



WASHINGTON STATE UNIVERSITY

President's Commission on the Status of Women 2016 Annual Report



2016 WSU Women of Distinction and Woman of the Year recipients, along with keynote speaker Nan Stoops, Executive Director of the Washington State Coalition Against Domestic Violence, at the 2016 Women's Recognition Luncheon and Symposium. From left to right: Dominique Norman, Dr. Kimberly Garland Campbell, Katherine Bittinger, Woman of the Year Anna King, Dorothy Wiley, Nan Stoops, Dean Candis Claiborn, Dean and Interim Vice President Melynda Huskey, Dr. Faith Lutze.

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Welcoming President Kirk Schulz

The academic year 2015-2016 was one of conflicting emotions, starting with loss and ending with hope, and filled in between with the complexity of transition. The news of President Schulz's appointment was enthusiastically received by the Commission's membership, as his personal and professional track record clearly shows dedication to gender equity. And so it is our hope that after a year of transition and challenges, the Commission finds itself stronger than ever, and ready to engage in a collaborative venture with WSU's new leader and effect the change that will take us to the top 25.

Go Cougs!

Melanie-Angela Neuilly, Ph.D.
2015-2016 Chair
President's Commission on the Status of Women

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Executive Summary

The Washington State University (WSU) President's Commission on the Status of Women (CSW) was established in 1971 to gather data and make policy recommendations regarding matters pertaining to women students and all women employed by the University. Although our title reflects our contributions to the advancement of women in particular, our focus is on all members of the WSU community regardless of race, class, age, ethnic origin, disability, and sexual orientation.

The CSW's mission is to advise the President and Executive Vice President on all issues relevant to women, including, but not limited to, institutional climate, advancement and leadership, safety, childcare, anti-discrimination/harassment practices, job and leadership opportunities, hiring practices, career advancement, salary equity, family medical leave and other benefits, admission practices, awarding of financial aid, graduation rates, fellowships and assistantships, advising practices, and housing.

While many of the above areas have had significant activity in the past year, the CSW would like this report to focus on the four priority areas that have been of greatest concern to the WSU community over the past year and that require the President's and Executive Vice President's immediate attention.

The following pages provide a summary of our recommendations and reports regarding each of these four priority areas.

- Recommendations Summary (see pages 4-6)
- Women's Recognition Luncheon (see page 7)
- Employee and Student-Parent Life (see pages 8-10)
Main focuses: WSU Children's Center; childcare at regional campuses; shared leave expansion proposal
- Institutional Climate (see pages 11-14)
Main focuses: Institutional climate survey; workplace bullying and aggression policies and processes
- Mentoring and Leadership Development (see pages 15-17)
Main focus: Professional development resources, training, and mentoring
- Institutional Oversight and Administration (see pages 18-24)
Main focus: Gender pay equity
- Appendices (pages 25-45)

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Recommendations Summary

Overview

The recommendations made herein represent the collective agreement of members and friends of the Commission on the Status of Women across every category of WSU community membership (faculty, staff, and student). Over the year, the CSW held monthly meetings and subcommittee meetings in which these issues were discussed, recommendations were thoroughly vetted, and consensus was reached. The diversity and engagement of the CSW membership coupled with the group's commitment to the consensus building process has resulted in the considered recommendations before you.

The following are recommendations for each of the priority focus areas the CSW reviewed during the past year.

Women's Recognition Luncheon

- Continue sharing and expanding the shared document created by CSW and the Women's Resource Center to record the collaborative process of planning for the Women's Recognition Luncheon.
- Formalize the Women's Recognition Luncheon organization in the by-laws of both the Women's Resource Center and the Commission on the Status of Women, including the composition of a planning committee and its main responsibilities.
- Creation of a dedicated CSW Executive Board Committee position for the Chair of the Women of Distinction and Woman of the Year Awards.

Employee and Student-Parent Life (Main focuses: WSU Children's Center; childcare at regional campuses; shared leave expansion proposal)

With regard to the WSU Children's Center (WSUCC):

- Continuing improvements that have taken place in the past year and supporting the WSUCC in its recent move to CAHNRS;
- Continuing to improve the timeliness and informational value of the WSUCC's communication with families;
- Holding regular meetings of the Parent Advisory Board (PAB) with meeting times alternating between afternoons and evenings, with agendas and minutes made available widely, including online; and
- Increasing affordability, especially for staff and entry-level faculty who cannot currently afford to use the WSUCC, by aggressively pursuing grants and research-based funding opportunities to offset tuition.

With regard to childcare issues at WSU Tri-Cities and WSU Spokane:

- Supporting initiatives pertaining to providing accessible and affordable childcare for students and employees, and, if needed and appropriate, provide assistance in moving them forward.

With regard to shared leave expansion:

- CSW recommends WSU policy on shared leave be expanded to allow women to apply for and receive shared leave to cover the period of medical leave following childbirth for recovery.
- Alternatively, CSW recommends that WSU support a change in state legislation that would enable such an expansion.

Institutional Climate (Main focuses: Institutional climate survey; workplace bullying and aggression policies and processes)

With regard to the institutional climate survey:

- Examine implementing a workplace aggression survey, or adjusting the climate survey to include specific incidents of workplace aggression, including the possibility of utilizing an outside and/or non-interested party.
- Develop action plan with outcomes measures from the survey the University chooses to utilize.

With regard to workplace bullying and aggression policies and processes:

- Increase awareness of, and access to, workplace bullying policies and reporting processes.
- Examine the process of investigation and outcomes for workplace aggression complaints.
- Enhance utilization of the Office of the Ombudsman as a resource for those who may be experiencing workplace aggression.
- Implement a goal to become one of the top higher education institutions in the country to work for.

Mentoring and Professional Development (Main focus: Professional development resources, training, and mentoring)

With regard to professional development resources and training:

- We recommend taking the Women’s Resource Center up on their offer to use their website as a repository site for professional development resources.
- We recommend promoting the professional development of managers, directors, and supervisors, especially as it improves an employee's ability to manage an increasingly diverse work force; and encouraging supervisors to promote the professional development of employees.

With regard to mentoring:

- We recommend connecting those CSW members who want to be mentors with mentees.

Institutional Oversight and Administration (Main focus: Gender equity in pay)

- We recommend a formal, methodologically-sound survey of all WSU employees be conducted in order to establish a firm, evidence-based

baseline of employee compensation, by gender, race, discipline/department, position, years of experience, etc.

- In order to accomplish this step, we recommend resources be allocated to either reach out to an external entity to develop and conduct the survey, or to fund a graduate student to be embedded in an independent and yet relevant department to conduct such survey (Institutional Research or the Social and Economic Sciences Research Center, for example).
- Once a baseline has been established, we recommend WSU implement evidence-based solutions to reach gender equity in pay by 2030, a goal that would contribute to our becoming a top 25 university.

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Women's Recognition Luncheon

The Women's Recognition Luncheon is a hallmark of life at WSU. An event recognizing the accomplishment of our WSU and community women, it brings together about 500 people each year for a luncheon, award ceremony, and keynote speaker.

Over the years, the CSW has been an active participant in the annual WSU Women's Recognition Luncheon. As per CSW by-laws, it has been our responsibility to select the Women of Distinction and Woman of the Year awards, which are given every year during the luncheon. The Commission has also always been involved with event sponsorship, but the planning was the responsibility of the Women's Resource Center.

This past year, however, in the midst of much institutional change, CSW had to step in to the somewhat unfamiliar role of co-organizer of the Women's Recognition Luncheon alongside the Women's Resource Center. Some retirements and vacated positions left the Women's Resource Center without much in way of recorded processes in place to operate as main organizer.

Despite a shortened organizational timeframe and a lack of institutional memory to guide us through the process, the 2016 Women's Recognition Luncheon was a success, recognizing the eight exceptional women pictured on the cover of this report. This challenge, while highlighting the importance of firmly establishing institutional processes independent of individuals in a collaborative spirit, also illustrated the resilience of our women employees and students, their willingness to give, and the relevance and adaptability of the President's Commission on the Status of Women.

This past year's experience led CSW and the Women's Resource Center to record our collaborative process in a shared document, to be passed along and expanded upon from year to year. It has also led us to recommend the organization of the Women's Recognition Luncheon be formalized in the by-laws of both the Women's Resource Center and the Commission on the Status of Women, including the composition of a planning committee and its main responsibilities. Finally, the CSW has consequently created a dedicated Executive Board Committee position for the Chair of the Women of Distinction and Woman of the Year Awards.

It is our hope that, along with these new processes in place, the leadership at WSU will continue to support and invest in the Women's Recognition Luncheon and Women of Distinction/Woman of the Year Awards as hallmarks of WSU's dedication to our women employees, students, and community members.

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Employee and Student-Parent Life

This year, the CSW's Subcommittee on Employee and Student-Parent Life has focused on three main themes: as in previous years and per Presidential mandate, the WSU Pullman Children's Center, the issue of childcare at WSU Tri-Cities and WSU Spokane, as well as the shared leave expansion proposal.

WSU Children's Center (WSUCC):

CSW appreciates the changes that have been made possible by the WSUCC's move to CAHNRS and thanks all of the faculty, staff, administrators, and families who made these changes possible. We are especially appreciative of the WSUCC's new leadership, who have made many changes to support the WSUCC growth as an early childhood education provider. Positive changes that have been noted in the past year since this change in organization and leadership include the following:

- Improved security at the WSUCC, especially in the front desk area which is now consistently staffed during open hours;
- Improved learning environments, including replacing older furniture and playground equipment, and creating new spaces for learning that share materials economically while contributing to children's learning;
- Standardizing procedures and solving problems transparently as they arise;
- Opening possibilities for more research activity in the WSUCC, including opportunities for families to volunteer and increasing learning and service opportunities for WSU students;
- Increased support, learning and training opportunities for WSUCC staff members; and
- More clarity in communications with WSUCC parents regarding billing.

In addition, the WSUCC has become a model site for the Early Achievers state accreditation program, which helps establish the WSUCC's status as a leader in early childhood education for the state and aligns the WSUCC with the university's mission of outreach and education. The WSUCC's administration has decided to delay pursuit of NAC accreditation until sufficient data have been collected reflecting the WSUCC's change in leadership. CSW supports both this decision to wait and the decision to eventually pursue accreditation through NAC if a nationally-recognized accreditation is desired.

While the WSUCC has only recently transitioned to CAHNRS and the CSW is anticipating more positive changes, ongoing concerns which we would like to continue to see addressed consistently by the center's new leaders, include:

- Continuing to improve the timeliness and informational value of the WSUCC's communication with families;
- Holding regular meetings of the Parent Advisory Board (PAB) with meeting times alternating between afternoons and evenings, with agendas and minutes made available widely, including online; and

- Increasing affordability, especially for staff and entry-level faculty who cannot currently afford to use the WSUCC, by aggressively pursuing grants and research-based funding opportunities to offset tuition.

These changes take time to develop and sustain, and we appreciate these efforts as well as encourage their continuance. We especially appreciate the efforts to give staff more time to learn and to communicate with families so that they are not shouldering the burden of these developments.

CSW would like to support WSUCC's efforts to bring in even more campus connections and build WSUCC's profile as a site for collaboration, research, and learning for both children and college students. A vibrant WSUCC is a tremendous resource for the campus community. We also support WSUCC's goals of supporting parents and families and hope to collaborate in supporting parent enrichment activities.

Childcare at WSU Tri-Cities and WSU Spokane:

Both WSU Tri-Cities and WSU Spokane are moving toward partnering with childcare providers to make childcare more accessible and affordable for their students and employees. CSW recommends that WSU support these initiatives and, if needed and appropriate, provide assistance in moving them forward.

Overall, with regard to childcare, CSW recommends that WSU continue to support high quality and affordable childcare that is accessible to all members of the WSU community.

Shared leave expansion:

The shared leave expansion proposal (see appendix 1) was presented to the President's Office last year. In 2015, the proposal has gained considerable interest and support from AFW, APAC, GPSA (see appendices 2,3, and 4), and the Provost's Office, indicating that there is a strong desire to expand shared leave to better accommodate employee absences directly due to childbirth. As 2016 feedback from the President's Office indicated that implementation of the proposal would violate a state statute, CSW is following the Interim President's advice on collaborating with other interested groups (such as AFW) to change the state statute and then advance the proposal.

Currently CSW is conferring with Colleen Kerr, Vice President for Government Relations and Terry Ryan, Assistant Attorney General for WSU, seeking advice about how to effectively change legislation. CSW is also leading the collaborative task force to move this legislation forward. The task force consists of WSU experts and members of AFW, APAC, GPSA, Faculty Senate, Office of the Provost, and Extension.

Additionally, the Attorney General's Office has produced a brief on the issue (see appendix 5). This brief does outline an interpretation of the state statutes that would make it possible for WSU to change its practice without necessitating a change to state law.

As such, CSW's recommendation on the matter is two-fold: First, that, if possible, WSU's policy on shared leave be expanded to allow women to apply for and receive shared leave to cover the period of medical leave following childbirth for recovery.

Second, and alternatively, that WSU support a change in state legislation that would enable such an expansion.

This will permit employees to take leave that the university has already paid for, support families and employees, and not disadvantage women recovering from a bona fide medical condition while remaining cost-neutral.

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Institutional Climate

Climate as it pertains to a college campus has been described by various individuals and groups. These descriptions include:

- “Attitudes among students, faculty, staff, and/or administrators about the campus atmosphere.” The Office on Violence Against Women.
- “The current attitudes, behaviors, and standards of faculty, staff, administrators and students concerning the level of respect for individual need, abilities, and potential.” Rankin and Reason (2008).
- “The atmosphere of the university that reflects whether all its members feel safe, valued, listened to, and treated with fairness and respect.” Washington State University Commission on Campus Climate.

One goal within WSU’s current five year Strategic Plan is to “create and sustain a university community that is diverse, inclusive, and equitable,” an aim that aligns directly with fostering a campus climate free from workplace incivility.

Climate can be measured in a variety of ways, including assessing how community members feel about campus response to incidents of workplace incivility or other aggressive workplace conduct; campus policies as they pertain to this conduct; support from campus leadership; and general feelings about safety and wellbeing among students, faculty, and staff.

The problem of negative social behavior in the workplace has been described in many terms by those who study the issue. Those terms include, but are not limited to: workplace incivility, workplace aggression, workplace hostility, bullying and mobbing. While each term has a specific set of criteria, it is not in the aim of this report to define the behavior, but to examine ways to sustainably nurture and maintain a climate at WSU that aligns with the values and goals of the University. We use the terms interchangeably in this report.

In addition, the positive benefits of an active campaign promoting a culture of respect in the workplace are many. There are measureable financial benefits to expending effort in this area, including increased productivity and possible reduction of fiduciary risk, and increasing WSU’s ability to attract and retain talented employees. The benefits would certainly extend to our student population, many of whom are also employees of the university.

Numerous studies have confirmed that employees who experience workplace aggression have lower job satisfaction and are more likely to be absent. This can affect the performance of the unit as a whole. In studies by Einarsen et al (1994) and Lutfggen-Sandvik et al (2007), the results showed that even witnessing aggressive behavior

towards another employee can affect job satisfaction and performance within the group. Lower job satisfaction and absenteeism are directly correlated to lower productivity.

The stress of experiencing workplace aggression has been overwhelmingly shown to correlate with higher incidents of physical and mental health problems, including depression, anxiety, sleep problems, PTSD, and suicidality. Workplace aggression reduces self-confidence and affects performance, creativity, and flexibility, and it spills over into family life and disrupts the work/life balance of the victims (McIntosh, Wuest, Gray, and Aldous 2010). Again, these are not only individual problems, but problems that can affect the unit and the University as a whole financially, climatically, and in our ability to be a creative and forward thinking institution.

While workplace aggression is defined as separate from discriminatory harassment, and WSU has a robust process to address discriminatory harassment, the targets of workplace aggression are more likely to be members of protected classes. Lewis and Gunn showed that women are much more likely to experience workplace aggression by both male and female perpetrators (2007). An Einarsen and Skogstad 1996 study found that older employees are more likely to be targets, and Lewis and Gunn's 2007 study found that ethnic minorities are alarmingly more likely to be the targets of workplace aggression and incivility. Discriminatory harassment is defined as harassment on the basis of protected class, and while workplace aggression against members of underrepresented populations may not be because of their membership in a protected class, this is still concerning. One reason for this phenomenon may be that members of some protected classes are more highly represented in areas where there is less access to information and reporting processes regarding workplace bullying. Those areas include student employees, those whose labor is manual, and those who work on other campuses or at University extension facilities. Another reason may be that workplace bullying typically involves a real or perceived power imbalance, and individual members of underrepresented populations may be perceived as less powerful, and thus a more likely target for bullying.

In their review of the literature on workplace aggression, Al-Karim Samnani and Parbudyal Singh note that there are institutional factors that can increase the occurrence of workplace aggression. Those factors are, "1) leadership and management style, 2) organizational culture and ethical climate, 3) organizational policies, and 4) situational factors" (2012). These are factors that WSU leadership has the ability to control and influence.

Recommendations:

Positively, WSU regularly conducts a climate survey that includes factors that are affected by workplace aggression. The problem arises when looking at the level of confidentiality that the survey can provide. This issue is particularly problematic when the employee works for a small unit and the demographic information may become identifying. In addition, the body with oversight of the survey, Human Resource Services, may be perceived to have conflicting priorities and a bias towards risk reduction. Additionally, while the results of the survey are published in a timely manner, what WSU does with the information is not shared with employees.

The CSW recommends that WSU develop and share an action plan based on the results of the survey with clearly measurable outcomes goals. CSW also recommends that WSU examines the survey process and make changes that better protect or better communicate the protective measures in place for employee confidentiality.

Consideration should be given to using an outside entity to conduct the survey and to implementing a survey that asks questions specific to incidents of workplace bullying and aggression in addition to general feelings about workplace climate (See example Appendix 6).

WSU has recently revised its policy on workplace bullying (BPPM 5.31.1) to better reflect and acknowledge the difference between bullying or aggression and acts of overt physical violence in the workplace. In addition, the policy outlines a clear reporting procedure and the University's response to reports of bullying in the workplace. While the policy is certainly a positive step forward, the Commission is concerned that the policy itself and reporting procedures are not easily accessible or widely available. This is of particular concern regarding employees who do not regularly use computers in their work, and for undergraduate and graduate student employees. Unless one knows to access the BPPMs, they may not know that there is both a policy and an avenue for reporting that is available. CSW strongly recommends that the policy and reporting procedure are more widely distributed and that special consideration is given to reaching out to those who do not regularly use computers and student employees, as these are the most vulnerable populations.

There are concerns regarding the investigative process and outcomes of that process. While we understand that employee privacy is essential, in most cases the reporting party experiences, or hears of, no resolution because of those privacy demands. This leads to the perception that the University has not taken the complaint seriously and did not act on it. In addition, it also discourages the reporting individual from reporting any retaliatory actions they experience. The issue is complex, and CSW recommends that the University examine ways to make the process more transparent, including alternative resolutions that involve the participation of both parties in the resolution.

Resources are key to helping employees feel that the University supports them if they are being harassed or bullied. Building on the resources we already have is both the most direct and financially viable way to enhance services to employees and students. Here, CSW sees the Office of the Ombudsman as a resource that can be more effectively utilized to support students and employees who may be experiencing workplace aggression. Specifically, the branch campuses do not have easy access to the ombudsman, and advertising the presence and purpose of the Office of the Ombudsman would raise awareness of this resource at all WSU locations. The University may wish to support training for the Office of the Ombudsman specifically addressing workplace aggression and bullying.

The Chronicle of Higher Education regularly publishes a list of the best higher education institutions to work for. Of the twelve categories that they use to make that assessment, six are purely climatic, and four are easily tied to the absence or presence of workplace incivility. We recommend that WSU establish a goal of becoming one of those universities by putting as much emphasis on climate and culture as is given to physical

and financial resources. This will allow the University to enhance its ability to attract and retain world-class employees and students.

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Mentoring and Leadership Development

Overview

The focus of the mentoring subcommittee is to examine and make recommendations regarding those issues that further the University's strategic goals of increasing productivity, creativity, and institutional effectiveness by providing leadership development and mentoring opportunities to faculty, staff, and students.

The President's Commission on the Status of Women is interested in centralizing University resources already available to provide mentoring and career development opportunities for faculty, civil service, AP, and both graduate and undergraduate students. The Commission is also interested in promoting the professional development of managers, directors, and supervisors, especially as it improves an employee's ability to manage an increasingly diverse work force; and encouraging supervisors to promote the professional development of employees.

The subcommittee views leadership development and mentoring as distinct concepts, particularly in practice. Leadership development involves more formalized and institutionalized programs and mentoring is a uniquely intimate professional relationship to develop the whole professional person.

This year we focused our attention on attempting to identify available resources and to start our own mentoring program within the President's Commission on the Status of Women.

Professional development clearinghouse

The subcommittee started this year with the continued effort to identify what options are available for professional development to the different demographics on campus, with the end goal to eventually be able to gather this information in a central location to be used as a resources. A memo was sent out to various groups on campus asking about mentoring and professional development opportunities that they have available or provide (see Appendix 7). The memo was sent to the following groups: APAC, AFW, GPSA, WRC, Grad School Professional Development Advisory Council, and HRS. The following is information we received back in response to our memo.

Administrative Professional Advisory Council (APAC):

- Will be hosting a professional staff conference Summer 2016 (Northwest Coalition of Professional Staff), this conference is a great opportunity to meet and network with other professional staff from the northwest and receive great concepts and insights to do our jobs better.

- Offers Administrative Professional Mini Grant Funds (APMGF) is a supplemental fund and is intended to provide matching funds in conjunction with the AP's unit/department. Applicants must be permanent resident aliens or U.S. citizens and benefits-eligible (0.5 FTE or more) Administrative Professionals employed by Washington State University for at least six months prior to the start date of the planned activity. Applicants must have their planned activity pre-approved by their supervisor and provide documentation as requested by the APMGF Committee.
- They also have a number of professional development events planned throughout the year.

Women's Resource Center (WRC):

- Smart Start Program Salary Negotiation Workshop offered and are looking at getting training to serve as facilitators for this program.
- Interim Director has met with Colleen Kerr, VP of Office of External Affairs & Government Relations – interested in supporting a mentorship program for women.
- Willing to house any information CSW would like on the WRC website.

Association of Faculty Women (AFW):

- Faculty Mentoring Survey.
- Mentee Self-Assessment Worksheet.
- Mentoring Discussion Topics & Best Practices.
- Mentor Self-Assessment Form.
- Individual Development Plan.
- Faculty Mentoring & EM Program Summary.

Human Resource Services (HRS):

- Currently there are no specific career paths outlined.
- There are trainings offered for specific topics such as leadership.
- Suggested exploring possibility of creating a list of trainings specific to our initiatives.

Based on this information we recommend taking the Women's Resource Center up on their offer to use their website the repository site for resources, and continue to gather more information around campus on what is available to populate this site.

Professional development and tuition waivers

Related to the accessibility of training opportunities is our continued emphasis from last year's report on equitable application of employee professional development and tuition waiver benefits. This requires the compilation of reliable data regarding their use. Our 2015 recommendation was to create Professional Development and Tuition Waiver Request Forms using either the current OGRD model for electronic forms with signatures and associated database, or the e-forms system and associated database. Either mechanism would work to track requests, compile data, and track supervisor

permissions to ensure the programs are running according to the original intent. At this time we are hoping that this is something that can be incorporated into the forthcoming finance and operating system. Increased accountability for all involved is a fortunate side effect of such a system.

We continue to recommend a conscious effort to educate all supervisors across the WSU system about the benefits of professional development (which should be specifically referred to as such) during supervisor training. To facilitate re-educating supervisors who are not in the supervisor training module, we recommend a memorandum from higher administration denoting the remarkable achievements that can be obtained by the individual, the unit and the institution if we invest in the professional development of our employees.

Professional development is a resource that is available to employees of progressive institutions and corporations; the benefits to the organization and to the employees are well known. The tuition waiver is a benefit that draws quality applicants to WSU. Both of these programs should be highly visible, they should be accessible, and their use should be measurable. We believe that our recommendations provide a solid foundation toward achieving these goals.

Mentoring

Our second main focus for the year was mentoring. We decided that we, as a group on campus, were missing out on a significant opportunity ourselves, and asked our CSW executive board about gathering bios from our membership to foster internal mentoring opportunities. This idea was approved by our voting members and we have successfully gathered bios from 13 members and have them on our secure SharePoint site for other members to view and connect with one another for mentoring. Our next step is to work on connecting those who want to be a mentor with mentees, with the end goal to be able to document the process and successes on next year's report.

As noted last year, there really is not an organized resource to disseminate information on mentoring or professional development opportunities for faculty, staff or students (graduate or undergraduate). Also, WSU does not have the resources to help its employees map out their career development. However, it is to be noted that recently HRS has added a section on their website for Career Planning Resources, though to our knowledge this has not been widely publicized.

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Institutional Oversight and Administration

Since he took office, President Obama has made it a priority to address the pay equity gap. First came the Lilly Ledbetter Fair Pay Act, then the Equal Pay Task Force in 2010, and in April 2014, along with an Executive Order preventing workplace discrimination came a Presidential Memorandum requiring Federal contractors provide data on employee compensation to start addressing various issues of pay equity. While it started in 1963 with the Equal Pay Act, the conversation around gender and other types of pay equity seems to only now be gathering steam.

Gender equity in pay at WSU

The conversation at WSU has also been going on for a long time, and here too, we seem to struggle to gather momentum. Indeed, we are still citing the same 2010 Budget Cuts Feedback Report prepared by Tahira Probst, PhD as a result of an ADVANCE social science research grant she received. That report collected detailed survey data from multiple groups within the WSU system and noted that numerous attitudinal, behavioral, and health-related outcomes are associated with salary levels. These data demonstrate clearly the potential impact of salary inequities within and across the WSU system. Some summary data are provided below as evidence of the impact of salary inequities.

The average reported faculty salary bracket was \$60,000 - 69,999. In comparison to those who receive lower income, faculty members who receive **higher income:**

- Report higher engagement in service-oriented behaviors within WSU; $M = 5.55$, $M = 4.68$).
- Report higher engagement in professionally-oriented service behaviors; $M = 5.44$, $M = 5.01$).
- Report having higher levels of job security ($M = 1.76$, $M = 0.70$).
- Report having more satisfaction with their promotion opportunities ($M = 1.63$, $M = 1.06$).

The average reported salary bracket for WSU's non-faculty employees was \$40,000 - 49,999. In comparison to those who receive lower income, AP, staff, and civil service employees who receive **higher income:**

- More strongly believe that the WSU has fulfilled their promises to them ($M = 5.04$, $M = 4.48$).
- Report a higher level of commitment to the university ($M = 4.75$, $M = 4.23$).
- Report having a higher level of job security ($M = 1.35$, $M = 1.02$).
- Report being more satisfied with their coworkers ($M = 2.71$, $M = 2.43$).
- Report being more satisfied with their pay ($M = 1.81$, $M = 1.05$).
- Report being more satisfied with their promotion opportunities ($M = 1.27$, $M = .87$).
- Report being more satisfied with their work ($M = 2.51$, $M = 1.78$).
- Report being more engaged in their work ($M = 5.53$, $M = 4.97$).

In 2015, in an effort to assess and promote WSU's efforts to ensure pay equity across the genders for faculty and AP employees, the CSW Subcommittee compiled all faculty and administrative professional salary data by gender, length of service and title code for an analysis to see if inequities existed and to make recommendations for addressing inequities if they are significant.

The preliminary analyses included 100%FTE faculty-only data, by college, obtained from Business Object on 03/31/2015, and covered the positions' base value current, monthly rates, averaged by rank and gender. These were presented in the 2015 report.

In 2016, upon further conversation with the Office of Institutional Research on the limitations of such data, our collaboration resulted in the addition of WSU data from the Oklahoma State University faculty salary survey (2015). It is the comparison of these two sets of data we present here, for purpose of triangulation.

Table 1. College of Arts and Sciences

Position type	Number of Full Time Employees (OSU data)	Number of Full Time Employees (Business Object data)	Average 9-Month Salary (OSU data)	Average 9-Month Salary (Business Object data)
Assistant Prof. – Female	32	30	\$69,349.44 \$68,498.55* *1 outlier dropped	\$67,470.29
Assistant Prof. – Male	44	41	\$69,240.52	\$66,231.21
Associate Prof. – Female	49	46	\$71,279.53 \$70,548.60* *1 outlier dropped	\$69,940
Associate Prof. – Male	69	57	\$74,271.17 \$73,232.49* *2 outliers dropped	\$74,949.56 \$73,573.52* *3 outliers dropped
Professor – Female	40	27	\$101,929.40 \$96,202.29* *2 outliers dropped	\$96,024.76 \$92,813.75* *1 outlier dropped
Professor – Male	94	70	\$105,020.70 \$103,251.80* *3 outliers dropped	\$98,905.05 \$93,444.81* *4 outliers dropped

Table 2. Carson College of Business

Position type	Number of Full Time	Number of Full Time	Average 9-Month Salary	Average 9-Month Salary
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	Employees (OSU data)	Employees (Business Object data)	(OSU data)	(Business Object data)
Assistant Prof.- Female	5	5	\$148,768.20	\$148,768.40
Assistant Prof. – Male	13	13	\$140,013.50	\$136,162.40
Associate Prof. – Female	7	5	\$127,486.40	\$123,991.30
Associate Prof. – Male	10	7	\$132,674.60	\$134,833.60
Professor – Female	4	4	\$151,616.80	\$136,954
Professor – Male	17	14	\$151,779.90	\$151,960.40 \$138,793.70* *2 outliers dropped

Table 3. College of Agricultural, Human, and Natural Resources

Position type	Number of Full Time Employees (OSU data)	Number of Full Time Employees (Business Object data)	Average 9- Month Salary (OSU data)	Average 9- Month Salary (Business Object data)
Assistant Prof. – Female	15	16	\$71,056.33	\$71,132.74
Assistant Prof. – Male	13	11	\$89,223.23 \$87,294.42* *1 outlier dropped	\$90,165.67 \$85,752.99* *2 outliers dropped
Associate Prof. – Female	27	19	\$84,741.52	\$83,486.48
Associate Prof. – Male	44	49	\$91,033.43 \$89,743.98* *2 outliers dropped	\$86,512.31
Professor – Female	15	11	\$102,369.10	\$94,936.61
Professor – Male	62	31	\$128,263.80 \$118,025.20* *9 outliers dropped	\$108,390 \$101,262.50* *2 outliers dropped

Table 4. Murrow College of Communication

Position type	Number of Full Time Employees	Number of Full Time Employees	Average 9- Month Salary (OSU data)	Average 9- Month Salary (Business
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	(OSU data)	(Business Object data)		Object data)
Assistant Prof. – Female	8	8	\$73,357	\$72,857.75
Assistant Prof. – Male	2	2	\$73,370	\$73,370.02
Associate Prof. – Female	2	3	\$85,466	\$77,029.92
Associate Prof. – Male	3	3	\$84,464	\$81,958.11
Professor – Male	3	3	\$119,374	\$115,710.60

Table 5. College of Education

Position type	Number of Full Time Employees (OSU data)	Number of Full Time Employees (Business Object data)	Average 9- Month Salary (OSU data)	Average 9- Month Salary (Business Object data)
Assistant Prof. – Female	11	10	\$62,653.09	\$62,418.47
Assistant Prof. – Male	9	10	\$63,532.78	\$64,649.10
Associate Prof. – Female	9	11	\$73,260	\$73,683.58
Associate Prof. – Male	7	4	\$73,927.71	\$67,460.74
Professor – Female	12	10	\$93,082	\$89,500.44
Professor – Male	9	8	\$97,781.78	\$97,474.52 \$89,608.55* *2 outliers dropped

Table 6. Voiland College of Engineering

Position type	Number of Full Time Employees (OSU data)	Number of Full Time Employees (Business Object data)	Average 9- Month Salary (OSU data)	Average 9- Month Salary (Business Object data)
Assistant Prof. – Female	4	4	\$90,782.25	\$88,476.03
Assistant Prof. – Male	38	36	\$89,137.66	\$88,784.82 \$88,090.67* *1 outlier dropped
Associate	6	5	\$96,762	\$98,369.95

Prof. – Female				
Associate Prof. – Male	38	32	\$99,424.05	\$97,011.67 \$95,990.70* *1 outlier dropped
Professor – Female	6	6	\$155,201.20 \$131,251.80* *2 outliers dropped	\$140,243.80 \$130,848.50* *1 outlier dropped
Professor – Male	48	40	\$146,511 \$144,964.80* *1 outlier dropped	\$128,351.70 \$120,073.20* *4 outliers dropped

Table 7. Elson S. Floyd College of Medical Sciences

Position type	Number of Full Time Employees (OSU data)	Number of Full Time Employees (Business Object data)	Average 9-Month Salary (OSU data)	Average 9-Month Salary (Business Object data)
Assistant Prof. – Female	3	2	\$77,708	\$73,951.47
Assistant Prof. – Male	3	3	\$79,764	\$75,337.56
Associate Prof. – Female	4	3	\$87,982.50	\$84,408.87
Associate Prof. – Male	2	2	\$96,933	\$88,855.51
Professor – Female	N/A	N/A	N/A	N/A
Professor – Male	2	3	\$200,693	*not enough for comparison

Table 8. College of Nursing

Position type	Number of Full Time Employees (OSU data)	Number of Full Time Employees (Business Object data)	Average 9-Month Salary (OSU data)	Average 9-Month Salary (Business Object data)
Assistant Prof. – Female	14	18	\$71,749	\$71,262.36
Assistant Prof. – Male	3	2	\$79,188.67	\$83,783.43
Associate Prof. – Female	12	9	\$82,080	\$80,516
Associate Prof. – Male	2	2	\$103,996	\$95,329.98
Professor –	3	Not enough for	\$129,427	N/A

Female		comparison		
Professor – Male	3	2	\$115,403	\$108,711.40

Table 9. College of Pharmacy

Position type	Number of Full Time Employees (OSU data)	Number of Full Time Employees (Business Object data)	Average 9-Month Salary (OSU data)	Average 9-Month Salary (Business Object data)
Assistant Prof. – Female	N/A	N/A	N/A	N/A
Assistant Prof. – Male	2	2	\$81,384.50	\$74,602.49
Associate Prof. – Female	2	2	\$108,877	\$99,804.11
Associate Prof. – Male	6	6	\$98,843.33	\$90,606.48
Professor – Female	N/A	N/A	N/A	N/A
Professor – Male	5	2	\$153,738	\$121,806

Table 10. College of Veterinary Medicine

Position type	Number of Full Time Employees (OSU data)	Number of Full Time Employees (Business Object data)	Average 9-Month Salary (OSU data)	Average 9-Month Salary (Business Object data)
Assistant Prof. – Female	6	8	\$88,563.17	\$79,190.85
Assistant Prof. – Male	8	10	\$92,020.25	\$83,479.15
Associate Prof. – Female	11	8	\$102,319.60	\$99,762.58
Associate Prof. – Male	16	13	\$95,416.56	\$90,893.71
Professor – Female	11	6	\$136,741.40	\$120,918.90
Professor – Male	35	18	\$157,214.10 \$138,076.30* *9 outliers dropped	\$129,686 \$118,369.30* *2 outliers dropped

Overall, the examination of the OSU and Business Object data from 2015 for WSU tenure-track faculty shows two things:

- First, the two sources of data are almost never in agreement, with OSU giving averages sometimes higher and sometimes lower than Business Object.

- Despite the discrepancies between data sources, one thing appears to be reliable, and it is that, with a few notable exceptions (for example, Assistant Professors in CAS, or at the Murrow College of Communication), women tenure-track faculty are paid less than their male colleagues at the same rank and within the same college.

Based on the results of this very rough preliminary analysis, and in light of national-level trends, the CSW recommends a multi-step approach:

- First, a formal, methodologically-sound survey of all WSU employees be conducted in order to establish a firm, evidence-based baseline of employee compensation, by gender, race, discipline/department, position, years of experience, etc.
- In order to accomplish this step, the CSW recommends resources be allocated to either reach out to an external entity to develop and conduct the survey, or to fund a graduate student to be embedded in an independent and yet relevant department to conduct such survey (Institutional Research or Social and Economic Sciences Research Center for example).
- Once a baseline has been established, we recommend WSU implement evidence-based solutions to reach gender equity in pay by 2030, a goal that would contribute toward our becoming a top 25 university.

President's Commission on the Status of Women 2016 Annual Report

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Appendix 1

SHARED LEAVE EXPANSION PROPOSAL

Since women entered the American industrial workforce in record numbers, starting in the 1940s, the issue of work-life balance has challenged employers across the country. Organizations are working toward providing policies to facilitate work life balance, realizing this is not just a matter of convenience for career professionals. Besides the negative connotations of not providing effective work life balance policies associated with discrimination cases, successful businesses and employers have recognized that work life balance policies affect the success of the employing organization as well as the economic success of the state and nation. Historical trends have demonstrated that without these progressive policies and strong implementation, the career trajectory for women and the critical time of bonding for infants is negatively impacted. The impact on the male workforce is not negligible either. To continue the tradition of excellence that WSU strives for, we recommend that the policy on shared leave at WSU be extended to cover childbirth and childbirth recovery, providing a mechanism for paid leave otherwise unavailable for pregnancy and childbirth outside of the Family Medical Leave Act (FMLA) process. This recommendation supports and complements the efforts of our state and national leaders who are focused on changing federal leave policies around childbirth, adoption, and foster care to provide paid leave, while also giving WSU the opportunity to be a frontrunner in this effort. WSU is clearly primed and ready to lead the way in developing policies that complement these federal efforts, recognizing the value of enlightened work life policies, and capitalizing on the investments already made in some of the best and brightest minds of our workforce.

The President's Commission on the Status of Women began reviewing the shared leave program, its application, and flexibility several years ago. In particular it came to our attention that childbirth was not considered an "extraordinary" or "severe" condition under the shared leave program as it is operated at WSU. There were exceptions noted, such as childbirth under conditions considered life threatening such as a C-section, but not necessarily in all cases.

Past federal and state legislation

The historical exclusion of pregnancy and childbirth from federal and state legislation around employment has been well documented, as have the negative impact of this exclusion on individuals and families and more broadly on society. In fact, this trend of exclusion was partially responsible for the Pregnancy Discrimination Act of 1978 and ongoing legislation, policies, and record numbers of advocacy groups pushing for progressive policies that positively impact parents and in particular women as they move through the career path. Efforts made by lawmakers to address the negative impacts of pregnancy and childbirth exclusions from employment law, policy, and practice are extensive, with the Pregnancy Discrimination Act and Title VII leading the charge.

The Pregnancy Discrimination Act (PDA) is intended to make crystal clear that pregnant workers must be permitted to work under the same conditions as other employees and must be afforded the same rights, privileges, and benefits as other workers who are disabled from working. One of the fundamental requirements under PDA is that, "Women affected by pregnancy, childbirth, or related medical conditions must be treated the same as other persons not so affected but similar in their ability or inability to work." (EEOC.gov, 2014)

Under Title VII employers are required to provide the same benefits for pregnancy related medical conditions as it provides for other medical conditions. State Temporary Disability Insurance Laws (1946) provided another mechanism for paid temporary disability leave for pregnancy to employers.

The 1993 Family Medical Leave Act (FMLA) allows eligible employees to take job-protected leave status for serious health conditions, the birth of a child or to care for a newborn, adopted, or foster child. FMLA required any public agency or private company with at least 50 workers within 75 miles to comply with the coverage. However, FMLA did not require an employer to provide wages for the mandated 12 weeks of job protected maternity leave. Such leave without pay has become a primary concern nationwide, one that shared leave has the ability to help us resolve at WSU.

Implementation gaps

Although the application of PDA and Title VII mandated similar treatment of similarly situated employees regardless of condition and within the legitimate needs of the employer and FMLA provided job-protected leave status, there was no specific legislation that provided for paid leave during the birth of a child and for a time thereafter, shared leave indicating that pregnancy and childbirth were qualifying events have been left out of this picture. Therefore, in the past decade several states such as Washington (2007), Rhode Island (2013), and New Jersey (2009) implemented or began working towards Paid Family Leave Acts to provide wage replacement funds which cover all or a portion of the unpaid job-protected parental leave (the FMLA time usually only 6 weeks) that is provided for federally, including California who implemented the first wage recovery program in 2002 (California Paid Family Leave Act, 2002). (Note that the recent Supreme Court decision issued on March 25, 2015 in *Young v. UPS* has inevitably affected the enforcement and EEOC guidance of the Pregnancy Discrimination Act.) According to Cain (2014), "Stalled policy goes a long way toward explaining why women stop working, and new approaches could help women complete the decades-long transition into the labor force. One of the most powerful tools would be to mandate policies like paid leave, according to a report published this month by the White House Council of Economic Advisers."

According to the Institute for Women's Policy Research report on Paid Parental Leave in the United States 2014, more than fifty years after the 1963 U.S. President's Commission on the Status of Women recommended paid maternity leave or comparable benefits be provided to women employees, there has yet to exist such a mechanism. State level legislation has not been able to overcome the lack of federal implementation either. In sum, we are far from a universal or fully implemented mechanism for paid parental leave. With that, members of Congress introduced the FAMILY Act in

December of 2013, creating an insurance fund for workers to be paid when they stay home with infants or newly adopted children. Although this remains with the Ways and Means committee, it is demonstrative of the changes in social norms and attitudes of both employers and employees in the context of work life balance. An expansion of the shared leave policy would provide a way to assist in this effort without creating new policy. "It is important to note that this story is not just about women. Although family formation plays a more dramatic role in women's academic careers, it does affect the choices that men make and how they manage to balance career and family. In particular, the status of fathers as equal caretakers is seriously challenged by many of the same professional obstacles that hold back mothers." (Mason, 2013(b))

Benefits of paid leave

To say there are benefits of paid leave from the perspective of the individual employee and family is a foregone conclusion; however, stating that benefits for employers and the overall economy from providing such paid leave even exist often leaves one saying, "Prove it." In recent years researchers have done just that. As a result there is a wealth of data demonstrating the benefits to the employer, the economy, the employee, and society with a depth that has never before been provided.

Data demonstrates overall that supporting families through paid leave has proven to have widespread social and economic benefits. Below are just a few:

- Women with access to paid family leave are more likely to stay in the workforce and off of public assistance.
- Families with access to paid family and medical leave are less likely to declare bankruptcy.
- Children whose parents have paid family leave have better long-term health.
- Parents' time at home with infants in the first year of life can have long-lasting effects on their children's future academic performance and help build a better, more able workforce.

The Johnson & Johnson organization found that employees who used the company's work-family benefits decreased absenteeism significantly (Johnson & Johnson, 2013 Data Report). According to the World at Work Alliance for Work-Life Progress, the Aetna insurance company found that extended maternity leave policies saved them approximately \$1 million annually. Clearly the benefits significantly outweigh any associated costs. With shared leave the costs are insignificant as the cost is built into the current structure; it is not an addition to the operational expense. As you can see the data suggest that expansion of leave opportunities that provide pay result in a resolution to the expensive loss associated with leave without pay situations.

Shared Leave Program

In 1989 the State of Washington created the shared leave program for state employees. The program was designed to permit state employees to provide annual leave, sick leave, or personal holidays to fellow state employees in need without a significant increase in costs to the state, thereby ensuring state employees are not forced into a leave without pay status or resignation (RCW 41.04.660). The structure of this legislation provides some flexibility in application for agencies and institutions of higher education across the state.

Qualifying Medical Condition

As currently outlined, the program provides for an employee when they, a relative, or a household member has an "extraordinary" or "severe" illness, injury, impairment, or physical or mental condition. The program also provides for employees in situations where the state employee, or relative, or household member is a victim of domestic violence, sexual assault or stalking, or has been called to service in the uniformed services. There are no specific qualifying conditions indicated under either the RCWs or WACs that lay the groundwork for the implementation of this program. The criteria, as outlined in WAC Chapter 357-31, allow agencies and institutions of higher education some leeway in the application of shared leave through the identification of qualifying conditions and interpretation of "extraordinary" or "severe."

According to WAC 357-31-390 and WAC 357-31-395 the state defines "extraordinary" or "severe" as serious, extreme, and/or life threatening; as such each incidence or condition is left open to interpretation by the agency head. According to the state Office of Financial Management (OFM), the agency head or institution of higher education president is authorized to determine what specific conditions meet the criteria outlined by the state in order for an employee to receive shared leave. The lack of specificity in conditions that qualify under these definitions results in inconsistent application of the program across state agencies and institutions of higher education. (For more detailed information on the state legislations on shared leave see RCW 41.04.665, WAC 357-31-390, WAC 357-31-395).

Higher education institution policies

At Washington State University, an employee is eligible to request participation in the shared leave program when the employee is entitled to accrue sick leave or annual leave. The condition must be considered "extraordinary" or "severe" when reviewed by the HRS personnel. The WSU shared leave policy provides a limited list of examples of qualifying conditions. (See BPPM 60.58.) The section does not specify conditions which do not qualify for shared leave. However, the Employee Application for Shared Leave Requests (published from the HRS website) specifically states that "normal and uncomplicated pregnancy/delivery" does not qualify for shared leave. (See Exhibit 1 on page 7.) At this time pregnancy and childbirth do not fall under either definition unless there are unique issues that arise, e.g., C-section or other health-related issues, which then put an individual in FMLA status and therefore generally able to request shared leave (but not always). We recommend updating the policy and accompanying forms to expand the list of qualifying condition examples by modifying the phrase "examples include..." to "examples include, but are not limited to..." We also recommend removing the statement disqualifying "normal and uncomplicated pregnancy/delivery" in the application form.

Institutions of higher education across the Northwest have similar policies to that of WSU. Uniquely however the University of Idaho does provide shared leave under their program for pregnancy and childbirth per the policy statement: "Shared leave may be requested for routine pregnancy-related disability and complications of childbirth and

pregnancy, but not for parenting or parent-child bonding. Sick leave benefits for eligible employees may be available for parenting." [UI *Faculty Staff Handbook*, Section C-7.f.]

Recent federal policy changes

Recent changes in Washington, D.C. in the U.S. Office of Personnel Management (OPM) provide paid leave for pregnancy and childbirth under the Family Medical Leave Act as well as the shared leave mechanism indicating that pregnancy and childbirth fall under the definition of a serious health condition (OPM.gov):

"The term *serious health condition* has the same meaning as used in OPM's regulations for administering the Family and Medical Leave Act of 1993 (FMLA). That definition includes such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, **pregnancy, and childbirth**. The term *serious health condition* is not intended to cover short-term conditions for which treatment and recovery are very brief. **According to the definition of *serious health condition*, any period of incapacity due to pregnancy or childbirth, or for prenatal care, is considered a serious health condition, even if the family member does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than 3 consecutive calendar days.** Therefore an employee is entitled to use sick leave to care for a family member who is incapacitated because of a pregnancy, or to accompany the family member to prenatal care appointments. An employee caring for a family member following childbirth is entitled to use sick leave for the period of the birth mother's incapacitation. An employee may be eligible to apply for and receive donated annual leave under an agency's leave sharing programs if the employee or the employee's family member is experiencing a *medical emergency* and if the employee will exhaust his or her own annual and sick leave. **Donated annual leave may be provided to the birth mother or a family member caring for the birth mother during her period of incapacitation.** The term *medical emergency* means a medical condition of either the employee or the employee's family member that is likely to require an employee to be absent or expected to be absent from duty for a prolonged period and to result in a substantial loss of income (expected absence without available paid leave of at least 24 work hours for a full-time employee) because of the employee's lack of available paid leave. **An employee's or family member's incapacity of at least 24 hours due to pregnancy and/or recovery from childbirth would therefore constitute a *medical emergency* for purposes of the VLTP or VLBP."**

Changing WSU's shared leave policy to permit shared leave to be used for the period of incapacity following childbirth would bring WSU in line with OPM's guidance as well as permit employees to recover from a temporarily disabling condition without falling into leave without pay status.

Conclusion

Given the move across the nation and within the federal government to ensure families do not go into leave without pay status whenever agencies have the ability to do so, the

Commission on the Status of Women recommends specifying that childbirth and childbirth recovery fall under the qualifying conditions under our shared leave program.

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**WASHINGTON STATE UNIVERSITY
EMPLOYEE APPLICATION**

FOR SHARED LEAVE REQUESTS (Not eligible for those who are off work due to work-related injury or illness)

Instructions: Please use this form to apply for Shared Leave due to one of the reasons listed below. Return this form to the Human Resource Services (HRS) office along with the *Health Care Provider Statement for Shared Leave Requests*.

Employee or Employee Representative

Name of Employee:	Employee WSU ID No.
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Please check reason for requesting shared leave: Reasons for requesting shared leave will also be processed accordingly for Family Medical Leave or other federal, state, or university leave provision.

- Own extraordinary or severe health condition (not work related)
- Health condition of a relative
- Health condition of a household member

If the need for leave is for a person's condition other than the employee, name of person with medical condition:	Relationship to Employee:
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Leave balances reported on last Time/Leave Report

Time/Leave Report Month (MM/YYYY)	Annual Leave Balance	Sick Leave Balance
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Certification of Medical Necessity

If request for Shared Leave is for medical reasons, in accordance with RCW§41.04.665– Washington State Leave Sharing Program, to be eligible for shared leave based on his/her condition or that of a relative or household member a patient must be suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which is serious, extreme, and/or life threatening. As a result of the above reason, I will have to go on leave without pay status or terminate state employment. Additionally, the event must prevent me from working for at least **five** consecutive days.

Examples of qualifying conditions include:

Cancer treatment, chemotherapy, radiation, organ transplant, major surgery requiring extended hospital stay, terminal illness/condition or traumatic injury rendering an employee incapable of productive employment.

Examples of conditions that are not considered "an extraordinary or severe illness or injury" include:

Normal and uncomplicated pregnancy/delivery, elective cosmetic surgery, sprained ankle, flu, and routine illness.

I certify that I meet all of the requirements necessary for Shared Leave. I have attached the *Health Care Provider Statement for Shared Leave Requests* from a licensed Health Care Provider which describes the illness, injury, impairment, or physical or mental condition.

Announcement of Shared Leave

If request is approved: I consent I DO NOT consent
To the publication of my name in WSU Today and WSU Announcements noting my need for Shared Leave donations.

In addition to applying for Shared Leave, I understand that I also must and have applied for Family Medical Leave (FML) or Medical Leave, or Long Term Disability (LTD), if applicable.

Employee Signature

I understand it may be necessary for WSU representatives to share this information for purposes related to establishing eligibility for Shared Leave. I authorize WSU to share this information among appropriate staff and authorized representatives to the extent necessary to determine whether Shared Leave is necessary and to administer the Shared Leave process. I understand that information obtained under this release is a confidential medical record and is maintained separately from my personnel file.

Employee signature & date: _____

Return the completed form to WSU Human Resource Services

Mailing Address: PO Box 641014 OR Office Location: 139 French Administration Building OR Fax: 509-335-1259
Pullman, WA 99164

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual. To comply with this law, we are asking that you do not provide any genetic information when responding to this request for medical information. "Genetic information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services".

President's Commission on the Status of Women 2016 Annual Report

Appendix 2



February 18, 2016

To: Interim President Bernardo
From: The WSU Association for Faculty Women

In its 2015 annual report, the President's Commission on the Status of Women (<https://president.wsu.edu/status-women/>) recommended that WSU's policy on shared leave be changed to allow women to apply for and receive shared leave to cover the period of medical leave following childbirth for recovery. This would permit employees to take leave that the university has already paid for and support families and employees, thus aligning WSU closer with federal anti-discrimination regulations, all the while remaining cost-neutral.

The university president, as agency head, per OFM, has the authority to determine what specific conditions meet the criteria outlined by the state in order for an employee to receive shared leave. The CSW recommends updating the policy to specify that childbirth and childbirth recovery fall under the qualifying conditions under our shared leave program. It also recommends removing the statement disqualifying "normal and uncomplicated pregnancy/delivery" in the shared leave application form.

The full proposal is available here: <https://president.wsu.edu/wp-content/uploads/sites/1085/2015/12/CSWAnnualReport2015.pdf>.

As a WSU organization concerned with the health and fair treatment of WSU employees, we, the WSU Association for Faculty Women endorse this proposal by the Commission on the Status of Women to expand WSU's shared leave policy to include pregnancy and childbirth, and urge the WSU administration to implement such changes.

On behalf of the Association for Faculty Women

A handwritten signature in cursive script that reads "Laura Lavine".

President 2015-2016
Assistant Director, CAHNRS Office of Research & Associate Professor of Entomology
509-335-4563
lavine@wsu.edu

President's Commission on the Status of Women 2016 Annual Report

Appendix 3



Administrative Professional
Advisory Council

February 12, 2016

To: Interim President Bernardo

From: Administrative Professional Advisory Council

Re: Endorsement of shared leave for childbirth recovery

In its 2015 annual report, the President's Commission on the Status of Women (<https://president.wsu.edu/status-women/>) recommended that WSU's policy on shared leave be changed to allow women to apply for and receive shared leave to cover the period of medical leave following childbirth for recovery. This would permit employees to take leave that the university has already paid for and support families and employees, thus aligning WSU closer with federal anti-discrimination regulations, all the while remaining cost-neutral.

The university president, as agency head, per OFM, has the authority to determine what specific conditions meet the criteria outlined by the state in order for an employee to receive shared leave. The CSW recommends updating the policy to specify that childbirth and childbirth recovery fall under the qualifying conditions under our shared leave program. It also recommends removing the statement disqualifying "normal and uncomplicated pregnancy/delivery" in the shared leave application form.

The full proposal is available here: <https://president.wsu.edu/wp-content/uploads/sites/1085/2015/12/CSWAnnualReport2015.pdf>.

As a WSU organization concerned with the health and fair treatment of WSU employees, we, the Administrative Professional Advisory Council, endorse this proposal by the Commission on the Status of Women to expand WSU's shared leave policy to include pregnancy and childbirth, and urge the WSU administration to implement such changes.

A handwritten signature in black ink, appearing to read 'Larry Clark'.

Larry Clark
Chair, Administrative Professional Advisory Council

President's Commission on the Status of Women 2016 Annual Report

Appendix 4



Graduate and Professional Student Association

Letter of Endorsement

To: WSU Interim President Bernardo

From: The Graduate & Professional Student Association (GPSA)

In its 2015 annual report, the President's Commission on the Status of Women (<https://president.wsu.edu/status-women/>) recommended that WSU's policy on shared leave be changed to allow women to apply for and receive shared leave to cover the period of medical leave following childbirth for recovery. This would permit employees to take leave that the university has already paid for and support families and employees, thus aligning WSU closer with federal anti-discrimination regulations, all the while remaining cost-neutral.

The university president, as agency head, per OFM, has the authority to determine what specific conditions meet the criteria outlined by the state in order for an employee to receive shared leave. The CSW recommends updating the policy to specify that childbirth and childbirth recovery fall under the qualifying conditions under our shared leave program. It also recommends removing the statement disqualifying "normal and uncomplicated pregnancy/delivery" in the shared leave application form.

The full proposal is available here: <https://president.wsu.edu/wp-content/uploads/sites/1085/2015/12/CSWAnnualReport2015.pdf>.

As a WSU organization concerned with the health and fair treatment of WSU employees, we, GPSA endorse this proposal by the Commission on the Status of Women to expand WSU's shared leave policy to include pregnancy and childbirth, and urge the WSU administration to implement such changes.

Sincerely,

Handwritten signature of Melanie Thornton in black ink.

Melanie Thornton, President

2/29/16

Date

Handwritten signature of Eva Denka in black ink.

Eva Denka, Vice President

2/29/16

Date

Handwritten signature of Kathryn Harris in black ink.

Kathryn Harris, Vice President of Legislative Affairs

2/29/16

Date

President's Commission on the Status of Women
2016 Annual Report

Appendix 5

MEMORANDUM

DATE: August 1, 2016

TO: Melanie-Angela Neuilly, Chair, President's Commission on the Status of Women
Department of Criminal Justice and Criminology

Terrance Ryan, Assistant Attorney General
Washington State University-Division

FROM: Eulalia Kafari, Law Clerk
Washington State University-Division

SUBJECT: **Interpretation of RCW Statutes Pertaining to Shared Leave**

The purpose of this memo is to interpret and analyze RCW statutes as they pertain to conditions qualifying for the expansion of shared leave at Washington State University to include childbirth and childbirth recovery.

Washington State shared leave program was created to permit state employees to come to the aid of fellow state employees who are suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition; and who have otherwise exhausted all other options of paid leave. RCWA 41.04.660. Under current state and federal law, leave for parenting, pregnancy or pregnancy related medical conditions do not qualify for paid leave. At the same time unpaid leave have been proven to have negative effects financially and emotionally on employees and their loved ones. *Graves v. Arpaio*, 48 F.Supp.3d 1318 (D.Az. 2014). Thus expanding the WSU shared leave program to include childbirth and childbirth recovery will provide positive results for the school as a whole.

Implementation Gaps:

The Family Medical Leave Act (FMLA) as a matter of law does not provide for paid leave. However, the FMLA requires some "actual care" to occur when an eligible employee is on leave for a serious health condition under FMLA. *Tellis v. Alaska Airlines, Inc.*, 414 F.3d 1045, 1046 (9th Cir. 2005). Under the Department of Labor (DOL), a serious health condition exists entitling an employee to FMLA leave, when there is a (1) a period of incapacity of at least three consecutive days and (2) treatment two or more times by a health care provider; or (1) a chronic serious health condition,

that results in a period of incapacity. Family and Medical Leave Act of 1993, §§ 101(11), 102(a)(1)(C), 29 U.S.C.A. §§ 2611(11), 2612(a)(1)(C); 29 C.F.R. § 825.114(a)(2)(i, iii). *Graves v. Arpaio*, 48 F.Supp.3d 1318, (D. Az. 2014).

Next, the Pregnancy Discrimination Act (PDA) on the other hand, states explicitly that sex discrimination includes discrimination against individuals “because of pregnancy” or who are “affected by pregnancy” and child-birth. 42 U.S.C. § 2000e(k). Therefore, because sex discrimination includes pregnancy FMLA protected leave falls within the bounds of Title VII prohibitions. *Nevada Dep’t of Human Res. v. Hibbs*, 538 U.S. 721, — —, 123 S.Ct. 1972, 1978, 155 L.Ed.2d 953 (2003). Under Washington law, pregnancy and related issues are a protected activity. *Xin Liu v. Amway Corp.*, 347 F.3d 1125, 1144 (9th Cir. 2003). Under the Federal Family Medical Leave Act (FMLA) as well as the Family Leave Act of the State of Washington (FLA), parental leave only applies to employees. Federal law designate a total of twelve work weeks of accrued paid leave or leave without pay for purposes of parental leave, which included childbirth and recovery. *Walls v. Central Contra Costa Transit Authority*, 653 F.3d 963 at 967 (9th Cir. 2011). Similarly, WSU is not bound or required to provide paid parental leave.

Since an employee is not technically being paid when on their entitled twelve weeks of leave it is possibly to implement a mechanism that allows pregnancy and childbirth related leave to be part of the shared leave program. *South Bend School Dist. No. 118 v. White*, 106 Wash.App. 309, (D.2.Wash, 2001). This is due to the fact that “shared...leave represents wages that someone else earned and then donated to the employee in need”. *Id.* at 320. Next the legislature expressly provided that a worker should not receive shared leave benefits until he or she “has diligently pursued and been found to be ineligible for benefits under chapter 51.32 RCW.” Only then can shared leave benefits be considered. *Id.* Because there are no statutory benefits for shared leave regarding childbirth and childbirth recovery, expanding WSU shared leave to included childbirth and recovery, will fill in the gaps left open by state law.

Qualifying Medical Conditions:

According to RCW 41.04.665,a leave sharing program can be implemented for an employee who suffers from or has a relative or household member suffering from “...an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature”. For FMLA purposes a “serious health condition” that will qualify involves any period of incapacity due to pregnancy, or for parental care. *Marchischeck v. San Mateo County*, 199 F.3d 1068 (9th Cir. 1999). According to Washington courts a ‘serious health condition’ applies to allowing a plaintiff additional time to take care of a baby. *Xin Liu v. Amway Corp.*, 347 F.3d 1125, 1144 (9th Cir. 2003). Additionally, Washington courts have found women in the third trimester of pregnancy and fathers staying home to care for healthy children (while the wife takes care of a sick child) as legitimate qualifying reasons as well. *Brawley v. Washington*, 712 F.Supp.2d 1208 (W.D.Wash. 2010). Furthermore, women who are disabled due to pregnancy must be treated the same as women or men who are disabled for any other reason. *Miller-Wohl Co., Inc. v. Commissioner of Labor and Industry, State of Mont.*, 685 F.2d 1088 (9th Cir. 1982).

Under Washington law, allowing, pregnancy-related leave on the same terms as other disability or medical leave, is permissible because it is required by the Pregnancy Discrimination Act of 1978. *Maxwell v. Virtual Educ. Software, Inc.*, Not Reported in F.Supp.2d (Westlaw, 2010); *Hegwine v. Longview Fibre Co., Inc.*, 162 Wash.2d 340, 172 P.3d 688 (Wash. 2007). Title VII makes it clear that “...it is discriminatory to treat pregnancy-related conditions less favorably than other medical conditions.” *Newport News Shipbuilding & Dry Dock Co. v. EEOC*, 462 U.S. 669, 705, (1983). So the expansion of the shared-leave program will fall within the bounds of Title VII as it is attempting to provide the same benefits afforded other employees to those affected by childbirth and other conditions related to pregnancy.

Subsequently, Washington courts tend to follow the plain meaning of the FMLA. Washington statutes and regulations are to be interpreted and applied in accordance with their plain language to “further the legislature’s intent”. *See Mader v. Health Care Auth.*, 149 Wash.2d 458, 472–73, 70 P.3d 931 (2003); *Hegwine v. Longview Fibre Co., Inc.*, 162 Wash.2d 340, 172 P.3d 688 (Wash. 2007). According to the state office of Financial Management (OFM) the agency head or institution of higher education president is authorized to determine what specific conditions meet the criteria outline by the state in order for an employee to receive shared leave. Childbirth and conditions related to childbirth and recovery thereafter are protected activity under federal and state law and such conditions have been regarded as “serious health conditions” under the state definition and such conditions can sometimes include medical emergencies related to pregnancy. *Graves v. Arpaio*, 48 F.Supp.3d 1318 (D.Az. 2014) (stating a C-section operation is a medical emergency) Expanding the shared leave policy to include childbirth and recovery will legally fulfilled the qualified conditions needed to be eligible for shared leave under RCWA 41.04.660 and RCWA 41.04.665.

Expanding WSU shared leave program to included childbirth and childbirth recovery will fall within Washington State’s criteria of an employee who is qualified to receive shared leave. Especially given the fact, a state university’s president has the power to determine what specific conditions meet those qualifications.

President's Commission on the Status of Women 2016 Annual Report

Appendix 6

Informed Consent

**Washington State University
Presidential Commission for the Status of Women
CSW Institutional Climate Subcommittee**

Research Consent Form

The information on this page is provided so that you can decide if you would like to participate in this study. Please read the form carefully, taking as much time as you need. You can decide not to participate in this study now or at any point during the survey, without penalty.

What is this study about?

We are attempting to examine the organizational culture for student workers at Washington State University.

Who can participate in this study?

Graduate and undergraduate students at Washington State University who were student employee, research assistant, teaching assistant (graduate), or teaching assistant (undergraduate) during #####.

What will I be asked to do?

You will be asked questions about your experiences at Washington State University as a student employee, research assistant, teaching assistant (graduate), or teaching assistant (undergraduate).

You do not have to complete this survey if you do not wish to. Additionally, you may skip any question or set of questions that you do not want to answer or that may cause you discomfort for any reason. We hope that you will take part in the survey, and give us your most thoughtful and honest responses.

Are there any benefits if I participate?

####

Are there any costs if I participate?

##

Are there any risks if I participate?

The potential risk you may experience from participating in this study is discomfort in responding to some of the survey questions. If this occurs, simply skip those items. Your anonymity is important to us, so please DO NOT include your name on any part of the survey.

Will my information be kept private?

The confidentiality of your responses is important to us. With that in mind, all the data we received from you will be collected anonymously. Neither the researcher nor anyone else will be able to link the survey data to you personally. The results of this study may be published or presented at professional meetings or in research publications, but the identities of all research participants will remain anonymous. The data from this study will be kept for a minimum of 3 years.

Whom can I talk to if I have questions?

If you have questions about this study, the information in this form, or would like to receive an executive summary of the results of this study, please contact the researcher using the contact information provided on this page. If you have questions about your rights as a research participant, or would like to report a concern or complaint about this study, please contact the Washington State University Institutional Review Board at (509) 335-3668, or e-mail irb@wsu.edu, or regular mail at: Albrook 205, PO Box 643005, Pullman, WA 99164-3005.

Thank you for your participation!

Informed Consent Statement

If you would like to participate, please read the statement below and click on the button below to proceed with the completion of this survey. Otherwise you can simply exit this page.

"I have read the preliminary description of this survey and agree to participate. I understand that there are no anticipated risks, and I am free to discontinue my participation at any time without penalty. I am free to skip any item(s) that I am uncomfortable answering. I understand that the results of the study will be treated in strict confidence and that for the purpose of the study my individual responses will remain confidential. I understand that no one, except the members of the research team, will have access to the individual data. If I have questions or concerns about the project I may contact the principal investigator ##### (#####.wsu.edu)."

IMPORTANT: By clicking on the link below you are giving your consent to participate in this survey. If you do not give your consent, simply exit this page. If you would like a copy of this informed consent form, you may print this page.

Are you 18 years old or older and have you read the informed consent and agreed to participate?

- Yes
- No

Demographic

WSU Institutional Climate Survey

Thank you for taking part in this survey. The purpose of this study is to examine how student employee, teaching assistants and research assistance are treated at WSU. Please answer the following question to the best of your ability. You may skip any questions you do not wish to answer.

Gender

- Male
- Female
- Other

Age

What best describes your status at the university

- Undergraduate
- Graduate Student
- Non-degree seeking student

Class standing:

- Freshman
- Softmore
- Junior
- Senior
- Graduate (Master)
- Graduate (Doctorate)

During the past ### what positions did you hold at Washington State University?
Select all that apply:

- | | |
|---|---|
| <input type="checkbox"/> Student Employee | <input type="checkbox"/> Graduate Instructor |
| <input type="checkbox"/> Research Assistant (paid/unpaid) | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> Teaching Assistant (paid/unpaid) | |

Student Employee

The following questions refer to your role as a **Student Employee**.

Was this a paid position?

- Yes
- No

How many hour per week did you work?

What department did you work for as a student employee? (All responses will be reported to maintain confidentiality)

RA

The following questions refer to your role as a **Research Assistant**.

Was this a paid position?

- Yes
- No

How many hour per week did you work?

If you participated for credit, how many credits did you take for the appointment?

What department did you work for as a research assistant ? (All responses will be reported to maintain confidentiality)

TA

The following questions refer to your role as a Teaching Assistant.

Was this a paid position?

- Yes
 No

How many hour per week did you work?

If you participated for credit, how many credits did you take for the appointment?

What department did you work for as teaching assistant ? (All responses will be reported to maintain confidentiality)

GI

The following questions refer to your role as a Graduate Instructor.

Was this a paid position?

- Yes
- No

Did this position include a tuition waiver?

- Yes
- No

How many hours per week did you work?

If you participated for credit, how many credits did you take for the appointment?

What department did you work for as Graduate Instructor? (All responses will be reported to maintain confidentiality)

Questions

The following questions are in reference to your work at WSU. Indicate how much you agree with each statement.

	Strongly agree	Somewhat agree	Neither agree nor disagree	Somewhat disagree	Strongly disagree
Overall, I'm treated fairly by my organization	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In general, I can count on this organization to be fair	<input type="radio"/>				

	Strongly agree	agree	nor disagree	disagree	disagree
Put you down or was condescending to you?	<input type="radio"/>				
Paid little attention to your statements or showed little interest in your opinion.	<input type="radio"/>				
Made demeaning or derogatory remarks about you?	<input type="radio"/>				
Addressed you in unprofessional terms, either publicly or privately?	<input type="radio"/>				
Ignored or excluded you from professional camaraderie?	<input type="radio"/>				
Doubted your judgement on a matter over which you have responsibility?	<input type="radio"/>				
Made unwanted attempts to draw you into discussion of personal matters?	<input type="radio"/>				

Did you feel that you were taken advantage of because of your status as a student?

Definitely yes
 Probably yes
 Might or might not
 Probably not
 Definitely not

Block 6

Thank you for participating! Your responses will be used to guide WSU policy.

President's Commission on the Status of Women 2016 Annual Report

Appendix 7

Dear [insert name],

The President's Commission on the Status of Women serves to advise the President and Executive VP on all issues relevant to women, recommending courses of appropriate action to enhance the status of women and to address inequities in outcomes and/or opportunities for women.

Specifically the Mentoring and Development Subcommittee seeks to centralize information regarding development and mentoring resources, and promote access and utilization of these resources.

We are writing to learn more about your organization's professional development and mentoring resources, including but not limited to programming, services and best practices. In return, we hope to share with you the information gathered and explore potential synergies for collaboration in the future. Sharing your list of development and mentoring resources by Friday, February 12th is very much appreciated.

Mentoring & Development Subcommittee
President's Commission on the Status of Women