

CSB/SJU Faculty Handbook and Elections Committee:

Annual report, academic year 2013-2014

Submitted by Barb May and Sucharita Mukherjee

Membership

The Faculty Handbook and Elections Committee (FHEC) has seven at-large voting members, each of them elected by the Joint Faculty Assembly (JFA). For academic year 2013-2014, the voting members were Carrie Hoover (term, 2013 – 2016), Jeanne Cook (term 2012-2015), Jennifer Galovich (term 2013 – 2016), Jean Keller (term 2012-2015), Barb May (Co-Chair; term 2013 – 2016) Adam Houghton (term 2013 – 2016), and Sucharita Mukherjee (Co-Chair; term 2012-2015).

The FHEC also has one nonvoting member, either the Provost or her delegate, and Joe DesJardins, vice provost, served as the Provost's delegate to the FHEC.

At the end of academic year 2013-2014, two members of the FHEC had to end their term and were replaced. Jeanne Cook withdrew from the committee due to a potential conflict of interest possibility and Sucharita Mukherjee was going to be on sabbatical Fall 2014 and Education Abroad Spring 2015. Additionally Carrie Hoover had to be replaced for 2014-15 on account of extraordinary departmental obligations and Adam Houghton needed to be replaced on account of Education Abroad during 2014-15. To fill all four of these positions, the JFA elected Yvette Piggush and Bernadette Elhard to replace Jeanne Cook and Sucharita Mukherjee for three year terms and Elaine Rutherford and Carie Braun to replace Adam and Carrie for 2014-15.

Anticipating substantial Handbook revision over and above conducting the elections (which had been the primary focus of the FHEC in the last few years) the FHEC was concerned about the demands on faculty time for serving on the FHEC during 2014-15. For the year 2014-15 it was decided to distribute the workload within the committee with some members working more intensely on Handbook issues and some on election issues. All members then contributed to finalizing Handbook recommendations/changes and election nomination ballots both during meetings as well as through email.

Faculty Handbook

Part III changes in the Faculty Handbook:

- In May 2013, Faculty Handbook co-chairs met with Pam Bacon, the new Senate Chair to discuss upcoming changes to the Faculty Handbook in AY2013-2014. Ten policies were identified that needed to be added to part III of the Faculty Handbook. Five of these were Risk Management policies that evolved in lieu of the Penn State Incidences as well as corporate restructuring at SJU. These include Reporting Sexual Child Abuse, Presence of Children and Minors on Campus, WhistleBlower, Fraud, and Conflict of Interest. In addition, there were policies currently in present in the Staff Handbook that were not present in the Faculty Handbook that needed to be added. These included Political Activities, Equal Employment Opportunity, Solicitation, Drug and Alcohol, and Copyright. Although a Faculty vote is not required to submit policies into part III of the Faculty Handbook, to maintain an open working relationship between the Administration and the Faculty, a procedure that allowed for conversations between the JFA and the Administration *before* submission of these policies was desired. Therefore, Jennifer Galovich and

Barb May worked over the Summer 2013 to write a procedure for placement of policies into Part III of the Faculty Handbook (a version approved by the Administration is found in Appendix C of this document). This procedure allowed for an initial review of the policy by the FHEC followed by conversation and answers to any questions by the Administration. After this time period, a ten-day period for the JFA was allowed for comments to be submitted to the FHEC. The FHEC would distribute these comments to the Administration for any further discussion and a response. In summary, this new procedure allows for Faculty input on policies submitted into section III of the Faculty Handbook.

- In March, after consultation and discussion between the FHEC and the Administration (namely Carol Abell and Joe DesJardins), the following policies were presented to the JFA electronically:
 - the Whistleblower (Appendix D of this document),
 - Conflict of Interest (Appendix E of this document),
 - Fraud policy (Appendix F of this document)

After minor changes, the policies were accepted for submission into part III using the new procedure as highlighted above.

- In April 2014, the Solicitation (Appendix G), Equal Employment (Appendix H), and Political Activities, were introduced to the JFA after discussions with the FHEC and the Administration. After comments from the JFA, a change was made to Solicitation based on a Faculty member's concerns and was passed for submission into part III using the new procedure. Equal Employment was also accepted for submission into part III through the part III procedure. However, based on comments by a Faculty member, Political Activities was being revisited and discussed between that faculty member and the Administration. Revisions will be provided to the JFA upon completion and will be submitted into part III of the Faculty Handbook using the new procedure in AY2014-2015. Please note, these policies will be the same for both CSB and SJU.

Part II Changes in the Faculty Handbook

- In May of 2013, the Sexual Misconduct Policy was moved from part II to Part III of the Faculty Handbook using an emergency process to update the policy. Three additional policies, Human Rights, Grievance, and the Consensual and Amorous Relationship policy (CARP), also in part II, were in need of update as reasoned above. It was decided after discussions between the FHEC and the Administration that these policies not be moved to part III, but the desired changes would be voted on by the JFA and would remain in part II of the Faculty Handbook. Therefore, the FHEC was in conversation with the Administration, namely Carol Abell and Joe Desjardins to evaluate suggested changes by the Administration to the Human Rights Policy in Section 2, Appendix A in September and October of 2013.
 - At the JFA meeting on 10-23-13, the updated Joint Human Rights policy as described in Appendix H was approved.
 - At the JFA meeting on 10-23-12, the Grievance policy in section 2.15 was also approved.
 - CARP, in part II, Appendix B and C was brought to the JFA and approved for revision within the Faculty Handbook at the 4-08-2014 JFA meeting.

- Policies still to be updated and submitted into part III include Reporting Sexual Child Abuse, Presence of Children and Minors on Campus, Drug and Alcohol, and the Copyright policy.

Other changes in the Faculty Handbook:

- In December of 2010, the Faculty Senate passed a motion that stated the following: **The Joint Faculty Assembly of CSB/SJU reauthorizes the Faculty Senate and reaffirms the existing Constitution. The JFA directs the Faculty Handbook and Elections Committee to make a thorough review of all places in the Handbook that reference the Senate, the JFA, the FGC, and the Executive Committee of the Senate and to formulate the necessary changes.**

Throughout AY 2013-14, Pam Bacon and Anne Sinko worked on these changes and made additional editorial suggestions as they walked through the Faculty Handbook. Pam and Barb went through this document in May 2014 and have submitted the changes as deemed by the accepted motion. The additional editorial changes will be addressed by the FHEC in AY2014-2015.

- At the JFA meeting on 4/8/2014, altered language in section 2.5.2 (to better define scholarship) was approved as described in Appendix J in this document.

Grievances

The 30-day preliminary period of the grievance process was initiated by one faculty member in February. The grievant chose *not* to continue with the grievance process after completion of the 30-day preliminary period. As this grievance was initiated, the consultant list was also updated and posted on the public FHEC Sharepoint site.

A separate 30-day preliminary period of the grievance process was initiated by a different faculty member on May 12th, 2014. As the Faculty Handbook is not completely clear, the FHEC found it appropriate to pause the 30 day process on Friday before graduation weekend (May 16th in this case) and to continue the process at the onset of classes on August 25th. *The 20-day preliminary period will end on September 19, 2014.*

Another faculty member asked for the consultant list, but has not yet filed a grievance.

Elections

During the academic year 2013-2014, there were 37 open seats in the standing faculty governance committees and the JFS. Members of FHEC secured a total of 76 candidates for the ballots to fill the 37 positions. Note, some positions were run unopposed and some individuals agreed to run for multiple positions, usually in sequential fashion (i.e., a person who was not elected to one position subsequently agreed to run for a second position).

Elections were run in four rounds and were distributed as follows:

Round one – Vice Chair (CSB position), CSB Rank & Tenure, SJU Rank & Tenure (completed on 11/01/13)

Round two – ACC, APBC, APSAC, CCC, FCBC (completed 2/17/14)

Round three – FDRC, Joint Faculty Senate (divisional representatives only), FHEC, Graduate Theological Studies Committee (completed 4/11/14)

Round four – CCC (one year replacement), FHEC (term and one year replacements), Joint Faculty Senate at large representatives (completed on 5/8/14)

The 2014-2015 roster for the JFS and for standing faculty committees are shown in appendix B to this report.

Rounds were organized to fill the more challenging and specialized committees first and then move on to faculty governance positions for which faculty seem more willing to serve. There was a slight delay in conducting this year's elections, both on account of pressing Handbook discussions which consumed much of the FHEC's time this year and also due to delay while waiting for the Post Tenure Development Coordinator position. Both these concerns are discussed below.

[At the Senate meeting on 10/15/2013, the Senate approved a motion to recommend that the JFA approve three-year terms for the Faculty Senate terms. However, this recommendation was not discussed nor voted on at a JFA meeting. This will likely be voted on at the onset of AY2014-2015.](#)

Issues and Concerns about Elections:

1. Fine Arts Representation on the Ballot:

An important Election concern the FHEC faced this year (as in most other years) was to find enough Fine Arts faculty representatives in committees requiring divisional representation. The Fine Arts division is at present combined with Humanities in the R&T committees but not so in other committees and the JFS. The FHEC concluded this latter process arbitrary while noting the difficulty of finding adequate number of FA faculty for completing ballots. The matter was placed by the Co-Chairs to the Senate during a meeting in February 2014. Brian Campbell volunteered to organize the fine arts chairs to decide where fine arts representation is important—the sense was FDRC, CCC, and R and T.

2. Post Tenure Development Coordinator Position

The FHEC was scheduled to conduct elections for the Post Tenure Development Coordinator position for SJU during 2014-2015 as the current faculty in that position, Michael Livingston has completed his period of service. In trying to seek out eligible faculty to be on the ballot for that position the FHEC was faced with challenges. There were concerns about finding enough faculty from each of the schools to be on ballots for two positions for each school and also the *need* for two separate positions since there is no difference in contractual obligations for faculty in both schools. The recommendation was therefore to consolidate the two position to one position for the College of Saint Benedict and Saint John's University On a third level there is also ambiguity regarding the exact responsibilities of the Post Tenure Development Coordinator position (the specified responsibilities in the Handbook are considerably more demanding compared to the practiced responsibilities). There was consensus in the FHEC that the

administration needed to be involved in updating the Handbook language on the position, clarifying the responsibilities.

All this concerns were communicated to the Senate Executive Committee and the JFS discussed the matter. The Senate Executive Committee requested Steve Stelzner, who currently holds the position for CSB, to serve as the joint Post Tenure Review Coordinator for CSB and SJU for 2014-15. Since Steve is on sabbatical in Fall 2014 (and still agreed to take the responsibility) Pam clarified that his responsibilities would be same as this past year. He would not be involved in any committee work regarding the review of these responsibilities till Spring 2015 and Steve agreed to this proposal. The Senate/Administration would presumably be taking this issue on next year before the FHEC is scheduled to hold elections for this position which is typically in Spring.

3. Completing Elections on Time

This year the email soliciting committee preferences was sent out to the JFA in Fall 2013 after the FHEC's first meeting on 4th September. Additionally, attempts were made to directly contact members of different committees verifying their term and availability as a double check. However, the final round of elections were only completed on the last day of classes. The practical difficulty of this is to delay some of the committees whose complete elections are held in the last round from scheduling a meeting to meet with new members and elect Chairs in time for the new academic year.

The FHEC decided to move the timeline for elections ahead next year to avoid problems like this. Instead of sending out an email soliciting preferences for serving in committees and availability the FHEC designed form which the faculty were urged to complete using Forms Manager. This form, noting preferences for serving in committees, absences as well as other commitments would be a more organized way of collecting information for conducting elections next year. This form was sent out in Spring 2014 and will again be sent out in Fall 2014. The FHEC also decided to write to department chairs to alert them to service opportunities for their faculty, esp. junior faculty beyond the third year.

Overall Issues and Concerns

As mentioned above the FHEC was concerned about the investment of significant member time on both Handbook and Election issues, especially as new Handbook changes are proposed and the FHEC attempts to undertake regular routine updating and revision of the Handbook. This work is long pending and is now pressing as the JFA has directed FHEC to make a thorough review of all places in the Handbook that reference the Senate, the JFA, the FGC, and the Executive Committee of the Senate and to formulate necessary changes. The FHEC discussed the matter of workload with the Senate Executive Committee requesting assistance primarily for matters of Handbook revision rather than conducting Elections. The primary recommendation from the FHEC (conveyed to the Senate by FHEC Co-Chairs during the Senate meeting in February 2014) was to have the Senate appoint an *ad hoc* committee (reporting to the FHEC) to begin the Handbook review process. The FHEC would be drawing up an appropriate charge and timeline for this *ad hoc* committee.

Appendix B: Senate and Standing Committees of the Joint Faculty Assembly Rosters for 2014 – 2015

Note that there was a replacement appointment to the CSB R&T at the end of the school year due to the withdrawal from the position by a newly elected representative Pam Bacon (noted below). Since the request for withdrawal came at the end of Spring 2014 semester and after the completion of faculty

governance elections, the replacement was filled by appointment of Steve Saupe to the committee. As per Section 5.3.0.1 in the Handbook; the appointment was made by the Senate Executive Committee on May 8th, 2014.

**Senate and Standing Committees of the Joint Faculty Assembly:
Rosters for 2014 – 2015**

May 14, 2014 version

Names in italics are newly elected faculty

Names in bold are chairs (if known)

**Academic Planning and Budget Committee (APBC)
(3 members must be tenured)**

Fine Arts	Mark Hennigs (THEA)	t	2013 – 2016*
Humanities	<i>Kelly Berg (COMM)</i>	t	2014 – 2017
Natural Science	<i>Alicia Peterson (CHEM)</i>	t	2014 – 2017
Social Science	Jeff Anderson (PCST)	t	2013 – 2016
At Large	<i>Tom Sibley (MATH)</i>	t	2014 – 2017
At Large	<i>Eleonora Bertranou (MCL)</i>	t	2014 – 2017
At Large	Rachelle Larsen (NRSRG)	t	2012 – 2015

*Mark will be on sabbatical in spring 2015. Greg Walker (MUSC) will serve in his place for 2014-15.

**Academic Policies, Standards, and Assessment Committee (APSAC)
(4 members must be tenured)**

Fine Arts	<i>David Arnott (MUSC)</i>	t	2014 – 2017
Humanities	Emily Esch (PHIL)	t	2013 – 2016
Natural Science	Mike Tangredi (MATH)	t	2012 – 2015
Social Science	Robert Bell (ACFN)	tt	2012 – 2015
At Large	Bret Benesh (MATH)	t	2013 – 2016*
At Large	Todd Johnson (PHYS)	tt	2012 – 2015
At Large	<i>Corey Shouse (HISP)</i>	t	2014 – 2017

*Bret will be on sabbatical spring 2015. Brian Larkin (HIST) will serve in his place for 2014-15.

**Academic Curriculum Committee (ACC)
(2 members must be tenured)**

Fine Arts	<i>Amy Grinsteiner (MUSC)</i>	tt	2014 – 2017
Humanities	Erica Stonestreet	tt	2013 – 2015
Natural Science	Jennifer Schaefer (BIOL)	tt	2013 – 2016
Social Science	Louis Johnston (ECON)	t	2013 – 2016
At Large	Lisa Lindgren (GBUS)	t	2012 – 2015

**Common Curriculum Committee (CCC)
(2 members must be tenured)**

Fine Arts	John-Bede Pauley (MUSC)	tt	2013 – 2016
Humanities	Cindy Malone (ENGL)	t	2013 – 2016
Natural Science	Julie Strelow (NRSB)	t	2012 – 2015
Social Science	<i>Christi Siver (POLS)</i>	tt	2014 – 2017
At Large	<i>Sunil Chetty (MATH)</i>	tt	2014 – 2017

**Faculty Compensation and Benefits Committee (FCBC)
(4 members must be tenured)**

At Large	<i>Philip Chu (BIOL)</i>	t	2014 – 2017
At Large	Jim Crumley (PHYS)	t	2013 – 2016
At Large	Gary Prevost	t	2013 – 2016
At Large	Philip Byrne (MATH)	t	2012 – 2015
At Large	Kingshuk Mukherjee (GBUS)	tt	2013 – 2016
At Large	<i>Lisa Platt (PSYC)</i>	tt	2014 – 2017
At Large	<i>Parker Wheatley (ECON)</i>	t	2014 – 2017

**Faculty Development and Research Committee (FDRC)
(3 members must be tenured)**

Fine Arts	Carol Brash (ART)	t	2012 – 2015*
Humanities	<i>Tania Gomez (HISP)</i>	tt	2014 – 2017
Natural Science	Md Abul Fazal (CHEM)	tt	2012 – 2015
Social Science	Jean Didier (GBUS)	t	2013 – 2016
S.O.T.	Kristin Colberg (SOT)	tt	2013 – 2016
At Large	Georgia Hogenson	tt	2013 – 2016
At Large	Elizabeth Wurdak (BIOL)	t	2013 – 2016**

*Carol will be on sabbatical and leading a study abroad program in 2014-15. Sam Johnson (tenured, ART) will replace her for 2014-15.

**Elizabeth is retiring after spring 2015 and will need to be replaced on the committee.

**Faculty Handbook and Elections Committee (FHEC)
(4 members must be tenured)**

At Large	Carrie Hoover (NRSB)	tt	2013 – 2016*
At Large	<i>Yvette Piggush (ENGL)</i>	tt	2014 - 2017
At Large	Jennifer Galovich (MATH)	t	2013 – 2016
At Large	<i>Bernadette Elhard (NUTR)</i>	t	2014 – 2017

At Large	Barb May (BIOL)	t	2013 – 2016
At Large	Adam Houghton (THEA)	t	2013 – 2016**
At Large	Jean Keller (PHIL)	t	2012 – 2015

*Carrie has extraordinary departmental obligations in 2014-15. Carie Braun will serve in her place for 2014-15.

**Adam will be leading a study abroad program in fall 2014. Elaine Rutherford will serve in his place for 2014-15.

**College of Saint Benedict Rank and Tenure Committee
(all members must be tenured)**

Fine Arts/Hum.	<i>Christina Hennessy (HISP)</i>	t	2014 – 2017
Natural Science	<i>LuAnn Reif (NURS)</i>	t	2014 – 2017
Social Science	Wendy Klepetar(<i>GBUS</i>)	t	2013 – 2016*
At Large	Ellen Jensen (<i>BIOL</i>)	t	2013 – 2016
At Large	Vincent Smiles (<i>THEO</i>)	t	2013 – 2016
At Large	Bruce Thornton (<i>MUSC</i>)	t	2013 – 2016
At Large	<i>John Olson (ECON)</i>	t	2014 – 2017*

*Wendy will be on sabbatical 2014-15. Pam Bacon was originally going to serve in her place for 2014-15, but due to other commitments had to withdraw from the committee. **Steve Saupe** has been appointed by the Executive Committee to serve for one year in an at large position, and John Olson will serve as the social science representative for 2014-15, and then finish out his term in his original at large position.

**Saint John's University Rank and Tenure Committee
(all members must be tenure)**

Fine Arts/Hum.	<i>Bruce Campbell (HISP)</i>	t	2014 – 2017
Natural Science	Michael Gass (MATH)	t	2013 – 2015
Social Science	Claire Haeg (POLS)	t	2013 – 2016
S.O.T.	Michael Patella (SOT)	t	2013 – 2016
At Large	Scott Richardson (MCL)	t	2012 – 2015
At Large	Patricia Bolaños (HISP)	t	2013 – 2016
At Large	Jeff Kamakahi (SOCL)	t	2013 – 2016

**Graduate Theological Studies Committee
(no tenure requirements)**

S.O.T.	Shawn Colberg (SOT)	tt	2013 – 2016
S.O.T.	Mary Forman (SOT)	t	2012 – 2015*
S.O.T.	Kathy Cox (SOT)	t	2014 – 2017

*Mary will be on sabbatical in 2014-15. Kathleen Cahalan will serve in her place for 2014-15.

Post-tenure Faculty Development Program Coordinator

For CSB	Steve Stelzner (PSYC)	t	2013 – 2016
For SJU	Election Delayed pending approval of joint coordinator position. Steve Stelzner will serve as an interim joint coordinator for 2014-15.		

Joint Faculty Senate

Executive Committee:

Terry Check, Chair
 Jean Lavigne, Vice Chair
 Parliamentarian – to be named

Vice Chair of JOINT FACULTY ASSEMBLY and the JOINT FACULTY SENATE

Jean Lavigne (ENVR)

Divisional Representatives

Humanities	Karyl Daughters (COMM)	t	2013 – 2015
<i>Humanities</i>	<i>Gregory Schroeder (HIST)</i>	t	2014 – 2016
Humanities	Kari-Shane Davis (DOT) Zimmerman	t	2013 – 2015
<i>Natural Science</i>	<i>Tom Kirkman (PHYS)</i>	t	2014 – 2016
Natural Science	Bill Lamberts (BIOL)	t	2013 – 2015
<i>Natural Science</i>	<i>Jeanne Lust (BIOL)</i>	t	2014 – 2016
Social Science	Ben Faber (PSYC)	tt	2013 – 2015
Social Science	Phil Kronebusch (POLS)	t	2013 – 2015
<i>Social Science</i>	<i>Jessica O'Reilly (SOCL)</i>	tt	2014 – 2016
S.O.T.	Anthony Ruff (SOT)	t	2013 – 2015
Fine Arts	Patricia Kent (MUSC)	term	2013 – 2015

At Large Representatives

At Large	Terry Check (COMM)	t	2013 – 2015*
At Large	Jeffrey Diamond (HIST)	tt	2013 - 2015
At Large	Jessica Harkins (ENGL)	tt	2013 – 2015
At Large	Mary Jepperson (ACFN)	t	2013 – 2015
At Large	<i>Kaarin Johnston (THEA)</i>	t	2014 – 2016
At Large	<i>Jean Lavigne (ENVR)</i>	t	2014 – 2016**
At Large	Kris Nairn (MATH)	t	2013 – 2015

At Large	<i>Jonathan Nash (HIST)</i>	tt	2014 – 2016
At Large	<i>Sheila Nelson (SOCL)</i>	t	2014 – 2016
At Large	Manju Parikh (POLS)	t	2013 – 2015
At Large	<i>Michael Reagan (BIOL)</i>	t	2014 – 2016
At Large	<i>Yu Zhang (CSCI)</i>	tt	2014 – 2016

*Terry Check replaces Pam Bacon's At Large position

**Jean Lavigne replaces Terry Check's At Large position.

Appendix C. Procedure for Submission or Revision of policies and procedures in part III of the Faculty Handbook

3.0 Administrative Procedures

Part III of the *Faculty Handbook* contains administrative procedures which pertain to the faculty. It is revised by administrative update, in consultation with the faculty, as described in section 3.0.1. The provost and the Faculty Handbook and Elections Committee are jointly responsible for ensuring that Part III of the *Faculty Handbook* is current.

3.0.1 Submission or revision of policies and procedures

The Provost will initiate revisions and additions to Part III of the *Faculty Handbook*. Faculty are invited to bring concerns regarding any components of part III at any time to the Faculty Handbook and Elections Committee (FHEC). The Provost is encouraged to consult with the Faculty Handbook and Elections Committee (FHEC) during the construction of any such revisions and additions. The provost will provide to the FHEC the final text of the addition or revision and a brief rationale. The role of the FHEC, in this context, is to provide initial feedback regarding the addition or revision. In particular, the FHEC is expected to represent the interests of the faculty, and to examine the proposed addition or revision for clarity and consistency with other sections of the Handbook. Within ten working days of receipt of the final text, the FHEC shall respond to the Provost articulating its concerns or suggestions or affirming that there are none. The Provost will take all comments under advisement and make adjustments as s/he sees fit. The FHEC will then announce and post electronically to the Joint Faculty Assembly the following items:

- (i) the text of the addition or revision, provided by the Provost
- (ii) the rationale provided by the Provost
- (iii) the FHEC recommendation regarding the addition or revision

Any comments, questions or concerns from the Joint Faculty must be communicated to the chair of the FHEC within ten class days:

Within 48 hours of the close of the comment period, the chair of the FHEC will communicate all comments to the Provost. Within an additional ten class days, the Provost will inform the FHEC of the administrative response to the comments, together with the final version of the addition or revision. At that time, the addition or revision will be implemented in the Handbook.

Appendix D. Whistleblower Policy for Submission into Part III of the Faculty Handbook

WHISTLEBLOWER POLICY

The lasting success and reputation of Saint John's University (SJU) requires fair and ethical conduct by our Trustees, Cabinet members, faculty, staff, and volunteers. This Whistleblower Policy is intended to strongly encourage and enable Trustees, Cabinet members, faculty, staff, and volunteers to raise serious concerns within the organization prior to seeking resolution outside the institution without fear of retaliation to the reporter.

In order to maintain the trust and confidence of the community and our stakeholders, SJU intends to comply with all applicable laws and regulations and expects its Trustees, Cabinet members, faculty, staff, and volunteers to comply with the law and to refrain from any illegal, dishonest, or unethical conduct.

Reporting Violations

SJU encourages faculty and staff to share their questions, concerns, suggestions, or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if an employee is not comfortable speaking with his/her supervisor or is not satisfied with the supervisor's response, the employee is encouraged to speak with someone in the Human Resources department or anyone in management whom he/she is comfortable approaching.

Supervisors and managers are required to report suspected violations to the Human Resources department, who has specific and exclusive responsibility to oversee and manage the investigation process for all reported violations. Trustees and Cabinet members should report suspected violations to the Chair of the Board or the President. Volunteers should report suspected violations to the volunteer coordinator or, if none, contact the Human Resources department.

Note: SJU also provides a confidential and anonymous reporting system, Ethics Point. This reporting system provides the opportunity to report concerns from work or home, via the internet or by speaking directly to a representative. Visit the following website for additional information: www.csbsju.edu/ethicspoint

Reporting Responsibility

It is the responsibility of all Trustees, Cabinet members, faculty, staff, and volunteers to comply with all applicable laws, regulations and University policies, and to report violations or suspected violations in accordance with this Whistleblower Policy.

No Retaliation

No Trustee, Cabinet member, faculty, staff, or volunteer who in good faith reports a violation of applicable laws and regulations or policies of SJU shall suffer harassment, retaliation, or adverse employment consequence. An employee who retaliates against someone who has reported a suspected violation in good faith is subject to discipline up to and including termination of employment.

Approved by SJU Board of Trustees – May 20, 2013

Appendix E. Conflict of Interest Policy for Submission into Part III of the Faculty Handbook

CONFLICTS OF INTEREST POLICY FOR EMPLOYEES

It is the policy of Saint John's University (SJU) that all employees who make decisions that influence the financial actions of the University or its students must do so in accordance with the highest professional and ethical standards. In order to preserve the integrity and reputation of the University, all employees are expected to avoid giving an unfair advantage, or even the appearance of an unfair advantage, to any person or organization doing business with the University or its students. To comply with this policy, all employees must be aware of and seek to avoid any situation where an employee's personal interests conflict with the interests of the University and/or the students it serves, and where the University's interests conflict with the purchasing interests of its students. It is particularly important for an employee to avoid the appearance of conflicts of interest when the employee is in a position to:

1. enter into contracts on behalf of the University; or
2. influence the purchasing decisions of students at the University.

Persons Covered by this Policy: This Conflicts of Interest Policy for Employees applies to all employees of the University, except persons who are governed by the *Conflicts of Interest Policy for Board of Trustees and Key Employees*. The *Conflicts of Interest Policy for Board of Trustees and Key Employees* applies to members of the Board of Trustees, cabinet members, officers, executive-level employees¹, and non-Trustee committee members as set forth in that policy.

Areas in Which a Conflict of Interest May Arise: The appearance of a conflict of interest may arise when a person or organization with whom the University does business (a "Vendor") has, or could reasonably be believed to have, improper influence over the actions or judgment of an employee.

a. Examples of Vendors

Employees should be especially alert to conflicts of interest that may arise in their relations with:

- (1) Vendors that supply goods and services to the University, or to students of the University in connection with their attendance at the University;

¹ An "executive-level employee" is an employee who satisfies the IRS definition of "key employee" for Form 990 reporting purposes, as amended from time to time. Currently, the definition includes employees who meet all three of the following tests:

- (1) receives reportable compensation from the University and its related organizations in excess of \$150,000; and
- (2) has responsibilities, powers or influence over the University as a whole that is similar to an officer or director; manages a discrete segment or activity of the University that represents 10% or more of the activities, assets, income, or expenses of the University; or has or shares authority to control or determine 10% or more of the organization's capital expenditures, operating budget, or employee compensation; and

- (3) is one of the 20 employees with the highest reportable compensation from the University and related organizations.
- (2) Vendors from whom the University leases property, equipment or real estate; or from whom its students lease property, equipment or real estate in connection with their attendance at the University;
- (3) Vendors of student loans or other financial aid, or representatives of such Vendors, with whom the University is dealing or planning to deal.

b. Examples of Relationships That May Produce the Appearance of a Conflict

A Vendor's influence, or apparent influence, over an employee is most likely to result from either a personal or a financial relationship between the employee and the Vendor with whom the employee deals. A Vendor's influence or apparent influence over an employee also can result from offers made by the Vendor to finance trips, travel, seminars, educational materials, or the like, that may in fact benefit the University or its students, but that also may be perceived as providing personal benefit to the employee or inappropriate benefit to the University.

The following relationships may be considered to produce the appearance of a conflict of interest, even if a legal conflict of interest is not created:

- (1) An employee, or a family member¹ of an employee, has material financial interest in the Vendor. For these purposes, a "material financial interest" is an investment or ownership interest of 10% or greater in the Vendor.
- (2) An employee, or a family member of an employee, has a compensation arrangement with the Vendor. A compensation arrangement specifically includes any payment to an employee from a Vendor in return for service on an advisory board or advisory panel related to the Vendor's business.
- (3) An employee, or a family member of an employee, is an officer, director, or employee of the Vendor and can exercise substantial influence over the actions of the Vendor.
- (4) An employee, or a family member of an employee, has received a gift or favor of more than nominal value (generally in excess of \$50) from a Vendor. Occasional gifts from Vendors, such as food or flowers, that are intended to be and are shared with a department are not considered to create a conflict so long as they are: (1) infrequent; and (2) reasonable. An employee who has questions about whether it is appropriate to accept a gift or whether a gift creates a potential conflict, should ask his/her supervisor.
- (5) An employee, or a family member of an employee, has accepted entertainment from a Vendor, unless the entertainment is linked to a business relationship that supports the University's objectives and it is 1) reasonable, 2) occurs infrequently, 3) does not

¹ "Family member" includes a spouse (including domestic partners), brothers or sisters, spouses of brothers or sisters, parents, children, and grandchildren.

involve expenses of more than \$100 per employee, including any guest expenses, and 4) representatives of the Vendor are present at the event.

- (6) A Vendor has paid for, or reimbursed an employee for, goods or services of more than a nominal value, even if those goods or services assist the employee in carrying out his or her duties for the University, or lodging, meals, travel, or tuition in connection with a conference, travel abroad, recruiting trip, or training seminar.
- (7) A Vendor who offers services or goods to the University's students in connection with their attendance at the University has provided a financial or other benefit to the University for which the University has not paid a fair market value price.

Requirement to Report a Potential Conflict of Interest: The University cannot guard against a Vendor's improper influence over the actions of the University or an employee unless the University is aware of potential conflicts of interest. Therefore, where an employee receives a benefit that is listed above, the employee must disclose such event to his or her direct supervisor. Where any employee of the University becomes aware that any of situations above has occurred, or that a potential conflict of interest may exist, regardless of whether the conflict involves the employee himself or herself, or another, must disclose the situation to his or her direct supervisor. The supervisor, in consultation with the CFO as determined appropriate, will assist in determining whether there is an actual conflict of interest, and if there is, will determine the course of action necessary to protect the interests of the University and/or its students. The University may, in its sole discretion, require an employee who is determined to have a conflict of interest or potential conflict of interest with respect to a particular matter to absent themselves from discussions of and/or voting or decision making on said matter.

The University acknowledges that in small town communities such as ours, the appearance of conflicts may be inevitable and our employees have personal relationships which might inadvertently cause events listed above to occur from time to time. This policy does not strictly prohibit the University from entering into contracts where a potential conflict or actual conflict exists. What this policy requires is that employees properly disclose conflicts and potential conflicts so that the University can manage conflicts to ensure that the business and purchasing decisions being made are in the best interests of the University and are not being made for the personal benefit of any individual.

Violations of the Conflicts of Interest Policy: An employee who fails to disclose a material relationship required to be disclosed under this policy is subject to discipline up to and including termination of employment in accordance with the applicable Faculty or Staff Handbook.

Approved by SJU Board of Trustees – May 20, 2013

Appendix F. Fraud Policy for Submission into Part III of the Faculty Handbook

FRAUD POLICY

Saint John's University (SJU) is committed to conducting its business affairs in an ethical manner and in full compliance with the law and its own policies and procedures.

Employees of SJU must not engage in any illegal activity and must not, in the performance of their duties, commit any act of fraud, whether or not adverse to the interest of University. Any act of fraud ascertained upon internal investigation, or pursuant to a criminal conviction, or through written acknowledgement by the employee concerned, shall result in disciplinary action up to and including termination of employment in accordance with the applicable Faculty or Staff Handbook.

For the purposes of this policy, fraud shall include, but not be limited to:

- a. Theft or misappropriation of SJU's assets
- b. Submitting false claims for payment or reimbursement
- c. Concealment of data or falsification of data to damage or inappropriately benefit SJU
- d. Accepting or offering a bribe, or accepting gifts or other favors under circumstances that might lead to the inference that the gift or favor was intended to influence an employee's decision-making while serving SJU
- e. Accepting a commission from, or paying same to a third party (kickbacks)
- f. Blackmail or extortion
- g. Off book accounting, or making false or fictitious entries
- h. Knowingly creating and/or distributing false or misleading financial reports
- i. Payment of excessive prices or fees where justification, thereof, is not documented
- j. Violation of SJU's procedures with the intention of personal gain or to the detriment of SJU
- k. Willful negligence intended to cause damage to the material interest of the SJU

Reporting Fraudulent Activities

An employee may direct concerns to his/her supervisor, Vice President, the President, the Director of Human Resources, or he/she may use the confidential reporting system, Ethics Point. Ethics Point is a confidential and anonymous way for employees to report suspected improper conduct by filing a report from work or home, via the internet or by speaking directly to an Ethics Point representative.

Visit the following website for additional information: www.csbsju.edu/ethicspoint Please also refer to SJU's Whistleblower Policy (See *Institutional and Operational Policies*) which notes: "It is the responsibility of all Trustees, Cabinet members, faculty, staff, and volunteers to comply with all applicable laws, regulations and University policies and to **report violations or suspected violations...**"

SJU reserves the right to press charges against an employee and/or to report any criminal action to the appropriate authorities. In any event, SJU reserves the right to sue an employee before Civil Law in order to force restitution of any loss incurred by SJU. An employee discharged under this policy shall not be re-employed by SJU.

Approved by SJU Board of Trustees – May 20, 2013

Appendix G. Solicitation Policy for Submission into Part III of the Faculty Handbook

SOLICITATION POLICY – (copied from the SJU Staff Handbook; CSB policy is the same)

A. Gift Solicitation

The responsibility for fundraising off-campus rests in the Institutional Advancement Office of Saint John's University. Unless working as part of a team organized by Institutional Advancement, no employee is to represent himself or herself as a fund raiser for Saint John's University.

Fundraising on-campus intended to reach all employees, such as the United Way campaign, is organized by the Human Resources department.

B. Sales Solicitation

1. External businesses or agents, even if they are represented by an employee or student, may not canvas the campuses.
2. Outside agencies may sell merchandise on campus only if they complete a solicitation permit form and receive authorization from the University. Sales activities will be allowed only in areas specified in the authorization and are prohibited in all residence halls.
3. Authorized sales may not compete with any school auxiliary enterprise.

C. Solicitations by Mail or Posted Announcements

Use of print or electronic mailing lists compiled by or owned by Saint John's University is prohibited, unless authorized by the Divisional Vice President.

Staff may use the electronic bulletin board – personal announcements section for personal solicitation notices. The use of on-campus bulletin boards, hallways, kiosks, or other general public access space, and student P.O. boxes is authorized by the Student Activities Office.

Use of campus mail boxes to solicit students for employment is managed by the Director of Career Services.

D. Religious Solicitation

Religious organizations or representatives other than Campus Ministry are not permitted to solicit, conduct worship services, or give presentations on campus without the express written permission of the University Campus Ministry Office. Academic guest-speaker presentations by individuals or groups representing a religious organization or view is at the discretion of the faculty and the Academic Affairs office.

Religious solicitation by an outside group or individual is not permitted in the residential areas under any circumstances.

The distribution of religious materials by employees or students requires approval by Campus Ministry.

Appendix G. Equal Employment Policy for Submission to Part III of the Faculty Handbook

EQUAL EMPLOYMENT OPPORTUNITY POLICY

The College of Saint Benedict (CSB) commits itself to a policy of providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies and specifically with Minnesota Statutes Section 363.

CSB will not discriminate against or harass any employee or applicant for employment because of race, religion, color, national origin, sex, sexual orientation, age, marital status, disability or other legally protected category or characteristic.

However, in order to maintain its Benedictine character, CSB will give first consideration in the assignment of duties to qualified members of the Sisters of the Order of Saint Benedict, and in accordance with the Minnesota Human Rights Act chapter 363.02 Subdivision 1, with respect to religion and creed, as permitted by law. The Sisters of The Order live on the campus within a church defined enclosure, which by church law is restricted to members of the monastic community. The Sisters and employees of the monastery are exempt from this policy.

CSB reserves the right to exercise discretion in employment decisions to employ persons who share and are committed to the values and mission of the College.

CSB will take Affirmative Action to ensure that employment practices and procedures are free from discrimination, including: employment advertising, recruitment and selection, hiring, job enlargement, promotion, demotion, transfer, selection, layoff, disciplinary action, termination, compensation, selection for training and apprenticeship programs.

Minority and female business enterprises will receive equal opportunity to participate in an RFP/contract bidding process for CSB contracts. CSB supports incorporation of nondiscrimination and Affirmative Action rules and regulations into vendor contracts.

CSB will commit necessary human and financial resources to achieve the goals of Equal Employment Opportunity and Affirmative Action.

CSB will encourage, report and monitor its progress toward achieving Affirmative Action objectives. Any employee or subcontractor who does not comply with the Equal Opportunity Policy may be subject to disciplinary action or sanctions in accordance with the applicable Faculty or Staff Handbook.

CSB has appointed the Employment Manager to manage the Equal Employment Opportunity Program. The Employment Manager's responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of the Affirmative Action Program as required by Federal, State and local agencies. The President of the College of Saint Benedict will receive and review reports on the progress of this program. Any employee or applicant for employment who believes they have

been discriminated against should contact either the Employment Manager and EEO/AA Officer, at (320) 363-5282 or the Faculty/Staff Human Rights Officer, at (320) 363-5071.

Appendix H. Joint Human Rights Policy approved by JFA vote for submission into Appendix B in section II of the Faculty Handbook.

JOINT HUMAN RIGHTS POLICY

For

The College of Saint Benedict and Saint John's University

PURPOSE, SCOPE AND DEFINITIONS

- A. Purpose.** The College of Saint Benedict ("CSB") and Saint John's University ("SJU") are committed to creating and maintaining an environment in which all members of the community are aware of and respect the rights and human dignity of every other member. Discrimination and harassment based on race, religion, color, national origin, sex, sexual orientation, age, marital status, disability or other legally protected category or characteristic are reprehensible and are antithetical to the mission of these institutions. CSB and SJU have zero tolerance for unlawful discrimination and harassment.

Discrimination or harassment relating to race, religion, color, national origin, sex, sexual orientation, age, marital status, disability, or other legally protected category or characteristic is not only a violation of this policy and our values but it is also prohibited by both state and federal law, under such laws as:

- Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, sex, religion, and national origin in employment;
- Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex, including sexual harassment, sexual violence, and other forms of sexual misconduct;
- The Americans with Disabilities Act of 1992, which prohibits discrimination on the basis of disability;
- The Minnesota Human Rights Act, which prohibits discrimination on various grounds; and
- Other state and federal laws.

- B. Scope.** This policy applies to all students, faculty, and staff of CSB and SJU. Other individuals or organizations engaging in or conducting activities associated with CSB and/or SJU or doing business at or with CSB and/or SJU, including but not limited to, vendors, prospective students, prospective employees, and visitors to campus, are also required to comply with the provisions of this policy. All community members must abide by this policy at all times, whether on campus or away from campus, when engaged in activities sponsored by the institution or which otherwise relate to the institution or its business. Such activities include, but are not limited to, professional meetings, classes, practica, seminars, study abroad programs, and all other activities involving or relating to the institution.

C. Definitions.

- 1. Discrimination.** In the context of human rights, discrimination refers to unfair and/or unequal treatment of an individual or group when based upon legally protected characteristics, including race, religion, color, national origin, sex, sexual orientation,

age, marital status, and disability. Some civil rights laws applicable to employees and students may also include affirmative obligations requiring CSB and SJU to provide reasonable accommodations to members of certain protected classes. For example employees who have disabilities may request a reasonable modification of their job duties or some other accommodation to assist them in performing the functions of their jobs. With regard to students with disabilities, CSB and SJU are obligated to provide reasonable modifications to their practices, policies and procedures and auxiliary aids and services to ensure that such students have an equal opportunity to participate in, and enjoy the benefits of the educational programs offered by CSB and SJU.

2. Harassment. Harassment is defined in part as follows:

Verbal, non-verbal, or physical conduct that denigrates or shows hostility or aversion toward an individual or a group of individuals because of race, religion, color, national origin, sex, sexual orientation, age, marital status, disability, or other legally protected category or characteristic when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational experience; or submission or rejection of such conduct by an individual is used as the basis of employment decisions or academic/educational decisions affecting such individual (**Quid Pro Quo Harassment**);
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's work or educational experience or creating an intimidating, hostile, or offensive working, residential, or educational environment (**Hostile Environment Harassment**).

Examples of Harassment. The determination of what constitutes harassment depends upon the specific facts of each situation in the context in which the conduct occurs. Harassment may take many forms. It may be subtle and indirect, or blatant and overt. It may occur between peers or between individuals in a hierarchical relationship. If it meets the conditions set forth in the above definition, conduct such as the following may be considered discriminatory harassment:

- epithets, slurs, negative stereotyping, obscene gestures, leering, insults, or threatening, intimidating, or hostile acts that relate to race, religion, color, national origin, sex, sexual orientation, age, marital status, disability or other legally protected category or characteristic;
- written or graphic material that is used for the purpose of denigrating or showing hostility or aversion toward an individual or a group of individuals because of race, religion, color, national origin, sex, sexual orientation, age, marital status, disability, or other legally protected category or characteristic;

- unwelcome and inappropriate physical contact related to race, religion, color, national origin, sex, sexual orientation, age, marital status, disability, or other legally protected category or characteristic, including without limitation, unwanted touching and assaultive conduct.

3. Sexual Harassment. One type of harassment is sexual harassment. Sexual harassment and other forms of sexual misconduct are prohibited by both this policy and by the Joint Sexual Misconduct Policy. See the Joint Sexual Misconduct Policy (*insert hyperlink*) for more information on conduct that constitutes sexual harassment and sexual misconduct.

4. Hostile Environment. Hostile Environment harassment is established when harassment (as defined above) is so severe or pervasive that it has the purpose or effect of substantially and unreasonably interfering with an individual's work or educational experience or creating an intimidating, hostile, or offensive working, residential, or educational environment. CSB and SJU will consider the following questions, in addition to other factors, in determining if there is a hostile environment:

- Is the conduct based on an individual's race, religion, color, national origin, sex, sexual orientation, age, marital status, disability, or other legally protected category or characteristic?
- Was it a single incident or a pattern of incidents? If it was a single incident, how severe was the conduct?
- Was the conduct physical, verbal or both?
- How frequent was the conduct?
- Would other people subjected to such conduct feel that the conduct creates an intimidating, hostile, or offensive working, residential, or educational environment?

CSB and SJU may take action, including disciplinary action, to stop and remedy conduct that could lead to the creation of a hostile environment.

5. Other Important Terms.

- Community and institutions** refer to the College of Saint Benedict and Saint John's University, and in the case of community, all of their students, faculty and staff, and associates.
- Campus** refers to the grounds of the College of Saint Benedict and Saint John's University.
- Campus authorities** refer to the Department of Security at the College of Saint Benedict, Life Safety Services at Saint John's University, and/or the Human Rights Officer(s) ("HRO"), Dean(s) of Students, or Title IX Coordinators.

- d. **Student** refers to any person enrolled in the College of Saint Benedict, or Saint John's University, whether undergraduate or graduate.
- e. **Supervisor** refers to administrators, department chairs, faculty, residence directors, faculty residents, staff persons, and others who have the responsibility for faculty, staff, or students' terms and/or conditions of employment or education.
- f. **Associate** refers to any individual or organization engaging in or conducting activities associated with CSB and/or SJU or doing business at or with CSB and/or SJU, including members of Saint John's Abbey or Saint Benedict's Monastery.
- g. **Third Party** refers to an individual or entity who is not a member of the campus community but whose activities bring them into contact with members of the campus community, including, but not limited to, visitors to campus, alums, and prospective students and prospective employees.
- h. **Title IX Coordinators** are officials from CSB and SJU who have been appointed by their respective institutions to address issues of gender-based discrimination and sexual misconduct. The Title IX Coordinators for each institution are listed in the contact information at the end of this policy.

POLICY

A. Policy Statement. CSB and SJU prohibit harassment and discrimination on the basis of race, religion, color, national origin, sex, sexual orientation, age, marital status, disability, or other legally protected category or characteristic. CSB and SJU will investigate and promptly seek the equitable resolution of allegations of conduct that violates this policy.

B. Academic Setting. It is not the purpose or the intent of this policy to discourage the open discussion of controversial issues or the free exchange of opinions and ideas occurring within the academic setting. CSB and SJU are committed to the principles of free inquiry and free expression within the context of the Catholic and Benedictine traditions and in accordance with the principles of human rights and dignity. Respect for these principles requires that members of the community are open to the expression of opinions of others though they may not share the same views.

Whatever the boundaries of free inquiry and expression, every member of the community should be attentive to the feelings and sensibilities of others, and should demonstrate the high standards of civility and good taste that reflect mutual respect, understanding and sensitivity among all members of our diverse community. In particular, members of the faculty represent the institutions and have a special role and position of authority with respect to students. They should treat students with respect and dignity and should be particularly sensitive to the impact of their words and opinions.

All members of the academic community have the right to participate in the academic enterprise without discrimination on the basis of race, religion, color, national origin, sex, sexual orientation, age, marital status, disability, or other legally protected category or characteristic. **Discriminatory harassment on the basis of these categories is not protected expression.**

REPORTING RESPONSIBILITIES

All Community Members. All community members (faculty, staff, students, and associates) who have experienced or observed others experiencing what they believe to be incidents of discrimination or harassment are expected to report such conduct to a Human Rights Officer promptly (see contact information noted at the end of this policy document). All community members are responsible for being fully familiar with the Joint Human Rights Policy and the Joint Sexual Misconduct Policy. In addition, all third parties are encouraged to report alleged incidents of discrimination or harassment to a Human Rights Officer.

Supervisors. Supervisors have the further responsibility to use their best efforts to assure that discrimination and harassment do not occur and to report to the Human Rights Officer all conduct of which they have knowledge that may violate this policy.

COMPLAINT PROCEDURE

Complaints involving human rights issues will generally be processed and considered pursuant to the Joint Complaint Procedure for Human Rights Violations. Because of the unique issues involved in sexual misconduct cases, when a complaint involves allegations of sexual misconduct, the complaint will be processed according to the Joint Sexual Misconduct Complaint Procedure. CSB and SJU strive to treat all who are involved or implicated in human rights complaint procedures in a fair and equitable manner.

CONFIDENTIALITY

Because of the sensitive nature of human rights complaints, the need to protect the privacy of the parties, the need to ward against retaliation, and the interest in resolving complaints as quickly and effectively as possible, the institutions will strive to keep human rights complaints as confidential as possible. Generally, CSB and SJU will only inform those officials and individuals who have a need to know that a complaint was made.²

Notwithstanding the preceding paragraph, CSB and SJU have an obligation to investigate complaints under this policy and to take reasonable steps to prevent ongoing harassment, discrimination, sexual misconduct, and related retaliation, so strict confidentiality may not be guaranteed when a person makes a report to a Human Rights Officer, the Title IX Coordinator, or to a person considered a “supervisor” under this policy. If a complainant asks the Human Rights Officer(s), the Title IX Coordinator, or another supervisor that his or her name or other identifiable information not be revealed, CSB/SJU will evaluate the request in the context of their responsibility to provide a safe and nondiscriminatory environment for all students, staff, and faculty. Individuals wishing to discuss an incident confidentially have resources available to them. In general, the law recognizes and protects the confidentiality of communications between persons seeking care from a medical or mental health professional. The medical and mental health professionals at CSB/SJU respect and protect confidential

² Because of the significant interaction between students and employees of CSB and SJU, reports of a human rights violation at one institution shall be shared with appropriate leadership of the other institution so that each institution can take appropriate responsive measures.

communications from students, faculty, and staff to the extent they are legally able to do so. Any of these professionals may have to breach a confidence, however, when he or she perceives an immediate and serious threat to any person or property. In addition, medical and mental health professionals are required by law to report any allegation of sexual assault or other abuse of a person under 18. Please refer to the Joint Policy for Reporting Suspected Child Abuse at (*insert hyperlink*).

CSB and SJU want to support all individuals who report or are victims of harassment or discrimination prohibited by this policy. If you have concerns about confidentiality, please speak with the Human Rights Officer about confidentiality issues.

RETALIATION

CSB and SJU strictly prohibit retaliation against any person who complains in good faith of a human rights policy violation. In addition CSB and SJU strictly prohibit retaliation against any person because of their good faith involvement in an investigation or hearing as part of the complaint process. Encouraging others to retaliate also violates this policy. If you feel you have been retaliated against, you should report the retaliation to the Human Rights Officer immediately. CSB and SJU cannot stop retaliation unless they know about it.

SANCTIONS

Conduct that violates this policy, including a malicious false report, may lead to disciplinary action, up to and including termination of employment and suspension or expulsion from the academic community. Sanctions will be issued in accordance with the appropriate handbook policy or procedure (if any).

CONTACT INFORMATION

COLLEGE OF SAINT BENEDICT	
Faculty/Staff Human Rights Officer and Deputy Title IX Coordinator Student Human Rights Officer	Judy Bednar, jbednar@csbsju.edu , 320-363-5071 Brandyn Woodard, blwoodard@csbsju.edu , 320-363-5455
VP for Student Development and Lead Title IX Coordinator	Mary Geller, mgeller@csbsju.edu , 320-363-5051
COLLEGE OF SAINT BENEDICT	
Dean of Students and Deputy Title IX Coordinator	Jody Terhaar, jterhaar@csbsju.edu , 320-363-5270
Security Director	Darren Swanson, dswanson@csbsju.edu , 320-363-5000

SAINT JOHN'S UNIVERSITY (including School of Theology)	
Faculty/Staff Human Rights Officer and Deputy Title IX Coordinator	Judy Bednar, jbednar@csbsju.edu , 320-363-5071
Student Human Rights Officer	Brandyn Woodard, blwoodard@csbsju.edu , 320-363-3799
VP for Student Development and Lead Title IX Coordinator	Doug Mullin, dmullin@csbsju.edu , 320-363-2737
Dean of Students and Deputy Title IX Coordinator	Michael Connolly, mconnolly@csbsju.edu , 320-363-3171
Life Safety Services Director	Shawn Vierzba, svierzba@csbsju.edu , 320-363-2144
Dean of the SJU School of Theology	Bill Cahoy, bcahoy@csbsju.edu , 320-363-3182
Rector of the SJU School of Theology	Michael Patella, mpatella@csbsju.edu , 320-363-2108

If any changes are made in the persons holding these positions, current information will be available on the CSB/SJU web site.

2.15 Grievance Procedure

2.15.1 Intent

The college [university] recognizes the importance of a process for attending to grievances properly, without fear of prejudice or reprisal on the part of anyone bringing a grievance or anyone being grieved against. Accordingly, the college [university] encourages the informal and prompt settlement of grievances and, if necessary, the use of the orderly processes set forth in this grievance procedure, designed to protect due process and academic freedom and to respect professional conduct.

With the exception of the appendices to Part II, comprising the "Joint Human Rights Policy" and Section 3.5 comprising the "Joint Sexual Misconduct Policy" (for which the "Joint Complaint Procedure for Human Rights Violations" and the "Joint Complaint Procedure for Sexual Misconduct Violations" respectively apply), the college [university] intends that these procedures be the sole method for the resolution of all grievances.

When a grievance substantially similar to a grievance initiated under these procedures has been filed with an outside agency, the grievant shall agree to postpone it, if possible, until the college [university] grievance procedure has run its course. An exception may be made to this policy when a delay, caused by the time needed to complete the college [university] grievance procedure, interferes with the grievant's opportunity to pursue the outside claim. This exception applies only to claims with an outside agency, not to bringing suit in a court of law. In addition, any grievance which has been filed and resolved by an outside agency cannot then be presented as a grievance under these procedures.

2.15.2 Scope of the Grievance Procedure

The scope of this grievance procedure is limited.

- a. The grounds for any grievance are limited to those identified in Section 2.15.3.
- b. The objectionable action(s) being grieved must fall under policy, procedures, rights, and/or standards of conduct identified in Part II (including its appendices), Part III, or Part IV.
- c. Allegations related to the "Joint Human Rights Policy" and "Joint Sexual Misconduct Policy" are to be investigated employing the "Joint Complaint Procedure for Human Rights Violations" and the Joint Complaint Procedure for Sexual Misconduct Violations", and not by this grievance procedure.
- d. If a faculty member simultaneously alleges a grievable violation and a human rights or sexual misconduct violation, the allegations will be separated, if possible, and both types of allegations will

be investigated through their respective processes. If they cannot be separated, they will be investigated pursuant to the Joint Complaint Procedure for Human Rights Violations or the Joint Complaint Procedure for Sexual Misconduct Violations, as appropriate.

The College [university] strive to ensure that harassment and discrimination in violation of the Joint Human Rights Policy and Joint Sexual Misconduct Policy do not occur. Faculty who have concerns about potential violations of either of these policies should bring those concerns to the attention of the Human Rights Officer as soon as possible. If a faculty member is grieving allegations that are separable from, but related to, an alleged violation of the Joint Human Rights Policy or the Joint Sexual Misconduct Policy, the grievance process may be delayed, at the direction of the Provost, for a reasonable period not to exceed 60 days, pending the outcome of the Joint Complaint Procedure for Human Rights or Sexual Misconduct Violations.

- e. In particular, Parts I and V do not come under this grievance procedure.

2.15.3 Grounds for Initiating a Grievance

A grievance procedure may be initiated when a faculty member or a group of faculty members makes either or both of two types of claims: an allegation of a violation of rights, policies, procedures, or standards; or an allegation of inadequate consideration of the evidence. Although both types of allegations would be investigated by a single *ad hoc* grievance committee (in accord with Section 4.1 below), these two are distinguished because of the somewhat different procedures entailed in the latter case.

2.15.3.1 Violation of Rights, Policies, Procedures, or Standards

A grievance may be initiated when a faculty member or group of faculty members claims that there has been:

- a. A violation of policy or procedure of these institutions as set forth in the *Faculty Handbook* other than a violation of the Joint Human Rights Policy or Joint Sexual Misconduct Policy; or
- b. an infringement of the rights of an employee or employees of these institutions as set forth in the *Faculty Handbook* which relates to compensation, appointment or reappointment, tenure, promotion, dismissal, suspension, reassignment, or layoff; or
- c. unprofessional conduct or a violation of the academic freedom and integrity standards applicable to faculty (Section 2.10).

2.15.3.2 Inadequate Consideration

If a faculty member alleges that a decision by the college [university] concerning contract status, tenure, or promotion was based on inadequate consideration of the evidence, a grievance may be initiated. An

allegation of inadequate consideration refers to a procedural rather than a substantive issue. The substance of a decision, i.e., the judgment as to what outcome is warranted by the evidence, is not grievable. Rather, the standard of adequate consideration suggests questions such as whether those named in a grievance sought out and conscientiously considered all relevant evidence and standards, whether they excluded irrelevant and improper evidence and standards, and whether they made a good faith exercise of professional academic judgment.

2.15.4 Grievance Procedures

The precise mechanism(s) for filing and dealing with a grievance are found in Section 4.1.

Appendix J. Approved language change in section 2.5.2 of the Faculty Handbook regarding Scholarship and Creative Work

The essential and constant element across disciplines and among the four criteria identified below is public accessibility for critique by one's professional peers. Creative work requires public presentation and availability to critique by professional peers. Scholarship must be presented publically (whether orally or in print) where professional peers regularly engage each other's work.

Consequently, some evidence of scholarly engagement (e.g., attendance at professional meetings, scholarly writing not yet presented or published, the presentation of one's scholarship to civic or church groups, or professional consultation services not subject to outside review by professional peers) or of creative effort (e.g., a concert prepared for but not yet publicly performed, an art work created but not yet exhibited) demonstrates only the commendable first steps toward scholarship and creative work as described below. Such activities require the faculty member's scholarly knowledge and/or creative ability and are professionally stimulating in important ways. In and of themselves, however, these activities are at best preliminary evidence for scholarship and creative work in academe.