an aspirational document — agencies do not generally issue regulations prior to the target date, but often release them after the target date (this is important given recent press reports stating that the solicitor of labor said the agency may not release the final rule until later in 2016 because of the volume of comments it received).

Higher Education’s Comments and Concerns

In July, we asked CUPA-HR members to complete a survey to help us more fully understand the impact of the proposal so that we could draft detailed comments to provide to DOL. CUPA-HR members responded to the survey with over 800 incredibly helpful, detailed responses on the impact the overtime proposal would have on their campuses. Using this insightful feedback and many calls with higher education institutions and associations, on September 4, CUPA-HR submitted extensive comments on behalf of higher education and higher ed HR professionals. (The comments are posted on CUPA-HR’s website at www.cupahr.org/advocacy/flsa.aspx.) Eighteen higher ed associations also signed on to CUPA-HR’s comments.

In our comments, we state that the higher ed community believes an increase to the current minimum salary threshold, which was set in 2004, is due and increasing the threshold will help ensure that the white collar exemptions are not abused. We argue, however, that the proposed minimum salary threshold is simply too high and, if implemented, will force colleges and universities to reclassify employees in white collar jobs that offer and

on the hill

require significant professional autonomy, have always been exempt and are well suited to exempt status. We also claim that a change of this magnitude is not in keeping with the intent of the FLSA and will negatively impact many employees, institutions and students. While hourly pay and nonexempt status is appropriate for certain jobs, it is not appropriate for all jobs; otherwise Congress would not have created any exemptions to the overtime pay requirements.

Due to the tremendous amount of feedback we received from the survey on the issue of reclassifying employees, our comments highlight the impossible task of increasing exempt employees' salaries to the level proposed by DOL, as many institutions would not be able to absorb the increased costs associated with higher salaries for exempt status. The ensuing mass reclassification would be to the detriment of many employees and would likely result in diminished workplace autonomy and fewer opportunities for flexible work arrangements, career development and advancement. It also comes with no guarantees of increased compensation and a perceived loss of status.

We also highlight the impact of the proposal on institutions and students, as the administrative and labor costs associated with the proposed changes are massive in a time of limited, fixed and shrinking budgets for higher

education. As such, institutions would be under pressure to raise tuition, when student debt is at an all-time high, and decrease services to cover the costs of these changes.

Our comments offer a number of recommendations intended to help DOL improve its proposal to minimize the impact on institutions, their employees and the students they serve while also ensuring the white collar exemptions are not abused. Specifically, we ask DOL to consider lowering the proposed salary level to one of several levels it considered in the proposed rule's preamble, all of which are more in line with historic increases to the salary threshold. We also ask DOL to phase in the new salary level to allow employers and employees enough time to make adjustments and preparations to help mitigate the negative consequences the proposal will likely have on colleges and universities, their employees and students.

Furthermore, we ask that DOL not automatically update the salary levels, as increasing the minimum salary level each calendar year would create uncertainty for employers in their budgeting and planning process and significantly undermine employee morale. We advocate that DOL should instead revisit the salary level at regular intervals and that each increase should be made through notice-and-comment rulemaking. Finally, we urge DOL to not

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One of CUPA-HR's strategic priorities is to "proactively influence legislative and regulatory issues that impact higher education, human resources and the higher education workforce." As such, we've ramped up our advocacy efforts in Washington over the past few years, and are committed to keeping you in the know on important workplace- and workforce-related legislation and regulations.

To keep up with all the latest happenings on the Hill that could impact you and the work you do, keep an eye on the CUPA-HR website. On The Higher Ed Workplace blog (blog.cupahr.org), you'll find regular updates from our government relations team on legislative, regulatory and compliance issues. On the Advocacy and Compliance web page (www.cupahr.org/advocacy/index.aspx), you'll find links to our advocacy letters, briefs and testimony, as well as an overview of recent court cases that could have implications for the higher ed workplace. On the FLSA Overtime Regulations web page (www.cupahr.org/advocacy/flsa.aspx), you'll find the latest news and developments as well as our advocacy efforts related to DOL's proposed overtime rule.

And don't forget the Knowledge Center (www.cupahr.org/knowledgecenter), with toolkits on FMLA, FLSA, Title IX, ADA, I-9/E-Verify, Civil Rights Act of 1964 and much more.

make changes to the duties test without issuing a separate NPRM containing specific proposed regulatory language.

CUPA-HR's Advocacy Efforts

CUPA-HR was actively engaged with DOL to educate it as it drafted the rule and has continued to engage the agency throughout the rulemaking process. Last year, CUPA-HR leadership and members met with the secretary of labor and his team about the possible changes to the overtime rule, and earlier this year, we met with the Office of Management and Budget, which oversees federal regulations, to detail our thoughts on possible changes to the rule.

A large focus of our advocacy efforts has been to educate and inform CUPA-HR members, other higher ed associations and individual college and university government relations offices about the specifics of the proposed rule. The FLSA Overtime Regulations page on the CUPA-HR website (www.cupahr.org/advocacy/flsa.aspx) contains links to a fact sheet, our comments and articles we have written with all the relevant and most up-to-date news on the overtime proposal. CUPA-HR members have access to a dedicated FLSA toolkit in the online Knowledge Center (www.cupahr.org/knowledgecenter/flsa.aspx) which is kept current with up-to-date information from DOL and the CUPA-HR advocacy and compliance website, as well as articles, how-tos and sample templates and guidelines related to the FLSA.

Additionally, we have been fielding questions daily from institutions and other higher ed organizations about the proposed rule as well as conducting conference calls and in-person informational sessions updating the regulated community. CUPA-HR also serves as co-chair of the steering committee for an employer coalition focused completely on this issue — the Partnership to Protect Workplace Opportunity (PPWO) — where we have been working to urge the administration to reconsider its rulemaking and proposed minimum salary threshold. PPWO is also urging DOL to neither index the salary threshold nor make changes to the primary duties test until the public is able to comment on specific proposed changes. Through our work with the coalition, we delivered 600+ requests for an extension of the comment period via the website's grassroots tool, as well as 1,636

letters to the Hill urging members of Congress to contact DOL and request an extension. Since the comment period ended on September 4, CUPA-HR, along with PPWO, has continued lobbying on this issue, reaching out to representatives' offices asking them to contact DOL and others within the administration to dial back the proposal in accordance with the recommendations in our comments. We have also begun a grassroots push through PPWO where individuals can voice their concerns.

The administrative and labor costs associated with the proposed changes are massive in a time of limited, fixed and shrinking budgets for higher education.

How We Move Forward

Following concerns expressed by the Office of Advocacy within the Small Business Administration that DOL did not consider the impact of the proposal on “key small entities,” the House Small Business Committee held a hearing in October on the overtime proposal. Both Democratic and Republican members — in a very rare bipartisan moment — acknowledged that their constituents have voiced concerns about the harmful unintended consequences of the proposed rule and urged the administration to proceed thoughtfully to a final rule.

As a result of this hearing and other signs members of Congress are concerned with DOL's rule, we began a push to educate higher education government relations teams on the proposed rule and published a call to action informing our readers of higher education's power as a constituent (blog.cupahr.org/2015/11/flsacalltoaction/). We continue to urge the higher ed community to contact their congressional delegation to ask them to reach out to DOL and others in the administration regarding the rule.

As you can see, CUPA-HR is working tirelessly to be your main educational source on everything FLSA related. In the coming months, we will be offering resources in various forms, including webinars with key subject matter experts, updates to the FLSA toolkit and e-learning courses to help make the transition as seamless as possible when the final rule is published. 

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Are You

CHANGE

Ready?

Strategies for Workforce Management

By Lauren Turner and Gail Gregory

The landscape in higher education continues to evolve. Institutions face challenges around funding, increasing costs, public perception, shifting demographics and more. As a result, college and university leaders must recognize the unique situations on their campuses that often require them to upend the status quo. They must see the need and set the tone for change, build consensus around strategies to support the future vision, and foster the collaborative workforce necessary to successfully implement and sustain these strategies. In this environment, top-down mandates will not produce the buy-in necessary for organizational change efforts to succeed.

Change at UMass Lowell

The University of Massachusetts Lowell is currently in the midst of a large-scale organizational change effort — implementing a transformative strategic plan known as UMass Lowell 2020. The plan was developed, and is periodically updated, by a 200-member Strategic Planning Commission representative of all key university stakeholders (faculty, staff and students).

The strategic planning process was first launched in 2008, and the plan has undergone several revisions, with the most recent revision and restatement being a midway update completed in October 2015 (www.uml.edu/2020). Since its inception, this strategic plan has guided UMass Lowell's broadly collaborative decision making — from its campus-wide and transparent approach to budget planning, to the expansion of academic programs and student enrollment, to human resources issues related to workforce and performance planning and management and more.

Today, UMass Lowell is a much different institution than it was just eight years ago. Student enrollment has increased by more than 50 percent, from 11,600 in fall 2007 to 17,500 today (with a goal of 20,000 by 2020). Other significant changes include a more diverse student body with a higher academic standing; an 81 percent increase in annual research expenditures; and a larger, stronger, more complex organizational infrastructure ... all while national rankings are climbing.

The university's five Pillars of Excellence — transformational education, global engagement and inclusive culture, innovative research and entrepreneurship, leverage our legacy and our place, and entrepreneurial stewardship — provide a common framework for planning, resource allocation and other key strategic decision making in light of the institution's new reality. Of particular importance to the topic of this writing is the fifth pillar, entrepreneurial

stewardship, which articulates how “an entrepreneurial approach to stewardship of human, physical and financial resources will be the hallmark of UMass Lowell's approach to building a healthy and sustainable future.” It is this pillar that has informed the many workforce planning and management initiatives taken up to build a strong workforce and organizational structure to support all facets of the plan.

Strategic Workforce Planning

Defined simply, workforce planning is having the right people with the right skills, experiences and competencies in the right jobs at the right time. Ensuring that an organization has the “right” organizational structure and staffing model requires careful analysis of the current workforce, identification of future workforce needs, and implementation of solutions to close any gaps needed to accomplish the organization's mission, goals and objectives.

At UMass Lowell, several human resources principles and tools have aided this workforce planning process. HR has worked collaboratively with leaders across all divisions of the university as we've planned for the changes necessary to support the university's continued upward trajectory. A few examples of note include the establishment of an online one-stop “solution center” where students can pay tuition and fees, register for classes, apply for financial aid, view student employment opportunities and more; a complete reorganization of the department of athletics to support the university's move from Division II to Division I; collaboration with the provost and deans of six colleges in developing strategies to improve the faculty recruitment process; negotiating important strategic changes to the faculty collective bargaining agreement; and articulating faculty workload plans and developing college and department strategic plans that are in alignment with the UMass Lowell 2020 plan.

HR has also worked with all departments across the finance and operations division (facilities, HR, public safety, administrative services, IT and financial services) to conduct a comprehensive workforce review and restructuring, the result of which is a stronger division focused on providing critical services and operational support for the university's strategic plan.

A strong and collaborative executive leadership team and solid accountability measures have been foundational to UMass Lowell's success with these workforce planning initiatives. Also critical has been an HR team that serves as skilled internal consultants; fosters open and honest communication with and between managers and employees;

builds trust in relationships with union leaders (95 percent of UMass Lowell's workforce is unionized); develops and administers sound HR systems and programs; and uses HR data to effectively inform organizational change initiatives.

While we could write volumes about the myriad change efforts HR has helped facilitate across campus, here we'll focus on just one: a comprehensive review and analysis of the university's financial services department.

Analysis and Restructuring of Financial Services

In order to contribute to the success of the UMass Lowell 2020 strategic plan, the finance and operations division recognized the need for a comprehensive workforce management review of its financial services department. To carry out this review, the vice chancellor for finance and operations partnered with HR and a higher education consulting firm, and in doing so created a team of individuals who could bring both an understanding of team dynamics and history as well as objectivity and an external perspective to the process. Throughout the initiative, there was an emphasis on creating opportunities to build trust and engagement with all those impacted by the change.

Want to hear more about UMass Lowell's workforce planning strategy? View the free, on-demand webinar "Strategies for Workforce Management: Are You Change Ready?" at www.cupahr.org/webinars. You can also find additional resources in the Workforce Planning toolkit in CUPA-HR's Knowledge Center (www.cupahr.org/knowledgecenter).

Leaders as Champions for Change

The financial services leadership team was engaged at the outset to serve as champions for change. It was in fact responsible for initially identifying the need for change, as it recognized that the university had "outgrown" its systems and staffing model. The leadership team was willing and eager to partner with HR and the consulting firm and could envision outcomes that would better serve the university, more productively engage existing staff, and effectively plan for staffing shifts, including the addition of key strategic positions. If key members of the leadership team are not constructively engaged at the outset, a project of this nature will be at best challenging to implement, and at worst, unable to succeed.

Change Process

At early planning meetings with the financial services leadership team, discussion centered around expectations for collaboration throughout the review and analysis process, as well as the timeline and milestones for completion of various stages of the review and implementation. Key considerations included:

- 1) Identifying available resources for the project, including the potential for additional resources to be made available, as necessary, to implement identified solutions.
- 2) Analyzing the current state of the workforce, including consideration of incumbent employees' strengths, limitations and interests; how staff were currently spending their time; expected attrition; and opportunities for promotion and the potential for gracefully exiting employees if necessary.
- 3) Envisioning the future state of the workforce needed to support the UMass Lowell 2020 plan, including consideration of reporting affinities and realignment; critical strategic positions (new or restructured); seizing the opportunity, where possible, to play to individual strengths; and the importance of performance accountability.
- 4) Identifying strategies for communication during the review process and implementation of action items to support sustained change (discussion included how important it was to ensure periodic communication with impacted staff, noting that any change process has the potential to build trust and engagement — or not — depending on how it is managed).

It was clear that the vice chancellor of administration and operations was ready to serve as an "executive sponsor" for this project and that the financial services leadership team was on board. At the outset, and with an aim to build trust and better understand the leadership team dynamics and organizational history, HR engaged the team in a visioning exercise, asking them to consider several questions, including: What would your job look like if ...? What would you be doing differently than you are doing today if ...? What's working? What's not working? Specifically, to get at perceived service gaps, we asked them to consider: What keeps you up at night? What work takes up too much time and doesn't add proportionate value?

What are you not doing that you feel you should be doing? In essence, we were asking them to consider what success would look like and what they saw as their key opportunities and challenges.

Assessment

The consulting firm worked with us to evaluate the current state of the finance and operations division. For the impacted departments, it reviewed the organizational structure to see if it met current as well as proposed future needs of the division. An anticipated retirement in a key position needed to be considered in any future structures. Also examined was work performed by individuals over the course of a fiscal year. The ultimate question was: Are the right people focused on the right things? Lastly, a retreat was conducted with the group to share the project's objectives, provide a common language and set context.

Evaluating the organizational structure involved interviews with the vice chancellor, interviews with other divisional leadership, the development of multiple iterations of structures and the development of communication strategies. Initially, the consulting firm focused on the functions rather than the people performing those functions. The interviews were an opportunity for leadership to share its view of what was working and what wasn't working and its view for the future. In addition to these viewpoints, functional alignment, potential number of direct reports and the long-term direction of the division were also taken into account to create alternate versions of new structures and pros and cons for each.

While looking at the structure of the financial services organization, we also looked at the work performed by individuals to see where people were spending their time. Managers split the work performed in their areas into major and minor categories and the consulting firm created a customized spreadsheet to reflect those categories. Each employee divided his or her work efforts over the course of a fiscal year into these predefined categories and entered it into the spreadsheet. Reports were created for each department showing how time was being spent by major category, minor category and by person. These were shared with managers, who discussed what surprised them, what was as expected, where they felt more time and less time should be spent and what work was not getting done.

For example, several areas showed that there was an imbalance between proactive and reactive activities. Employees needed to troubleshoot because problems further upstream were not being addressed. Addressing those strategic issues takes time, but the data showed how much time *not* addressing them was taking on an ongoing basis.

Gaps

This assessment process validated much of what the financial services team perceived as gaps in its structure and service model at the outset. Some of these concerns included

Organizations most likely to be successful in utilizing change to their advantage are the ones that no longer view change as a discrete event to be managed, but as a constant opportunity to evolve the business.

a focus on transactional activities and not enough time spent on planning and policy development; the need to improve customer service, strengthen internal controls and better coordinate efforts and improve processes within the department and across the university; insufficient staffing to support the growing university in some key strategic areas and limited back-up capabilities; and the need for improved reporting to support operations management and executive decision making. These identified gaps translated to solutions that could be operationalized.

Implementation of Solutions

As a result of these discussions and the comprehensive analysis, a vision for the future organizational structure emerged. HR worked with the financial services leadership team to develop a strategy to implement the plan. The plan involved revising job descriptions for several positions, many of which represented promotional opportunities for incumbent staff; restructuring the organization to create better internal alignment (e.g., the establishment of a department within financial services responsible for functions inclusive of "procurement to payment," where these functions had previously reported to different managers); establishing performance improvement plans for staff whose performance was deemed unsatisfactory; adding key strategic positions (in the areas of capital budget management, strategic sourcing and contract management and travel advisory services); developing a plan for workforce training and development, which included individual staff development opportunities as well as organization-wide

programming to promote positive engagement with these change initiatives; and developing a comprehensive communications plan which included plans for communicating with financial services employees as well as the UMass Lowell community about the new financial services organization.

Why Now?

UMass Lowell's 2020 plan has been the driver of the university's recent transformational growth and change. However, all organizations are dynamic entities and require constant and vigilant attention to organizational structure and climate to remain high performing. Strategic priority alignment, key staff departures, budget and other resource challenges, changing workforce and national demographics, technology and many other factors drive organizational change.

Organizations most likely to be successful in utilizing change to their advantage are the ones that no longer view change as a discrete event to be managed, but as a constant opportunity to evolve the business. There is no more important time than now for colleges and universities to take up the call to be "change ready." 

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Success Factors for Change



Different organizations have their own unique factors that can contribute to a successful change effort, but there are a few "must-haves" that will greatly increase the odds of success.

- 1 Communicating the rationale for change.** Some leaders focus on the crisis aspect of change while others focus on the opportunity aspect. When a leader communicates exclusively about the crisis, people can become paralyzed and believe any change effort is useless. On the other hand, when a leader focuses exclusively on the positives, people can believe that leadership is hiding something from them or they can become more resistant ... if things are so great, why change at all? Effective communication finds the balance between transparency surrounding the challenges that require change and a positive, inspiring vision for how the organization can get through those challenges.
- 2 Clear goals.** What are you trying to accomplish? What does a successful outcome look like? You can't assume there is agreement on this, so be explicit.
- 3 Accountability.** Without accountability, people know they will not be held responsible for their reactions or performance. They may appear to buy in to the change, when in actuality their plan is to simply outlast it (after all, they've seen change come and go before!).
- 4 Internal champions.** Internal champions can contribute to a change effort by serving as a link between leadership and those impacted by change. They can inspire others by displaying their own enthusiasm for what's to come.



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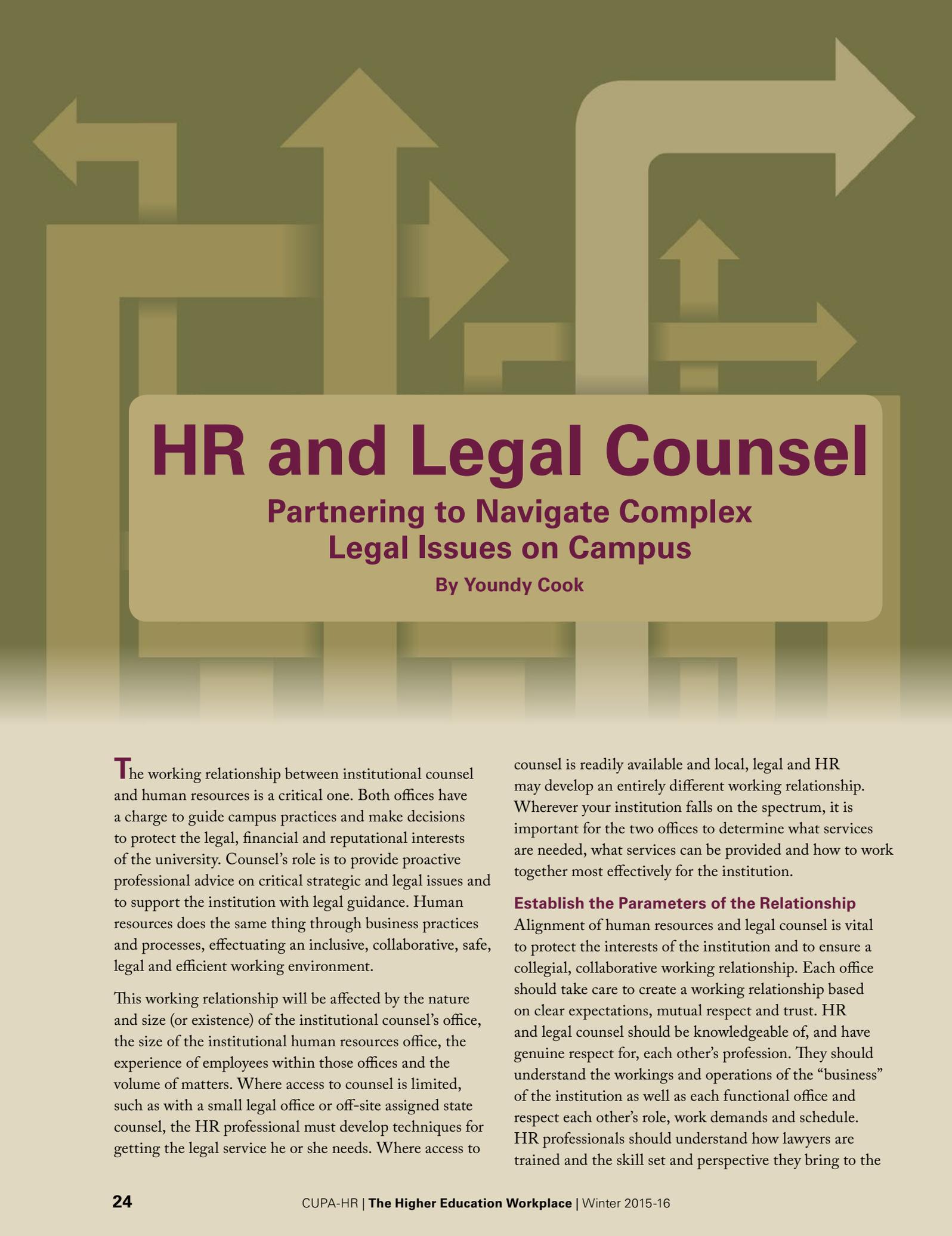
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HR and Legal Counsel

Partnering to Navigate Complex Legal Issues on Campus

By Youndy Cook

The working relationship between institutional counsel and human resources is a critical one. Both offices have a charge to guide campus practices and make decisions to protect the legal, financial and reputational interests of the university. Counsel's role is to provide proactive professional advice on critical strategic and legal issues and to support the institution with legal guidance. Human resources does the same thing through business practices and processes, effectuating an inclusive, collaborative, safe, legal and efficient working environment.

This working relationship will be affected by the nature and size (or existence) of the institutional counsel's office, the size of the institutional human resources office, the experience of employees within those offices and the volume of matters. Where access to counsel is limited, such as with a small legal office or off-site assigned state counsel, the HR professional must develop techniques for getting the legal service he or she needs. Where access to

counsel is readily available and local, legal and HR may develop an entirely different working relationship. Wherever your institution falls on the spectrum, it is important for the two offices to determine what services are needed, what services can be provided and how to work together most effectively for the institution.

Establish the Parameters of the Relationship

Alignment of human resources and legal counsel is vital to protect the interests of the institution and to ensure a collegial, collaborative working relationship. Each office should take care to create a working relationship based on clear expectations, mutual respect and trust. HR and legal counsel should be knowledgeable of, and have genuine respect for, each other's profession. They should understand the workings and operations of the "business" of the institution as well as each functional office and respect each other's role, work demands and schedule. HR professionals should understand how lawyers are trained and the skill set and perspective they bring to the

institution. Conversely, legal counsel should understand the expertise and knowledge that HR professionals bring to help the institution achieve its goals.

A good starting point to align the efforts of the two offices is a discussion of the expertise level of current employees within each office, particularly with regard to areas of HR operations that are likely candidates for legal matters to arise (for example, employee relations, labor relations, hiring and firing, discrimination claims). Consider in this regard the key players' varying experiences, areas of specialty, work styles and philosophical bent or risk tolerance. What clients need from legal and HR can vary by the client or the matter or other factors, but certain roles and styles may come more naturally to the fore among lawyers and HR professionals.

When establishing a working relationship, or even if employees in each office have worked together for some time, there is great value in having a dialogue about the expectations of each office. Clarifying expectations ensures transparency and an effective and efficient working relationship. Some possible items of discussion between the offices to establish the working parameters include:

- What are the expectations for responsiveness to each office? What are expected turnaround times on documents and/or feedback on issues?
- Are these expectations reasonable? Each office has a say in its customer service needs. Explain why some matters may be in higher demand than others. Clarify when and how this will be articulated.
- Discuss philosophies and perspectives of each office on the academic mission of the university, and how as administrative offices their business strategies support that mission.
- How will opinions and decisions be communicated? In writing? On the phone? Are there external considerations (e.g. public records laws)? Do you agree that face-to-face meetings are best whenever possible and especially on sensitive matters?
- What are the preferences of each office for handling sensitive material and information?
- How will you work together to ensure that the client receives consistent information and relationship management?
- Who are the authorized decision-makers in your office? Who are the back-ups?
- When does attorney-client privilege apply? This is particularly critical for public institutions, where the protections of the privilege may be limited and where public records laws may not comport easily with preferred practices. A corollary question is whether and how to incorporate privileged material into HR documents — for example, is it acceptable that legal advice is captured and maintained in HR records alongside non-privileged materials?
- Who is responsible for influencing the outcome on campus? In which situations will HR be involved, or legal, or other campus entities? (To be thorough, this discussion point also may require an assessment of institutional support for certain efforts.) It is important for HR and legal to present a united front.
- For public institutions: who are the contacts with state agencies, boards of trustees, etc. when there are important updates or decisions being communicated? How is that information disseminated and shared? Does all of the information need to be shared?
- How will your offices ensure seamless communications with university executives (president, vice presidents, etc.)?
- In what types of situations should HR and legal invite in other university entities (executives, EEO, compliance and ethics, diversity, etc.)? How is information shared and in what cases?
- How does each office respond to direct inquiries/issues? What are their intake procedures for walk-in inquires? Complaints? Anonymous tips? Whistle-blowers? When are referrals made?
- Discuss the philosophies of each office in regard to risk assessment/tolerance. Discuss the approach each takes when it comes to cost analysis and risk tolerance for decisions.
- Discuss the ethical expectations of each office.

Creating parameters that address most of these points will almost certainly be feasible at those institutions where HR can work with a local legal office of several lawyers. While the questions remain the same even when working with a one-lawyer office or remote legal counsel (such as assigned state counsel), the resulting parameters will reflect the relationship that works in that environment. The exercise itself will allow HR to identify critical needs issues — if legal counsel is mostly unavailable to HR, HR then knows

that it must be staffed with the internal expertise to address many (or most) matters independently; and if legal is available for consultation on a limited basis, HR then knows how to develop questions, provide information and ask for guidance in matters that require collaboration.

How to Overcome Common Challenges

Establishing the parameters of a strong working relationship is the starting point. Once the legal office and HR have done that, management of matters affecting the institution should be a matter of spotting and addressing the issues. Two common challenges worth mentioning here are forum shopping and maintaining a proactive perspective through crisis.

Alignment of HR and legal counsel is vital to protect the interests of the institution and to ensure a collegial, collaborative working relationship.

Forum Shopping

As both offices work to maintain a collaborative working relationship, one particularly troublesome area for many legal and HR offices is dealing with “forum shopping.” Each office is probably well aware that there are campus customers who forum shop by getting an opinion from one office and, not liking the first answer, going to the other office looking for a different response. Similarly, a client may approach one office with one part of the problem and then approach the other office with a different portion of the facts (or a different perspective on those facts), perhaps hoping that the first answer received is not the real answer.

This practice can pit one office against the other and create friction. Over time, you may identify particular departments (or individuals) where this is common or particular issues about which departments are more likely to engage in this practice. Both HR and legal counsel should discuss how they will provide client advice to avoid such scenarios and develop strategies together to address situations where this practice arises. One strategy is to bring the missing party into the loop, in whatever manner may be appropriate — adding a CC to an e-mail, inviting someone to a meeting or having a back-channel conversation.

Keeping a Proactive Perspective

Any honest discussion of the challenges of campus administration (not just for legal or HR) must recognize that working to achieve proactive long-term goals is particularly difficult when the environment is basically or frequently reactive. Every institution has times when it is in reactive mode, such as when facing budget cuts or dealing with a highly public event on campus. At times, this reactive phase can throw long-term projects completely off schedule or divert so many resources that routine work cannot be completed as expected. If your campus or your department is consistently operating in crisis mode, the effects will be detrimental in the long run. Lower-quality work, the inefficient exchange of information, poor individual performance and added stress are just a few of the problems that will surface from a crisis mode of operation.

HR and legal counsel always work on current issues, certainly, but an effective standing relationship between HR and legal should

also include long-term projects, such as regular review of policies and procedures, plans for upgrades in HR practices, etc. Finding a way to keep those proactive projects on track even during crises is worth some thought in advance. A good planning process can help prevent you from operating in reactive mode. If your department is constantly putting out fires, it is difficult to see the broader context for effective legal and HR stewardship.

To shift to a proactive position, legal counsel and HR should first work to optimize the current system. First, focus on any policies and/or procedures or other HR issues that are the most troublesome or recurrent or present the most risk. Next, collect data or metrics that help support or verify your focus. Then develop a strategic plan to address those issues, build in checkpoints to monitor the plan and revisit that plan periodically. Finally, ensure you are building accountability into the changes to prevent further problems later, including identifying how to measure successful performance in these areas (fewer grievances? fewer engagements? etc.)

Targets for value-add proactive initiatives between HR and legal counsel can focus on strategic HR issues like employee relations, search and selection procedures and even classification and compensation decisions that may result in grievances. HR and legal counsel can work together on policy and procedure development, collective

bargaining and reviewing documentation (handbooks, training materials). It is also beneficial to establish procedures or protocols for actions/responses to specific issues like emergency situations, new policies or regulatory or legal actions (laws, executive action, board action, COOP plans, etc.). A few options to build in regular communication around proactive collaboration between legal counsel and HR might be:

- Schedule a standing meeting between the leaders (or key partners) of each department at the same time each year to reflect and to look forward and discuss priorities for proactive work.
- Have each office host an “open house” for the staff of the other office to make sure staff know each other’s names and faces. This could be a one-time event or an annual opportunity to connect.
- If you are the resident topical expert (e.g., for privacy, benefits, workplace violence), schedule coffee with your counterpart in the other office to discuss gaps and how you could partner to provide enhancements.
- Create and co-lead campus training and development programs, such as a “legal aspects of supervision”-type training.
- Arrange to check in every year or two regarding templates or model documents such as mutual separation agreements, notification letters, checklists, etc. that were created collaboratively to throw out “old shoes” and add improvements, or just to make sure that everyone is in agreement as to what the model document should include.

Communication Tips for an Effective HR/Legal Counsel Partnership

The leadership and expertise provided by legal counsel and human resources are essential for the success of our organizations. Creating an open, honest, collegial relationship between the two offices is of the utmost importance. Here are some tips on how the two offices can form a solid working relationship.

1. **Communicate regularly, personally and respectfully.** Public institutions, however, need to be mindful of public records issues.
2. **Ensure the prompt and free flow of information.** There should be two-way conversations with continuous feedback and expansive sharing of information between both offices.

3. **Advise and collaborate.** Share and explore recommendations or courses of action that meet the needs of the client and the institution. Be aware that collaboration involves more than just legal counsel and HR working together, and develop an interdisciplinary approach to the client’s matter where appropriate. (Also be mindful that campus politics do matter.)

4. **Reach out.** Ask questions. Ask your client/customer what they think of the situation, what they think the next step should be, whether they have ultimate goals they hope to achieve beyond the immediate legal issue, whether they are aware of any knowledge of particular challenges that you might not be aware of, etc. Also, make time to attend “social” events like receptions and retirement events of the other office – they are a great opportunity to check in informally and develop stronger relationships.

HR-Specific – Reach out to counsel as you see fit but try to be proactive if you identify areas of exposure or risk.

Legal-Specific – Being a good partner includes reaching out to HR with news and updates about topics affecting HR – and making HR aware of issues in their area which come to your attention through other channels.

5. **Be clear.** Know how to get to the point. Provide a clear message and confirm that it is understood. As part of being clear with your advice/responses, articulate limitations, assumptions and exclusions and provide examples.

6. **Be partners.** Get to know who in the other office is your primary contact, who can make decisions (and who cannot) and who can gather and provide information.

7. **Acknowledge and address challenges.** As an HR professional, you will recognize when a problem is difficult or intractable — don’t expect legal counsel to be able to work a solution when even you think it is unlikely or impossible. Additionally, don’t create unrealistic expectations, and don’t let your clients/customers or other campus stakeholders suffer from them. 

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What Makes a **Successful** Leader in a **Changing** Higher Ed **Landscape?**

By Kendall D. Isaac

Change can be difficult. Change can be constant. Change is sometimes scary. But change can also bring opportunity. Embracing change does not come easy, and leading change can be even more difficult — it takes a trained, adaptive mindset to do so. Unfortunately, far too few leaders possess the transformative mindset to help them see, interpret and properly respond to the forces of change impacting higher education today, and because of this, they often have difficulty developing teams and organizational direction collectively committed to formulating strategies suited to handle the unpreventable and disruptive change impacting the industry today.



Two Critical Traits of Transformative Leaders

Indeed, the landscape of higher education is rapidly changing — heightened governmental scrutiny over student debt loads, retention and graduation rates; internal pressures surrounding the need to increase enrollments; a push to become more flexible in course delivery methods in order to adapt to the needs of today's ever-evolving consumers of higher education.

Thus, it is critical that leaders are not only willing and able to develop collective commitments to address these changes, but also to unearth and quash hidden commitments (like a need to maintain the comfortable stasis that currently exists, to not have to do more work when they already struggle with an over-full plate, and a lack of willingness or outright inability to motivate the individual contributors supporting them and tasked with carrying out change projects) that cut against progress and instead serve as the impetus to defeat positive momentum.

Transformative leaders are needed today more than ever in higher ed — leaders who are willing and able to develop and communicate a vision, mission and strategy that is clear, workable and capable of overcoming obstacles. Today's leaders also need to maintain quality control, and they must be master motivators to inspire others to embrace the change necessary to deal with the shifting landscape of higher ed. To meet these challenges, leaders must possess many leadership competencies. However, I

Embracing change does not come easy, and leading change can be even more difficult — it takes a trained, adaptive mindset to do so.

would argue that there are two that are more critical than the rest: emotional intelligence and managerial courage.

Emotional Intelligence

Leaders who can think about emotions accurately and clearly while staying focused on multiple stakeholders with conflicting interests (students, administrators, faculty, board of trustees, the community) may often be better able to anticipate, cope with and effectively manage change.

This balancing act is accomplished by possessing emotional intelligence. In the article “The Emotional Intelligence of College and University Presidents: An Exploratory Study” in the August 2011 issue of *International Journal of Humanities and Social Science*, author Corina N. Slaff defines emotional intelligence as “the ability to perceive and express emotions, assimilate emotion in thought, and understand and reason with emotion in self and others ... and it is absolutely necessary [in order] for us to make good decisions, take optimal actions to solve problems, cope with change and succeed.”

Unfortunately, many people devalue the importance of emotional intelligence, subscribing instead to the antiquated thought process that simple common sense can drive effective change in organizations. While this appears logical on the surface, it ignores an unfortunate reality in many organizations: sense is not all that common. While I'm certainly not saying that most people lack basic intelligence, the reality I've witnessed does suggest that

Hone Your Higher Ed HR Competencies

What does it take for higher ed HR professionals to be effective, efficient, strategic business partners who contribute to the institutional mission, vision and goals? CUPA-HR's **Learning Framework** (www.cupahr.org/learning/framework.aspx) answers that question. From change management to collaboration, from organizational development to adaptive leadership, from employee development to diversity, equity and inclusion, the Learning Framework outlines the skills, competencies and traits higher ed HR pros need in order to be successful in their jobs. You can use the framework to assess your skills and competencies (or those of the people you supervise) as well as to guide your professional development.

And if you find you're lacking in certain areas, check out CUPA-HR's free e-learning course, **Creating Your Individual Development Plan** (www.cupahr.org/learning/idp.aspx), to develop a plan to get where you want to be in your higher ed HR career.

sometimes individuals can be so consumed with their own self-interests and commitments that they place them before the needs of the organization. This phenomenon results in decisions and actions that seem to make sense to the individual, but are deemed nonsensical by many others.

To overcome this, leaders need to continuously message the collective commitments of the organization and their expectations. Communication can transform individuals from self-serving beings to being actively involved as team-oriented change embracers and chasers. Leaders who fail to adequately communicate and instead make assumptions about what employees know or should know will find that those unspoken expectations are not met. And when this happens, they have no one to blame but themselves.

Managerial Courage

Managerial courage involves having the resolve to implement a new and possibly controversial vision or direction. This entails being in control of one's emotions, the courage to be persistent in the face of obstacles and potential opposition, and the perseverance to be consistent in application over the course of time. By assuming these traits with unwavering focus, it is possible to face disruptive change head-on and push through it with success. In order to move a team from resistance to embracing change, removing obstacles is critical.

Unfortunately, oftentimes the obstacles to change tend to be people — individuals who are complacent or outright resistant to doing anything different than what they have always done. This doesn't mean that all dissenting voices are bad; input from dissenters can be helpful in designing a robust vision and program. But dissenters who refuse to adapt to the ultimate plan acceptable to the majority and continue to openly and defiantly fight change can poison others. When leading a change effort, it is best to create a team consisting both of internal knowledge leaders who possess adaptability skills as well as strategically placed external change agents.

Transformative leaders are needed today more than ever in higher ed — leaders who are willing and able to develop and communicate a vision, mission and strategy that is clear, workable and capable of overcoming obstacles.

Leading the Leaders

Creating this team of internal knowledge leaders and change agents is a very deliberate and cerebral process. This is where human resources professionals are integral. Indeed, HR's role in this transformation process is undeniable. From helping leaders develop and hone their emotional intelligence and managerial courage skills to supporting and executing the infusion and extraction of talent, HR is key to the ultimate success of virtually every adaptive change initiative that leaders desire to execute.

In order to embed emotional intelligence and managerial courage into the institutional leadership fabric, HR professionals must not only embody and exemplify these concepts themselves, but also must be willing and able to train and coach leaders to develop these competencies. For this to happen, managing/training both up (president, provost, chief business officer and other senior executives) and out (other emerging and mid-level campus leaders) is a necessity.

Pushing Forward

Higher education is transforming — not by choice, but rather out of necessity in order to survive. Technological advances and fiscal strain are forcing a rethinking of educational

delivery models and how to produce more value with lower overhead. Colleges and universities are taking various approaches to address these unsettling times.

Institutions that will be most successful in pushing forward are those with leaders who possess both the element of emotional intelligence

to understand the motivations of self and others and the element of managerial courage to drive change through all levels of the organization. With these two critical elements intact, institutions and their leaders are more likely to be able to quickly and easily regroup and adapt, and in doing so successfully move from a point of stagnation to deliberate adaptive transformation. 

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Best Practices in Training and Compliance Around Title IX, VAWA and the Clery Act

By Sondra Solovay



Increasing reports of sexual violence on college campuses across the nation have brought the subject out of the shadows and into the light. Whether it's that sexual assaults are increasing in frequency or just that more people are coming forward to report such incidents, it's an issue that must be addressed. So how can colleges and universities curb sexual violence on campus and create the safe, respectful, collegiate learning and teaching environment that every student and employee deserves? Through education, training, ongoing dialogue and a deliberate shaping of campus culture.

The Laws

If we want to eradicate sexual violence on campus, we must first understand the laws in place that allow us to address such criminal offenses. These federal laws empower educational institutions to take action against sexual violence on campus and drive the culture change that discourages violent crimes among a collegiate community. By better understanding what these laws are meant to do and why they are in place, we can be more resourceful in implementing change across campus.

Violence Against Women Act

The Violence Against Women Act (VAWA) has funded the investigation and prosecution of violent crimes against women since 1994. This watershed law created benchmarks at the federal level for what constitutes rape and battery and provided funding for victims' services and violence prevention and training programs. In 2013, the Campus Sexual Violence Elimination (SaVE) Act was added to VAWA as an amendment, clarifying standards for minimum disciplinary procedures and requiring colleges and universities receiving federal funds to provide written rights to students and victims as well as violence recognition and prevention training for students and employees.

In October 2014, the Department of Education published its final regulations for the VAWA amendments, which expanded the categories of violence covered in the Act to include stalking, domestic violence and dating violence; outlined new definitions for acts of sexual aggression; mandated expanded prevention and awareness programs on college campuses; and increased the notifications institutions must provide to the campus community about the institution's responsibility to assist victims, how victims can obtain help, and victims' and alleged perpetrators' rights under the law. The amendments took effect in March 2015.

Title IX of the Education Amendments of 1972

Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. What originally began as an "equality in athletics" initiative has greatly evolved over the past four decades. According to the U.S. Department of Justice, the principal objective of Title IX is "to avoid the use of federal money to support sex discrimination in education programs and to provide individual citizens effective protection against those practices." This law applies to traditional educational institutions, such as colleges, universities and elementary and secondary schools. Every institution that receives federal funding is required to have a Title IX investigator/coordinator on campus.

The Clery Act

The Clery Act was signed into law in 1990, requiring all colleges and universities that participate in federal financial aid programs to keep and disclose information about crime on and near their campuses. The law authorizes certain departments, groups and individual employees as campus

security authorities, having a duty to report crimes of which they become aware.

VAWA, Title IX and the Clery Act apply to everyone on a college campus, including faculty, staff and students. By enforcing these laws, universities can drive the culture change that discourages sexual violence. When institutions inform their collegiate communities about the support provided to witnesses and survivors of violent crimes, individuals will be more empowered to report incidents and authorities will be able to bring perpetrators to justice. By encouraging students and faculty to take action and speak up, incidents that may have gone unrecognized previously can be brought to light and addressed immediately.

Training and Dialogue

Given the proper training and plenty of opportunity to engage in meaningful dialogue, employees and students can have a tremendous impact on the effort to eliminate sexual violence on campus. Part of your job as an HR professional is to help your campus stay ahead of the legislation related to campus sexual violence and to help your institution maintain compliance. HR is also often called upon to lead training efforts and facilitate dialogue. So where do you start?

In order to facilitate culture change on campus, institutions must go above and beyond the minimum requirements of VAWA, Title IX and Clery Act laws.

The key components of primary prevention and awareness training programs (which are mandated for all incoming students and new employees) must, by law, include the following:

- A statement explaining that the institution prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as defined under the Clery Act.
- Clear definitions of dating violence, domestic violence, sexual assault, stalking and consent in reference to sexual activity in the applicable jurisdiction.
- Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault or stalking has occurred.

- Specific descriptions of safe and positive options for bystander intervention.
- Available information on risk reduction.

These components are meant to increase awareness among students, staff and faculty of sexual violence, teach them how to identify dangerous situations, lay out best practices for responding and increase their competence in fulfilling any applicable reporting responsibilities.

Training implementation is meant to be a collaborative effort that creates a unified climate change involving each person on campus. An evidence-based, instructional design approach can create real, lasting change among employees and students. So how do you go about designing, implementing and executing a VAWA/Title IX/Clery Act compliance training program? A good place to start is to conduct a needs assessment and campus climate survey to gather data from students on sexual violence and gender bias. If need be, educate or update the president, governing boards and faculty on the laws surrounding the issue.

When designing training, be sure to develop advocates and allies across campus and regularly engage with the people

Don't think about training as a one-time, check-the-box task. Engaging content, repeated exposure and a consistent message that takes into account different perspectives and speaks to the unique campus community will be most successful.

on campus who may be impacted the most by VAWA, Title IX and the Clery Act, including athletic departments, women's centers, resident advisors, etc. Institution-wide understanding and support of the training program will help ensure its successful implementation. This might seem to go without saying, but it's crucial to ensure that your institution's Title IX coordinator (or the person who performs that role as part of his or her other job duties) receives annual training on the issues related to dating violence, domestic violence, sexual assault and stalking, as well as training on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Don't think about training as a one-time, check-the-box task. Engaging content, repeated exposure and a consistent message that takes into account different perspectives and speaks to the unique campus community will be most successful. Make sure your training program includes all members of the community — faculty, staff, students and even parents. The laws, regulations, training requirements and best practices are complex, so it may be beneficial to bring in experts to consult with you or help you develop your training.

Also, make sure existing harassment prevention and diversity training supports and does not contradict your VAWA and Title IX training. Consider bringing the training into the classroom itself by encouraging faculty to develop curriculum with training concepts embedded into their courses. This type of consistent messaging can be another way to engage the collegiate community and students to help change campus culture.

Respect the significant decades of work that women's groups have contributed to stamping out sexual violence, but avoid old-fashioned thinking that puts the responsibility for culture change solely on women. Actively engage men and bystanders of all genders and abilities, establish safe zones and reach out to women's centers, student centers and associations to unite the campus in the shared goal.

The student body is a key component to fully implementing a sexual violence prevention training program. Institutions should teach students at the ground level how to be empowered individuals, responsible bystanders and competent responders. Taking courses before and during orientation as well as on an ongoing

basis in classes and clinical rotations (when applicable) is a good way to accomplish this. Campuses should encourage students to be advocates for training by educating others and taking what they have learned out into the world.

To best implement an institution-wide training program quickly and efficiently, consider working with a compliance training partner to customize online training for your particular environment. Online training allows the entire campus community to get up-to-date information immediately and ensures that the information can be kept up to date even when laws and rules change.

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Be Prepared for an Investigation

Once a criminal offense has been reported, your institution will need to follow a set procedure. Proceedings should include a prompt, fair and impartial process from the initial investigation to the final result. Here are some things you can do to ensure your institution is prepared in advance in the event of a complaint and resulting investigation.

Make Sure Your Policies Are Up to Date

Policies and procedures must at minimum mirror statutory requirements. Whenever there's an update to the law and your policy, make sure that information is distributed to the appropriate parties. Policies are only as strong as the people who understand how to comply with and enforce them. Without the proper training, a policy is just paper. As you distribute and publicize your policies, reinforce that it's everyone's responsibility to maintain a harassment- and discrimination-free campus. Administrators cannot work in a vacuum — without the cooperation of staff and students, improvement cannot occur.

Coordinate the Coordinator

Of course you have a Title IX coordinator — every institution must. But it's important to periodically evaluate whether he or she is able to fully address the needs of your campus as his or her responsibility increases. Are your students aware of the duties and authority of the Title IX coordinator? Do they know how to contact the coordinator? Do you have coverage for non-work hours if a student wants to file a complaint during evenings or weekends? Are there back-up or on-call coordinators to address complaints if the office is closed? Is your coordinator always notified of a reported incident (for example, if a student or employee files a complaint with HR, campus security or a resident advisor, do those people know to contact the Title IX coordinator immediately)?

Create a Chain of Command

Create a list of who should be contacted based on the nature of the complaint being filed. Issue the document to everyone who could potentially hear about a problem. Indicate whether personal involvement or simple notification is required. Indicate whether the notification is a matter of internal policy or legal responsibility.

Conduct Response Training

No matter who is involved or notified of a complaint, proper response training is critical. To minimize risk and exposure, take affirmative steps to ensure that employees know their duty. The Office of Civil Rights has clearly defined the need for training to address complaints, stating that “schools

must ensure that their employees are trained so that they know to report harassment to appropriate school officials, and so that employees with the authority to address harassment know how to respond properly. Training must be provided to any employees likely to witness or receive reports of sexual harassment and violence, including teachers, school law enforcement unit employees, school administrators, school counselors, general counsels, health personnel and resident advisors.”

Develop an Easy-to-Use Complaint Reporting System

Complaint reporting should be easy and accessible. A student with a complaint is already under stress ... he or she shouldn't have to deal with the added stress of figuring out who they should contact. With the crossover of reporting

Looking for Resources on Title IX? CUPA-HR Can Help!

Knowledge Center

The Title IX toolkit in the Knowledge Center contains how-tos on preventing sexual violence on campus, forming partnerships with local rape crisis centers and ensuring compliance with Title IX; forms and templates (including posters and discrimination complaint forms); links to institutional Title IX policies; and other resources, including Q&As, readings, models/programs and manuals/guides. The Investigations toolkit contains information to help you conduct thorough, compliant investigations into discrimination and sexual assault complaints.

www.cupahr.org/knowledgecenter

Webinar

The free, on-demand webinar “Do You Have What It Takes to be a Title IX Coordinator?” explores how institutions can ensure they're meeting the needs of Title IX coordinators; the daily activities of a Title IX coordinator; and how to ensure Title IX personnel have the necessary tools and resources to conduct thorough investigations.

www.cupahr.org/events/webinars.aspx

CUPA-HR Connect

Gain access to Title IX training resources, join the conversation or pose your questions in the Title IX Group in CUPA-HR Connect, the association's online, members-only community.

www.cupahr.org/social/community.aspx

requirements, it's often difficult for even professionals to know who is required for notification. Having a single, central location for all complaints allows the institution to manage notifications, maintain equality in investigations and control the dissemination of information to the appropriate parties. In addition, it makes it easy for staff and students to know who to call, no matter what the problem is.

Develop a Complaint Resolution Process

When a complaint is filed, the institution has an immediate responsibility to address it. If your institution doesn't have a centralized complaint department, the matter should be immediately referred to the appropriate area. Next steps are: (1) take the initial information; (2) notify the complainant of their right to file a criminal complaint, if applicable; (3) initiate an investigation with trained professionals (investigate even if the accuser refuses to name the offender); (4) take any necessary interim measures during the investigation to separate the complainant from the accused; (5) affect corrective action, if needed; (6) notify any appropriate parties of the disposition of the investigation. Remember, the onus is on the institution to

conduct a thorough, professional investigation, to ameliorate the problem and to affect change. Failing to train staff to manage these steps properly could be your highest area of exposure.

Making a Cultural Shift

In order to facilitate culture change on campus, institutions must go above and beyond the minimum requirements of VAWA, Title IX and Clery Act laws. We must fully engage our entire campus communities in ongoing conversations around sexual violence. The topic can no longer be viewed as taboo, but must instead be exposed and explored. Only by weaving dialogue and training into the fabric of our institutions can we create real, lasting change, uniting students, faculty and staff in the campaign to eradicate sexual violence on college campuses. 

Some of the material in this article was originally published by Campus Answers in the white papers, "Title IX: Defined, Refined and Intertwined" and "VAWA Update: Promoting Awareness and Prevention."

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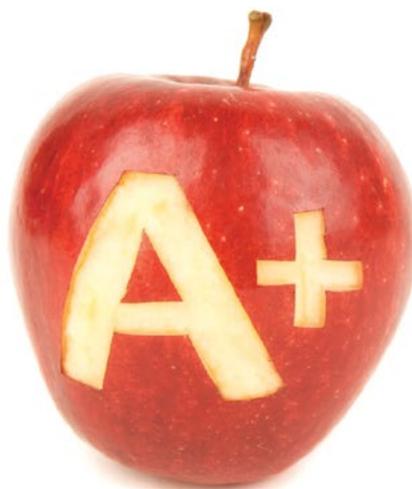
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Retooling the Hiring Process at Clemson University



Recruiting and retaining top talent is critical to the success of any college or university. When hiring processes and systems are inconsistent, outdated or inefficient, the entire campus community feels the effects. Clemson University recently found itself dealing with several hiring challenges — a long, complicated hiring process, under-informed search committees and little to no sourcing of passive candidates — so human resources took the lead on rethinking how the university hires.

Challenge: Long Hiring Process

Clemson's hiring process had become mired in bureaucracy — there was significant lag time between when a job became open and when the job was advertised (sometimes upwards of a month); the interview process was slow; there were repetitive approvals required at every step of the way; there were overly complicated compensation rules; and it sometimes took weeks to track down candidates' references. As a result, the university was losing promising candidates to other offers while the hiring process churned on.

Clemson's HR leadership team, led by chief HR officer Michelle Piekutowski, set in motion a plan to improve the hiring process. In an effort to identify where hold-ups and wastes were occurring and how the process could be improved, HR partnered with the university's Lean Office, led by Lisa Knox, to conduct a lean analysis of the hiring

process focusing on customer needs. This analysis resulted in the elimination of several non-value added steps and, ultimately, the decision to build and implement an online hiring system.

Online Hiring System

The Tiger Talent online hiring system was designed and implemented by Clemson's HR IT director, Greg Carlton. Says Carlton, "The most challenging part of designing a new system is wading through the wants versus needs of the end users — determining which features and enhancements are important to everyone, not just one person or group. The lean analysis was very helpful in this regard."

The system works like this:

Step 1— the hiring manager initiates a transaction in the online system;

Step 2 – the hiring manager completes a request to recruit form (information submitted includes requested dates of job posting, proposed hire date, a list of interview committee members, requested salary range, position description, job advertisement text and list of publications/websites in which to post the job ad);

Step 3 – the hiring manager receives notification that the request was successfully submitted (and continues to receive notification e-mails as the request moves through

the system; the hiring manager can also log in to the system at any time to see where the request is in the process);

Step 4 – the hiring manager’s supervisor receives an e-mail notifying him or her of the request;

Step 5 – once the supervisor and/or division head approves the request, HR is notified and reviews the business reason for the request and approves (or denies) it (if the position has been changed in any way, HR will also review the position classification to ensure it still fits within the current classification or if it needs to be reclassified; if the request is for a new position, HR will classify it at this point);

Step 6 – after HR approval, the job opening advertisement will be posted on Clemson’s website and other requested sites within one to five days.

Says Josh Brown, talent acquisition manager at Clemson, “The online hiring system has reduced the number of steps in the hiring process from 37 to 19; reduced the number of approvals needed pre-hire from 11 to no more than seven; and reduced the time between job opening and job posting from 12 (or more) business days to an average of less than three days.”

New Hiring Process

In addition to implementing the online hiring system, Clemson partnered with an outside vendor to retool the hiring process. Specifically, reference checks were automated and were moved up in the process. “Reference checks used to be done as the very last step in the hiring process,” says Brown. “These traditional reference check phone calls weren’t very productive, didn’t provide much insight into the candidate and often ended up prolonging the hiring process, as references could be difficult to track down or connect with.” With the new 360-degree, online reference assessment tool, reference checks are now conducted immediately after the phone screen (before interviews begin) and provide a wealth of information on the candidate’s work habits, soft skills, strengths and weaknesses.

Here’s the process: the hiring manager enters the candidate into the online system and chooses a pre-existing, job-specific survey (with questions related to teamwork, work ethic, problem-solving skills, flexibility/adaptability and other soft skills and competencies) for the references to complete; the candidate then enters the names and contact information of his or her references into the online system; references then receive an e-mail asking them to complete

the survey; feedback from the references is aggregated into average ratings and is formatted into an easy-to-read report that the hiring manager can use to glean relevant, competency-based information on the candidate, which can then be used to conduct better interviews and, if the candidate is hired, to inform performance plans down the road. “Moving the reference checks up in the process allows us to use the data gleaned to determine if we want to move forward with a candidate, identify areas to address during the interview, identify areas of developmental needs to create professional development plans, provide guidance for search committees and help with the onboarding process if the candidate is hired,” says Brown.

The online hiring system and the revamped hiring process have already shown promising results. Says Brown, “We’ve reduced our time-to-hire by 13 weeks; we spend 90 percent less time checking references (our average time to completion is 1.6 days); we’re able to reach more references than we did with phone calls (an average of 4.6 references per candidate complete the online survey); and we’re receiving more useful, detailed information on candidates.”

Challenge: Under-Informed Search Committees and Compliance Concerns Around Interviewing

In the not-so-distant past, when job openings at Clemson required a search committee, more often than not the search committee was left to its own devices. Search and hiring processes were not consistent across campus, interview questions weren’t job-specific or competency-based and compliance was an afterthought. “Search committees weren’t getting a complete picture of candidates prior to the interview, so we weren’t always interviewing the best candidates and we were making costly hiring mistakes,” says Brown. “Without a set of standardized interview questions, we couldn’t be sure the questions being asked of our candidates were compliant. And with so many different people calling references, we also couldn’t be sure the questions being asked of references were compliant.”

The solution: HR now creates and provides to search committees an informational binder for major positions for which they are interviewing. The binder contains standardized interview questions for that position; standardized benchmarks and requirements for the search process; and detailed information on each candidate, including their reports from the online reference assessment. “With this new standardized process, search committees now have the tools they need to conduct consistent and compliant interviews, and we’re finding

the right candidates the first time around,” says Brown. In fact, Clemson’s vendor projects it has saved \$1 million in potential turnover costs in just over a year thanks in part to the new search committee process.

Challenge: Sourcing Passive Candidates

Until recently, Clemson wasn’t using social networking in the most productive manner or to its advantage for sourcing potential talent, and it had no programs in place to generate interest for candidates not actively searching for a job. That all changed, however, with the implementation of the online reference check tool.

As part of the survey the references fill out, they are asked if they would be interested in working at Clemson. If they select “yes,” their information is captured and passed along by the vendor to the university. Clemson recruiters then match the passive candidates with their LinkedIn profiles using LinkedIn Recruiter. This allows recruiters to proactively engage with the pool of passive candidates. They also identify the LinkedIn Groups these new contacts are part of. “When we load these contacts into LinkedIn, we not only engage with them early, we also find all these relevant groups full of potential candidates,” says Brown. “These are groups we never would have discovered on our own.”

Clemson has also ramped up its social media presence — advertising job openings on Twitter, LinkedIn and Facebook and creating a company page on the job search website indeed.com. Human resources is also working to implement a cash-incentive employee referral program where current employees can refer potential job candidates for openings at the university.

Through these initiatives, HR has already compiled a database of more than 400 passive candidates, and Clemson has increased its social media following by 68 percent over the past year.

Back on Track

Having the right talent with the right competencies at the right time in the right place is crucial to an organization’s success. When hiring processes and procedures are overly complicated, inefficient or bogged down in organizational politics, bringing the right people on board can become an exercise in futility. By recognizing, confronting and finding creative ways to overcome several challenges around sourcing, assessing and hiring talent, Clemson’s HR team has helped put hiring back on the right track. 



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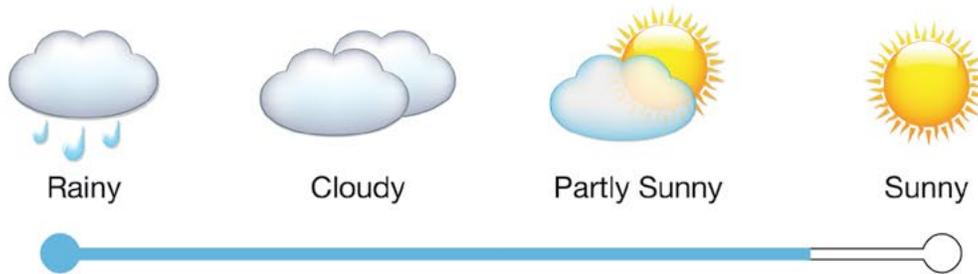
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- 28** Webinar – Asked and Answered: Common Questions on Form I-9 and E-Verify



february

- 28-Mar 1** Higher Ed Symposium – Tempe, Arizona



march

- 11** Virginia Chapter Conference – Charlottesville, Virginia
- 20-22** Midwest Region Conference – Chicago, Illinois
- 25** Maryland Chapter Conference – Frederick, Maryland



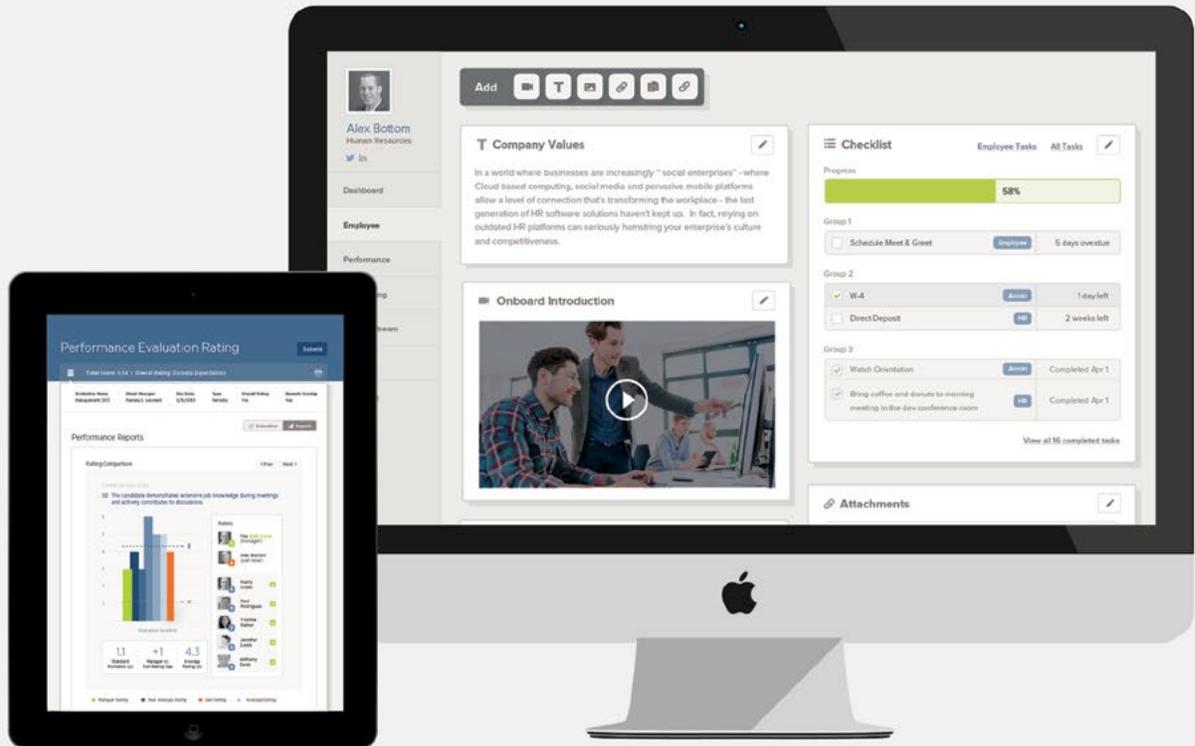
april | may

- 3-5** Southern Region Conference – Hilton Head, South Carolina
- 3-5** Rio Grande Chapter Conference – Albuquerque, New Mexico
- 7-8** Iowa Chapter/IACUBO Joint Conference – Ames, Iowa
- 27-29** Arkansas Chapter Conference – Paris, Arkansas
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