

The Higher Education Workplace

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Working in a Fish Bowl: Navigating a Compensation Study in a Transparent Environment

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The Higher Education Workplace

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Why in the World Would Anyone Want to Do Our Job?

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



During the years that I was the chief HR officer at the University of Georgia, my sons, Josh and Caleb, were in middle school. One night at dinner, we were having the typical conversation during which I (as the parent) was trying to pry tidbits of information from them regarding what they did at school, careful to ask open-ended questions that required more than a “yes” or “no” response. After a few awkward minutes of less-than-satisfying exchange, Josh asks me what I did that day. My first thought was, “Such a clever boy to try and turn the conversation!”

But I had experienced one of those days ... a particularly challenging employee relations issue, a request to respond to a “what-if” scenario should we need to cut budgets, panicked calls from others who had received the same budget-related request, and an interesting exchange with a dean. I shared all of this with my sons, and Caleb responded, “Why in the world would anyone want to do your job?!”

So, why would anyone want to work in higher ed HR? We, as higher ed HR leaders, tend to focus on challenges like those I shared instead of the much more important — and much more rewarding — reasons why we are in HR. Our work with other higher ed leaders to help them shape the culture and acquire or cultivate the talent and the competencies needed to be relevant and impactful now and into the future is critically important to the success of our institutions. Our work and our leadership are also critically important as we guide and support our faculty and staff as they create the learning environment and the learning communities of our colleges and universities.

This leads to two of our biggest challenges. First, we must do a better job of emphasizing the importance of, and rewards from, our work as higher ed HR leaders. Second, we must create a pipeline of future higher ed HR leaders. Age 55 ... that is the median age of higher ed chief HR officers, according to CUPA-HR’s *2018 Administrators*

in Higher Education Survey (www.cupahr.org/surveys/results). For those of us who are at or close to this median age, and for the CHROs who aren’t close to this age, what are we doing to guide and mentor the early-career professionals who are a part of our HR organizations? Our personal learning and growth will always be important, but our much more important role is preparing the next round of leaders.

CUPA-HR’s e-learning resources, including “CUPA-HR Bootcamp” and “Understanding Higher Education” are easy, free ways to support the learning and development of early-career professionals. Our free webinars and low-cost virtual workshops are also great ways for you and your entire team to learn together. Thousands (and that is not an exaggeration!) of higher ed HR professionals and other campus leaders are taking advantage of these resources and other resources in our Knowledge Center every year.

As we prepare to begin the fifth year of CUPA-HR’s Wildfire program — a year-long learning and development experience for early-career higher ed HR professionals — it’s important to celebrate the tremendous success of the program and the impact it has had on participants and on CUPA-HR. I hope you will read the Q&A with this year’s class that is featured in this issue and consider ways that you can develop similar on-campus learning and development opportunities for your early-career professionals.

And for the record, neither of my sons chose HR as a career. Josh is now a trauma nurse and Caleb is a structural engineer. Next time I am with the two of them, I will steer the conversation toward their work, and I’ll be sure to ask Caleb why in the world anyone would want to be a structural engineer.

A handwritten signature in black ink, appearing to read "Andy Brantley".

Andy Brantley | CUPA-HR President and CEO

Employer Health and Well-Being Initiatives Fall Short With Employees, Willis Towers Watson Survey Finds

Despite U.S. employers and employees placing a high priority on health and well-being, employees say that employer efforts are falling short of employees' expectations, according to findings from Willis Towers Watson's *2017 Global Benefits Attitudes Survey*. A majority of employers (56 percent) believe their well-being programs have encouraged employees to live a healthier lifestyle, but only 32 percent of employees agree.

Other findings:

- Nearly two-thirds (65 percent) of employees surveyed say managing their health is a top priority.
- In regard to well-being initiatives specifically, a majority (61 percent) of employees say their employers' programs do not meet their needs.
- Around three in 10 workers report severe stress, anxiety or depression within the last two years.
- Around half of employers have either introduced initiatives to reduce stress or are planning to do so.
- More than half (54 percent) of employees say their employers should financially reward them for living a healthy lifestyle.
- On the topic of whether employers should take an active role in encouraging employees to live healthy lifestyles, nearly nine out of 10 employers say they should, compared with 54 percent of employees.
- Three in five employees use technology to manage their health. Just over four in 10 (41 percent) use wearables to monitor fitness activity or sleep, while 30 percent use technology to track eating habits.
- Providing onsite or near-site health and wellness services is valued so highly by employees that they respond positively to their employer's broader well-being initiatives as a result. For example, 58 percent

of employees whose employers offer onsite or near-site well-being programs agree that their employers' overall initiatives meet their needs versus 25 percent whose employers do not offer these programs.

So what are the takeaways from this research?

"More employees are looking at financial incentives as an entitlement, which means it can be difficult for employers to take the incentives away," says Steve Nyce, a senior economist at Willis Towers Watson. "Yet, our research and experience show these rewards are not effective except when used in specific ways, such as discrete tasks that offer an immediate payout. We suggest that employers rethink how their programs are designed and incented to create longer-term behavior changes. Employees do not want to be told what to do; rather, they want to be supported with programs that lead to improved well-being. It's an essential balance that's not very easy to achieve."

Adds Shelly Wolff, a senior healthcare consultant at Willis Towers Watson, "If there was ever a time for employers to rethink their approach to well-being, it's now. High-performing companies are already revamping their approaches by targeting chronic conditions, evaluating the workplace environment to better support well-being, and using social networks to engage employees more effectively. We fully expect other employers will begin to adopt new approaches that examine workforce generational needs, target and personalize programs, and emphasize flexibility and mobilization to meet employees where they are."

The 2017 Willis Towers Watson *Global Benefits Attitudes Survey* examined attitudes toward the health and retirement benefits of over 30,000 private-sector employees in 22 countries. A total of 4,983 U.S. workers participated in the survey.

Employees Name Four Biggest Workplace Distractions

It's not surprising that a recent survey found 69 percent of full-time employees get distracted at work. The more interesting finding is that 70 percent of workers think their managers could help them focus better through training.

The online learning platform Udemy recently conducted a survey of 1,000 full-time office workers in the U.S. to find what was causing the distractions, how employees cope with them, and what employers can do to help workers regain their focus.

BIGGEST DISTRACTIONS

Fifty-four percent of employees believe they are underperforming due to workplace distractions. Here's what topped the list:

- Talkative coworkers (80 percent)
- Office noise (70 percent)
- Meetings (60 percent)
- Social media (56 percent)

The majority of workers who said social media was the biggest distraction admitted that its use wasn't work-related, but they couldn't get through the day without checking personal accounts. One-third of millennial employees are on their phones for up to two hours during the workday.

A lot of workers are aware these distractions affect their productivity and try to combat them on their own. Forty-three percent of employees shut their cell phones off during work. Thirty percent listen to music to block out conversations and other noises. And when workers know they're distracted and won't be able to focus, 26 percent use that time to complete simpler tasks.

WHAT EMPLOYEES NEED TO FOCUS

Distractions not only impact productivity, but also have a long-term impact on careers. Twenty-two percent of workers think distractions can prevent them from reaching their full potential and advancing in their careers, while 34 percent said distractions simply make them like their job less.

Employees had some ideas of what would make them more inclined to focus at work:

- Trying new things (54 percent)
- Being encouraged to learn new skills (42 percent)
- Knowing the path for professional advancement (35 percent)
- Participating in workplace trainings (22 percent)

The survey also found some more tangible things employers can do to cut down on distractions. Here are the top suggestions:

- Allow flexible schedules/telecommuting (40 percent)
- Have designated spaces for quiet work and teamwork (38 percent)
- Provide time management training (37 percent)
- Define office norms for noise levels, conversations, etc. (31 percent)
- Have regular "no meetings" days

This brief was authored by Rachel Mucha and first appeared on HRMorning.com on April 13, 2018. It was reprinted here with permission.

What's Keeping HR Up at Night?

Employee engagement continues to reign supreme as the top HR worry in *HRE's* 2018 *What's Keeping HR Up at Night* survey, but just by a hair.

The survey of 314 HR executives, conducted in January, found that nearly 29 percent of respondents ranked engagement as their No. 1 concern, compared to 32 percent a year earlier. But it's worth noting that its lead tightened significantly from the previous year, with two other concerns currently right on its tail: retaining key talent in a recovered economy (28 percent) and attracting and retaining diverse talent (27 percent).

In 2017, developing leaders was cited by 26 percent of the respondents and was the second-most-cited concern. (It now ranks No. 5 on the list, at 22 percent.) The third spot was occupied last year by attracting and retaining diverse talent at 27 percent.

Stress levels, meanwhile, climbed slightly from the year before, with roughly 73 percent of the respondents reporting that their stress levels increased either somewhat or dramatically over the past 18 months, compared with 72 percent a year earlier.

As to what issues they would like to see at the top of the nation's legislative agenda, respondents cited healthcare (71 percent), immigration reform (33 percent) and job creation (27 percent). Wage and hour (24 percent) moved from the second spot in 2017 at 37 percent to the fourth spot in 2018 at 25 percent.

Respondents were fairly evenly split regarding whether their departments are properly staffed to handle the workload: 49 percent said they are appropriately staffed, while 45 percent reported being inadequately staffed. Topping the list of understaffed disciplines were training and development (43 percent), recruiting (43 percent) and HR metrics/analytics (34 percent). The same three were cited in this exact order a year earlier.

The 2018 survey also once again confirmed a well-known shortcoming that plagues the profession: Most HR leaders aren't leading by example as far as succession planning is

concerned. Indeed, six in 10 respondents said their companies do not have HR succession plans in place. A lack of succession planning is all too common in HR, says Joe Ungemah, North America practice leader for talent management and organizational alignment at Willis Towers Watson. He notes that it's often more attractive to "buy" HR talent from the outside than to build talent from within because many of the required skills are easily transferable. This practice, however, is risky, he adds, because it can present a supply-and-demand issue — supply for talent isn't keeping pace with the demand in HR-leadership job vacancies.

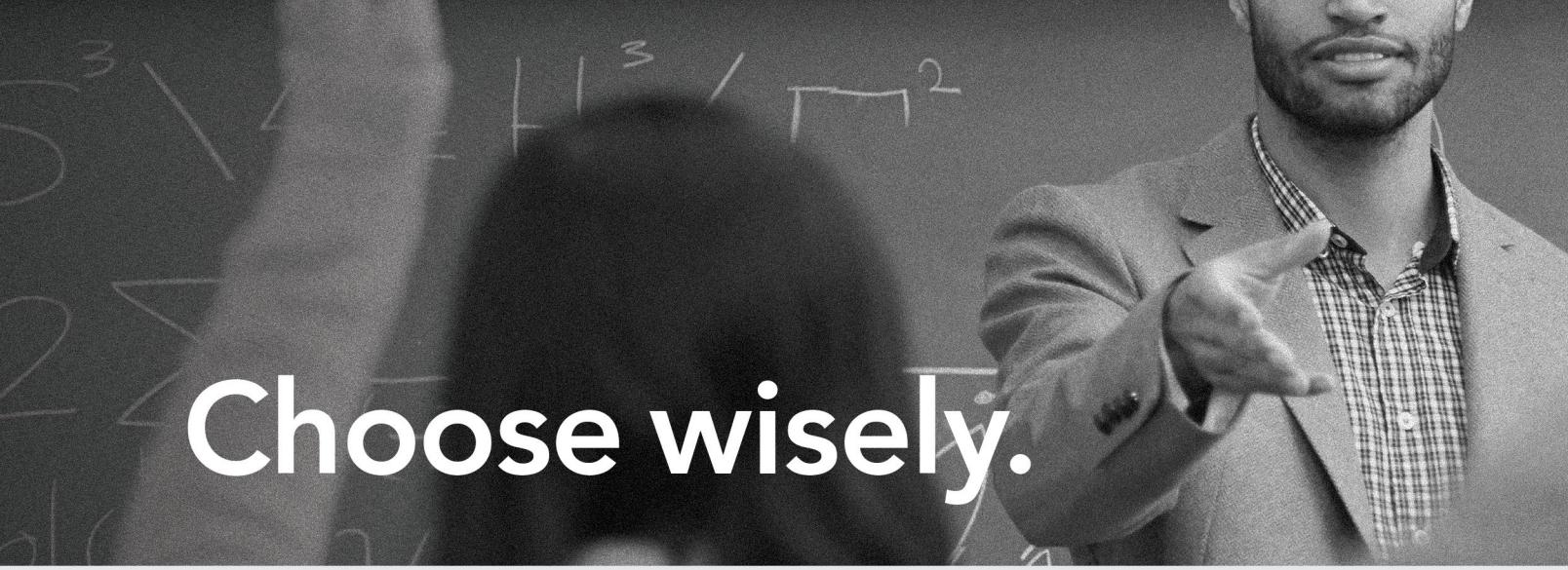
Ungemah says that succession planning especially makes sense when the HR and business strategies are closely aligned and, therefore, would be difficult to replicate. It also needs to be a priority, he says, in situations in which talent demand exceeds supply, such as at organizations that are experiencing rapid growth or facing a tight labor market.

Similar to a year earlier, most respondents (83 percent) in this year's study don't expect to implement changes to their retirement plans in the coming year. Among those who do plan to make changes, the to-do list includes offering additional consulting/retirement-planning services (61 percent), followed by adding 401(k) automatic enrollments and increasing 401(k) matching (both at 32 percent).

All of the respondents in the survey predict that at least some portion of their baby boomers will retire in the next 12 months, with roughly four in 10 expecting 4 percent or more of their workforce will retire during that period.

It may be a good idea to look at boosting retirement readiness as part of an overall financial wellness campaign, says Robert Melia, executive director of the Institutional Retirement Income Council. "Employers have accepted the fact that a financially well workforce is more productive due to less stress and less anxiety regarding financial matters." Investing in the financial well-being of employees enables them to retire when they want to, he adds.

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Turning a Challenge Into an Opportunity: University of Oklahoma's Student Jobs Program

By Jessica Jones, Thomas Beard and Marcy Fleming

As the University of Oklahoma worked toward its highest student retention rate ever — 92 percent in 2017 — we noticed a trend. Students who were engaged in campus activities were more likely to stay in school and to graduate. Meeting and exceeding our retention goals would hinge, in part, on providing more opportunities for student engagement. With this in mind, OU administration asked human resources to look at new ways to provide on-campus jobs that meet students' academic and career development needs.

The timing for that request could not have been better. As the funding derived from the Oklahoma state budget continues to decrease, OU departments have had less to spend on personnel even as attrition, especially from retirements, has accelerated. But this challenge also presents an opportunity. In many cases, the tasks needing to be done in departments are well suited for students. The students, for their part, benefit from work that draws on skills they are developing for their careers, giving them a better chance of completing their degree and succeeding in their first years after graduation.

Earning While Learning

To meet the needs of both our students and our departments, we piloted the Learn & Earn student jobs program during the 2016-17 academic year. We began with a small group of positions — about two dozen or so — in areas that focus on professional skills such as web development, social media marketing, graphic design, basic accounting and IT support. The positions pay better than many jobs on campus — at least \$10 per hour — and half of that wage is centrally funded by the Learn & Earn program. This means that the departments pay as little as \$5 per hour for the extra help they need without having to hire full-time staff. To qualify, students must have completed the Free Application for Federal Student Aid.

Our goal has been to make hosting Learn & Earn positions as simple as possible for departments. HR staff have been on call to help departments create these student positions and write job listings. We post the Learn & Earn program to our student jobs portal as a single pooled position; as students apply, we review the candidates and match their needs and qualifications to specific departments. We can also provide assistance interviewing the students at the supervisor's request. After the department has hired a student, we stay in touch with both the supervisor and the student employee by sending out support materials and a monthly newsletter about topics such as building a résumé, professional development and career coaching.

Students, Departments and Supervisors Reap the Rewards

The benefits of these jobs for students are clear. They give students the experience and know-how that employers want to see from a college graduate. Students have the chance to learn technical skills and "office street smarts" such as communication skills, task management and the ability to work effectively on teams. They also get an opportunity to network with university employees who can give insight into professional careers. Other bonuses of on-campus employment are the connection to campus life and the nearness to class, which encourage strong ties to the university community and reduced travel time to off-campus jobs. In short, participating students get all the benefits of a traditional internship, but with a paycheck, an on-campus location, and a sense of belonging that many internships simply don't provide.

The potential benefits for the department in productivity and savings are obvious, but the benefits for individual supervisors aren't lost on us, either. Mentoring a student employee can be a valuable experience for everyone involved. Supervisors and colleagues who mentor student

employees develop skills in leadership and coaching that will directly transfer to millennials' growing presence in the workforce, giving university professionals valuable experience working with this age group. And not only do the students grow under their mentor's expertise, they also get the opportunity to present a fresh perspective on the department's work.

Growing the Program

The feedback we received from the first cohort of student employees wasn't just encouraging, it was stellar, and we expanded the number of available positions to 62 in the 2017-18 school year. We also increased our communication with participating students and departments, including a new mentorship guide for supervisors about coaching and relating to student employees. Given all the changes to our workforce and the challenges of helping students succeed, we need new solutions and ways of approaching age-old problems. The Learn & Earn student jobs program is one piece of a university-wide effort to keep our students engaged, provide the best education possible, and keep our

Students in the Learn & Earn program have the chance to learn technical skills and "office street smarts" such as communication skills, task management and the ability to work effectively on teams.

departments going through tough times. It's a program that will have to remain both lean and flexible, ready to evolve at a moment's notice should our needs change. But the core service it provides — the best possible educational experience for our students — is ultimately what HR is all about. 

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For resources related to student workers, see the Student Workers toolkit in the CUPA-HR Knowledge Center (www.cupahr.org/knowledge-center).

To read about another student employment program, see the article "Transforming the Student Employment Experience at St. John's University" in the Winter 2015-16 issue of CUPA-HR's *The Higher Education Workplace* magazine (www.cupahr.org/knowledge-center/magazine/archive).

HR's Role in Leading Diversity Change Through Organizational Learning

By Edna Chun and Alvin Evans

The slow pace of culture change as it relates to diversity and inclusion in higher education has been accelerated by student demonstrations calling for more inclusive campuses. The killing of unarmed African American teenager Michael Brown in Ferguson, Missouri, by a white police officer in August 2014 ignited student demonstrations regarding race relations at the University of Missouri at Columbia and led to administrative upheaval, including the resignation of the system president and campus chancellor. A subsequent tidal wave of student protests swept the nation, with students demanding changes in the campus racial climate and enhanced diversity education programs and funding.

Despite these pressures, diversity culture change remains a challenging proposition, and requires courageous and sustained leadership at the helm of the nation's universities and colleges. Major diversity initiatives and efforts to improve campus racial climates have recently been launched at a number of institutions across the nation. Consider, for example, the recent resource commitment at Brown University of \$100 million for new endowed faculty positions, with a commitment in the university's "Pathways to Diversity and Inclusion" plan to hire 25 percent of these positions from diverse groups. Or Yale's commitment of \$50 million over a five-year period for exceptional faculty who enhance diversity or other areas of strategic importance.

At the same time, conservative state legislatures in some states have pushed back against diversity change, as exemplified in the defunding of the University of Tennessee at Knoxville's Office for Diversity and Inclusion for fiscal year 2016-17. The national political climate of divisive rhetoric and anti-immigrant, sexist and racialized messages has further polarized the climate for diversity.

Given the dramatic collision between the microsystem of college student demonstrations and the macrosystem of a divisive political climate, what promising leadership

practices will activate the diversity change process? We argue that systematic organizational learning is essential to transmit diversity across the decentralized contours of the campus landscape. "Organizational learning" is focused on how an institution learns and changes. It is specific to organizational context and identity and requires a critical mass of stakeholders to engage in ways that will shift organizational culture, habits and norms. Yet organizational learning requires psychological safety to create an environment that will promote individual risk-taking and incentivize action.

Diversity Officers Shouldn't Be the Only Change Champions on Campus

On college campuses, the continued evolution of the chief diversity officer (CDO) role has led to the expectation that diversity officers will lead the process of change. Some campuses have established diversity officers in the larger colleges and schools. In many instances, however, CDOs lack the authority, resources or leadership support to impact the status quo. Many serve "at will," lack tenure status, and face the risk of introducing programs perceived as too progressive or controversial. Furthermore, the CDO role is frequently the only top leadership role in which the majority of incumbents are diverse. The apparent symbolism of a minority presence in upper administration can signal the relative isolation and marginalization of this position.

In the context of strategic diversity transformation, the role of human resources leaders in the process of change management has frequently been overlooked. HR's expertise in organizational learning can assist in the creation of professional development initiatives calibrated to the work responsibilities of faculty, administrators and staff. Working with departmental leadership, HR can provide approaches that facilitate the creation of more inclusive departmental cultures. In concert with institutional stakeholders, HR can redesign institutional processes and policies to ensure greater equity and inclusiveness.

How Is HR Leading Change?

A leading example of HR's strategic contributions to the diversity change process is the work underway at Princeton University. Under the leadership of the university's vice president for human resources and vice provost for institutional equity and diversity, HR has worked collaboratively with stakeholders over a one-year period to create a diversity and inclusion (D&I) planning framework for over 4,000 administrative and staff employees.

The D&I planning framework consists of five pillars: recruitment and employee branding; retention (including performance management and professional development); leadership and accountability; building an inclusive culture; and learning and development. Committees have been formed within each organizational unit for diversity planning. Following the development of a common terminology, HR helped identify a baseline, metrics and goals for each area. As Debbie Bazarsky, HR manager of diversity and inclusion at Princeton, explains, "I feel like we are doing a lift institutionally. In my experience, when it comes to diversity and inclusion matters, most institutions put a Band-Aid on whatever is hemorrhaging. But Princeton is doing a lift — really investing the time, money and resources to address diversity."

In another prominent example of strategic HR diversity work, the first chief organizational learning officer position has been created at the University of Michigan. The position is situated in HR and has an institutional focus on building the capabilities (including around diversity) of leaders, managers and staff throughout the university.

Appreciative Inquiry as an Approach

Human resources can play an important leadership role in overcoming barriers faced in the process of implementing systematic diversity education programs. Common barriers include: 1) stand-alone, piecemeal programs or celebratory events without a cohesive organizational development framework; 2) the absence of an iterative process with assessment of the transfer of learning to workplace settings; and 3) failure to include faculty in the diversity development process.

In addition, diversity fatigue and backlash may result from programs that elicit blaming or guilt. As one chief diversity officer at a private Catholic university put it: "When you make people feel guilty and blame them, it is not conducive to learning. I have been to a few of those kinds of sessions.

They were uncomfortable for me. You have to bring people along with you. Shaming doesn't often work. And you have to [bring people] to that a-ha moment."

Models such as appreciative inquiry (AI) can replace deficit-based approaches to diversity and inclusion with strength-based approaches. As Robbin Chapman, associate dean for diversity, inclusion and belonging at Harvard University's Kennedy School, explains, "Appreciative inquiry is a framework I often use. With AI, I solicit from whatever constituency I'm working with things they think they do well and that they are particularly proud of. I then compile a list of all those things and, without fail, there are a number of things on that list that help increase equity and contribute to a welcoming and inclusive campus. Often, when individuals are doing these things, they're not necessarily thinking about diversity and inclusion; they're just doing their jobs. So I help them see that some of the things they do as 'just part of my job' helps to advance diversity and inclusion at the university."

Strategies for HR

In our new book *Leading a Diversity Culture Shift in Higher Education: Comprehensive Organizational Learning Strategies*, we draw on the findings from an extensive survey and interview a sample of chief diversity officers, institutional leaders, faculty, administrators, staff and students to identify positive diversity learning strategies. Coupled with insights from five case studies of public and private universities, we offer the following recommendations that specifically pertain to HR leadership:

- HR should work with diversity officers to develop an iterative diversity organizational learning plan with gap assessment, benchmarking, outcomes assessment (including evaluation of transferability of learning), and designated accountability.
- HR should promote a research-based approach to diversity learning.
- HR should participate in mapping of diversity learning initiatives in terms of content and objectives to promote coordinated programming across all divisions and units.
- HR should create rewards and incentives that recognize contributions to diversity learning at all institutional levels.

inclusion cultivates excellence

- HR should address barriers in institutional processes such as hiring, promotion, compensation and termination in terms of equity and the ways in which stereotypes and homophily can affect outcomes.
- HR should analyze climate studies to develop specific organizational learning programs that support the creation of more inclusive departmental and divisional cultures.

HR and the Diversity Office as Partners

In the process of systemic cultural change, the contributions of HR leaders to diversity organizational learning are urgently needed. HR can work in concert with chief diversity officers to develop strategic diversity education plans that ensure the synergy and intersectionality of HR and diversity programs. Together,

HR and diversity officers can promote research-based practices that mobilize, implement and institutionalize diversity learning throughout the campus ecosystem. These collaborative efforts will help close the gap between institutional mission and day-to-day experiences on campus by the creation of welcoming living, learning and working environments where diverse talent can thrive. 

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Alvin Evans is higher education practice leader at HigherEd Talent. Prior to this role, he served for 15 years as associate vice president for HR at Kent State University. He can be reached at alevans1617@gmail.com.

In their article “Rethinking Cultural Competence: The Integral Role of Strategic HR Practices” in the Winter 2016-17 issue of CUPA-HR’s *The Higher Education Workplace* magazine, Alvin Evans and Edna Chun examined three ways HR leaders can strengthen the development of organizational capabilities and individual competencies that contribute to cultural competence on campus.

- 1) Build an overarching academic and administrative structure for diversity competence.** This holistic infrastructure requires the active engagement of HR in helping to build support for the development of diversity competence across administrative and academic domains. Such institution-wide efforts involve agreement on a common definition of diversity competence and its articulation in the mission statement and strategic planning documents. Identification of the value of diversity competence will then necessarily be reflected in HR programs, including recruitment, retention, total rewards strategy, organizational learning and employee relations.
- 2) Draw upon the conceptual principles of inclusive excellence as the driver of diversity and cultural competence.** The four tenets of the inclusive excellence change model focus on student intellectual and social development, consideration of the cultural differences students bring to the educational experience, purposeful use of institutional resources to support student learning, and the importance of a welcoming campus community engaged in the processes of diversity organizational learning. In each of these areas, HR can provide expertise in the organizational change process through the design and implementation of practices that address equity, enhance intergroup relations, and promote a culture of inclusion.
- 3) Strengthen recruitment, hiring, rewards and recognition, and evaluation processes** to support the importance of diversity competence. The inclusion of diversity competence in position descriptions and job postings will ensure that faculty and staff have the knowledge and skills needed to engage through meaningful interactions characterized by respect, mutual understanding and reciprocity. Rewards and recognition programs that specifically recognize diversity contributions reinforce the value of diversity through best practices and role models. By including diversity competence in evaluation criteria, performance expectations can be further calibrated with institutional objectives.



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Courts and EEOC Take a Fresh Look at Title VII as It Applies to Sexual Orientation and Gender Identity Discrimination

By Josh Ulman, Christi Layman and Basil Thomson

On June 19, 1963, amidst a “growing crisis in American race relations,” President John F. Kennedy went before Congress with a request that it enact a package of legislation he proposed entitled the “Civil Rights Act of 1963.” The legislation President Kennedy sought would cover, among other topics, “titles on public accommodations, employment, federally assisted programs, a community relations service and education” with the overarching goal of eliminating “the harmful, wasteful and wrongful results of racial discrimination and segregation.”

While President Kennedy spoke in great detail regarding employment discrimination, the resulting “waste of human resources” and “serious community problems” it creates, and its inconsistencies with “the democratic principle that no man should be denied employment commensurate with his abilities because of his race or creed or ancestry,” discrimination because of sex was never mentioned.

Yet, the following year, seven months after President Kennedy’s assassination, when President Lyndon Johnson signed the Civil Rights Act of 1964, the law included a provision barring discrimination in employment based on “sex.” Specifically, Title VII of the Act states: “It shall be an unlawful employment practice for an employer to fail or refuse to hire or to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions or privileges of employment because of such individual’s race, color, religion, sex or national origin.”

The legislative history and debate of Title VII’s prohibition on sex discrimination has been almost nonexistent. Were it not for an amendment adding “sex” to the bill two days before its passage, it is unlikely any legislative discussion surrounding the provision would have occurred at all.

The debates that preceded enactment focused primarily on race discrimination, with little discussion of “sex” and what the term meant in the context of the Act. The limited legislative history behind the “sex” provision has fueled debates throughout the years over the extent to which Title VII provides protections against employment discrimination based on sexual orientation and gender identity. Court opinions on the issue have evolved dramatically over time. Initial court decisions narrowly interpreted the prohibition against sex discrimination as discrimination solely based on person’s gender assigned at birth. Courts have subsequently adopted more expansive interpretations of Title VII’s bar on “sex” discrimination, finding that the law prohibits same-sex harassment and gender stereotyping.

While a complete evaluation of all of those changes is beyond the scope of this article, here we’ll explore the two landmark U.S. Supreme Court decisions on Title VII and sex discrimination and the most recent decisions from the federal circuit courts of appeals which have found Title VII protection to include discrimination based on sexual orientation and gender identity.

Supreme Court Undermines Reasoning Behind “Traditional Notions of Sex” Argument

For a long period following the passage of the Civil Rights Act of 1964, federal courts uniformly held that Title VII did not prohibit employment discrimination on the basis of sexual orientation or gender identity. Two U.S. Supreme Court decisions (one in 1989 and one in 1998) challenged much of that prior reasoning and, as a result, some subsequent decisions have allowed Title VII claims to proceed where the plaintiff can demonstrate that he or she was the victim of unlawful sex discrimination in the form of gender stereotyping or sexual harassment. The first

of these key Supreme Court opinions was *Price Waterhouse v. Hopkins* (490 U.S. 228 (1989)), in which the Court stated that Title VII's bar on discrimination based on "sex" includes discrimination based on "sex stereotyping." In *Price Waterhouse*, Anne Hopkins, who had been a high-performing female employee, was denied promotion to partner because she did not act sufficiently "feminine" and was told that if she wanted advance she should "walk more femininely, talk more femininely, dress more femininely, wear make-up, have her hair styled and wear jewelry."

The Supreme Court disagreed with the employer's argument that Hopkins' claims were not permissible under Title VII, as the law did not prohibit discrimination based on gender stereotypes. The Court stated that "in forbidding employers to discriminate against individuals because of their sex, [Congress] intended to strike at the entire spectrum of disparate treatment of men and women resulting from sex stereotypes." The Court held that Price Waterhouse was applying standards for partnership in a sexually disparate manner, concluding that "[a]n employer who objects to aggressiveness in women but whose positions require this trait places women in an intolerable and impermissible catch 22: out of a job if they behave aggressively and out of a job if they do not. Title VII lifts women out of this bind."

Nine years later, in *Oncake v. Sundowner Offshore Services* (523 U.S. 75 (1998)), the Supreme Court provided additional clarity on the definition of "sex" in Title VII, holding that same-sex sexual harassment is prohibited. In *Oncake*, a male employee who had worked on an oil platform crew filed a claim of sex discrimination against Sundowner due to the actions of other members of the crew who physically abused the plaintiff in a sexual manner, including physical assaults and threats of rape. Initially, the plaintiff's claims were denied, as the lower court held that same-sex sexual harassment was not actionable under Title VII.

In a unanimous opinion, the Supreme Court reversed the lower court's ruling and held that, irrespective of the victim's or harasser's sex, sexual harassment of an employee by a person of the same sex is actionable under Title VII.

Justice Scalia stated that, "as some courts have observed, male-on-male sexual harassment in the workplace was assuredly not the principal evil Congress was concerned with when it enacted Title VII. But statutory prohibitions often go beyond the principal evil to cover reasonably comparable evils, and it is ultimately the provisions of our laws rather than the principal concerns of our legislators by which we are governed."

Title VII and Sexual Orientation

Following these Supreme Court decisions, courts across the country have issued decisions supporting coverage of Lesbian, Gay, Bisexual or Transgender (LGBT)-related discrimination under Title VII. However, until this past year, all federal circuit courts of appeals had uniformly rejected claims that workplace actions based upon sexual orientation constitute discrimination under Title VII.

The most recent of these cases to explicitly grapple with the question of whether claims of discrimination based on sexual orientation could be brought under the existing language of Title VII was decided in February 2018 at the Second U.S. Circuit Court of Appeals. Overruling its own precedent, the court ruled that Title VII prohibits employers from discriminating against their employees based on sexual orientation (deepening a circuit court split on the issue, which will eventually have to be decided by the Supreme Court).

The debates that preceded enactment of Title VII focused primarily on race discrimination, with little discussion of "sex" and what the term meant in the context of the Act.

While Title VII clearly prohibits workplace discrimination on the basis of "race, color, religion, sex or national origin," and, since 1989 and 1998, gender stereotyping and same-sex sexual harassment, the law remains unclear and divided as to whether Title VII protections also apply to sexual orientation discrimination. As mentioned earlier, until recently, most federal appeals courts held the view that

sexual orientation discrimination claims are not “cognizable” under Title VII. However, legal doctrine can change, and in a July 2015 decision in the case *Baldwin v. Foxx*, the Equal Employment Opportunity Commission (EEOC) held for the first time that “sexual orientation is inherently a ‘sex-based consideration,’ accordingly an allegation of discrimination based on sexual orientation is necessarily an allegation of sex discrimination under Title VII.”

Since the EEOC’s decision, three other circuits (not including the most recent Second Circuit ruling) have revisited the viability of sexual orientation discrimination claims under Title VII with mixed findings — in March 2017 the Eleventh Circuit held that Title VII does not extend to sexual orientation, but both the Seventh Circuit (April 2017) and the First Circuit (January 2018) have ruled that Title VII does cover sexual orientation claims.

Until this past year, all federal circuit courts of appeals had uniformly rejected claims that workplace actions based upon sexual orientation constitute discrimination under Title VII.

It was during this process of evolving precedent where the case *Zarda v. Altitude Express* played out in the Second Circuit. In 2010, the plaintiff filed suit against his former employer, skydiving company Altitude Express, claiming he had been fired because he was gay. The original suit, filed in New York federal court, alleged “sex stereotyping in violation of Title VII and sexual orientation discrimination in violation of New York law.” The district court judge presiding over the matter ruled against Zarda due to the Second Circuit’s then-current precedent, stemming from cases in 2000 and 2005, which held that “sexual orientation discrimination claims, including claims that being gay or lesbian constitutes nonconformity with a gender stereotype, are not cognizable under Title VII.”

Following the EEOC’s 2015 decision, Zarda asked the district court to reinstate his Title VII claim, but the court denied his motion, as the Second Circuit’s previous rulings still remained binding precedent. Zarda appealed and, in the face of the new decisions from the EEOC and Seventh Circuit, the Second Circuit convened en banc to reevaluate their previous positions (2000 and 2005) on the issue. That reevaluation delivered the Second Circuit’s February 26 ruling that “Title VII prohibits discrimination on the basis of sexual orientation as discrimination because of … sex.”

Earlier this year, in *EEOC v. R.G. & G.R. Harris Funeral Homes, Inc.*, the Sixth Circuit aligned with the recent decisions in the Second and Seventh Circuits when it ruled that “discrimination on the basis of transgender and transitioning status violates Title VII.” The case concerned Aimee Stephens (who was born biologically male and formerly known as Anthony), who was fired from her job as a funeral director at R.G. & G.R. Harris Funeral

Homes shortly after informing the company that “she intended to transition from male to female and would represent herself and dress as a woman while at work.” As a result of her termination, Stephens filed a complaint with the EEOC alleging she had been fired as a result of unlawful sex discrimination.

Following an investigation into those allegations, the EEOC brought suit against the funeral home for Title VII violations for terminating Stephens’ employment on the basis of her transgender or transitioning status and her refusal to conform to sex-based stereotypes. On appeal from the district court, the Sixth Circuit found that discrimination on the basis of transgender and transitioning status violates Title VII because “an employer cannot discriminate on the basis of transgender status without imposing its stereotypical notions of how sexual organs and gender identity ought to align” and “it is analytically impossible to fire an employee based on that employee’s status as a transgender person without being motivated, at least in part, by the employee’s sex.”

Efforts to Enact Federal Legislation

There also has been a long-standing effort in Congress to address possible limitations in Title VII with respect to this issue. Since 1974, seven separate pieces of legislation to prohibit employment discrimination on the basis of actual or perceived sexual orientation or gender identity have been introduced in Congress. Most recently, on May 2, 2017, Sen. Jeff Merkley (OR), along with 44 other senators, introduced the Equality Act of 2017, which would make employment and other forms of discrimination against LGBT individuals unlawful. The legislation was filed concurrently in the U.S. House of Representatives by Rep. David Cicilline (RI) and 193 other representatives, including two Republicans.

The Equality Act seeks to build upon the momentum gathered in the wake of the Supreme Court's historic decision affirming the legality of same-sex marriage by adding sexual orientation and gender identity to the list of federally-protected classes. The bill would add these protections to the Civil Rights Act of 1964, the Fair Housing Act, the Equal Credit Opportunity Act and the Jury Selection and Service Act. While some states have enacted similar laws, discrimination against LGBT individuals is not illegal in most states. According to the Human Rights Campaign, which is the primary supporter of the bill, 63 percent of LGBT Americans have experienced or continue to experience discrimination in their personal lives.

Notable provisions included in the bill are as follows:

- Amends Title VII of the Civil Rights Act of 1964 to protect against employment discrimination.
- Amends Titles II, III, IV and VI of the Civil Rights Act of 1964 to make unlawful discrimination in public accommodations, public facilities, public education and by entities receiving federal funds for use in a range of programs, including financial assistance for higher education.

- Amends Title IX of the Civil Rights Act of 1964 by allowing the attorney general to adjudicate in equal protection cases under the Fourteenth Amendment.
- Clarification that the Religious Freedom Restoration Act (RFRA) cannot be used to justify any anti-discriminatory practices by any individuals or entities that are made illegal by the Act.

CUPA-HR supported similar legislation of Sen. Merkley's, the Employment Nondiscrimination Act, in the 113th Congress. As CUPA-HR begins evaluating the Equality Act of 2017, we will be sure to compare these two bills to ensure that this newest bill is structured to minimize confusion and unforeseen repercussions while supporting new workplace laws and regulations that are specifically designed to remedy documented discrimination in the workplace. We will continue to follow this issue on Capitol Hill, in the federal agencies and in the courts. 

(Editor's note: While there are many ways to describe the LGBT+ community, we use "LGBT" in this article in keeping with the EEOC's terminology.)

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For more on Title VII, see the Civil Rights Act of 1964 toolkit in the CUPA-HR Knowledge Center (www.cupahr.org/knowledge-center).



How to Be an Influencer

A Three-Step Process for Selling Your Ideas

By Shari Alexander

Let's talk about what it means to be influential.

I'm not talking about being an "influencer" in the modern sense of how many Instagram followers you have or how many people like your Facebook page. I'm talking about how to be an influential *person*, because when you crack the code on conversational influence, the world opens up to you. When you're an influential person, you know how to be compelling, people are interested when you speak, and you can motivate people to take action.

Being influential means that:

- you understand human psychology,
- you see situations from multiple angles,
- you can connect with people from all backgrounds,
- you are self-aware, and
- people like how they feel when they are around you.

The Influential Process: DON'T Start Here ...

It's natural to associate the word "influence" with the words you speak. However, the truth is that the scope of personal influence is more than just the specific words you say in a specific moment. In fact, the influential words you say are the *last* part of the influential process — and it just so happens to be the shortest and smallest part of the process, too.

So, when you need to influence someone's thoughts, beliefs or actions, don't start by asking yourself, "What should I say?" You may not yet know what to say because you may not have enough data to determine what is going to influence that particular person. Instead, the question you should ask yourself is, "What do I need to know?"

DO Start Here

Influence is communication with a goal. Just as Stephen Covey succinctly stated in *The 7 Habits of Highly Effective People*, you should "always start with the end in mind." Influential interactions are no different. Influence requires goal-setting. What do you want to have happen? By when? What resources do you have to accomplish this? Who are the key players? What is your timeline?

Take the following examples:

NOT Influential:

Having a vague idea of "I just want him to agree with me" isn't a specific enough target to aim for.

Influential: A better influential goal is: "I want him to feel excited about this project and commit to putting an appointment on his calendar for a kick-off date."

NOT Influential: "I want to sell coaching."

Influential: "I want her to purchase my 6-month coaching package, pay the full fee up front today, and put our first session on the calendar."

The clearer you are about your influential intentions, the easier it is to guide your "mark" — the person or people you want to influence — in that direction.

A Three-Step Influential Process: Observe, Connect, Influence

By following a simple three-step process, you'll be surprised at how much your influence can improve and how much more easily you can sell your ideas.

Observe

Your first job as an influencer is to pay attention, look for patterns, and connect the dots. Everyone has their own unique way of how they want to be persuaded. All you need to do is turn your observational antenna up to find your mark's influential frequency.

In order to do so, you must stop talking. Remember, the best influence doesn't start with "What should I say?" Rather, it always begins with, "What do I need to know?" Things like:

- What is important to this person?
- What does he or she value?
- What has persuaded this person in the past?
- What beliefs does this individual have around this topic?
- What puts him or her in a positive or negative mood?

Be careful not to judge what you discover during the observation phase. Meaning, don't look down on your mark if he is obsessed with expensive, flashy cars, but you think those types of cars are a sign of stunted manhood. You must *see what they see* in what they value. An influencer never tries

to push his or her perspective upon the mark. Instead, an influencer seeks to work within the mark's perceived reality.

The "observe" phase is my favorite because it means all the burden of being "influential" is off your shoulders. Just sit back, relax, engage, be interested and be curious about the person in front of you. Now, I hear your "Yeah, but ..." demon itching to interject. "Yeah but, what if I have to influence them quickly? What if I don't have much time for all this observation?" I would say to you:

- **It doesn't take as much time as you think.** When you know what to look and listen for, you don't need much time at all. I've timed myself on sales calls to see how long in the conversation it takes me to observe enough influential triggers for me to work with and successfully persuade my mark. My record thus far is seven minutes. You can easily afford seven minutes during a meeting to discover pretty much everything you need to be persuasive.
- **It doesn't take much work to get someone to talk about themselves.** People enjoy feeling like someone is interested in them. In fact, they long for it. Trust me, you don't have to browbeat someone to talk about themselves. Once they get rolling, they stop glancing at their watches.

Don't let a perceived scarcity of time be your excuse for skipping this important step. When the observe phase is done correctly and with confidence, an abundance of time presents itself.

Connect

Connection is the bridge between your observations and your influential objectives. Without creating a connection, you haven't earned the right to influence someone. The most powerful forms of influence are built upon connection. If you try to persuade someone without building that connection, you're dangerously close to being manipulative and not persuasive. So be sure to tick off the connection box of the influential process before attempting persuasive tactics. If you jump the gun, you could sabotage your efforts.

Here are a few tell-tale signs that you've successfully created that connection. When your mark:

- Repeats you or uses your phrases.
- Demonstrates body language, like nodding and smiling.
- Leans in, gets closer in proximity to you, or squares up to you.
- Mirrors your silhouette.
- Interrupts you to agree with you.

If you notice just two or more of these signals, then you've accomplished phase two of your influential process.

Influence

After observing and connecting, you and your mark are primed for a successful influential interaction. Now is the

time to say why your product, service or idea is exactly what your mark wants and needs. Following are just a few influential techniques:

1) The Bucket Technique:

Use this technique to get your mark to self-qualify for one of your products or services.

NOT Influential: "We have options Good and Better. Which do you like?"

Influential: "Typically, I find that my clients fall into one of two categories. In the first, they are wanting to maintain control and deploy the work themselves. In the second group are those who don't want to worry about it and just have everything taken care of for them in the background. Which one sounds most like you and what you're looking for?"

And just like that, your mark is now telling you which package to pitch them! All because you knew how to use the bucket technique.

2) Limit Their Options:

At first glance, this may seem counter intuitive. How can limitation be influential? Well, it boils down to simple psychology. Sometimes out of excitement (or desperation) to make a sale or get someone on board with an idea, we offer a bunch of options so the prospect has his or her perfect customized solution. However, when you offer too many choices, your mark's brain gets overwhelmed and stalls out. You may trigger decision fatigue, and your mark will choose the hidden choice — to make no decision at all. Limit your mark's choices and you'll create a faster path to "yes."

NOT Influential: You can choose three items from column A, two items from column B, three items from column C, and you also get four bonus choices from each column.

Influential: Prior to our meeting, I took some time to think about which of our offerings would best fit you. And because of what we talked about today, I think I have two packages (or ideas or proposals or whatever it is you're trying to "sell") that you'd like based on what you've shared with me.

3) Reasoning Is Convincing:

I cannot emphasize enough how influential reasoning is. And yet, I continually see people miss out on it because they assume things, take shortcuts, or take the power of this technique for granted. Anytime you are trying to convince someone of something, ask for a favor, or describe

the features and benefits of your offering, always follow up with a “because.” When you give a reason for your opinion, for your favor or for your product features, it instantly becomes more convincing.

NOT Influential: We have 24-hour customer service.

Influential: We have 24-hour customer service **so that** if you ever run into any problems we are right there to fix it, day or night.

NOT Influential: I think you’ll love the Deluxe plan.

Influential: I think you’ll love the Deluxe plan **because** you mentioned wanting more accountability, and that’s what this package provides.

NOT Influential: I’d really like to see you take more initiative.

Influential: I’d really like to see you take more initiative **because** I know that the team respects you and I see some leadership potential in you and I want to best position you for a promotion.

In each of the above non-influential examples, it sounds like you’re just giving lip service to something you should say. But when you add the word *because*, it shows you’ve given it thought and you really care.

Success in the Making

When you follow the three-step influential process — observe, connect, influence — you set yourself up for persuasive success. And the best part about this process is that your mark actually enjoys the journey. They don’t feel pressured and bullied; rather they feel heard and understood. This is how you create positive persuasion.



Shari Alexander is a persuasiveness coach and speaker who has presented at several CUPA-HR events. For more great reads on persuasiveness and influence, and to learn more about Alexander’s work, visit www.sharialexander.com.

3 Subtle Ways to Be Influential

Influence isn’t flashy. The persuasive arts are a subtle art form. Just like acting, if you can see it happening, it’s not very good. The good news is that some of the most persuasive acts don’t require much work. Sometimes “simple” is influential. Here are three subtle ways to improve your personal influence every day:

- 1) **Be what you want to see.** We tend to *feel* what we see. Think about a time when your favorite sports team scored at a crucial moment. I bet your heart was pounding with excitement, and you may have even jumped up from your seat to cheer. You *felt* the win while watching it. Neuroscientists attribute this effect to something called mirror neurons in our brains. Before your next pep talk, get yourself in an excited state. Before your next project proposal, get yourself grounded and centered. Before your next heart-to-heart, find a softer and welcoming energy. A big part of influence isn’t *what* you say, it’s *how* you say it.
- 2) **A flash of recognition.** In a split second, someone can feel connected to you — you just need to know how to trigger it. Jack Schafer in his book *The Like Switch* provides a simple technique for improving these split-second interactions (thus improving relationships, thus improving your persuasive power). Think about a time when you were in a crowd and recognized someone you hadn’t seen in a while — like, running into an old friend in the grocery store. What do you do physically, before ever saying a word, to indicate that you know that person (hint: it’s a universal response)? The flash of recognition looks like this: eyebrows quickly raise, eyelids open wider, a slight head tilt, with a genuine smile. When you practice this signal of recognition, appreciation and welcoming, those around you will have a positive connotation to the *idea* of you.
- 3) **Earn influential credit.** Being *interested* is more important than being *interesting*. Don’t worry about making yourself seem special; instead make your audience feel special. Be curious about what they’re talking about. Ask for details. Inquire about the why behind their stories. You’ll have more influential success when people like who they are when they’re around you.

(Adapted from Shari Alexander’s article “3 Subtle Ways to Be Influential.” Read more at www.sharialexander.com.)

The Wildfire Experience



CUPA-HR's Wildfire program is a unique learning and development opportunity for individuals just starting out in their higher education HR careers. A year-long immersive experience, the program connects a small, select group of early-career higher ed HR professionals with CUPA-HR, key association and higher ed HR leaders, and multiple learning opportunities.

As the 2017-18 program wraps up, we caught up with this year's cohort to get their thoughts on what they've learned from their Wildfire experience, what they most enjoyed during their time in the program, and what they're passionate about in their work.





Drexel King

Manager of Learning and Development,
Baylor University

Years in HR: 1

Years in higher ed HR: 1

You in three words: follower, leader, family man

How has the Wildfire program helped you in your work or career?

Being so new to the higher education workplace and to the HR profession, this program has provided me with valuable exposure to all that is higher ed HR. I've also benefited tremendously from being able to network and connect with higher ed HR professionals at all levels, from early-career folks like myself to chief HR officers. I'm feeling more and more confident every day approaching any

task that's thrown my way because of what I've learned (and am still learning) through the Wildfire program and my involvement with CUPA-HR.

What has been your favorite part of your Wildfire program experience?

I have very much appreciated the dedication and commitment of the association's national office staff and volunteer leaders in helping me be successful in the program. Meeting more than 200 CUPA-HR leaders at the association's annual leadership gathering last July, and seeing how passionate and welcoming and supportive they all were, was an amazing thing to experience.

Is there a work project you are particularly proud of?

I developed a learning and development curriculum for Baylor staff from scratch, which includes 20 leadership courses, 12 leadership articles and a new website. Thus far, the program has directly impacted more than 400 individuals.

Do you have a passion project? Something you are working on or would like to work on that really excites and energizes you?

My Wildfire program capstone project. I'm putting together some resources related to recruiting and retaining veterans in the higher ed workplace. As a veteran myself, this project is close to my heart.

"The relationships I've formed within the CUPA-HR organization have given me the confidence and support I've needed to take on the challenges, adventures and excitement of a new career in higher ed HR."



Thuy Nguyen

HR Professional

University of Colorado, Anschutz Medical Campus –
School of Public Health

Years in HR: 10

Years in higher ed HR: 3

You in three words: persistent, responsible, motivated

What has been your favorite part of your Wildfire program experience?

Having the opportunity to connect with my mentor, my cohort and other higher ed HR professionals and learn from them. I'm amassing a wealth of knowledge!

What work accomplishment are you most proud of?

In my two years with the School of Public Health, I have revamped the student employment program, making the process easier for both the hiring managers and student employees and ensuring that we remain compliant with university policy and procedure.

What is the toughest work-related challenge you're facing right now?

I'm currently working on leave audit for School of Public Health employees. Our electronic leave tracking systems do not sync with our HR/payroll systems, resulting in discrepancies and incorrect employee leave balances that need adjustments. It's a challenging project, and it's not pleasant having to tell employees that they'll have a deduction in their leave balances.

Do you have a passion project? Something you are working on or would like to work on that really excites and energizes you?

For my Wildfire capstone project, I'll be educating School of Public Health faculty on the standard HR functions and practices in accordance with set policies that relate to our school and how they impact daily operations. I will provide trainings to all five departments in my school in their monthly meetings. I'm very excited for the opportunity to get this information in front of our faculty.

"The Wildfire program has been exciting because it has offered me the opportunity to connect with campus HR thought leaders, my wonderful Wildfire cohort and other higher ed HR professionals from across the country."



Heather Butterfield

Director of HR
Viterbo University

Years in HR: 12

Years in higher ed HR: 1.5

You in three words: grateful, passionate, dedicated

How has the Wildfire program helped you in your work or career?

The Wildfire program has connected me with colleagues across the country and has provided me with many opportunities to grow and learn from the best of the best. I have been able to take advantage of several training and development opportunities through the program as well.

What has been your favorite part of your Wildfire program?

Being able to meet so many amazing people! My experience working in other industries has been much different than working in higher ed. Everyone that I have met through CUPA-HR and the program have been so kind, resourceful and willing to help out. I have never worked in an industry where leaders are willing to take time out of their busy schedule to have a phone call, host a shadow visit or sit in on a conference call to share their area of expertise. It is refreshing to see that as HR professionals, we are truly working collectively to help make our colleges and universities better.

Have you had a defining “stretch” assignment at work? Something you have done that has made you especially proud or where you have learned something new?

This isn't an actual work assignment, but I served on the planning committee for the CUPA-HR Wisconsin Chapter's spring conference. This was an incredible learning experience for me. I have always enjoyed attending conferences, but I never realized the amount of work and prep that went on behind the scenes in order to pull off a large event. I met and worked with some amazing colleagues across the state of Wisconsin, and I am proud to be a part of this group, knowing that the work we did will benefit many others who attend the conference. I'm so glad to have had the opportunity to give back to the higher ed community.

Do you have a passion project? Something you are working on or would like to work on that really excites and energizes you?

I am currently working on my master's degree, and my research topic is workplace incivility. Too often I see employees and supervisors struggle with this. With increased workloads, more complex technology and a more diverse workforce, workplace civility is critical in ensuring productive, creative and cohesive teams. In my research, I am looking to uncover best practices in preventing, minimizing and eliminating workplace incivility. I am excited to share my research with others in hopes of making an impact, not only on my campus, but also campuses across the country.

Tapiwanashe (Tapi) Nhundu

Employment Manager
Williams College

Years in HR: 6

Years in higher ed HR: 6

You in three words: determined, compassionate, genuine

What has been your favorite part of your Wildfire experience?

The exposure to higher ed HR leaders who understand the situations I face and can serve as a guide to navigating those situations as I establish my career. Being in a slightly secluded place geographically, the opportunity to connect with other higher ed HR professionals has been incredible.

What work accomplishment are you most proud of?

I would say helping a growing number of departments see me more as a partner and less of an authoritarian. I've noticed that in searches where hiring managers view HR as a partner, both the search and the hire are smoother.

What is the toughest work-related challenge you're facing right now?

Change. I've been implementing new recruitment practices and have received a lot of push-back. Remaining stoic with either the adverse reaction or being overlooked, I continue to press forward, as I know the result will benefit the overall mission of the department and the college.

Do you have a passion project? Something you are working on or would like to work on that really excites and energizes you?

I would like to work more with my state's Office of Health and Social Services. Many people struggle and need help to get back up on their feet, and sometimes all they need is a stable job. If I'm not able to do it through my current position, I would like to do it in the future.

"Wildfire and the friends and contacts I've made because of it have awakened in me a sense of career confidence. I've made what are sure to be life-long connections with a diverse group of individuals who are as passionate as I am about the work we do in higher ed HR."



Shamika Patterson

Senior HR Specialist
University of Iowa

Years in HR: 7.5

Years in higher ed HR: 4

You in three words: ambitious, resourceful, collaborative

How has the Wildfire program helped you in your work or career?

The program has really helped me learn how to position myself in my HR role as a strategic partner and has strengthened my ability to offer additional resources to my organization.

What work accomplishment are you most proud of?

I assisted with launching a new criminal background check application that will help streamline and efficiently process background checks for faculty, volunteers and students within University of Iowa Health Care.

Have you had a defining “stretch” assignment at work? Something you have done that has made you especially proud or where you have learned something new?

I was recently asked to serve on a committee, and this is a new opportunity for me. The committee will research, propose and implement strategies and tools to engage and cultivate talent pipelines for the University of Iowa. I'm very excited about this opportunity to make an impact in the talent management arena.

What is the toughest work-related challenge you're facing right now?

Bracing for change. The university is transitioning to a new talent management system. The change will be great and will have a positive impact on how we serve our candidates, yet like any other change, the “unknown” is a little scary!

"This program has made a significant positive impact on my ability to be a strategic HR partner and has strengthened my ability to offer additional expertise and resources to my organization."



Christine Roediger

Director of HR
Northland Pioneer College

Years in HR: 14

Years in higher ed HR: 1

You in three words: enthusiastic, caring, persistent

How has the Wildfire program helped you in your work or career?

Before joining Northland Pioneer College, I was the HR department at Art Academy of Cincinnati. Being new to higher ed HR and being a one-person department, the support and advice I received from my Wildfire cohort, my mentor, and Wildfire program lead Mark Coldren were invaluable as I charted a course in this new-to-me territory. The program also supported me when I left the Art Academy to join Northland. In fact, I feel that being part of the program made me a more valuable/viable candidate for the position.

What has been your favorite part of your Wildfire experience?

CUPA-HR's Association Leadership Program last July, which brought together the association's volunteer leaders from around the country, was immensely enjoyable for me. The event was held only two weeks into my Wildfire run, so it was great to meet and get connected to so many higher ed HR and association leaders right from the get-go. I was able to have really meaningful conversations with HR professionals from all over and at levels that are not often easily accessible.

What is the toughest work-related challenge you're facing right now?

At Northland, we're working on building a "best practice" HR department, and that means big change. Change can be tough, and what needs to be done here will take years to accomplish. I'm hoping the institution will have the patience and determination to stay the course and follow through with what is a very big goal.

Do you have a passion project? Something you are working on or would like to work on that really excites and energizes you?

My institution is reviving its employee relations committee, and I'm heading up that effort. We are just beginning to define the team and are looking at project possibilities. We're only just beginning, but this group has the possibility of making a real impact for the college, and I'm excited to be part of that. 

Read more about the Wildfire program and the individuals in this year's cohort at www.cupahr.org/wildfire.



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Navigating life together



Developing the Skill Set and Mindset of Future University Leaders

Emory University is highly invested in and committed to developing its employees — particularly those with leadership potential. With the goal of building a pipeline of future leaders throughout the university, Emory's learning and organizational development team has created and oversees several leadership development programs for staff at all levels — from high-potential front-line employees to people managers to director-level executives.

While all of these programs are in high demand and enjoy widespread support (nearly 1,600 Emory employees have completed one or more of the programs), Emerging Leaders at Emory, which targets mid-level leaders with high potential for growth to a strategic leadership role, has been particularly successful.

The Need

Prior to the creation of its formal leadership development programs, Emory encountered several challenges in developing leaders within the university. "We are a large, decentralized institution with multiple cultures across campus; almost nothing is "required;" and we lacked a formal talent management system," says Wanda Hayes, the university's senior director of learning and organizational development.

Although Emory has had an executive-level, high-potential leadership program for many years, the implementation of a new talent management strategy a few years ago opened the door for expanded leadership development offerings.

Getting Buy-In

After the learning and OD team mapped out a strategy for how it imagined new and/or redesigned leadership development offerings for high-potential employees at multiple levels might be implemented, and what the different programs might look like, it was time to get the stakeholders on board, says Hayes. Senior leaders from the learning and OD office, along with Emory's associate vice president for HR, met with deans, vice presidents and other senior leaders from across campus to solicit feedback around the concept of "high-potential" (what does it mean, how do we measure and define it?); discuss specific

school and division talent needs; and talk about differences in leadership competencies and needs at different levels. From these conversations came the blueprint for the Emerging Leaders program.

"Our deans and vice presidents were very vocal about the need for additional development of their high-potential employees in order to ensure better transitions into new roles at higher levels, and as a means to increase the retention of top talent," says Hayes. "As it turns out, getting buy-in was the easiest part of the process."

Emerging Leaders at Emory

Emory's Emerging Leaders program targets high-potential, mid-level leaders (managers and assistant/associate directors) being considered for more strategic roles at the director-level or higher, and focuses on developing both the skill set and mindset needed at the next level. For the purposes of the program, says Hayes, "high-potential" individuals are defined as those who have a high motivation to lead and bring out the best in others, have a strong interest in personal development and are receptive to feedback, are able to adapt easily and deal with complex and ambiguous environments, are resilient in the face of stress and change, and are a good culture fit with Emory. Participants must be nominated by a vice president or dean, and the selected individuals move through the program in a cohort that represents a cross-section of the university (an approach that, according to Hayes, helps build a foundation for relationship-building and collaboration and facilitates a better understanding of the talent across the university.)



Through its multiple leadership development programs, Emory University's learning and organizational development team is helping the institution address talent planning by helping to retain leaders, creating avenues by which to promote and rotate talent from within, and helping to ensure success at key transitions throughout the institution. For these reasons and more, the team was selected as the recipient of CUPA-HR's HR Excellence Award in 2017.

The Emerging Leaders program is built around the concepts of leading self, leading others and leading the business, and consists of leadership style assessments, developmental assessments, workshops, peer coaching and mentoring, action learning, guided reflection, and the opportunity to interact in an informal setting with vice presidents and deans from across campus. Participants log roughly 180 hours of learning and development over the course of eight months. Program topics include:

- leadership styles and self-awareness;
- performance-based communication;
- coaching, emotional intelligence and diversity;
- cultivating relationships and partnerships;
- strategy, budgets and decision making; and
- managing change, resilience and immunity to change.

At the end of the program, participants present a portfolio project wherein they reflect on the program and the impact it has had on their leadership style, their skill sets, their mindset, and the most meaningful takeaways, including specific examples of how they have implemented the concepts in their current jobs.

According to Hayes, the program was well received from the get go — for its inaugural run in 2015, she received 56 nominations for 20 spots. Thus far, 58 individuals have completed the Emerging Leaders program, and, says Hayes, the metrics indicate that it is serving its intended purpose — of the 39 graduates who have been out of the program long enough for measurement to be completed, 95 percent have remained at Emory, 23 percent have been promoted at the institution, 26 percent changed jobs within their department or division, and 10 percent changed divisions.

“The program’s impact on participants and the institution has been evident and far-reaching,” says Hayes.

“Participants have reported improvements in their decision-making skills, coaching abilities, emotional intelligence, ability to create networks and partnerships, communication skills, ability to deal with change, and self-awareness, and have reported increased confidence and a broadened perspective of university-wide issues.” As for the benefits to the university, Hayes says there have been documented instances of increased efficiencies, cost savings and cost avoidance, and improved leadership competencies.

The learning and OD team regularly assesses the program and its effectiveness through surveys, focus groups, success case interviews, pre- and post-program feedback from participants and their direct supervisors, program participant retention data and utilization data.

Hayes attributes the success of the Emerging Leaders program — and in fact all of Emory’s leadership development programs — to several factors: ownership by senior leaders, a clear connection to the institution’s talent management strategy, approaching learning and development in a holistic manner, and creating programs that meet needs and help address workforce-related challenges.

What’s Next?

Says Del King, Emory’s associate vice president for human resources, “The process of creating and implementing our leadership development programs has led to an increased understanding and awareness of the need for a better talent management process and strategy.” To that end, Emory’s HR division is currently working on streamlining and creating consistency around the university’s approach to talent management, including implementing similar talent assessments across the board and maintaining these assessments in a central HR database. Additionally, learning and OD is considering moving from nominations for leadership development programs to invitations based on talent assessments. The team is also preparing to launch a new leader onboarding program this summer, which will be mandatory for newly hired and newly promoted managers and will provide a solid foundation of leadership principles, culture, and policies and procedures of the university.

With the third cohort having just completed the Emerging Leaders program, Hayes and her team will spend the summer gearing up to launch the next cohort of the executive-level program, Excellence Through Leadership, in the fall (because of the time and resources needed to administer the programs, Emerging Leaders and Excellence Through Leadership will run in alternate years going forward).

“Our hope with this and our other leadership development programs is to ready a steady stream of leaders-to-be — leaders who are prepared, knowledgeable, skillful and eager to lead in the direction the university is headed,” says Hayes. 

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WORKING IN A FISH BOWL

**How One Community
College System Navigated
a Compensation Study
in a Transparent
Environment**





From an employee's perspective, hearing the words "pay audit" can be unnerving. So when Austin Community College District (ACC) decided to do a compensation study of its 1,500+ non-faculty employees across its 11 campuses, doing so as transparently as possible was of paramount importance. Keeping employees in the know, instead of working behind closed doors, can help ease tensions, squash rumors, and pave the way for change.

Here, Dana Tucker, ACC's compensation manager, walks us through how her team carried out the compensation study and subsequent classification and compensation overhaul — how they approached the mammoth task, how they ensured transparency along the way, the challenges they faced, the outcomes, and some lessons learned.

Why an Overhaul?

Prior to the study and subsequent classification and compensation structure redesign, ACC was operating on a 10-year-old market-based compensation plan for staff. Says Tucker, "There were 31 pay grades, and pay ranges had not been updated since the original plan was put in place. Many employees didn't understand how they were paid, and there was a perception among some of the workforce of pay inequity."

While the classification and compensation plan for staff was outdated, for the college's administrators, there was no formal structure in place.

A Team Approach

With transparency as a driving factor in how to approach the study, the compensation team put together a project team — three representatives each from the college's non-exempt employee association, exempt employee association, and administration (the compensation team members served as non-voting members on the project team). The role of the project team, says Tucker, was to work with the purchasing department to develop a bid package for the study, select a consultant, serve as a liaison to ACC employees throughout the study (gathering input, providing feedback and making recommendations to the compensation team and consultant), and present the findings to the president and his leadership team.

"Assembling a team of stakeholders, as opposed to just a team from the HR office, ensured that we would look at this project from different perspectives," says Tucker. "The cross-functional team approach provided a motivating climate, promoted shared ownership and responsibility, created better buy-in, and increased transparency."

The Discovery Phase

The project began with a discovery phase. Representatives from the consulting company selected to lead the project held orientation sessions for all staff employees to inform them of their role in the study. They also held focus groups to gather detailed feedback from employees and management about their perceptions of ACC's compensation structure, and collected updated job analyses from employees and supervisors. Throughout this process, the consultant met regularly with the project team, and the project team communicated regularly with ACC employees.

Employees also were given the opportunity in this phase of the project to provide individual job-related information through an online job analysis tool; supervisors were given the opportunity to comment on employee job information; and administrators were given the opportunity to provide additional information regarding compensation in their respective areas. Any differences between employees and supervisors about the employee's job was reconciled by the consultant before moving ahead with the study. Says Tucker, "It really was a collaborative effort — and ACC employees greatly appreciated the opportunity to be involved, to be in the know, and to provide input and feedback."

Findings and Recommendations

Once the pay study was complete, the consultant provided a preliminary report to the project team, which included a redacted database of individual employee salaries. This is where the bulk of the back-and-forth between the project team and the consultant occurred, says Tucker. "The project team really did its due diligence — asking for additional clarification from the consultant on information used for market measurements, results that needed more explanation, and conflicts within hierarchy." The project team also prepared a response agreeing or disagreeing with each of the consultant's recommendations, and then the team and the consultant presented the pay study findings and recommendations to ACC's president and its board of trustees.

The results of the project included:

- widened pay ranges and reduced number of ranges;
- new career band/level structure to better fit with career path opportunities for employees;
- changes to the hiring grid and calculation of experience for new hires;

- substitution of education/experience; and
- a rewrite of all job descriptions and changes to some job titles.

Implementation

Before implementing the approved action plan resulting from the study's findings, the compensation team "checked and checked again the calculations from the consultant," says Tucker. "We wanted all salaries to be correct at rollout." Implementation then followed a three-step process: market adjustment (adjust current pay for market study adjustments); adjustment for FY16 annual increase (adjust for 3 percent annual increase); and implementation of the new career band plan and slotting of employees. HR worked with IT to program the new structure, the new hiring grid and the new job description module.

Ensuring Transparency From Start to Finish

Before the pay study got underway, the project team worked with IT to create a public-facing project website. Here, the team posted its meeting agendas and minutes, and ACC employees could submit questions about the project to the team. Once the project was underway, project team members emailed periodic updates about the study to their respective employee groups. After the consultant had made recommendations to the project team and the team and consultant presented the findings to the president and board of trustees, the presentation was posted on the project team website. In addition, all ACC staff members were invited to attend a meeting with the consultant, either in-person or in a virtual setting, to go over the study findings and the implementation timeline, and were given the opportunity to ask questions and voice concerns. All affected employees also received an email with information on when they would have access to new information about their specific jobs/new pay rates, and new pay rates and job descriptions were posted online for every staff position.

Challenges Along the Way

While the compensation study and classification and compensation restructuring was all in all a success, Tucker says that, like any large-scale projects, there were some bumps along the way. "Some of the challenges we faced included clarifying our expectations to the consultant,

determining and clarifying the roles of the key players and educating the project team about compensation." With some patience, conversation, brainstorming and a solid, well-laid plan in place, Tucker says overcoming those challenges was fairly easy.

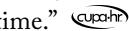
Lessons Learned

Now that the study and implementation is several months behind her, Tucker reflects on some of the lessons she and the team learned, and offers advice on considerations for

Keeping employees in the know, instead of working behind closed doors, can help ease tensions, squash rumors, and pave the way for change.

other institutions considering a team-based, transparent approach to a compensation study:

- It's important to provide training to the project team regarding the roles of team members and team chairs. Be clear from the start about the roles the various participants will play in the review and approval of the outcomes.
- Refer to the team charter as often as needed to remind team members of what was agreed to at the beginning of the project.
- Provide updates to all employees frequently, especially if the process takes longer than anticipated.
- If you're using a consultant, make sure they have a good understanding of your institution's current pay structure system and processes, as well as what employee data is and is not available.
- Don't rest on your laurels. ACC did another market study in 2017 and made some additional changes to its classification and compensation structure.

Most of all, says Tucker, engage as many stakeholders as you can every step of the way, be as transparent as possible, and always over-communicate. "There's definitely a right way and a wrong way to approach a compensation study," she says, "and transparency trumps tight-lipped every time." 



Community

Get Involved With CUPA-HR!

CUPA-HR members who volunteer to share their expertise, take on leadership roles, participate in committees and participate in our salary and benefits surveys are vital to helping the association achieve its mission.

Interested in getting more involved in CUPA-HR? There are several ways you can do so:

The Higher Education Workplace Magazine

— share the important work you're doing by submitting an article for publication in CUPA-HR's member magazine.

National Board — volunteering to serve on CUPA-HR's national board is a powerful way to connect with colleagues from across the country while making an impact on the profession. Nominations for open positions for 2019-20 will open in January 2019.

National Board Committees — CUPA-HR has several volunteer committees and task forces. Committees are formed at the beginning of each fiscal year in July. If you are interested in serving on a committee, simply complete an interest form on the CUPA-HR website.

Emerging CUPA-HR Leaders Program — for those interested in learning more about the association and exploring leadership opportunities.

Wildfire Program — personal and professional development for early-career higher ed HR professionals.

Conferences — share your success stories and insights as a presenter at a CUPA-HR conference.

Higher Education Human Resource Awards

— recognizing the efforts of individuals, teams and institutions who are transforming HR at their institutions and influencing the profession on a wider scale. Nominations for the 2019 awards will open in January.

CUPA-HR's Salary and Benefits Surveys

— submit your institution's data for these platinum standards of higher education compensation. Data collection occurs every fall.

Knowledge Center — help us build an even better resource for higher ed HR. If you have a program, policy or other material from your institution that could be added to the Knowledge Center, send Knowledge Center Content Manager Amanda Davis (adavis@cupahr.org) a message with the information and link.

CUPA-HR Connect — join the conversation on all things higher ed HR on CUPA-HR Connect, the association's members-only online community. There are forums specific to diversity, equity and inclusion, Title IX, and CUPA-HR's salary surveys and DataOnDemand tool, as well as a General Discussion space and several CUPA-HR chapter forums.

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Community

Congratulations to this year's CUPA-HR Region Awards recipients. These awards honor individuals, teams and HR departments for service to the association and excellence in higher education human resources.

Eastern Region

Sujata Malhotra, deputy director of human resources at City University of New York, received the Eastern Region's **Emerging CUPA-HR Leader Award**, which recognizes potential leaders who have shown exemplary leadership and initiative within higher ed HR and the desire to play an active role in advancing the profession.

The **Penn State HR Community**, led by Mary Beahm, received the **HR Excellence Award** for its HR business process transformation.

Midwest Region

Jacob Lathrop, HR director in the College of Education at Michigan State University, received the Midwest Region's **Emerging CUPA-HR Leader Award**.

Shanna Legleiter, director of learning and development at Kansas State University, received the **Outstanding Service Award**, which recognizes service and leadership to the region.

Judy Espinoza, director of HR at Wichita State University, received the **HR Excellence Award** for her work in transforming the university's HR function from transactional to strategic.

Southern Region

Keyashia Sheppard, HR specialist at George C. Wallace Community College, received the Southern Region's **Emerging CUPA-HR Leader Award**.

Nicole Whitehead, director of HR at Sweet Briar College, received the **Distinguished Service Award**, which recognizes a member who most exemplifies distinguished service to the HR profession and the association.

Kelley Stuck, chief HR officer at University of Virginia, received the **HR Excellence Award** for her leadership in UVA's Ufirst project, which enhanced the university's ability to recruit, hire, retain and develop top talent in support of excellence in education, research, patient care and public service.

Brenda Adams (University of Alabama at Birmingham), **Shirley Biggs** (Claflin University), **Shawn Liggins** (Tulsa Community College) and **LeAnn Perkins** (University of Arkansas System Office) received the **Meritorious Service Award**, which recognizes individuals who have made significant contributions to the profession, their institutions and CUPA-HR chapters.

Western Region

Diana Sobczynski, senior compensation analyst at University of Oregon, received the Western Region's **Emerging CUPA-HR Leader Award**.

Joan Gines, associate vice president of HR at University of Utah, received the **Distinguished Service Award**.

Travis Rosenberg, executive director of HR at Dixie State University, received the **HR Excellence Award** for his work in bringing positive change to the institution in the areas of recruitment, hiring, onboarding and professional development.

Rebecca Campos, vice president of HR at Chapman University, received the **Regional Lifetime Membership**, which honors a retired or soon-to-be-retired Western Region member who has made outstanding contributions to his or her institution and to CUPA-HR.



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Featured Events



- 17-18** Wisconsin Chapter Conference – La Crosse, Wisconsin
- 22** Eastern Pennsylvania/Delaware Chapter Meeting – Millersville, Pennsylvania
- 24** Illinois Chapter Conference – Champaign, Illinois
- 31** Northern/Central California Chapter Conference – Redwood Shores, California

- 7** Southern New England Chapter Professional Development Event – Smithfield, Rhode Island
- 8** Louisiana/Mississippi Gulf Coast Chapter Symposium – New Orleans, Louisiana
- 14** Minnesota Chapter Conference – Brooklyn Park, Minnesota
- 24-26** Florida, Georgia and Alabama Chapters Joint Conference – Atlantic Beach, Florida
- 14** New Jersey Chapter Meeting – Long Branch, New Jersey



- 12-14** CUPA-HR Association Leadership Program (*by invitation only*) – Tampa, Florida
- 20** Washington Chapter Conference – Everett, Washington

- 20-21** Intermountain West Chapter Conference – Billings, Montana

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

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