

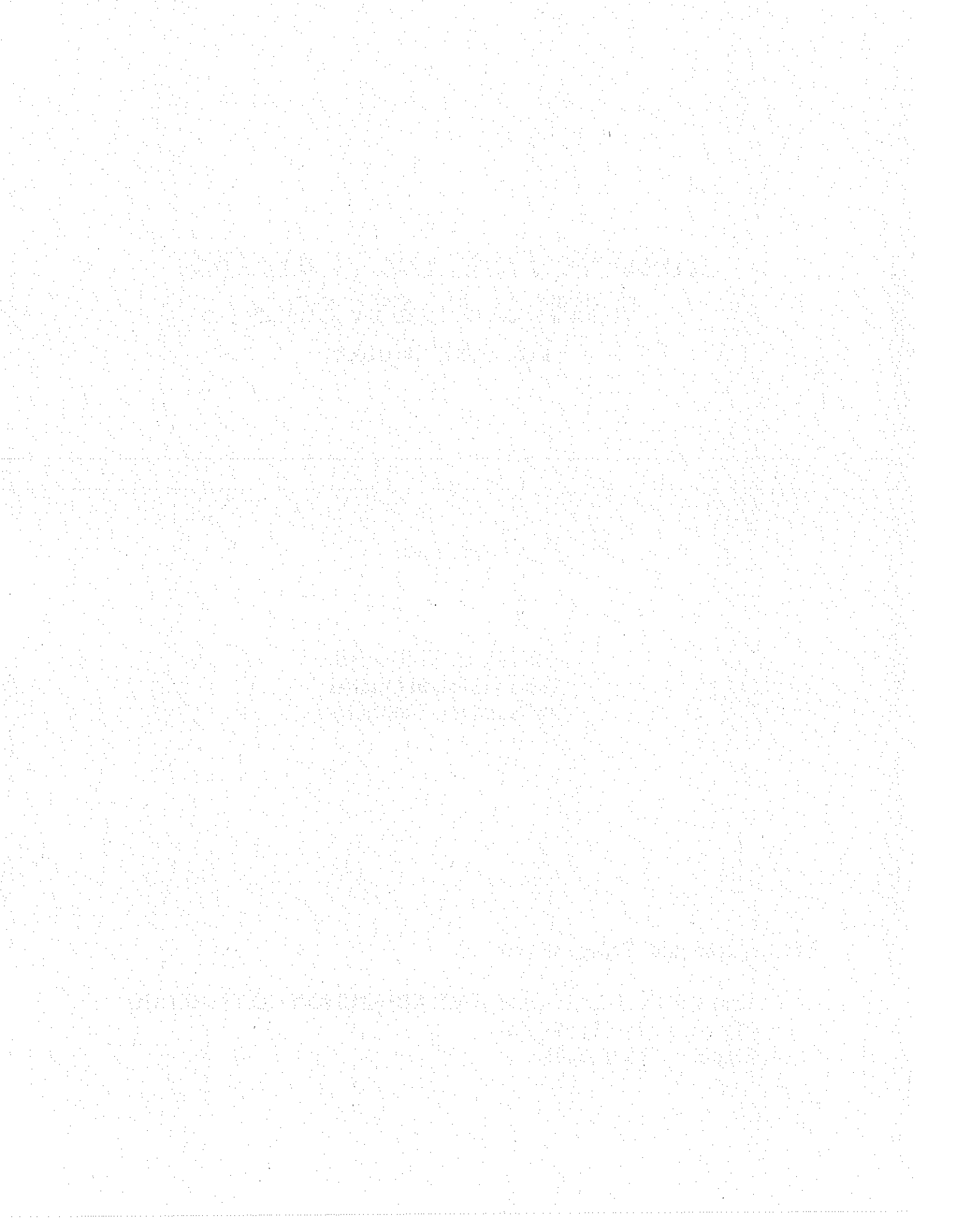
**ADMINISTRATOR TRAINING
WITH CASE STUDIES
The ASU Model**

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Arizona State University (ASU) is located near Phoenix in the city of Tempe, Arizona. ASU has three campuses, 50,000 students, 7000 full-time employees (12,000 including part-time employees), and approximately 2600 faculty members. In 1999, the Wall Street Journal and the San Francisco Daily Journal cited an administrator training program at ASU called the Law for the University Administrator Workshop (LUAW) and noted that universities are implementing such programs as a means of controlling risk and liability. ¹

ASU presented its first LUAW in 1989, and has presented the program annually since. The program is organized and hosted by the Office of General Counsel in October on three consecutive mornings from 8:00 a.m. to noon. Initially, the Workshop targeted administrators new to the university and limited attendance to approximately 50 participants to facilitate group discussion and interaction. The cost to each participant or his or her department was \$75.00 this year and is used to help defray the costs of printing notebook materials and the food and beverages provided each morning before the session and during a morning break. The program is held in a large room in the ASU Memorial Union for general sessions and four or five small rooms for small group discussion of case studies or skits.

Presenters and Topics Presented

¹ This paper discusses only one training program at ASU, a particular one offered by the Office of General Counsel. I would be remiss in not mentioning and list training conducted by other offices on a continuing basis. Human Resources conducts orientation with all new employees where policies on student records, discrimination, sexual harassment, conflict of interests, gifts, political activity, whistle-blowing, misuse of resources, open meeting laws and outside employment are presented on the first day of work; the Equal Opportunity/ Affirmative Action Office presents numerous training sessions on sex harassment and other discrimination; grievance committees receive training on due process procedures; and Human Resources offers many programs and workshops throughout the year on selected topics as well as a Leadership Academy and Supervisor Academies to mid-level managers through multi-session programs, involving several presenters.

Presenters include attorneys in the Office of General Counsel (OGC), the Director of Equal Opportunity/Affirmative Action, guest speakers from other universities, law firms, or public agencies, and in-house risk managers. Presenters use a variety of presentation methods during their sessions including lecture, panel discussion, case studies, and role-playing. Some of the presenters and representatives of Human Resources, the Provost's Office and Affirmative Action act as facilitators in small group discussions.

Topics covered each year are: employment law, discrimination and harassment, FMLA and leave entitlements, insurance and risk management, contracts and procurement, conflicts of interest and an open forum for questions and answers. In addition, selected topics are added from year to year as requested by previous attendees, or required by new legislation or case law, or because of their topical interest at the time. Examples include: copyright, disruptive students and employees, student internships and field trips, Internet law, and computer use and privacy.

Materials Provided to Participants

OGC assembles and provides tabbed, three-ring notebooks of materials to each attendee to review before the Workshop. The notebook contains each presenter's topic outline, PowerPoint or similar presentation, published university brochures, case studies, legal briefings, and information on access to various university websites, including the General Counsel's home page where topic papers, forms and other materials are posted.

Targeting the Desired Audience

At this time, LUAW is designed for and targeted to approximately 100 to 120 participants. The invitation list has expanded to include not only new administrators, but also current administrators who are not new to the university, college deans, department directors and chairs, supervisors, administrative support staff nominated by their supervisors, faculty, and service and academic professionals.

At least six to eight weeks before the program, OGC staff distributes invitations to university executive administrators, college deans, and department directors and chairs. About four weeks

before the workshop, the General Counsel meets with the executive and dean's councils and encourages them to nominate and support employees in their areas to attend. The university newspaper lists the program about eight weeks in advance, and the Human Resources Department posts the program in the schedule of available employee development opportunities for the year on its web site, also about eight weeks in advance.

Use of the Case Study Method

Presenters use a variety of presentation methods during each session, such as PowerPoint, lecture, case study with whole group discussion, role playing, and small group discussion of case studies or skits developed by the presenters.

Four skits of employment/personnel case studies (real situations) were enacted by OGC attorneys and staff during the employment session of LUAW for the first time two years ago. The presenter lectured briefly with a Power Point presentation; the skits were presented from an elevated platform to the whole group, and then the participants separated into small groups of 20 to 25 and relocated to other rooms accompanied by a facilitator for discussion of the four scenarios. Facilitators observed that role-playing or skits promoted immediate, spirited discussion as soon as participants joined a small group and eliminated the time and need to read through each case study prior to discussion. This session of the program was conducted in 90 minutes.

Examples of how the case study method is incorporated into workshop presentations:

Employment law session: lecture with four skits and small group discussion. Issues presented - poor or deteriorating performance, progressive discipline, termination, due process/hearing rights, inappropriate computer access, whistle blowing, faculty evaluation, tenure denial. Each case study or skit is limited to two or three issues, however.

Discrimination/harassment session: lecture with examples followed by small group discussion in separate rooms of four case studies. Issues addressed - sexual harassment,

sexual orientation, religious or other unlawful discrimination, affirmative action; appropriate comparison of an applicant's qualifications.

Student matters session: presentation of internship and field trip issues and discussion of a case study with the whole group.

FMLA and related ADA, injury, worker's comp. and leave session: lecture with a presentation followed by small group discussion in separate rooms of two FMLA case studies.

Disruptive students and employee session: a panel representing Public Safety, Student Affairs and Employee Assistance role-played a disruptive student, a disruptive employee and a counselor; audience discussion followed.

Contracts/procurement session: lecture, presentation, and whole group discussion of a case study.

Conflicts of interest session: lecture followed by whole group discussion of several short case studies.

The use of case studies, role-playing and skits has increased since the Workshop was first conducted and, at this time, almost every speaker uses one or more of these methods. The increase in use of these methods resulted in part from feedback of participants who enjoy a variety of presentation methods and styles, and their positive evaluation of small group discussion on realistic situations they have experienced or likely will encounter. For the presenters, these methods as well as the Workshop in general, provide an opportunity early in the academic year to meet new administrators, to encourage the use of the many resources available to them, to engage in a positive training experience, and to have fun in the process!

Observed Benefits of In-House Training

The university believes there are numerous benefits to be derived from in-house training of administrators, including education on significant laws and policies which apply to them in their positions; consideration of legal and managerial issues in advance of occurrence; exposure to the collective wisdom and experiences of the participants, who have successfully (or not) resolved difficult and/or potentially litigious situations or cases; receipt of a notebook of useful and relevant information for future reference; and, perhaps most important, the introduction of a number of in-house specialists and resources to the participants, resources who are accessible and available for consultation and active assistance. Calls, contacts and communication with university attorneys and other representatives always increase after each Workshop. ASU believes that a key goal of a university legal office and other service offices is to provide timely, correct and professional advice and service to the university community on a proactive basis, and LUAW is one program which tries to effectuate this goal.

Information or Questions

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1. WHAT IS CAROLYN'S PROBLEM?

Carolyn is an administrative associate to a department manager. The manager, Lori, is troubled that on occasion Carolyn's punctuality in reporting to work is erratic although she either calls in advance or provides a legitimate excuse on arrival. Also, Lori has noticed a "vacant expression" on Carolyn's face from time to time. Recently, the manager received a complaint from a co-worker of Carolyn's that Carolyn would stare into space for no apparent reason and seemed to lose her balance periodically. Within the last 30 day period, Carolyn's tardiness has increased significantly. Her excuse - she's having "personal problems." A co-employee of Carolyn's reported to Lori that she observed Carolyn meet with someone near the work site during the lunch hour and thought he saw money exchanged for a small package. That afternoon Carolyn seemed "out of it" on the job. Lori is considering discipline.

As Carolyn's manager and supervisor, what do you advise?

2. WHAT WAS BILL THINKING?

Bill is a service professional who was hired six months ago by the Computer Maintenance Department. He is considered by Elaine, his supervisor, to be one of her best employees, a very experienced and skilled technician.

Recently, however, Elaine received a complaint by a university employee who had stumbled upon Bill viewing obscene material on her supervisor's computer, which he had been sent to repair.

Furious, Elaine wants to access other computers Bill has worked on in the past month to see what he was viewing and she wants your administrative approval to terminate his employment immediately.

What do you decide?

Is there a distinction between non-renewal and termination of a service professional?

Is progressive discipline required?

How would you handle the obscenity issue?

3. IS MATT HISTORY?

Matt has been the secretary to Mary, Director of Student Programming, for one year. Lately, Mary has been unsatisfied with Matt's work habits. After speaking to him about his frequent tardiness to work, Mary catches Matt reading a magazine at his desk. Frustrated, Mary gives him a first written reprimand.

A week later, Mary overhears Matt on a personal telephone call after she returns from a meeting in which the report he had typed for her was full of errors. She immediately gives him a second reprimand and warns him to limit his calls to university business. Matt requests that he be given more time to improve, claiming that a week between reprimands is not enough. Mary, angry at his protest, fires him on the spot.

You are the HR advisor.

Can Mary proceed with termination?

What policy errors were made?

What right does Matt have as a classified staff member?

4. HANK - WHISTLE-BLOWER OR POOR PERFORMER?

Hank is a third year probationary faculty member in the Department of Science. His second year evaluation was positive. His third year evaluation was mixed, noting negatives:

- his failure to attend faculty meetings on a regular basis;
- complaints of his after class socialization with students at the local hamburger/beer hangout, sometimes becoming intoxicated; and
- insufficient progress in research and publication for a third year faculty member.

Hank shares a lab with a tenured faculty member who complained to the department chair about

Hank's drinking with students, even suggesting that Hank missed some faculty meetings because he was too intoxicated to attend.

The department chair calls Hank into the office to discuss his upcoming fourth year evaluation in the fall, the complaints about Hank and his progress in research and publication.

Hank states that he does not become intoxicated with students, that he has good rapport with them; that his research and publication is on track but it's really difficult to get published; and that he will improve his attendance at faculty meetings. At that point, Hank states that there is a bigger problem; that is, Hank knows it was his lab partner who complained. Hank advises his chair that the lab partner is violating federal regulations on radiation exposure in the laboratory. When Hank tried to speak to the faculty member about this, the faculty member told Hank to forget about it, that the regulations are just burdensome red tape anyway. The chair advised that he will investigate the lab situation.

The result of Hank's fourth year review is a recommendation from the department that he be non-renewed after his fifth year. Hank is furious and immediately writes a lengthy letter to the provost stating that the department recommendation for non-renewal is retaliation for blowing the whistle on a faculty peer and her lab practices. You are the provost. What should you do?