

**College of Humanities and Natural Sciences
Council of Chairs Meeting – Bobet 202
November 3, 2014, 3:30 p.m. – 5:00 p.m.**

MINUTES

Call to Order

Dean Maria Calzada called the meeting to order at 3:30 p.m.

Attended: John Biguenet, Mary Brazier, Maria Calzada, Eileen Doll, Craig Hood (for Frank Jordan), Michael Kelly, Kenneth Keulman, Martin McHugh, David Moore, Connie Mui, Uriel Quesada and Connie Rodriguez

Also Attended: Gita Bolt, Arlene McCarthy and John Sebastian

I. Approval of Minutes

Minutes of October 6, 2014 were approved.

II. Employment Discrimination and Managerial Practices – Gita Bolt and Arlene McCarthy of The Office of General Counsel

Gita Bolt and Arlene McCarthy presented a PowerPoint presentation on employment discrimination (Attachment #1). They also provided handouts on hiring do's and don'ts, accommodation requests, and reporting procedures for investigations of discriminations (Attachment #2).

Ms. Bolt said that the goal of their presentation was to inform managers how to best handle employment issues related to discrimination in the workplace, and, when hiring faculty/staff and to clarify issues related to medical accommodations. As soon as an individual indicates he/she needs an accommodation related to a medical condition or disability the individual needs to be referred to the appropriate office to start the negotiating process for appropriate accommodations. Medical/disability accommodation requests related to faculty/staff go to Human Resources, and medical/disability accommodation requests related to students go to the Richelle Voelker, Director of Disability Services in the Academic Resource Center (ARC). The General Counsel works closely with HR and ARC on these issues, and all accommodations are kept confidential. All managers should maintain proper documentation on any employment issues. Ric Bell handles all workers compensation claims. The Office of General Counsel can answer questions you have about how to proceed with any of these issues.

III. Open House

Dean Calzada reported that another version of the Open House schedule would be out today. There will be four HNS sessions total that include: collaborative works in the humanities, collaborative works in the sciences, a pre-health session, and a common curriculum session with Sara Butler. The College of HNS will be hosting a lunch in the Danna Center Courtyard/Riverbend Room/Claiborne Room with overflow into the St. Charles Room. Admissions will be paying for all of the college lunches this year. Departments should have significant faculty representation at the lunch.

IV. Provost Report and Vita Updates

Dean Calzada said to send faculty vita updates electronically to Diane Riehlmann and Christine Murphey by December 1st. The 2014 faculty presentations and publications will be

pulled from these vita updates for the Provost Report. Also, please send any stories about faculty/student collaborations or community engagements to Uriel Quesada.

V. Deadline for Posting Grades

Dean Calzada stressed the importance of the deadline for posting grades on Dec. 17th due to all academic actions needing to be completed by Dec. 19th.

VI. Bulletin Update

Associate Dean Quesada said that he sent everyone info on SIS and their courses. Two spreadsheets were sent; one for course title and one for course number. Changes should be sent back to Mike Rachal with a copy to Dr. Quesada. The deadline for this is mid-January, so that the correct courses can be listed in the bulletin. Professor Biguenet reported that course caps were changed and faculty did not know. Dr. Quesada suggested taking a look at the information so that he can inform Mike Rachal that there is a problem.

VII. Announcements – Dean Calzada

- Nov. 21 – Junior faculty meeting with Dean/Associate Dean in Bobet 212
- Dec. 5 – College of HNS holiday party in the dean’s office, Bobet 202
- Dec. 8 – Next Council of Chairs – due to Dean Calzada being out of town
- Nov. 5 – Dr. Rodriguez announced that Mark Fernandez will be presenting “The ‘Intentional Troubadour’: Woody Guthrie’s Travels through the Twentieth Century” in the Whitney Bank Presentation Room

VIII. Common Curriculum Advising – Dr. John Sebastian

Dr. Sebastian reminded chairs that for the fall of 2015 Juniors and Seniors will not be allowed to enroll in T level courses. He has been working with the registrar's office to try to anticipate problems with this pilot process. He said that he wants to make sure that we don't have a situation where new students are running into trouble enrolling in courses, while at the same time ensuring that upper class students have the needed courses for graduating on time. Last summer we had calls from parents saying that we did not have classes for freshmen. Some departments raised course caps, which we do not want to see since we advertise a low student/faculty ratio. Over the summer we talked about what to do to make this work better, which resulted in the current proposal to limit T enrollment in the fall to first year and second year students. Dr. Sebastian said that he would be working with others to clean up On Course, as notes below courses are cumbersome. The new lettering system will be brought in next year, which will be an improvement. Information on the common curriculum courses can be found on the website at www.loyno.edu/commoncurriculum. He said to please contact him with any common curriculum questions or concerns.

Move to Adjourn

The Meeting was adjourned at 5:00 p.m.

Attachments:

Attachment #1: Employment Discrimination (document too large to attach)

Attachment #2: Hiring Do's and Don'ts and Reporting Guides

HIRING DO'S AND DON'TS

Item	Prohibited Information	Lawful Information
AGE	Age, birth certificate. Federal law prohibits discrimination on the basis of age over 40. Inquiries as to date of high school or college graduation.	Whether candidate meets minimum or maximum age requirement that is a bona fide occupational qualification (BFOQ), such as for police officer or firefighter.
Item	Prohibited Information	Lawful Information
ALCOHOL OR DRUG USE	Alcoholism is a covered disability under the ADA. Current users of illegal drugs are not protected under the ADA. See The EEOC Enforcement Guidance on Pre-employment Disability Related Questions .	See The EEOC Enforcement Guidance on Pre-employment Disability Related Questions .
Item	Prohibited Information	Lawful Information
ARREST RECORD	Any inquiry relating to arrest. Any exception would have to be approved by the Director of Human Resources and Vice President of Department. See also CONVICTION .	None.
Item	Prohibited Information	Lawful Information
CITIZENSHIP	It is an unfair employment practice to discriminate on the basis of citizenship. The law does not protect unauthorized aliens. It protects citizens and intending citizens, which includes aliens who are lawful permanent residents, as well as temporary residents under the amnesty program who complete a declaration of intention to become a citizen.	Whether candidate is legally eligible to work in the U.S.

HIRING DO'S AND DON'TS

	<p>It is not an unfair employment practice for an employer to prefer to hire a citizen or national of the U.S. over another individual who is an alien if the two individuals are equally qualified for the job. See 8 U.S.C. § 1324B.</p>	
Item	Prohibited Information	Lawful Information
CONVICTION RECORD	<p>Inquiries relating to convictions that are irrelevant to the job being applied for. EEOC position is that conviction of crime cannot be automatic bar to employment due to adverse impact on minorities. Thus, non-hire must be justified by business necessity. Must be balanced against possibility of negligent hire liability. See also ARREST RECORD.</p>	<p>Inquiries about convictions that reasonably relate to performing the job in question. Consider both nature and number of convictions, facts surrounding each offense, the job-relatedness of each conviction and the length of time since conviction, plus applicant's employment history since conviction.</p>
Item	Prohibited Information	Lawful Information
CREDIT RATING	<p>Inquiries relating to credit history or credit rating that do not relate to the job in question. Good credit requirements have been challenged as discriminatory because they may have an adverse impact on minorities.</p>	<p>Inquiries about credit history that relate to the job in question.</p>
Item	Prohibited Information	Lawful Information
DISABILITIES	<p>See The EEOC Enforcement Guidance on Pre-employment Disability Related Questions. In general, the employer may not ask disability-related</p>	<p>Questions about the applicant's ability to perform specific job functions. See The EEOC</p>

HIRING DO'S AND DON'TS

	questions at the pre-offer stage.	Enforcement Guidance on Pre-employment Disability Related Questions.
Item	Prohibited Information	Lawful Information
EDUCATION	Disqualification of a candidate who does not have a particular degree unless employer has proven that the specific degree is the only way to measure a candidate's ability to perform the job in question.	Inquiries regarding degrees or equivalent experience. Information regarding courses relevant to a particular job.
Item	Prohibited Information	Lawful Information
HEIGHT OR WEIGHT REQUIREMENTS	Height or weight requirements not related to job.	Height or weight requirements necessary for the job.
Item	Prohibited Information	Lawful Information
MARITAL AND FAMILY STATUS	Do not ask about childcare problems, number of children, pregnancy, support orders, etc.	Questions about whether candidate can meet work schedule. Ask of both sexes.
Item	Prohibited Information	Lawful Information
MEMBERSHIP	Inquiries about membership in an organization which reflects religion, national origin, race, sex or age of the candidates. Not hiring someone because they belong to the National Organization for Women might be viewed as sex discrimination.	Inquiries which do not elicit discriminatory information.

HIRING DO'S AND DON'TS

Item	Prohibited Information	Lawful Information
MILITARY SERVICE	Under federal law, federal contractors may only invite disabled or Vietnam era veterans to self-identify if it is in connection with an affirmative action effort. Preferring applicants with honorable discharge rather than dishonorable discharge may be race discrimination under the adverse impact theory. The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects against discrimination on the basis of military service. However, a less than honorable discharge can be the basis for denial of reemployment under USERRA. Cannot ask about military convictions, unless job related.	Type of experience or education in military as it relates to job. Office of Federal Contract Compliance Programs (OFCCP) guidance forthcoming on whether an employer may ask about prior military service.
Item	Prohibited Information	Lawful Information
NAME	Inquiries to determine national origin, ancestry, or prior marital status.	Whether candidate has ever worked under a different name.
Item	Prohibited Information	Lawful Information
NATIONAL ORIGIN	Lineage, ancestry, descent, mother tongue, birthplace, citizenship. National origin of spouse or parents. Refusal to hire because of a foreign accent or lack of facility with English could be construed as national origin discrimination. Individuals must be able to communicate well enough to perform the job.	Whether candidate is legally eligible to work in the U.S.

HIRING DO'S AND DON'TS

Item	Prohibited Information	Lawful Information
RACE OR COLOR	Complexion or color of skin.	None.
Item	Prohibited Information	Lawful Information
RELIGION	Religious preference or affiliation. See also Religious Discrimination .	Whether applicant can meet work schedule with reasonable accommodation if necessary.
Item	Prohibited Information	Lawful Information
SEX	Sex of applicant, where sex is not a bona fide occupational qualification (BFOQ).	Sex of applicant where BFOQ, such as actor or actress.

Reporting Guide

This handout serves as a guide for directing reports to the proper authority for investigation. If a member of the Loyola community is not comfortable directing a report to the contact identified, she or he is not limited by this guide from directing a report to the Compliance Officer or an alternate authority listed on this handout.

ADA prohibits discrimination based on disability status. To make requests for accommodations or report violations:

- Students report to the Academic Resource Center, Disability Officer;
- Faculty report to Human Resources; and
- Staff report to Human Resources.

Title VI, VII Discrimination in Employment or Educational

Opportunities prohibits discrimination based on race, color, national origin, age, religion, military/veteran status, genetic information, marital status, citizenship status, or any other characteristic. To report violations:

- Students report to Student Affairs;
- Faculty report to the Provost; and
- Staff report to Human Resources.

Title IX Sex Discrimination prohibits discrimination on the basis of sex, sexual harassment, stalking or violence. To report violations:

- Students report to Student Affairs;
- Faculty report to the Provost;
- Staff report to Human Resources; or
- Anyone may report to the Title IX Coordinator and Title IX Deputy Coordinators, whose names are listed on the Compliance webpage.

Non – Retaliation Policy protects members of the Loyola community who make good faith reports regarding potential University-related violations of laws, regulations or University policies from retaliation. To report violations:

- Students report to Student Affairs;
- Faculty report to the Provost; and
- Staff report to Human Resources.

What Constitutes an Accommodation Request?

1. "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing."
2. "I need six weeks off to get treatment for a back problem."
3. "I would like a new chair because my present one is uncomfortable."
4. "Due to multiple sclerosis, my husband needs to be hospitalized, and thus requires time off."

All but # 3. The employee does not link his need for the new chair with a medical condition. A request for accommodation under the Americans with Disabilities Act as Amended and Section 504 of the Rehabilitation Act is defined as a **request for "an adjustment or change at work for a reason related to a medical condition."**

A family member, friend, health professional or other representative may request a reasonable accommodation on behalf of the individual with a disability.

While the individual with a disability does not have to be able to specify the precise accommodation, she or he does need to describe the problems posed by the workplace barrier.

As a supervisor, any time you get a request for an adjustment or change from an employee that is linked with a medical condition you should **refer the employee to Rachel Dirman in Human Resources** to begin the interactive process of determining what reasonable accommodation the University can provide.

As an instructor, any time you get a request for an adjustment or change from a student that is linked with a medical condition, you should **refer the student to Richelle Voelker in the Academic Resource Center** to begin the interactive process of determining what reasonable accommodation the University can provide.