

DEPAUL UNIVERSITY



Fair Business Practices

Category: Presidential

Responsible Department: Division of Mission and Ministry

Responsible Officer: Senior Executive for University Mission

Effective Date: 2/21/2018

Policy Summary

The Fair Business Practices Committee (FBPC) is an advisory body to the President responsible for protecting the integrity of the University's mission and values with regard to DePaul's contracts and contractors. The FBPC receives and examines internal complaints and makes recommendations to the president. On occasion, the FBPC may recommend policies in the areas of contracts and contractors that also support the integrity of the University's mission and values.

Scope

This policy affects the following groups of the University:

- Entire University Community

This policy affects all members of the University Community.

Policy

In support of the University's mission and values the Fair Business Practices Committee

- Ensures that there is a process in place by which to monitor whether DePaul licensees and vendors are aligned with the [University's Code of Conduct for Licensees](#) and [Vendor Selection Philosophy](#);
- Receives and examines internal complaints and makes recommendations to the President with regard to DePaul contracts and contractors in connection to the [University's Code of Conduct for Licensees](#) and [Vendor Selection Philosophy](#). The committee will make its recommendations based on an objective assessment of best practices that are reasonable, consistent and fair;
- Receives and examines other cases at the direction of the President;
- With the consent of the President, the committee may create learning opportunities for the university community about conditions in the labor market and other business practices that relate to fair business practices currently under review by the committee.

The following Offices, Departments, Divisions or Units will be represented on the committee:

Faculty Council Appointments:

Three faculty, at large, with appointments that include expertise in economics/ finance, the law and applied ethics

Other Faculty, Staff and Administrators:

Division of Mission and Ministry (chair)
Academic Affairs
Athletic Department and Marketing and Licensing
Facility Operations
Office of General Counsel
Procurement Services
Student Affairs
Office of the Ombudsperson (non-voting member)

Student Representation:

Three students, appointments to include two Student Government Association (SGA) representatives and one representative approved by SGA.

The President reserves the right at any time to appoint additional members to provide the expertise needed for deliberations. The committee may always invite additional members of the university community to participate in these meetings.

Procedures

Charges of Violation

A. Standing

Any member of the DePaul community may bring a complaint regarding working conditions or human rights issues related to DePaul's contracts and contractors to the Fair Business Practices Committee. Individual members of the Committee also have standing to present an issue to the Committee; however, if a current Committee member chooses to bring forth a complaint or is a member of the complaining party, he or she must inform the Chair of the Committee and recuse himself or herself from participating in any of the Committee's deliberations pertaining to that complaint except to address questions raised by the Committee. It is highly recommended that any complaint(s) brought forth by any student or student group have a faculty or staff advocate to assist with the complaint, which may span an academic year or more.

All Committee deliberations are to be held in the utmost confidence.

The Committee will meet on an ad hoc basis, unless special circumstances require additional meetings. The individual or group wishing to submit a complaint must present their complaint in writing to the Committee chair that outlines the nature of the potential violation. The complainant bears the burden to present an argument that the working conditions or human rights issues in question violate DePaul's mission and values and, where applicable, DePaul's [Code of Conduct for Licensees Policy](#) and [Vendor Selection Philosophy](#). The Committee will determine if it will or will

not accept the case, and whether or not the case will proceed to the Examination phase. If the Committee decides not to accept a case, the Chair will inform the individual or group of the Committee's decision in writing.

The committee will not grant standing to individuals or groups that are not part of the DePaul community. The President may request that the Committee examine a particular case or conduct research for a policy proposal. In such cases, the Committee will conduct appropriate research to make recommendations.

B. Acceptance of the Case

Types of Cases. The committee will accept cases concerning DePaul's licensees or contractors where there is concern that a violation of DePaul's [Code of Conduct for Licensees](#) and/or [Vendor Selection Philosophy](#) has occurred. The Committee reserves the right to determine which cases will and will not be accepted. The Committee may also examine cases as directed by the President or with special permission from the President. The Committee will not accept individual cases of mistreatment or criminal activity within the University, with internal conflicts within units of the university or other cases which, according to DePaul policies, are referred to such persons/offices as the Ombudsperson, the Sexual Harassment officer, Public Safety, Internal Audit, Office of Compliance, Office of Institutional Diversity, Human Resources, or the Student Judicial Board.

Conditions of Acceptance. Complaints will proceed to the examination phase if the complaint is deemed by simple majority vote of the Committee (1) to be within the charge of the committee and (2) to significantly affect or involve the University because it is in potential violation of DePaul's [Code of Conduct for Licensees](#) and/or [Vendor Selection Philosophy](#). The Committee will make its determination to proceed to the examination phase if there is sufficient evidence to justify further examination. For complaints that are not accepted for examination, the complainant has the option of returning to the committee at a later date with a request for a rehearing if the complainant can substantiate that the complaint includes new or additional evidence to warrant an examination.

General Committee Practices. The committee reserves the right to reject complaints brought before it, prioritize complaints that it accepts for examination, set a timeline for examination, and cease an examination. For complaints that are accepted, the committee will inform the affected areas and seek their feedback and comments before the examination process begins. All cases must be completed within two years, unless granted an extension by the Committee. Cases that do not complete the examination phase in the two-year time frame will cease. All committee reports, deliberations, findings, and recommendations will be confidential, unless the President gives explicit instruction to make them more widely available.

C. Examination

In examinations, the Committee will generally follow the procedures listed below:

(a) *Committee Establishes Guidelines for Examination.* Upon acceptance of a complaint for examination, the committee will identify the basic guidelines and primary areas for further examination, including any factual claims that need further substantiation and the basis for a preliminary ethical analysis.

The committee will provide a set of guidelines and instructions to the complaining party in writing no more than 10 business days after it accepts a complaint. For cases referred by the President, the Committee will identify the basic guidelines of the examination.

(b) *Committee Establishes a Case Manager.* The Committee will designate a case manager and a single point of contact from the complaining party for each complaint that is accepted for examination. The role of the case manager is to serve as a Committee liaison to the complaining party to address any procedural questions and to ensure that the case makes reasonable and timely progress through the examination process. For cases referred by the President, the Committee will establish a working group to research and draft a working paper.

(c) *Complaining Party Presents Working Paper.* The complaining party will present a working paper to the Committee substantiating its position and addressing all of the primary areas identified by the Committee upon acceptance of the case. The complaining party must notify the Committee Chair of its intention to present a working paper to the Committee with (15) days notice. For cases referred by the President, the Committee will review the working group's white paper at this stage of the examination process.

(d) *Committee Solicits Stakeholder Input.* If the Committee determines by simple majority vote that the working paper has followed the basic guidelines and has satisfactorily addressed any questions it identified upon acceptance of the case, the Committee will solicit input on the working paper from the units most directly impacted with the consent of the President. Stakeholders may include leadership in the University unit directly affected by or involved with the business practice in question, relevant local, regional or national organizations that focus on the ethics of the business practice in question if such a body exists, the Licensee, vendor, contractor or other internal or external organization directly involved. At this stage of examination, the Committee may decide by simple majority vote that the complaint does not appear to violate DePaul's [Code of Conduct for Licensees](#) and/or [Vendor Selection Philosophy](#), does not fit the committee's criteria for examination, or is not sufficiently supported with evidence to merit further consideration.

If the committee decides by simple majority vote that the case requires additional stakeholder input leading to a recommendation, the Committee may proceed as follows, in consultation with the President: the Committee may hold a public hearing for students, faculty, or staff of DePaul University to solicit comments and suggestions; consult with other peer universities, especially peer Catholic institutions, regarding their response to the business practice in question; and/or invite the President, Provost, Executive Vice President and the University unit involved to present their views regarding potential resolutions of the issue.

D. Recommendations

After completion of the examination process, the Committee will deliberate as to whether the business practice in question violates DePaul's mission or [DePaul's Code of Conduct for Licensees Policy](#). If the vote carries by simple majority, the Committee will formulate one or more recommendations. Recommendations *may* include the following: non-renewal of a contract, pursuit of a negotiated settlement with the party involved, or a process for resolving the issue over a stipulated period of time.

Recommendations will be made to the President. The President makes the final decision, but the President will report the reasons for not accepting a recommendation to the Committee. In cases involving issues that potentially have major consequences to the University, the President may request the opportunity to present the issue to the Board of Trustees.

The Committee will not dictate the terms of any contract or license nor will it participate in any negotiations. The Committee will make recommendations that focus on the values the University believes need to be upheld and a recommended process for upholding them, including but not limited to non-renewal of contract, negotiated settlement, letter of concern, or further consultation with other universities that, in its judgment, follow the best practices in the area under consideration.

E. Enforcement

It is the responsibility of the University unit directly involved to enforce the decision of the President. The unit will report the resolution of the issue to the Committee within one year's time.

Divisional Collaborations

- Executive Offices
- Office of General Counsel
- Student Affairs
- Procurement
- Athletic Department

Contact Information

Scott Kelley

Associate Vice President for Mission Integration
Division of Mission and Ministry
1 East Jackson Blvd
Chicago, IL 60604
(312) 362-6674
skelley6@depaul.edu

Appendices

- Appendix A: [The Mission of DePaul University](#)
- Appendix B: [The Fair Business Practices webpage in the Division of Mission and Ministry](#)
- Appendix C: [Vendor Selection Philosophy](#)

History/Revisions

Origination Date: 05/06/2006
Last Amended Date: 10/23/2017
Next Review Date: N/A