

CONFLICT OF INTEREST AND EMPLOYMENT OF RELATIONS POLICY

Purpose: The purpose of this policy is to comply with the requirements of Utah Code 53A-1a-518

Policy: Regulated Transactions & Relationships [53A-1a-518]

Under the language of this section, “employee” does NOT include a Weber State University charter academy volunteer. [53A-1a-518(1)(b)(ii)]

A relative of a WSU Charter Academy officer may be considered for employment with the WSU Charter Academy if:

- 1) The WSU Charter Academy officer discloses in writing the relationship of the relative to the other WSU Charter Academy officers, and [53A-1a-518(2)(b)(i)]
- 2) The employment decision is submitted to the Board of Directors for approval, and passed by majority vote, and [53A-1a-518(2)(b)(ii)]
- 3) The officer submitting the written disclosure abstains from voting on the consideration, and [53A-1a-518(2)(b)(iii)]
- 4) The officer submitting the written disclosure is absent from any meeting where employment of his/her relative is being considered or determined. [53A-1a-518(2)(b)(iv)]

Otherwise, no relative of a WSU Charter Academy officer may be employed at the WSU Charter Academy. [53A-1a-518(2)].

The term “relative” is defined under 53A-1a-518(1)(c). The term “WSU Charter Academy officer” is defined under 53A-1a-518(1)(a).

No WSU Charter Academy officer may have a personal financial interest in any contract involving that charter academy. [53A-1a-518(3)(a)]

No person related to a WSU Charter Academy officer may have a personal financial interest in any contract involving that charter academy. [53A-1a-518(3)(a)]

A “financial interest” in a “reasonable *employment contract*” involving a charter academy may exist for the Chief Administrative Officer [53A-1a-518(3)(b)(i)], or the relative of the Chief Administrative Officer who has complied with the previously stated procedure found in 53A-1a-518(2), [53A-1a-518(3)(b)(ii)].

Following are WSU PPM guidelines:

Conflict of Interest and Employment of Relatives

Employment of Relatives (PPM 3-6)

Staff Employee Grievances (PPM 3-31)

Discrimination and Harassment (PPM 3-32)

Faculty Responsibilities to Students (PPM 9-5)

Due Process/Definition of Terms (PPM 9-10)

Informal Procedures and the Informal Conciliatory Meeting (PPM 9-11)

Employment of Relatives

No. 3-6	Rev. 1-19-83	Date 8-17-77
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I. PURPOSE

To outline the University's policy toward employment of relatives and to minimize the negative impact on productivity and job satisfaction created by nepotism or the perception of nepotism.

II. DEFINITION

Immediate Family

For the purpose of this policy immediate family is defined as fathers, mothers, husbands, wives, sons, daughters, brothers, sisters, uncles, aunts, nieces, nephews, first cousins, fathers-in-law, mothers-in-law, brothers-in-law, sisters-in-law, daughters-in-law or sons-in-law.

III. POLICY

A. University policy prohibits any individual holding a position for which payment is made from funds administered by the University to employ, appoint or vote for the appointment of members of his/her immediate family, in or to any position or employment, when the salary, wages, pay or compensation of such appointee is to be paid out of such funds. Subordinate supervisors may not hire the immediate family of their superiors, neither may supervisors employ two individuals of the same "immediate family" to positions for which the supervisor is responsible.

B. Exceptions to this policy require signature approval of the supervising vice president. If the exception pertains to a member of a vice president's immediate family, the exception must be approved by the president. Special consideration will be given in the case of tandem teams of faculty personnel involving husband/wife combinations where the employment of both offers a unique academic program advantage.

When exceptions are requested, a written request must be submitted to the supervising vice president explaining the family relationship and the reasons for the exception. This memo, with the vice president's approving signature, must accompany the payroll action request form used to implement the appointment. At the time an exception is granted, a clear, written understanding must be reached as to how salary changes will be implemented, how evaluations and promotions will be handled and how general supervision will be accomplished.

- A. In the event a pre-existing relationship is discovered or a new family relationship develops among employees, a clear, written understanding must be reached as to how salary changes will be implemented, how evaluations and promotions will be handled and how general supervision will be accomplished.

Staff Employee Grievances (with provision for certain hourly employees)

No. 3.31	Rev. 11-18-98	Date 8-17-77
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I. PURPOSE

To ensure fair treatment for non-faculty staff members who seek to resolve work-related grievances.

II. REFERENCES

- [PPM 3-32](#), Discrimination Complaint
- [PPM 3-14](#), Hourly Employment (Non-Teaching Personnel)
- [PPM 3-2](#), Personnel Definitions

III. DEFINITIONS

A. Staff Member

A classified or professional employee in a non-faculty position who receives compensation for work or services from funds controlled by the institution, regardless of the source of the funds, the duties of the position, the amount of compensation paid or the percent of time worked.

B. Employment Grievance

A grievance concerning interpretation or application of personnel policies or practices, working conditions, employee-supervisor relationships, termination or non-retention or other personnel matters. Grievances filed under this policy are to relate to non-faculty employment. Staff members who hold tenure from previous faculty employment may choose to file grievance under Section 9 of the Policy and Procedures Manual if the personnel action in question affects that tenure status. If the personnel action in question does not affect the tenure status, it will be regarded as a "staff" issue and will be dealt with under PPM 3-31. In the case of a Section 9 grievance, no action will be taken under PPM 3-31.

C. Final and Binding Decision

A final administrative decision. The complainant cannot take the matter any further administratively.

D. Final and Binding Decision-Maker

The president of Weber State University.

E. Immediate or First-Level Supervisor or Supervision

The lowest level of exempt salaried supervision of the employee as defined in the Fair Labor Standards Act and Department of Labor regulations.

F. Office of Human Resource Administration

That office or individual charged with the administration and record maintenance of personnel matters, or such other person as may be specially designated by the institution president to administer the grievance procedures of this policy.

G. Personnel Relations Committee

A committee established by institutional policy with membership from the staff, administration and faculty as a cross section of the college or University community. Such members are to be selected for their objectivity and fairness in personnel matters and will serve staggered terms. Where possible, a chair is selected who has knowledge of general employment practices, with perhaps a background in business, law or social work.

IV. POLICY

A. Problems or complaints involving a claim of discrimination on the basis of race, color, national origin, religion, sex, age, handicap or veteran's status are processed through the provisions of PPM 3-32.

B. Staff members should first attempt to resolve employment grievances through informal discussions with their immediate supervision. A staff member may contact the Office of Human Resources administration to assist in the informal resolution of the problem. Employees may not be subjected to intimidation or reprisal for assertion of the employment grievance.

1. A staff member may be accompanied by a friend, fellow employee or relative during informal discussions of an employment grievance.

2. If a staff member insists on representation in the informal process by an employee organization representative, legal counsel or other similar professional, the institution may either proceed with the meeting between the staff member, such representative and the first level supervision, or determine that the parties should proceed directly with the formal employment grievance review process.

C. A formal employment grievance review process is available to all staff members who are not satisfied with the results of an informal discussion. A staff member has the right to be accompanied by another employee or a person of his or her choice during the formal grievance process. Employees may not be subjected to intimidation or reprisal for initiating a formal grievance review.

D. Staff members still within the initial 90-day probationary period and hourly wage employees and hourly student employees have access to the employment grievance policy up to and including formal Step 2 in V, B, 2 above. The Step 2 solution becomes the final binding decision for such employees.

E. The Office of Human Resources administration serves in an advisory capacity with respect to procedural questions which may be asserted by either the complainant or the supervisor. The Personnel representative designated by the Office of Human Resources administration monitors the employment grievance procedure and gives particular attention to the avoidance of unreasonable delays at each level of the process.

F. If any steps provided for in V, B, 2 above. are impractical for any reason, the Office of Human Resources administration, normally after consultation with the staff member, may prescribe an alternative process which, to the maximum practicable degree, assures to the aggrieved staff member the fair and adequate consideration of the problem or complaint provided, however, that a staff member's right to a hearing before the Personnel Relations Committee is not denied nor abridged.

G. Reasonable time off with pay during scheduled working hours are provided to the employee, the employee's representative, or any witnesses called to give information, for time spent participating in proceedings leading to resolution of the complaint. Time spent by the employee or representative in such activities outside scheduled working hours is non-compensable. Neither time-off with pay nor compensation is provided for time or money spent in preparation for such proceedings.

H. A proposed resolution of a complaint that involves an exception to an applicable institutional policy or regulation requires the prior approval of the supervising vice president.

I. Time limits provided for the conduct of the grievance procedure are guidelines and may be extended by (1) mutual agreement between the Office of Human Resources administration and the aggrieved employee or (2) extraordinary circumstances that make it inadvisable or impossible to meet the time limits. Time limits stated refer to normal work days.

V. PROCEDURE

A. Informal Review

1. All persons involved in an employment grievance should attempt to resolve their differences in an informal manner at the lowest level of supervision.
2. To facilitate the informal settlement of the grievance, staff members and supervisors are encouraged to discuss with the Office of Human Resources administration, on an informal basis, any employment problems or questions pertaining to personnel policy and practice.
3. The complaint should be presented orally by the staff member to his or her immediate supervisor within twenty (20) days of the event of action prompting the grievance. If the matter cannot be prudently discussed or resolved with the immediate supervisor, an exception to this procedure may be approved by the Office of Human Resources administration.

B. Formal Review

1. A formal complaint is filed in writing by a staff member when the issue cannot be resolved through informal discussions.
2. The following steps, procedures and time limits shall be observed by the aggrieved staff member and by administrative personnel in processing a formal review of the complaint:

Step 1

The immediate supervisor has seven (7) days from the last informal review or discussion with the aggrieved staff member to reach a mutually satisfactory agreement. If by that time a mutually satisfactory agreement cannot be reached, then the aggrieved staff member may refer the grievance, including the remedy sought, to the next level of supervision by putting it in writing and delivering it to the appropriate office within an additional seven (7) days. The second-level supervisor should normally schedule a meeting in which the staff member and first level supervisor are present. The second-level supervisor conducts the meeting in a manner deemed beneficial in determining the facts. Both the employee and supervisor should be allowed to bring witnesses on

their behalf if so desired. The employee and first-level supervision should bring forth all known material facts relevant to the events or occurrences complained of. A written decision by the second-level supervisor is given to the aggrieved staff member within seven (7) days of receipt of the written grievance or the Step 1 meeting, if one is held. Copies of the written grievance with the remedy sought, and the decision are forwarded to the Office of Human Resources administration.

Step 2

If the second-level supervisor's decision resulting from Step 1 is not satisfactory to the aggrieved staff member, he or she personally reviews the case, within seven (7) days of receipt of such decision, with the Office of Human Resources administration or with the person specially designated by the institution president to hear Step 2 employment grievances.

The Office of Human Resources administration or the person designated by the institution president to hear Step 2 employment grievances within seven (7) days of the personal review with the aggrieved employee, prepares a written summary of the issues, and a proposed solution.

This is the final and binding decision for a grievance of a part-time, temporary or probationary staff member. The solution is deemed acceptable by the staff member and his or her supervisor unless written notice to the contrary is received by the Office of Human Resources administration in accordance with Step 3 procedures.

Step 3

If the staff member or other party to the grievance is not satisfied with the solution proposed as per Step 2, the dissatisfied party respond to the Office of Human Resources administration in writing within seven (7) days, setting forth the reasons why the proposed solution is not acceptable. The Office of Human Resources administration, within three (3) days, refers the case to the Personnel Relations Committee chair. The Personnel Relations Committee schedules hearings on the case within a reasonable time, generally twenty (20 days) except in unusual circumstances. Each party to the complaint is notified, has the right to be accompanied at the hearings by a person of his or her choice in an advisory capacity, has the right to hear the presentations of the other parties and the right to be heard by the Committee.

A Committee member is excused from participation in any grievance deliberation where he or she may be influenced by personal relationships with the parties, by bias concerning the circumstances giving rise to the complaint, or by any other material influence which would appear to inhibit the member's ability to render an unbiased judgment. The chair shall decide on any questions regarding a Committee member's participation.

Within twenty (20) days after the conclusion of the hearing, the Committee submits a written report of its findings and recommendations to the final and binding decision-maker. The final decision-maker may refer the grievance back to the Personnel Relations Committee if he/she feels that the Committee needs to consider additional factors. In such a circumstance, the Committee has an additional (7) days to submit a written report of its findings and recommendations to the final and binding decision-maker.

Step 4

The final and binding decision-maker reviews the written report and the findings and recommendations of the Committee. Based upon such review and without conducting further hearings, he or she, within ten (10) days informs all parties of the final decision.

Discrimination and Harassment

No. 3-32	Rev. 12-23-98	Date 8-17-77
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PREAMBLE

Weber State University is committed to providing an environment free from harassment and other forms of discrimination based upon race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of veteran of the Vietnam era, sexual orientation or preference or gender, including sexual/gender harassment. Such an environment is a necessary part of a healthy learning and working atmosphere because such discrimination undermines the sense of human dignity and sense of belonging of all people in the environment.

Discrimination and harassment are prohibited by Titles IV, VI and VII of the 1964 Civil Rights Act and Title IX of the Education Amendments of 1972. They are also prohibited by the Utah Anti-Discrimination Act. In addition, various other constitutional provisions, statutes and common law causes of action prohibit such discriminatory conduct. It is the policy of the University to enforce these laws among its students and employees.

Conflicts between the sometimes competing values of anti-discrimination and freedom of speech require a delicate balancing of interests. Constitutionally protected speech and traditional notions of academic freedom are valued in higher education. These ideals help to create the stimulating and challenging learning environment which should characterize higher education. In the spirit of a true university environment, instructors are encouraged to invite, rather than inhibit, discourse on ideas. The University should never restrict speech because of the unpopularity, unpleasantness or even the hatefulness of the message communicated. Nor should the University attempt prior restraint of speech.

Weber State University is committed to eliminating incidents of illegal discrimination in personnel policies and practices within the institution through affirmative efforts at education and support. When violations of this policy occur, various forms of disciplinary action, where appropriate, may be imposed within the parameters of protected speech.

I. POLICY

A. No student or employee of the University may illegally discriminate on the basis of race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of veteran of the Vietnam era, sexual orientation or preference or gender when assigning work-related or education-related benefits and burdens.

B. No student or employee of the University may engage in illegally harassing conduct which creates a hostile work or learning environment for other students or employees of the University.

C. No University employee may create the reasonable perception in the mind of a student or subordinate that the granting or withholding of tangible academic or job benefits shall be based on the granting of sexual favors.

D. University employees with supervisory responsibility who know or have reason to know that this policy is being violated must take action to correct the situation.

E. It is the policy of the University to provide fair, expeditious and uniform procedures by which claims for such treatment may be investigated and resolved within the University community. It is also the policy of the University to safeguard the rights of those accused of discrimination. For that reason, sanctions shall not be imposed upon any students or employees of the University until they have received due process.

II. REFERENCES

- [PPM 3-1](#), Equal Opportunity and Non-Discrimination Employment
- [PPM 3-10](#), Termination of Employment
- [PPM 3-31](#), Employee Grievances (Non-Teaching Personnel)
- [PPM 3-33](#), Discipline (Non-Teaching Personnel)
- PPMs 9-9 through 9-18, Academic Due Process
- PPMs 9-1 through 9-8, Faculty Rights and Responsibilities
- Student Rights and Responsibilities Handbook

III. DEFINITIONS

A. AA/EO

Affirmative Action/Equal Opportunity

B. Appropriate Vice President

The vice president with direct line responsibility over the college, department, office, agency or other operational unit of the University in which the claimed discrimination occurred.

C. Clearly Offensive Conduct

That conduct, be it verbal or nonverbal, which, when perceived in its overall context, would be taken by a reasonable person to be strongly objectionable and distasteful.

D. Complainant

A person who files a written or oral complaint with the AA/EO Office.

E. Confidential Information

information which can only be released by written authorization of the complaining party, the AA/EO director, or the University Attorney.

F. Confront

To verbally bring face to face and/or to contact regarding specific matters.

G. Demeaning Behavior

Behavior which lowers the status, dignity or standing of any other individual.

H. Derisive Behavior

Behavior which insults, taunts or otherwise belittles or shows contempt for another individual.

I. Director

The director of the AA/EO Office, or her/his appointee.

J. Disability

An individual's physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

K. Discrimination

Conduct, including words, gestures and other actions, which unfairly disadvantages persons based upon their immutable characteristics such as race, ethnicity, religion, sex, sexual orientation, creed, national origin, ancestry, age or handicap.

L. Employee

A person in a teaching or non-teaching position who receives compensation for work or services from funds controlled by the University, regardless of the source of the funds, the duties of the position, or the amount of compensation paid.

M. Harassment

Unwelcome conduct that is demeaning or derisive of or occurs substantially because of the

race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of veteran of the Vietnam era, sexual orientation or preference or gender of a student or employee or groups of these individuals and which creates a hostile learning or work environment. Harassment shall include one or more of the three levels described below. Behavior described in Levels One and Two shall constitute harassment only when a pattern of such conduct continues after the harasser knew, or should have known, that the conduct was unwelcome, unless such conduct is "clearly offensive," in which case only one such incident is necessary.

1. Level One: Generalized Harassment

a. Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, is so pervasive that it creates a hostile learning or work environment and that is not a part of a discussion or exchange of an idea, ideology or philosophy.

b. Examples include comments or jokes, physical gestures or visual displays such as posters, etc.

2. Level Two: Individually Targeted Harassment

a. Includes intentional, non-criminal behavior which is targeted at an individual or particular members of a group adversely affecting the work or learning environment, which can be verbal, visual or physical.

b. Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.

3. Level Three: Criminal Harassment

a. Harassing behavior which violates state or federal criminal statutes.

b. Examples include criminal harassment, criminal assault, sexual assault, rape, criminal mischief, arson and trespass.

N. Participant

A person, other than a student or employee, who is participating in or attempting to participate in, or is receiving or attempting to receive the benefits of any program or activity conducted under the auspices of the University, including, but not limited to, applicants for employment, clients, spectators, visitors and volunteers.

O. Respondent

A person named in a discrimination complaint as having engaged in or being responsible for a discriminatory act or omission.

P. Retaliation

Any form of sanction or adverse treatment against a person because that person has asserted, or has assisted another person to assert, a discrimination complaint in either a formal or informal manner with the University or with any state or federal agency, or because that person has testified, assisted or participated in any manner in an investigation, proceeding or hearing related to a discrimination complaint.

Q. Sexual Harassment

Any unwelcome treatment that is sexual in nature or occurs substantially because of the gender of the victim which creates a hostile work or learning environment. There are two types of sexual harassment: 1) hostile environment sexual harassment, which consists of three levels (see definition of "Harassment" above) and 2) *Quid Pro Quo* sexual harassment (see definition below).

Quid Pro Quo Sexual Harassment is when a faculty member or supervisor's behavior creates the reasonable perception in the mind of a student or subordinate that the granting or withholding of tangible academic or job benefits shall be based on the granting of sexual

favours.

R. Student

A person applying for admission to, admitted to and duly registered as a participant in, or formerly admitted to any program of instruction or training offered by the University at any level, whether or not for credit.

S. Subordinate

Placed below another in rank, authority, power, status, etc.

T. UADD

Utah Anti-discrimination Division of the Industrial Commission.

IV. MANAGEMENT PROVISIONS

A. Applicability

1. Protection of academic freedom is valued in higher education. Deference to this ideal requires delicate balancing when applying this policy in an instructional setting. Instructors' good faith selection of subject matter and methodology, and the content of class discussions will be exempt, therefore, from the provisions of this policy. This exemption shall not apply to harmful or offensive personal attacks substantially based on a person's race, color, ethnic background, national origin, religion, creed, age, lack of American citizenship, disability, status of veteran of the Vietnam era, sexual orientation or preference or gender.
2. Any student or employee of Weber State University who is or has been subjected to discrimination, or harassment in violation of this policy may use the complaint procedures described herein.
3. Any supervisor or faculty who knows or has reason to know of violations of this policy within her/his area of responsibility must take corrective action. Such action may be to attempt an informal resolution or to refer the matter to the AA/EO Office. (See V, A below)
4. Any student or employee who knows or has reason to know of violations of this policy in any activity conducted under the auspices of Weber State University is encouraged to report such conduct to the AA/EO Office.
5. Questions regarding discrimination or harassment may be directed to the AA/EO Office.
6. The initial notice or inquiry may be submitted either orally or in writing. If a notice or inquiry is submitted orally and no complainant is willing to file a written complaint, the director shall proceed with the investigation if he/she, in consultation with the appropriate vice president or presidential assistant, believes that the interests of the parties or the institution dictate. Regardless of whether a signed complaint or intake form is received, the director shall use her/his best efforts to resolve the problem.
7. Complaints should be brought as soon as possible after the event(s) which gives rise to the complaint. Complaints should be filed within six months of the most recent act which violates the policy. Where the interests of justice require, however, this time limit may be waived with the consensus of the director, the appropriate vice president or presidential assistant and the University counsel.

B. Options

1. Those who believe they are victims of discrimination or harassment, witnesses or others may address discrimination or harassment issues by utilizing one or more of the following options:

- a. Consult with the AA/EO Office.
 - b. Seek to resolve issues directly with the individual(s) alleged to have discriminated or harassed.
 - c. Seek to resolve issues through supervisor personnel.
 - d. Register a complaint with the AA/EO Office.
2. Those who believe they are victims of discrimination or harassment, witnesses or others may also initiate outside legal action through private sources, the UADD or the appropriate federal enforcement agency. It is recommended that where time allows (before applicable statutes of limitations have run) grievance procedures within the University described above will be utilized.
 3. The director may initiate an independent investigation into alleged discrimination or harassment which need not be based upon the alleged victim's choice of action.
 4. If an investigation reveals evidence of criminal conduct in discrimination, or harassment, the director may refer the matter to the County Attorney's Office. This decision need not be based upon the alleged victim's choice of action.
 5. Consideration shall be given to the alleged victim's requests in the investigation process and fact-finding hearing. University officials, however, reserve the right to override the alleged victim's preferences in handling complaints. The justification for any decision to override the alleged victim's preference shall be documented in writing.
 6. The director, and others designated by the institution, may provide direction and assistance to those involved in a discrimination complaint.

C. Protection of the Parties

1. Complaint investigations shall be treated with discretion to protect the privacy of those involved, as permitted by law.
2. The intentional disparagement of a complainant, respondent or witness during the pendency of an investigation shall constitute a violation of this policy.
3. Complainants shall not be required during the investigation to confront respondents outside of the investigative hearing.
4. Neither the respondent nor her/his representatives shall contact the complainant regarding allegations of discrimination unless such contact is arranged by the responsible supervisor handling the complaint or the AA/EO Office with the permission of the complainant.
5. The University shall vigorously pursue this policy to protect against discrimination, or harassment.
6. The director shall promptly inform the respondent(s), in writing, of the existence and nature of the charge(s) filed against them as set out in V, B, 3 below.

D. Retaliation

1. Retaliation against any person who opposes a practice which is forbidden by this policy, or has filed a complaint, testified, assisted or participated in any manner in an investigative proceeding or hearing under this policy is prohibited.
2. Individuals found guilty of any retaliation may face disciplinary action up to and including termination or expulsion.

E. The following types of conduct on the part of a gender/sexual harassment complainant shall not constitute a complete defense for the alleged harassment, but may provide evidence that the respondent did not have notice that her/his conduct was unwelcome:

1. The fact that a gender/sexual harassment complainant did not complain at the time of the conduct.
2. The voluntary participation in the alleged harassing behavior by the gender/harassment complainant.
3. The behavior, speech, dress and/or demeanor on the job or in school claimed to be sexually provocative.

F. Education

1. Weber State University recognizes the importance of educating its students and employees regarding the prevention of discrimination or harassment, the promotion of cultural pluralism, and the observance of high ethical standards in consensual relationships. Benefits from such a program include the following:
 - a. Informing individuals of their rights under this policy.
 - b. Notifying individuals of proscribed conduct.
 - c. Informing supervisors/managers about the proper way to address complaints of violations of this policy.
 - d. Helping to educate members of the campus community about the problems this policy addresses.
2. To these ends, the University will organize an ongoing educational program in this area. Notice of this policy will be widely distributed. Workshops will be periodically conducted for employees of the University regarding discrimination, harassment, including sexual harassment, cultural pluralism and consensual relationships.

G. Available Remedies

1. These complaint procedures do not set any limit on existing administrative discretion or powers. Remedies should be considered on a case-by-case basis.
2. Employees and students found guilty of discrimination or harassment may face disciplinary action up to and including termination or expulsion. Imposition of such discipline may not occur unless the respondent has been afforded due process.

H. Records

1. Records of all discrimination or harassment complaints shall be maintained and stored for a minimum of three years in the AA/EO Office.
2. All information contained in the complaint file is classified as confidential.
3. Participants in such complaint proceedings shall treat all information as confidential.

V. PROCEDURE

A. Initial Contact

1. Any person who believes he or she is the victim of discrimination or harassment or who has knowledge of such conduct is encouraged to report that conduct directly to the AA/EO Office or to an appropriate supervisor. Appropriate supervisors include department chairs, deans, vice presidents or directors at the departmental level or higher, or teachers of classes.
2. Reports of discrimination or harassment may be oral or written.
 - a. If the report is not in writing, an attempt should be made to acquire the complainant's signature to the Discrimination/Harassment Intake Form.
 - b. If a complainant is unwilling to sign an Intake Form attesting to the truth

of the allegations contained therein, the complainant should be informed that her/his refusal may prevent the AA/EO Office from conducting an investigation. Regardless of whether a signed complaint or intake form is received, the director shall use her/his best efforts to resolve the problem.

c. The Intake Form shall include the identities of respondents; the frequency, intensity and duration of the behaviors complained of; the emotional and/or physical damages the complainant alleges resulted from the conduct; and the remedial action sought by the complainant.

3. If the initial report is directed to a line supervisor of the respondent:

a. The supervisor shall complete the Intake Form after interviewing the complainant.

b. The supervisor may either refer the complaint to AA/EO or attempt to resolve the complaint directly with the parties.

c. If the dispute is resolved to the satisfaction of the parties, the agreement shall be documented in writing with all parties signing and receiving copies. The agreement shall then be sent to the AA/EO director to review its legal adequacy.

d. If the agreement is approved by the director, she/he shall review the complaint 90 days from the date of the agreement to verify that its terms have been carried out by all parties. If so, the complaint will be closed. If not, an investigation by the AA/EO Office shall be conducted.

e. If the AA/EO director, with the concurrence of the University attorney, determines that the agreement reached by the parties is inadequate, then the AA/EO director shall contact the supervisor and attempt to assist that supervisor and parties to reach an agreement that is adequate. If the director fails in that effort then the AA/EO Office shall conduct an investigation as defined below.

f. If the supervisor fails to resolve the complaint within thirty days of its receipt, she/he shall refer the complaint to the AA/EO Office for investigation as defined below.

4. If the initial complaint of a violation of this policy is received by any employee of the University other than a supervisor with line authority over the respondent, the person contacted will refer the complaint to the appropriate supervisor or the AA/EO Office in a timely fashion.

5. If the initial complaint is directed to the AA/EO Office or if an unresolved complaint is referred to the AA/EO Office:

a. The AA/EO Office shall complete the Intake Form and, if the complaint includes allegations which would constitute a violation of this policy, initiate an investigation as defined below.

b. The director shall attempt informally to facilitate an agreement satisfactory to the parties. As part of this effort, the director shall encourage the parties to meet for face-to-face negotiations. No party, however, shall be forced to meet with the other party at this stage of the complaint procedure.

c. Agreements towards resolution of complaints shall be documented in writing with all parties signing and receiving copies.

d. The director shall inform dean level supervisors with line authority over the respondent(s) named in the complaint that an investigation has been initiated.

B. Investigation

1. When required by the above procedures, the AA/EO Office shall conduct an investigation of complaints. When conducting investigations, the AA/EO Office shall disclose its role as a neutral investigator for the institution, as distinguished from an advocate for any of the parties involved.
2. The extent of an investigation shall be determined by the director, but at a minimum shall include interviews with all complainants and respondents. It is within the director's discretion to determine the order of these interviews.
3. The director shall promptly inform the respondents, in writing, of the existence and nature of the charge(s) filed against them. This shall be done by providing a copy of one of the following: 1) the written complaint, 2) the Intake form described in V, A, 2, c above or 3) a written summary of the complaint. The director shall also inform the respondents of their rights and responsibilities during the investigation and shall overview the anticipated investigative procedures.
4. An investigation shall be completed as quickly as practicable, but in any event, within twenty-five working days of receipt of the complaint, unless a longer period of time is reasonably required. Reasonable cause for delay includes, but is not limited to the unavailability of key witnesses or the discovery of new evidence requiring further investigation. The director shall attempt to keep the parties informed of the progress of the investigation throughout its duration. When delays occur, the parties shall be informed of them as soon as practical.
5. Within ten working days of the conclusion of the investigation, the director shall make available to the parties a written report. The report shall review the complaint, response, evidence adduced from the investigation and findings. The findings shall indicate whether it was more likely than not that a violation of this policy occurred.
6. The parties shall then have ten working days to provide to the director their written responses to the investigation report. At the end of that ten day period the director shall file the report and any written responses received from the parties with the appropriate vice president or presidential assistant.

C. Remedial Action

1. If a complaint is found to be factually supported in whole or in part, the appropriate vice president or presidential assistant shall implement corrective and remedial steps necessary to eliminate the effects of the discrimination upon the complainant and upon any other person similarly situated.
2. The complainant and respondent shall be given a written copy of the specific corrective and remedial action ordered to be taken.

D. Sanctions

1. No sanctions of any kind may be imposed solely on the basis of a complaint investigation by the AA/EO Office.
2. Once the appropriate vice president or presidential assistant has reviewed the report of the director along with any responses thereto filed by any of the parties, she/he shall determine whether to close the complaint, attempt informal conciliation between the parties or initiate disciplinary proceedings. These proceedings shall include due process rights for the respondent, as provided by the following policies. These policies also indicate the rights of complainants to appeal any decision to close the complaint without disciplinary sanctions being imposed.

- a. Respondents who are staff employees (non-faculty) are entitled to due process as set out in PPMs 3-33 and 3-31. Completion of the investigative procedures of this policy may, at the discretion of the director of Human Resources, constitute completion of steps one and two of PPM 3-31.
- b. Respondents who are faculty are entitled to due process as set out in PPMs 9-9 to 9-14. Completion of the investigative procedures of this policy may, at the discretion of the provost, constitute completion of a preliminary investigation as outlined in PPM 9-11.
- c. Respondents who are students are entitled to due process as set out in the Student Policies and Procedures Manual. Completion of the investigative procedures of this policy may, at the discretion of the vice president for Student Services and the student(s) or student groups involved, constitute completion of informal resolution procedures outlined in Chapter VIII of that document.
- d. Under circumstances which could otherwise result in multiple hearings, each of which would be investigating complaints arising from the same occurrence(s), these various hearings may be consolidated into one hearing. Such a hearing would be conducted before a panel composed of representatives of the groups which fairly reflect the parties involved in the complaint. The line supervisor most proximate to all complaining and responding parties, with the concurrence of the University attorney, and all parties involved with the complaint shall determine the necessity for such consolidation. If there is such agreement, the line supervisor most proximate to all complaining and responding parties, with the concurrence of the University attorney shall determine the composition of the hearing panel. If any of the parties are unwilling to consolidate, then separate hearings will be undertaken.

E. Complaint Review

1. Within 90 days following the resolution of a complaint or the imposition of sanctions resulting from a complaint, the AA/EO Office shall conduct a review to determine if the resolution of the case is being followed.
2. If the review indicates that the resolution is being followed, the matter shall be terminated and the case file closed.
3. If the follow-up review indicates that the resolution is not being followed, the case shall be referred back to the appropriate vice president or presidential assistant for consideration of additional disciplinary action(s), including possible disciplinary action against violators and their supervisors who knew that the resolution was not being followed, or that the unacceptable behavior continued to exist, and failed to take corrective action.

Faculty Responsibilities to Students

No. 9-5	Rev. 05-09-06	Date 3-7-74
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I. REFERENCE

AAUP Statement of Professional Ethics (1966)

II. POLICY

A. Ethical Canons

As teachers, faculty encourage the free pursuit of learning in students. Faculty hold before themselves the best scholarly standards of their disciplines. They demonstrate respect for students as individuals and adhere to their proper role as intellectual guides and counselors. Faculty make every reasonable effort to foster honest academic conduct and to assure that the evaluations of their students reflect their true merits. Faculty respect the confidential nature of the relationship between faculty or student. They avoid any exploitation of students for private advantage and acknowledge significant assistance from them. Faculty protect their students' academic freedom (based upon the AAUP Statement of Professional Ethics, 1966).

B. Standards of Behavior

1. The central responsibility of the faculty to students is to attempt to impart to them the knowledge and understanding of the faculty member's field of study and to encourage them to develop within themselves appropriate and relevant skills, particularly the ability to reason with and use this knowledge and to do so in accordance with the best standards of scholarship and pedagogy in the discipline.

2. The faculty at large has the right to determine course content. However, once approval for course offerings has been granted, the individual faculty member is obligated to teach the course in reasonable conformity with the course description, content and method announced in advance. The faculty member has the right to determine the manner of presentation. The academic freedom of the student as well as of the faculty member must be observed. While teachers are free to interrelate subject matter of their courses to contemporary issues which they find usefully relevant, they are primarily responsible for providing instruction in the announced subject matter and techniques of the course.

3. Faculty members have a responsibility to their students to entertain all relevant questions and to discuss controversial questions objectively and freely. Where faculty members find it pedagogically useful to advocate a position on controversial matters, they should exercise care to assure that opportunities exist for students to consider other views. Faculty members shall not reward agreement or penalize disagreement with their views on controversial topics, but they can reasonably expect their students to learn the rationale behind certain positions.

4. Prompt and regular meeting of classes, faithful keeping of appointments and, when assigned, academic, curricular and/or vocational advising are duties resting upon each faculty member. Alteration of schedules and cancellation or rescheduling of classes should be done only for valid reasons. The faculty and the administration are obliged to fill commitments to students in terms of class offerings. Faculty members should make available a reasonable number of hours for student consultation or otherwise assure their accessibility to students. Faculty members at Weber State University should keep regular office hours for student consultation. They should conscientiously try to be in their offices during those hours.

a. The hours should be scheduled at convenient times for students

b. The office hours should be posted on the office door of each faculty member at all times and should be honored at all times.

5. At the beginning of each course, faculty members, by means of the syllabi, should inform students

of the general content, what is required and of the criteria with which performance will be evaluated. The general content of the course and the criteria for evaluating student performance should relate clearly to the legitimate academic purpose of the course. The faculty member shall hold all students responsible for meeting the requirements.

6. If there is a conflict between a student's core beliefs and the requirements or course content in a particular course, a student may request a resolution of such a conflict. The faculty member is not required to provide alternative requirements or modify the course content as long as the existing requirements and content have a reasonable relationship to the legitimate pedagogical goals of the course. However, the faculty members is required to grant such a resolution if denial of the request would be arbitrary and capricious or illegal. (See [PPM 6-22](#), Part IV.D.9.)

7. Neither in nor out of the instructional setting or office do faculty members take advantage of their relationships with students to exploit them for the faculty members' own purposes. Faculty members do not plagiarize the work of a student. They give proper acknowledgment for original student contributions in their lectures or publications. Faculty members accept no gifts or favors where they have reason to believe that such gift or favor is motivated by a desire on the part of a student to secure some academic advantage.

8. The student has the right to expect substantive presentations or other means of instruction appropriate to the course. Repeated lack of preparation and/or unprofessional behavior which result in incompetent performance by the faculty member are legitimate grounds for student complaint.

9. With respect to the students, faculty members permit and encourage an atmosphere of original thinking, research and writing. In this regard, they seek to improve learning facilities and opportunities for students.

10. Faculty members do not reveal matters received by them in confidence from a student unless required by law. Confidential and personal records relating to students are not revealed unless authorized by the student or required by law. Faculty members may, however, report their assessment of the student's performance and ability to persons logically and legitimately entitled to receive such information.

11. The student has the right to an environment for learning free from unlawful discrimination. One type of unlawful discrimination is sexual/gender harassment. This has been defined in [PPM 3-32](#). Any student who feels there has been a violation of this policy has the right to take action according to the provisions of that policy.

12. Serious conflicts of interest between a faculty member and a student, including but not limited to sexual or financial relationships, are prohibited. A complaint alleging violations of this policy may be initiated by any person according to the provisions of PPMs 9-11 and 9-12 (see also [PPM 3-32](#))

Due Process/Definition of Terms

No. 9-10	Rev. 04-14-09	Date 3-7-87
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I. REFERENCE

PPM 9-20, Security at Weber State University Hearings

II. POLICY

The following definitions have been accepted by the University to apply to the various terms used in describing the procedures of academic due process as outlined in PPMs 9-9 through 9-18:

A. Accuser

Any individual or group (e.g., faculty member, administrator, citizen, student, investigative team, etc.) who registers a complaint or files a formal charge. The individual who registers the complaint need not also be the individual who files an associated formal charge.

B. Administrative Disposition

The resolution of a complaint made at any stage of the proceedings in which a responsible administrator dismisses the complaint or institutes appropriate disciplinary action. An administrative disposition must be acceptable to both the respondent and the accuser and must fall within the range of disciplinary actions contained in Policy No. 9-14, Disciplinary Actions.

C. Administrative Officer

A faculty member, administrator, or other individual designated by the president and confirmed by the Executive Committee of the Faculty Senate to represent the University during the informal (optional) and formal hearing processes. This person shall serve as a neutral observer endeavoring to insure that due process is afforded to all parties in the proceedings. This person need not be the same individual in all cases.

D. Chair of the Faculty Board of Review

The individual responsible for conducting the formal hearing process. The chair receives the formal charge, conducts the prehearing conference, conducts the formal hearing, keeps records and minutes, and makes the Board's recommendation to the president.

E. University Counsel

The lawyer assigned to the University by the Attorney General's Office. The University Counsel will serve as a representative of the University to provide advice at any stage of the academic due process procedure to the chair of the Faculty Board of Review in appropriate cases. It should be recognized by all parties, however, that in this assignment the University Counsel serves to protect the interests of the University.

F. Complaint

An informal accusation filed by an accuser (any person or group) to a responsible administrator of the University (e.g., department chair, dean, vice president) that a violation of University policy or procedure has allegedly occurred.

G. Disciplinary Action

Includes measures or sanctions which are imposed by the president following a formal hearing as a penalty for the violation of University policy or procedure. The disciplinary actions authorized under this code are defined in this document in Policy No. 9-14,

Disciplinary Actions.

H. Faculty Board of Review

The Faculty Board of Review is described in the Faculty Senate Constitution as follows: An elected committee which performs the review functions of the faculty. It is composed of seven tenured members of the teaching faculty. The Faculty Board of Review is principally concerned with, but not limited to, retention of tenured faculty cases of academic due process with regard to granting of tenure/promotion, salary, work conditions and other pertinent matters of faculty concern.

In the event that the accuser is a student of Weber State University, two students shall be added to the Faculty Board of Review. Student representatives will be designated by the WSUSA Executive Officers and confirmed by the Executive Committee of the Faculty Senate. The student representatives need not be the same individuals in all cases.

The Faculty Board of Review will normally operate from the first day of fall semester to the last day of spring semester and be in recess during the summer. While in recess, all board action deadlines will be suspended until fall semester. In exceptional cases, the chair of the Faculty Board of Review, in consultation with the Executive Committee and upon availability of board members, may call a meeting(s) in the summer.

I. Formal Charge

A concise statement of the complaint, summarizing the facts, conduct or circumstances reported to constitute failure to comply with the standards set forth in this document (PPMs 9-3 through 9-8). The formal charge is issued to the chair of the Faculty Board of Review who in turn informs the respondent.

J. Formal Hearing

Conducted by the seven-member Faculty Board of Review as set forth in Article VI of the Weber State University constitutional by-laws. The function of this hearing is to hear and evaluate evidence and to make a recommendation for appropriate action to the president.

K. Informal Conciliatory Meeting

Brings together in conference the respondent and a responsible administrator. The meeting is initiated and conducted by a responsible administrator. Attendance of the accuser and/or the administrative officer is optional and may be requested by either the respondent or the responsible administrator. The purpose of the meeting is to provide enough information to the responsible administrator to determine the validity and/or seriousness of the complaint. The outcome of this meeting may be dismissal of the complaint, an administrative disposition or the filing of a formal charge.

L. Prehearing Conference

A meeting held after a formal charge has been filed with the chair of the Faculty Board of Review. At this meeting, initiated and conducted by the chair, the issues to be examined at the formal hearing are delineated.

M. Preliminary Investigation

A fact-finding activity conducted following the receipt of a complaint, conducted by a responsible administrator or an appointed task force. The purpose is to determine whether a complaint merits further action.

N. Procedural Due Process

Refers to the receiving of adequate notice, right to an impartial forum, meeting of deadlines, completion of committee assignments and deliberative actions in accordance with established policies and other procedural matters, many of which are outlined in PPM 9-9, Due Process/General Statement. In general, procedural due process will be deemed to have been afforded when the preponderance of the evidence shows reasonable care in following established procedures. Reasonable care in the performance of the various committees and administrators (allowing for exigencies and unanticipated problems) is sufficient to meet the requirements for procedural due process. Therefore, only cases of prejudicial failure to meet procedural guidelines are to be considered cause for recommendations for rehearings.

O. Reasonable Care

The level of performance recognized in the profession as reasonable in light of obligations one has assumed, competing demands upon energy and time, the nature and quality of the work and all other circumstances which the academic community, after being fully informed, would properly take into account in determining whether the respondent was discharging responsibilities at an acceptable performance level.

P. Representative

Any individual selected by the respondent to attend the informal conciliatory meeting or the formal hearing, including counsel, if desired.

Q. Respondent

A faculty member or an administrator with a faculty appointment against whom a complaint has been made or a formal charge has been issued.

R. Responsible Administrator

The person who receives or is otherwise delegated to review a complaint about an individual's alleged non-compliance with policies set forth in this document. The responsible administrator may be a department chair, program director, supervisor, dean, vice president or other appointed administrator of the University. This person is responsible for preliminary investigation of the complaint and for conducting the informal conciliatory meeting. The responsible administrator may or may not have administrative

Informal Procedures and the Informal Conciliatory Meeting

No. 9-11	Rev.	Date 12-1-87
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I. REFERENCE

PPM 9-20, Security at Weber State University Hearings

II. POLICY

A. Initial Action Following Receipt of Complaint

On many occasions individuals or groups present informal complaints to responsible administrator(s) of the University. Responsible administrators, upon hearing such complaint(s), shall in their administrative positions determine whether the complaint merits further action or investigation. In order to obtain additional information concerning the complaint, the responsible administrator may take such actions as the following:

1. Discussion with the respondent to obtain additional information
2. Informal fact finding by the responsible administrator
3. The appointment of a task force (panel, investigative team)

B. Preliminary Investigation

Most matters are routinely handled between administrators, accusers and respondents. Occasionally, however, there is need for investigation of charges of failure of an individual to exercise reasonable care in compliance with standards of professional behavior (see PPMs 9-3 through 9-8). The purpose of the preliminary investigation discussed herein is to determine whether a complaint merits further action.

1. A preliminary investigation may result in immediate dismissal of the complaint, an administrative disposition or the filing of a formal charge.
2. Such preliminary investigations shall recognize the need for discretion and protection of the respondent's rights to due process and protection from unnecessary extension of the investigation.
3. However, when a respondent has allegedly committed a serious violation of the standards contained in PPMs 9-3 through 9-8 and this requires preliminary investigation to determine the merit of the alleged infraction, the president may order non-disclosure of the complaint to the respondent if the president determines that such non-disclosure is necessary to avoid interfering with the investigation. In all cases the preliminary investigation shall be limited to the shortest possible time necessary to obtain the facts required to determine the next appropriate step.

C. Informal Conciliatory Meeting

1. As soon as the responsible administrator has determined that sufficient information is available, a meeting shall be held with the respondent. The attendance of the administrative officer and the accuser are optional, but either or both should be in attendance if requested by anyone involved. An agreement or settlement at this level may preclude the filing of a formal charge. If a formal charge is not filed, the issue is deemed to be settled. The proceedings of this investigation may result in one of the following dispositions:

- a. Dismissal of the complaint, if acceptable to both the respondent and the accuser.
- b. Determination that the complaint is valid and a formulation of an administrative disposition which is acceptable to the responsible administrator, the respondent and the accuser. The administrative

disposition shall be limited to those disciplinary actions contained in [PPM 9-14](#), Disciplinary Actions, Section A.

c. Determination that the complaint warrants the filing of a formal charge.

2. Any records, material or information gathered in the preliminary investigation of the complaint shall be destroyed at the end of five years or otherwise maintained as provided in [PPM 9-15](#), Reports and Records.

3. When the responsible administrator determines that there is reasonable cause to believe that a violation of University policy has occurred, an administrative disposition may be sought by all involved. The responsible administrator overseeing the case shall see that the provision of this administrative disposition is equitable and appropriate for the violation and reflects consideration of the relevant aspects of the incident(s) leading up to the meeting. If the conditions of the administrative disposition are acceptable to both the respondent and the accuser no further proceeding shall be necessary. If the administrative disposition results in a disciplinary action other than verbal censure, a written copy of the administrative disposition shall be signed by the respondent, accuser and responsible administrator. If no objection is raised by any of the parties within five working days of signing the disposition, it becomes final.

4. If the complaint is handled by administrative disposition (other than dismissal of the complaint), a written statement of the complaint, informal minutes or a descriptive account of the proceedings, and a statement of the action taken will be provided to the respondent and the accuser. These records shall be maintained in accordance with [PPM 9-15](#), Reports and Records.

5. If the complaint is not dismissed or is not resolved by administrative disposition during the informal conciliatory meeting, the matter shall move forward to a formal hearing, if one of the parties files a formal charge.

6. In the event that no settlement is reached, the accuser may prepare the written charge consisting of a concise statement of the facts, conduct or circumstances reported to constitute failure to comply with the standards contained in this document and, within ten working days of the informal conciliatory meeting, deliver copies of the formal charge to the chair of the Faculty Board of Review. Failure to meet this deadline will result in dismissal of the complaint. Exceptions to this ten-day deadline may be made only upon showing good cause.

D. Respondent's and Accuser's Rights

1. In the informal conciliatory meeting, the respondent has the right to written notice of the complaint and to receive copies of material or documents gathered during investigation of the complaint. However, the responsible administrator, in consultation with University Counsel, may withhold confidential information (e.g., concerning the identity of witnesses and informants) throughout the duration of the informal procedures.

2. The respondent may request that the accuser attend the informal conciliatory meeting. Both the respondent and the accuser, as well as any other person legitimately involved, may request of the responsible administrator that the administrative officer attend the informal conciliatory meeting. The role of the administrative officer is to serve as a neutral observer endeavoring to insure that due process is afforded to all parties in the proceedings. Other parties may attend upon mutual agreement of the parties involved.

3. Both the respondent and the accuser have the right to representation. However, if either the respondent or the accuser invokes the right to have a representative present during the meeting, the informal conciliatory meeting may be omitted at the discretion of the responsible administrator and the process will shift to the formal hearing level if a formal

charge is filed.

4. In the conduct of a preliminary investigation on the merits of the complaint, the responsible administrator shall exercise reasonable care to uphold the respondent's rights to due process. All investigations shall be conducted in a fair and reasonable manner in order to protect and/or minimize the damage to the respondent's or the institution's reputation.