

VII. STANDING COMMITTEES

A. Academic and Student Affairs Committee

Review of the Freeh Report and Safety of Minors

For information only.

*Attachments*

1. Memorandum from Provost creating the University of Washington Committee on the Safety of Minors
2. Freeh Report: Recommendations for Governance, Administration, and Protection of Children (abridged version)

July 30, 2012

***University of Washington Committee on the Safety of Minors***

Eric Godfrey, Vice President & Vice Provost, Student Life, ***Chair***

David Anderson, Executive Director, Health Sciences Administration

Cheryl Cameron, Vice Provost for Academic Personnel, Office of the Provost

Robert Stacey, Interim Dean, College of Arts and Sciences

David Szatmary, Vice Provost, UW Educational Outreach

Stephanie Rempe, Senior Associate Athletic Director

Mindy Kornberg, Vice President, Human Resources

Kenyon Chan, Chancellor, UW Bothell

***Advisor:***

John Nicholson, Assistant Attorney General, Attorney General's Office

***Support:***

Elizabeth Cherry, Executive Director, Risk Management

Becky Bullock, Director, Risk Financing, Office of Risk Management

Glenna Chang, Organizational Development, Student Life

Susan Freccia, Project Manager, Office of Risk Management

Dear Colleagues:

I am writing to invite you to serve as a member of the newly constituted University of Washington Committee on the Safety of Minors. The committee's mission will be to advance the safety of minors at the UW by providing advice and guidance related to laws, regulatory obligations and contractual commitments through:

- Development of policies, standards, and guidelines
- Helping define roles and responsibilities for staff and academic personnel
- Incident response protocols, including:
  - Effective lines of communication and procedures to receive complaints or reports
  - Identifying resources and methods for investigation of misconduct and use of appropriate corrective actions and preventive measures
  - Systems of appropriate disciplinary action for perpetrators and for failure to report suspected abuse
- Training and education, including information resources for programs and initiatives involving minors
- Compliance and risk assessments

I anticipate that the committee will also establish working groups to create and implement effective compliance and safety measures. The committee's scope includes on and off-campus programs controlled by the University that involve contact with or the participation of minors. 'Minors' in this context means students and non-students under the age of 18.

Eric Godfrey, Vice President and Vice Provost for Student Life, will chair the committee. Eric will work with the committee to determine the schedule and frequency of its meetings. An important first task for the committee will be to develop formal policies and training related to recently enacted Senate Bill 5991, which requires all higher education employees to report suspected child abuse or neglect.

Thank you in advance for your willingness to serve on this important new committee which will help to carry out the University's commitment to a safe, healthy environment for all our students, staff, faculty and visitors.

Sincerely,

A handwritten signature in black ink that reads "Ana Mari Cauce". The signature is written in a cursive, flowing style.

Ana Mari Cauce  
Provost and Executive Vice President

c: Jack Johnson

FREEH REPORT <sup>1</sup> : RECOMMENDATIONS FOR GOVERNANCE, ADMINISTRATION, AND PROTECTION OF CHILDREN <sup>2</sup>	UW NOTES
<b>1.0 – Penn State Culture</b>	Specific to Penn State.
<b>2.0 – Administration &amp; General Counsel: Structure, Policies &amp; Procedures</b>	
<b>2.1 Review/adjust organizational structures.</b>	
<ul style="list-style-type: none"> <li>• Evaluate/adjust the span of control of University President to ensure that the President’s duties are realistic and capable of the President’s oversight and control.</li> </ul>	Unclear whether this review is needed at UW.
<ul style="list-style-type: none"> <li>• Evaluate/adjust the span of control and responsibility of the Senior Vice President - Finance and Business (“SVP FB”) to ensure that the duties are realistic and capable of oversight and control.</li> </ul>	Unclear whether this review is needed at UW.
<ul style="list-style-type: none"> <li>• Upgrade the position of the Associate Vice President for Human Resources to a Vice President position reporting directly to University President.</li> </ul>	Already done at UW
<ul style="list-style-type: none"> <li>• Evaluate/adjust size, composition and procedures of President’s Council.</li> </ul>	Cabinet membership reviewed in 2011
<b>2.2 Review/adjust administrative processes and procedures.</b>	
<ul style="list-style-type: none"> <li>• Separate Office of Human Resources from Finance and Business organization.</li> </ul>	Done at UW: HR VP reports directly to President; the Academic Personnel VP reports directly to Provost. <i>(Note: In this table “UW HR” refers to Staff HR and Academic Personnel.)</i>
<ul style="list-style-type: none"> <li>• Assign all HR policy making responsibilities to the OHR and limit the ability of individual departments and campuses to disregard University’s human resources policies and rules.</li> </ul>	That is the expectation at UW. <i>(Note: Policy making authority also resides with the Provost; faculty policies are developed via shared governance.)</i>
<ul style="list-style-type: none"> <li>• Centralize HR functions, where feasible, such as background checks, hiring, promotions, terminations, on board orientation and management training, while recognizing the unique requirements of University components and campuses, and their need for measured autonomy.</li> </ul>	UW HR is satisfied with what functions are/are not centralized at UW. (Background checks are currently being revised.)
<ul style="list-style-type: none"> <li>• Designate the Vice President for Human Resources (“VP HR”) as the hiring authority for HR representatives throughout University and establish a “dotted line” reporting relationship between the HR representatives and the VP HR similar to that used in the Finance and Audit areas.</li> </ul>	Would not be not consistent with UW’s operational structure with functioning checks and balances. But structure may be worth revisiting as administrative systems and processes are revamped.
<ul style="list-style-type: none"> <li>• Develop job descriptions for all new key leadership positions and incumbent positions if none exist.</li> </ul>	An ongoing process.
<ul style="list-style-type: none"> <li>• Evaluate/modify the size of the OHR staff, benchmark its human capital capacity against public universities of similar size and scope of responsibility.</li> </ul>	Review of UW HR staffing levels may be worthwhile.
<ul style="list-style-type: none"> <li>• Adopt a Human Resource Information System with sufficient growth capacity for use at all campuses.</li> </ul>	HR/Payroll system replacement project and business redesign is in the works at UW.
<ul style="list-style-type: none"> <li>• Engage external HR professionals to assist in the development of University’s performance management system.</li> </ul>	External HR firm is facilitating business process redesign portion of UW HR/Payroll replacement project.

<sup>1</sup> Report of the Special Investigative Counsel Regarding the Actions of Pennsylvania State University Related to the Child Sexual Abuse Committed by Gerald A. Sandusky by Louis A. Freeh (July 12, 2012)

<sup>2</sup> Abridged

<ul style="list-style-type: none"> <li>• Provide OHR with complete access to executive compensation information and utilize the OHR, in conjunction with Budget Office, to benchmark and advise the administration and the Board of Trustees on matters of executive compensation.</li> </ul>	UW HR does this.
<ul style="list-style-type: none"> <li>• Develop a mechanism to provide and track all employee training mandated by state and federal law and University policies.</li> </ul>	Ability to track completion of required training <i>may</i> be included in scope for the HR/Payroll replacement project, but not determined as yet.
<ul style="list-style-type: none"> <li>• Update, standardize, centralize, and monitor background check procedures.</li> </ul>	UW recently reviewed background check systems and is implementing a revised mix of centralized and decentralized processes.
<ul style="list-style-type: none"> <li>• Require updated background checks for employees, contractors and volunteers at least every five years.</li> </ul>	Periodic updating may be worth consideration.
<ul style="list-style-type: none"> <li>• Audit periodically the effectiveness of background check procedures and self reporting system for employees.</li> </ul>	Internal Audit looks at this when auditing for losses.
<ul style="list-style-type: none"> <li>• Update computer use policies and regularly inform employees of expectations and employee responsibilities with regard to electronic data and materials.</li> </ul>	Done at UW, but could be strengthened.
<ul style="list-style-type: none"> <li>• Develop a procedure to ensure that University immediately retrieves keys and access cards from unauthorized persons.</li> </ul>	Policies in place at UW, but depend upon actions by many individual employees and could be improved.
<b>2.3 Complete development of Office of General Counsel.</b>	Specific to Penn State
<b>2.4 Advertise all senior executive positions externally and engage educational search experts to broaden the talent pools for senior executive positions.</b>	Somewhat specific to Penn State. (Most UW searches are publicly advertised.)
<b>2.5 Integrate faculty and staff from different disciplines and areas in University wide professional development/leadership training to increase their exposure to other University personnel, programs, challenges and solutions.</b>	Most UW training is offered and presented across units.
<b>2.6 Implement consistent, state of the art records management and retention procedures.</b>	Multiple fronts to this effort at UW. More work to be done.
<b>2.7 Provide sufficient support and oversight of the Office of Student Affairs to make certain that all students follow the same standards of conduct.</b>	UW already has one code of student conduct for all students, overseen by Student Life.
<b>2.8 Designate an individual, administrative entity or committee to approve and review all new and modified University policies.</b>	
<ul style="list-style-type: none"> <li>• Develop guidelines for creating, standardizing, approving, reviewing and updating University policies.</li> </ul>	UW has a centralized rules coordination office; some specialized policies (e.g. GIM) are outside it.
<ul style="list-style-type: none"> <li>• Review periodically all University policies for relevance, utility and necessity, and modify or rescind as appropriate.</li> </ul>	Some more work to do in this area.
<b>3.0 – Board of Trustees: Responsibilities and Operations</b>	
<b>3.1 Review the administrative and governance issues raised in this report, particularly with regard to the structure, composition, eligibility requirements and term limits of the Board, the need to include more members who are not associated with University, and the role of the Emeriti.</b>	Specific to Penn State.

<b>3.2 Review, develop and adopt an ethics/conflict of interest policy for the Board that includes guidelines for conflict management and a commitment to transparency regarding significant issues.</b>	Conflict rules in place for UW Board.
<ul style="list-style-type: none"> <li>• Include training on ethics and oversight responsibilities in the current regulatory environment in Board member orientation.</li> </ul>	More ethics training for Board may be worthwhile.
<ul style="list-style-type: none"> <li>• Require full and public disclosure by Board members of financial relationships between themselves and their businesses and University.</li> </ul>	Rules in place for UW Board.
<b>3.3 Implement the Board's proposals for revised committee structures to include a committee on Risk, Compliance, Legal and Audit and subcommittees for Audit and Legal matters; and a subcommittee for Human Resources as part of the Committee on Finance, Business and Capital Planning.</b>	Mostly specific to Penn State, but some ongoing UW discussion about committee structure.
<ul style="list-style-type: none"> <li>• Rotate Committee Chairs every five years or sooner.</li> </ul>	Committee chairs change annually.
<b>3.4 Increase and improve the channels of communication between the Board and University administrators.</b>	
<ul style="list-style-type: none"> <li>• Ensure that President, General Counsel and relevant members of senior staff thoroughly and forthrightly brief the Board at each meeting on significant issues facing University.</li> </ul>	This is the expectation at UW.
<ul style="list-style-type: none"> <li>• Require regular Risk Management, Compliance and Internal Audit reports to the Board on assessment of risks, pending investigations, compliance with federal and state regulations as well as on measures in place to mitigate those risks.</li> </ul>	Done at UW.
<ul style="list-style-type: none"> <li>• Require that the SVP FB, the GC and/or their designee to provide timely briefings to the Board on potential problem areas such as unusual severance or termination payments, Faculty and staff Emeriti appointments, settlement agreements, government inquiries, important litigation and whistleblower complaints.</li> </ul>	UW Board is briefed on significant issues.
<ul style="list-style-type: none"> <li>• Use the Board's Executive Session with the President to make relevant and reasonable inquiry into substantive matters and to facilitate sound decision making.</li> </ul>	Done at UW, as allowed by Open Meetings law
<ul style="list-style-type: none"> <li>• Review annually Clery Act reports, and the compensation and performance of senior executives and leaders.</li> </ul>	UW Board does not review Clery Act reports.
<ul style="list-style-type: none"> <li>• Conduct an informational seminar for the Board and senior administrators on Clery Act compliance and reporting procedures.</li> </ul>	UW Board not involved with Clery Act compliance.
<ul style="list-style-type: none"> <li>• Continue to provide all Board members with regular reports of local, national and academic media coverage of University.</li> </ul>	Done case-by-case at UW.
<b>3.5 Increase and improve the channels of communication between the Board and University community.</b>	
<ul style="list-style-type: none"> <li>• Establish and enforce rules regarding public and press statements made by Board members and Emeriti regarding confidential University matters.</li> </ul>	Special press rules for Board not needed at UW.
<ul style="list-style-type: none"> <li>• Increase and publicize the ways in which individuals can convey messages and concerns to Board members.</li> </ul>	Contact options published at UW website.
<ul style="list-style-type: none"> <li>• Provide Board members with individual University email addresses and make them known to the public.</li> </ul>	Done at UW.
<ul style="list-style-type: none"> <li>• Use common social media communications tools to communicate with the public on various Board matters.</li> </ul>	Not done at UW.
<b>3.6 Develop a critical incident management plan, including training and exercises, for the Board and University administrators.</b>	May be worth exploring.
<b>3.7 Continue to conduct and publicize periodic internal and external self</b>	

<b>assessments of Board performance.</b>	
<b>4.0 – Compliance: Risk and Reporting Misconduct</b>	
<b>4.1 Establish and select an individual for a position of “Chief Compliance Officer.”</b> The Chief Compliance Officer should:	UW has not chosen to put all compliance in a single position.
• Head an independent office equivalent to the Office of Internal Audit.	n/a
• Chair a Compliance Council.	UW Internal Audit does this.
• Coordinate compliance functions in a manner similar to the Office of Internal Audit.	UW Internal Audit does this.
• Have similar access to, and a reporting relationship with the Board, as does the Internal Auditor.	n/a
• Coordinate the Chief Compliance Officer’s responsibilities with the Office of General Counsel, the Director of Risk Management and the Director of Internal Audit.	n/a
• Direct further review of any incidents or risks reported to the Compliance Officer.	n/a
<b>4.2 Assign full time responsibility for Clery Act compliance to an individual within University Police Department and provide the individual with sufficient resources and personnel to meet Clery Act regulations.</b> The individual responsible for Clery Act compliance should:	Done at UW
• Establish a University policy for the implementation of the Clery Act.	Done at UW
• Create a master list of names of those persons with Clery Act reporting responsibilities, notify them annually of the Clery Act responsibilities and publish the list to University community.	Done at UW
• Require, monitor and track training, and periodic retraining for Campus Security Authorities (“CSAs”) on Clery Act compliance.	Done at UW
• Provide information to the OHR on Clery Act responsibilities, reporting suspicious activity to CSAs and whistleblower protection for inclusion in the general training for all employees.	Done at UW
• Coordinate timely notices of incidents and threat warnings with the Vice President for Student Affairs, Chief Compliance Officer and General Counsel.	Done at UW
• Review annual Clery Act reports with the President’s Council, the Board, and the Compliance Officer.	Not done at UW
• Coordinate Clery Act training and compliance with other campuses.	Done at UW
• Arrange for periodic internal and external audits of Clery Act compliance.	Done at UW
<b>4.3 Update regularly and prioritize University’s list of institutional risks; determine the appropriate implementation and audit schedule for those risks; and present the results to the Board.</b>	This is the purpose of the UW Enterprise Risk Management system, which is still evolving.
<b>4.4 Send a communication to all University students, faculty and staff at the beginning of each academic term: that encourages the reporting of misconduct; describes the channels for direct or anonymous reporting; and University’s whistleblower policy and protection from retaliation.</b>	Widely publicized at UW, but could be increased.
<b>4.5 Publicize the employee misconduct hotline regularly and prominently throughout University on a variety of platforms.</b>	No UW-wide misconduct hotline. Deserves review.
<b>5.0 – Athletic Department: Integration and Compliance</b>	
<b>5.1 Revise the organizational structure of the Athletic Department to clearly define lines of authority, responsibilities and reporting relationships.</b>	Recently reviewed at UW.

<b>5.2 Evaluate security and access protocols for athletic, recreational and camp facilities and modify as necessary to provide reasonable protections for those using the facilities.</b>	Ongoing. With the many changes in facilities, this is under continuous review.
<b>5.3 Conduct national searches for candidates for key positions, including head coaches and Associate Athletic Director(s) and above.</b>	Typically done at UW.
<b>5.4 Integrate, where feasible, academic support staff, programs and locations for student athletes.</b>	Already done with many successful programs.
<b>5.5 Provide Athletic Compliance Office with additional staff and resources to meet its many responsibilities.</b>	Ongoing.
<ul style="list-style-type: none"> <li>• Benchmark against peer institutions to determine an appropriate staffing level for the office.</li> </ul>	Done recently and will be evaluated regularly.
<ul style="list-style-type: none"> <li>• Establish an effective reporting relationship with University Compliance Officer.</li> </ul>	Not applicable – UW compliance is decentralized.
<ul style="list-style-type: none"> <li>• Realign the compliance related responsibilities of Athletic Department staff to ensure that the Athletic Compliance Office has oversight of the entire program.</li> </ul>	Already in place at UW.
<ul style="list-style-type: none"> <li>• Ensure that new hires and incumbent compliance personnel have requisite working knowledge of the NCAA, Conference and University rules.</li> </ul>	A regular UW practice.
<b>5.6 Ensure that Athletic Department employees comply with University wide training mandates.</b>	Ongoing.
<ul style="list-style-type: none"> <li>• Provide and track initial and on-going training for athletic staff in matters of leadership, ethics, standards of conduct, abuse awareness, and reporting misconduct pursuant to the Clery Act and University policy.</li> </ul>	Ongoing and working with UW HR on tracking systems.
<ul style="list-style-type: none"> <li>• Include Athletic Department employees in management training programs provided to other University managers.</li> </ul>	Already done at UW.
<b>6.0 – University Police Department: Oversight, Policies and Procedures</b>	<i>Note: Only Seattle campus has a police dept.</i>
<b>6.1 Arrange for an external examination of Police Department’s structure, policies and procedures through a professionally recognized accreditation body, with emphasis on UPD’s training for and qualifications of sex abuse investigators.</b>	UWPD is CALEA accredited
<b>6.2 Review the organizational placement of University Police Department in University’s Finance and Business area in conjunction with the review of the span of control of the SVP FB.</b>	Done; UW Police not under Finance Office.
<b>6.3 Provide the Director of Public Safety with sufficient administrative authority and resources to operate effectively and independently.</b>	Done at UW Seattle
<b>6.4 Review records management procedures and controls, revise where needed.</b>	On-going
<ul style="list-style-type: none"> <li>• Establish a policy to ensure that all police reports alleging criminal conduct by Penn State students, faculty and staff are reported to the OHR.</li> </ul>	Not done at UW.
<ul style="list-style-type: none"> <li>• Establish or reinforce protocols to assign a timely incident number and proper offense classification to all complaints received.</li> </ul>	Done at UW.
<ul style="list-style-type: none"> <li>• Include the final disposition of each complaint in the original or follow up report (e.g., founded, unfounded, exceptionally cleared).</li> </ul>	Done at UW electronically.
<b>6.5 Establish a policy to request assistance from other law enforcement agencies in sensitive or extraordinary cases or where a conflict of interest may exist.</b>	UW refers extraordinary and conflict cases to other agencies. Have mutual aid agreements in place. Need policy re when to call on experts for sexual abuse cases.



<b>6.6 Implement consistent law enforcement standards and practices, through regular training at all Penn State campuses.</b>	Part of CALEA requirements for UWPD (Seattle)
<b>6.7 Review and update, with the GC, current policies pertaining to investigation of various categories of offenses involving Penn State employees.</b>	Done at UW (with AG's office) as necessary.
<b>6.8 Provide specialized training to investigators in the area of sexual abuse of children.</b>	No specialized training. Uses outside forensics interviewers when necessary (see 6.5 above); review Patrol SOP.
<b>7.0 – Management of University Programs for Children &amp; Access to Facilities</b>	
<b>7.1 Increase the physical security and access procedures in areas frequented by children or used in camps and programs for children.</b>	Provost created Safety of Minors Committee at UW in mid-2012.
<b>7.2 Require and provide abuse awareness and mandatory reporter training to all University leaders, including faculty, coaches and other staff, volunteers and interns.</b>	Within scope of Safety of Minors Committee.
<ul style="list-style-type: none"> <li>• Consolidate responsibility for abuse awareness training and mandatory reporting in the OHR and coordinate abuse awareness training throughout University.</li> </ul>	Within scope of Safety of Minors Committee.
<b>7.3 Consolidate oversight of University's policies and procedures for programs involving non student minors in the OHR and appoint a coordinator to oversee the implementation of those policies.</b> The Coordinator should have authority to:	Within scope of Safety of Minors Committee.
<ul style="list-style-type: none"> <li>• Develop and maintain an inventory of all University programs for children.</li> </ul>	Within scope of Safety of Minors Committee.
<ul style="list-style-type: none"> <li>• Update, revise or create policies for unaccompanied children at University facilities, housing and University programs.</li> </ul>	Within scope of Safety of Minors Committee.
<ul style="list-style-type: none"> <li>• Enforce all policies relating to non student minors involved in University programs.</li> </ul>	Within scope of Safety of Minors Committee.
<ul style="list-style-type: none"> <li>• Assist University camp and youth program administrators in ensuring that staff and volunteers are appropriately supervised.</li> </ul>	Within scope of Safety of Minors Committee.
<ul style="list-style-type: none"> <li>• Provide information to parents of non student minors involved in University programs regarding U's safety protocols and reporting mechanisms.</li> </ul>	Within scope of Safety of Minors Committee.
<b>8.0 – Monitoring Change and Measuring Improvement</b>	
	Specific to Penn State