



GEORGETOWN UNIVERSITY SENATE

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MINUTES OF THE GEORGETOWN UNIVERSITY FACULTY SENATE

Wednesday November 15, 2006
Room 205 Old North
(approved as amended 12/12/06)

PRESENT: Andrews, Bates, D.Betz, P.Betz, S.Bloch, Boettcher, R.Clarke, Connor-Linton, Cumby, Davis, De Fina, Dimolitsas, C.Dover, Eagles, K. Gale, Glazer, Goldfrank, Hirsh, Iglarsh, Kirkpatrick, Keesling, Kertesz, Lamiell, J.Larsen, McFadden, S.J., Morrell, S.Mueller, G.Owens, Pedrick, Pfeiffer, Rebeck, Ronkainen, Shambaugh, Soldin, K.Taylor, Timkcom, Toporowicz, L.Walters, C.Weiss, Witek, S.J., Yearwood,

ABSENT: Aleinikoff, Barbari, Bennett, Bondurant, Douglas Brown, P.Byrne, Canzoneri, K.Cleary, S.Cohn, G.Daly, Diamond, Dominique, Engler, Ernst, Fink (sabb fall), R.Friedman, R.Haft, Jung, Lieber, R.Manuel, McAuliffe, McCabe, E.Moore, Moran Cruz (exc. Fall '06), J.Murphy, C.Norton, Oakley, J.O'Donnell, O'Malley, S.Ross, A.Shad, Shedel, V.Sheppard, A.Singer, Sistrunk, Verbalis, Vroman, L.Walker, J.Walsh, S.J. (sabb 06-07), T.Walsh, Weidenbruch, Wylen.

GUESTS: Anne Glenzer (Blue & Gray), Molly Huntsman, Jane Genster (VP & General Counsel), Jag Kanwal, Rosemary Kilkenny (VP for Institutional Diversity & Equity), Marcia Mintz (Assoc. Provost), J.Pierce (Registrar), Bart Timm, Jim Ward (Assoc. Counsel), Zofia Zukowska

Business: The meeting called to order at 4:20 p.m. and adjourned at 6:10 p.m.

1. Approval of the minutes of the meeting of Oct 10, 2006

Motion #1: that the minutes of the previous meeting (Mon, Oct 10, 2006) be approved without amendment. The motion was seconded and passed as follows:

Aye	Nay	Abstain
26	0	2

2. Senate Appointments to the Lombardi Comprehensive Cancer Center Director Search Committee

The Senate has been asked to appoint two individual to serve on the search committee for the LCCC Director, in accordance with the Senate Constitution. The Steering Committee appointed Kathryn Sandberg (Department of Medicine) and Christian Wolfe (Department of Chemistry).

Motion #2: that the appointment of Kathryn Sandberg and Christian Wolfe to the search committee for the LCCC Director be confirmed. The motion was seconded and passed as follows:

Aye	Nay	Abstain
28	0	2

3. Revision to the University's Harassment Policy

Rosemary Kilkenny (Vice President for Institutional Diversity and Equity) and Jane Genster (University Counsel) presented revisions to the University's Harassment Policy. The administration would like to have this new policy approved by the Senate so that it could be presented to the Board for ratification at its upcoming meeting in December.

The proposed revision makes two substantive changes: (i) addition of the factors of gender identity and expression (required by law) and (ii) a requirement that all employees are to be responsible for completing training provided by the University to prevent harassment and to promote a respectful community. Some members of the Senate were concerned that adequate time had not been allowed for senators to provide a more thoughtful and timely consideration of the issues. Nonetheless, the importance and timeliness of the issue was acknowledged and a lengthy discussion followed. Several senators were concerned that the training addition was apparently mandatory rather than voluntary. Jane Genster replied that this was to protect both the institution and the employee. The training will take the form of an on-line session that can likely be completed within one-hour at the convenience of the employee. Currently, the program is under development. No specific policy is being considered to ensure compliance or to punish non-compliance. However, the University will follow and record compliance and continue to encourage all university employees to take the training. The training will bring out several nuances within the law and policies that are communicated best through active training.

A concern was raised that University's Harassment and Whistleblower Policies were not provided to the Senate in a timely manner that allowed senators time for detailed consideration.

After some discussion of the Harassment policy, several modifications to the text were proposed from the floor and accepted as friendly amendments. The friendly amendments were as follows:

1. to remove "including sexual harassment" from the first sentence of the text.
2. to reorganize the list alphabetically in the first sentence of the second section: Harassment Other Than Sexual Harassment.
3. to clarify the final sentence of the document such that it is clear that the policy refers to retaliation against an individual who has made an allegation and against the subject of an unsubstantiated allegation or rumor. The precise language will be drafted by Jane Genster and Rosemary Kilkenny.

Motion #3: that revised policy on sexual harassment be approved as amended. The motion passed as follows:

Aye	Nay	Abstain
28	3	4

4. New University Whistleblower Policy

The new university policy on the protection of whistleblowers was presented at length by James Ward (Associate Vice President for Compliance and Ethics in the Office of the University Counsel). The

administration would like to have this new policy approved by the Senate so that it could be presented to the Board for ratification at its upcoming meeting in December.

The Senate was advised of a plan to establish an Office of Compliance and Ethics, which would act as a clearing-house for concerns or allegations that would route individuals to the most appropriate university documents on policies and procedures, and refer individuals and/or cases to the appropriate regulatory bodies within the university. The Office would provide a mechanism for maintaining the anonymity of both the claimant and the subject of any allegations of policy infringement. Mr. Ward described the university's need to develop and deploy a policy on whistleblower protection in the context of the Sarbanes-Oxley legislation and to protect the university and all members of the university community. The text presented to the Senate was proposed as an initial placeholder policy under which the university would act until more detailed policies and procedures (than those currently applicable) were developed and deployed.

The senate requested that any new/revised policies or procedures be developed with input from faculty members and that these then be brought to the Senate for consideration and comment prior to any deployment. The Senate also endorsed the development of effective means for anonymous reporting and for protecting the rights and anonymity of those against whom any allegations were made.

A motion was proposed and seconded that the policy on whistleblowers be approved. After some discussion, several modifications to the text were proposed from the floor and accepted as friendly amendments. The friendly amendments were as follows:

1. to incorporate "administration" into the first sentence after "...expects its faculty,"
2. to replace "may" with "will" in the last sentence of the statement to read "The University will take whatever action..."
3. To add to the final sentence a clause saying that "Whistleblowers who believe they have been the subject of retaliation may seek redress through applicable University policies or law."

Motion #4: that the policy on whistleblowers be approved as amended. The question was called and the amended motion passed as follows:

Aye	Nay	Abstain
25	3	2

A motion to adjourn was proposed, seconded, and adopted by unanimous consent.

RC/jhg

Documents Appended to the Minutes of Nov 15, 2006 (on following pages)

1. Policy Statement on Harassment
2. Whistleblower Protection Policy

GEORGETOWN UNIVERSITY

Policy Statement on Harassment

It is the policy of Georgetown University to prohibit harassment on the basis of age, color, disability, family responsibilities, gender identity and expression, genetic information, marital status, national origin, personal appearance, political affiliation, pregnancy, race, religion, sex including sexual harassment, sexual orientation, source of income, veteran's status or other factor prohibited by federal and District of Columbia law.

This policy on Harassment will be widely disseminated to members of the University community, and will be consistently enforced. The policy will be reexamined, updated as appropriate, and distributed regularly to all students, faculty, and staff. All employees are responsible for completing training provided by the University to prevent harassment and promote a respectful community.

1) Sexual Harassment

For the purposes of this policy, sexual harassment is defined as any unwelcome sexual advance, request for sexual favors or other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment or academic advancement; or
- B. Submission to or rejection of such conduct is used as a basis for making an employment or academic decision affecting an individual; or
- C. Such conduct has the purpose or effect of interfering with an individual's work or educational performance, or of creating an intimidating, hostile, or offensive environment for work or learning.

Sexual harassment may occur between persons of the same or opposite gender.

Sexual harassment subverts the University's mission, diminishes the dignity of both perpetrator and victim, and threatens permanent damage to the careers, educational experience, and well-being of our students, faculty and staff.

Sexual harassment is especially serious when it occurs between teachers and students or supervisors and subordinates. In such situations, sexual harassment unfairly exploits the power inherent in a faculty member's or supervisor's position. Although sexual harassment often occurs when one person takes advantage of a position of authority over another, the University recognizes that sexual harassment may also occur between people of equivalent status. This includes peer sexual harassment. Regardless of the form it may take, the University will not tolerate conduct of a sexual nature that creates an unacceptable working or educational environment.

2) **Harassment Other Than Sexual Harassment**

Harassment, other than sexual harassment, is verbal or physical conduct that denigrates or shows hostility or aversion to an individual because of age, color, disability, family responsibilities, gender identity and expression, genetic information, marital status, national origin, personal appearance, pregnancy, political affiliation, race, religion, sex, sexual orientation, source of income, veteran's status or any basis prohibited by federal and District of Columbia law, when such conduct has the purpose or effect of: unreasonably interfering with an individual's academic or work performance; creating an intimidating, hostile, or offensive educational or work environment; or otherwise adversely affecting an individual's academic or employment opportunities.

Harassment may include, but is not limited to: verbal abuse or ridicule, including slurs, epithets, and stereotyping; offensive jokes and comments; threatening, intimidating, or hostile acts, and displaying or distributing offensive materials, writings, graffiti, or pictures.

3) **National Origin and Accent Harassment**

The Equal Employment Opportunity Commission (EEOC) has taken the position that harassment of employees on the basis of their national origin or their accent or manner of speaking is a violation of Title VII of the Civil Rights Act of 1964 as amended. Under EEOC guidelines, ethnic slurs and other verbal or physical conduct relating to an employee's national origin, surname, skin color or accent would constitute unlawful harassment when such conduct:

- has the purpose or effect of creating an intimidating, hostile or offensive working environment;
- has the purpose or effect of unreasonably interfering with the employee's work performance; or
- has the purpose or effect of adversely affecting his or her employment opportunities.

Procedure for Complaints

Any member of the University community who believes that conduct that violates this policy has occurred, or who has questions concerning this policy, is encouraged to contact the Office of Institutional Diversity, Equity and Affirmative Action immediately. This Office is staffed with trained counselors, and administers both a confidential mediation process and a

confidential grievance procedure. A full description of the Grievance Procedures may be obtained from the Office of Institutional Diversity, Equity and Affirmative.

In addition, the University recognizes that supervisors bear a particularly important responsibility to deter harassment. Supervisors who learn of conduct that may violate this policy should immediately contact the Office of Institutional Diversity, Equity and Affirmative Action Programs, and, as appropriate, inform their own supervisors.

In accordance with the guidelines of the EEOC, all complaints will be investigated impartially, and appropriate corrective action will be taken, including discipline for inappropriate conduct. Complaints will be handled confidentially, except as necessary for investigation and resolution.

This policy prohibits retaliation, harassment, or other adverse action because an individual makes a complaint, assists in an investigation, opposes harassment or otherwise exercises rights protected by law. Likewise, adverse academic or employment-related action based on an unsubstantiated allegation or rumor of harassment is prohibited.

DRAFT

GEORGETOWN UNIVERSITY

WHISTLEBLOWER PROTECTION POLICY

Georgetown University strives to operate in an ethical, honest and lawful manner and expects its faculty, staff and students to conduct their activities in accordance with University policies and applicable law. The University strongly encourages all faculty, staff and students to report suspected or actual wrongful conduct by Georgetown employees through channels that the University establishes for such reporting. No University faculty, staff or student may interfere with the good faith reporting of suspected or actual wrongful conduct; no individual who makes such a good faith report shall be subject to retaliation, including harassment or any adverse employment, academic or educational consequence, as a result of making a report. The University may take whatever action is necessary and appropriate to address a violation of this policy.

For information about established channels for reporting wrongful conduct and/or compliance concerns, including anonymous reporting, please visit the website of the Office of Compliance and Ethics at: www.georgetown.edu/.....