

**ORIGINAL**

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COURT OF CLAIMS  
OF OHIO  
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**IN THE OHIO COURT OF CLAIMS**

STEVEN LISS,	)	CASE NO.: 2013-00139
	)	
Plaintiff,	)	JUDGE PATRICK M. McGRATH
	)	
vs.	)	MAGISTRATE HOLLY T. SHAVER
	)	
CLEVELAND STATE UNIVERSITY,	)	<b><u>PLAINTIFF'S MOTION TO COMPEL</u></b>
	)	<b><u>DEFENDANT TO PRODUCE DR.</u></b>
Defendant.	)	<b><u>BERKMAN FOR DEPOSITION</u></b>

Plaintiff Steven Liss respectfully moves the Court to enter an Order requiring Defendant Cleveland State University ("CSU") to make Dr. Berkman—the person who signed Liss's termination letter and denied his final appeal—available for deposition at a time mutually convenient to the parties and no later than August 15, 2014.

CSU admits that Dr. Berkman was one of five persons who participated in the decision to terminate Liss and that Dr. Berkman has knowledge regarding other issues that go to the heart of this case, including knowledge of Liss's protected activity. Dr. Berkman also was the final decision-maker regarding Liss's internal appeal. Finally, Dr. Berkman signed Liss's termination letter and only Dr. Berkman knows why he did so.

Plaintiff properly noticed Dr. Berkman's deposition. Without even moving the Court for a protective order, Defendant failed to produce Dr. Berkman for deposition. No "good cause" excuses Defendant's conduct. The Motion should be granted.

**BACKGROUND**

**ON COMPUTER**

**I. Liss Was an Outstanding Long-Time Employee.**

Liss was employed by CSU for 19 years, serving as its Director of Student Involvement for the last six years of his employment. He was very successful in this role and consistently earned excellent performance reviews, including earning overall "exceeds expectations" ratings for his work in the 2009/2010 and 2010/2011 fiscal years.<sup>1</sup>

<sup>1</sup> See CSU\_4551-4568, true and accurate copy attached hereto as Exhibit 1.

**II. Liss's New Supervisor Made Age-Related Remarks and Otherwise Discriminated Against Liss Prior to Terminating Liss.**

In February 2012, Dr. Willie Banks became Liss's supervisor. Within six months, Banks terminated every older employee and made numerous age-related slurs. From the on-set, Banks made his preference for younger employees apparent, including telling Liss that Banks did not believe "old dogs can learn new tricks" and consistently excluding Liss and other older employees from social gatherings during work. Banks also ordered Liss to write-up older employees, and retaliated against Liss when Liss complained to Human Resources about this and other acts of age discrimination.

**III. Under the Guise of a Fraudulent Re-organization, CSU and Dr. Berkman Terminated Liss and Other Older Employees While Promoting Younger Employees.**

Without issuing an RFP or considering other candidates, Banks retained T.W. Cauthen—a long-time friend with whom he had attended dances, balls and drag shows—to prepare a recommendation with respect to re-organizing the Student Life department. Cauthen had no prior experience with urban universities or commuter universities. In advance, by email, Banks informed Cauthen that he wanted to "restructure" the department in such a way that the result would be the termination of the three older workers. Unsurprisingly, Cauthen's report suggested re-structuring identical to the manner in which Banks wanted to re-structure the department.

CSU implemented Banks's recommendations, claimed that they were Cauthen's independent suggestions, and terminated Liss on or about September 5, 2012. CSU failed to make efforts to find another position within CSU for Liss, as required under Liss's employment contract, and ultimately replaced Liss with younger individuals.

**IV. CSU Concedes That Dr. Berkman Participated in the Decision to Terminate Liss and Has Knowledge of Liss's Protected Conduct.**

In response to Liss's first set of discovery requests, CSU stated that Dr. Berkman was **one of five people** who "participated . . . in the termination decision concerning Plaintiff[.]" See

*Defendant's Responses to: Plaintiff's First Set of Interrogatories*, attached hereto as Exhibit 2, ("CSU Discovery Responses") at Interrogatory No. 7. Although Liss asked CSU to identify Dr. Berkman's role in making "any such [termination] decision[.]" CSU refused to do so. *Id.*

Moreover, CSU admitted, in its responses to Liss's first set of discovery requests, that Dr. Berkman has knowledge concerning the subject matter of the Complaint, Dr. Berkman participated in employment decisions related to Liss, and Dr. Berkman "made decisions, was informed of, and/or provided [] documents and/or information concerning Plaintiff's [discrimination complaints][.]" *Id.* at Interrogatory Nos. 3, 6 & 15. With respect to participation in employment decisions and being informed of Liss's protected conduct, Dr. Berkman is again one of only five people identified.

Documents produced to-date confirm Dr. Berkman's central role in the central issues of this case. For example, Dr. Berkman signed the termination letter<sup>2</sup> and reviewed a report of investigative findings related to Liss's discrimination and retaliation claims.<sup>3</sup> Dr. Berkman also was the final decision-maker with respect to Liss's appeal of his termination. Only Dr. Berkman can testify concerning what he relied upon in confirming the termination and initially making the decision to terminate. Similarly, documents reveal that Berkman commissioned a second consultant report, after Cauthen's report, and only Berkman can testify as to why he commissioned this report.

**V. CSU Refused to Make Dr. Berkman Available for a Noticed Deposition and Failed to Seek a Protective Order.**

Despite Dr. Berkman's admitted involvement in decisions that go to the heart of this case and Liss noticing Berkman's deposition,<sup>4</sup> CSU has refused to make Dr. Berkman available.<sup>5</sup>

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<sup>2</sup> See CSU\_000016, true and accurate copy attached hereto as Exhibit 3.

<sup>3</sup> See CSU\_002167, true and accurate copy attached hereto as Exhibit 4.

<sup>4</sup> *Plaintiff's Notice of Depositions*, true and accurate copy attached hereto as Exhibit 5.

<sup>5</sup> See, e.g., email from CSU's counsel dated July 23, 2014, true and accurate copy attached hereto as Exhibit 6; *Transcript of Attempted Deposition of Dr. Ronald Berkman*, true and accurate copy attached hereto as Exhibit 7.

## LAW AND ARGUMENT

The Ohio Rules of Civil Procedure<sup>6</sup> provide for “discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action” and “[i]t is not ground for objection that the information sought will be inadmissible at trial if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.” Ohio R. Civ. P. 26(B)(1). Likewise, Rule 30 provides, in pertinent part, “[a]fter commencement of the action, any party may take the testimony of any person, including a party, by deposition upon oral examination.” Ohio R. Civ. P. 30(A) (emphasis added). Both Rules entitle Liss to Dr. Berkman’s deposition particularly given that CSU has admitted that Dr. Berkman played a role in employment decisions related to Liss, including the decision to terminate him, and given that all of Liss’s claims in this action stem from those employment decisions. *See, e.g., Hill v. Motel 6*, 205 F.R.D. 490, 495 (S.D. Ohio 2001) (holding personnel files concerning persons who participated in decision to terminate the plaintiff are discoverable).

A protective order shielding Dr. Berkman from deposition is not appropriate here. Under Rule 26, courts only grant protective orders where there is a showing of “good cause,” which generally requires a showing that the sought discovery will cause “annoyance, embarrassment, oppression, or undue burden or expense[.]” Ohio R. Civ. P. 26(C).

Courts generally conflate the analysis “weighing the competing interests to be served by allowing discovery to proceed against the harm that may result.” *See, e.g., Eberhard Architects, L.L.C. v. Schottenstein, Zox & Dunn Co.*, 8th Dist. No. 99867, 2013-Ohio-5319, ¶13 (affirming trial court’s denial of protective order with respect to noticed deposition) (internal citations omitted). Here, CSU cannot point to any harm or even any particular burden on Dr. Berkman. There is no evidence that Dr. Berkman’s testimony will concern privileged or confidential

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<sup>6</sup> The Ohio Rules apply to actions in this Court provided they are not “clearly inapplicable to the special statutory procedures set forth in R.C. Chapter 2743[.]” C.C. R. 1(A).

information; to the contrary, evidence in the record (e.g. CSU's discovery responses) suggests that Dr. Berkman's testimony will be highly relevant. Moreover, Dr. Berkman's office is on CSU's Cleveland campus and Liss wishes to take Dr. Berkman's deposition at his counsel's offices, also located in Cleveland. Finally, Liss has indicated that he does not intend to depose Dr. Berkman for more than four hours.

Moreover, Dr. Berkman is not eligible for an exemption as a "high-ranking government official." Rather, this exemption is available only to officials with responsibilities akin to those leading state and local governments.<sup>7</sup> Further, even if Dr. Berkman were eligible, the exemption does not apply here. The Ohio Supreme Court applies the following factors to determine whether this exemption applies: "the necessity to depose or examine an executive official against, among other factors, the substantiality of the case in which the deposition is requested; the degree to which the witness has first-hand knowledge or direct involvement; the probable length of the deposition and the effect on government business if the official must attend the deposition; and whether less onerous discovery procedures provide the information sought."<sup>8</sup>

Applying these factors in *State ex rel. Summit County Republican Party Exec. Comm. v. Brunner*, the Ohio Supreme Court declined to grant the Ohio Secretary of State a protective order from providing her deposition. The Court reasoned, in part, that because the case challenged a decision the Secretary took part in, "[t]he secretary's personal knowledge and thought process in arriving at her decision lies at the heart of the case."<sup>9</sup> The Court further noted that "there is no reason to believe that a deposition need take an inordinate amount of time."<sup>10</sup>

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<sup>7</sup> See, e.g., *New York v. Oneida Indian Nation of N.Y.*, N.D.N.Y. No. 95-CV-0554, 2001 U.S. Dist. LEXIS 21616, \*9-11 (Nov. 9, 2001) (noting that State governor is a high-ranking official and citing, with approval, case law where mayor and police commissioner were found to be high-ranking officials).

<sup>8</sup> *State ex rel. Summit County Republican Party Exec. Comm. v. Brunner*, 117 Ohio St. 3d 1210, 2008-Ohio-1035, ¶¶3-4, 883 N.E.2d 452 (2008) (internal citations omitted).

<sup>9</sup> *Id.* at ¶6.

<sup>10</sup> *Id.* at ¶7.

Similarly here, CSU has identified Dr. Berkman as one of five individuals participating in the decision to terminate Liss, which “lies at the heart of the case.” Moreover, not only is there no reason to believe the deposition will be time-consuming, the deposition notice issued with respect to Dr. Berkman’s deposition was explicitly limited to no more than four hours.<sup>11</sup>

There is simply no basis to enter a protective order prohibiting Dr. Berkman’s deposition. To the extent CSU raises additional arguments in its Opposition to this Motion, Liss respectfully requests the right to respond to those arguments in a reply brief.

### CONCLUSION

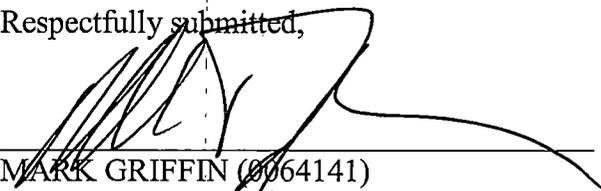
CSU’s own admissions reveal that Dr. Berkman’s testimony is relevant and likely to lead to the discovery of admissible evidence. CSU has not asserted that privilege or confidentiality concerns warrant a protective here; nor has CSU alleged any undue burden.

For these reasons, as set forth more fully above, Liss respectfully requests that the Court grant Plaintiff’s Motion and enter an Order requiring CSU to make Dr. Berkman available for deposition at a time mutually convenient to the parties and no later than August 15, 2014.

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<sup>11</sup> Exhibit 5 (“Plaintiff will take the deposition of Dr. Ronald Berkman on July 25, 2014, commencing at 10:00 a.m. and ending at or before 2:00 p.m.”).

Respectfully submitted,



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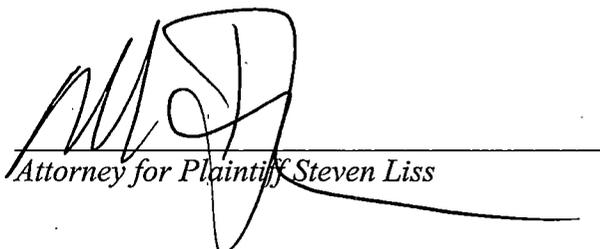
*Attorneys for Plaintiff Steven Liss*

**CERTIFICATE OF SERVICE**

A true and accurate copy of the foregoing was served via electronic and U.S. Mail, on this 30th day of July 2014 to:

Randall W. Knutti, Esq.  
Amy S. Brown, Esq.  
Emily M. Simmons, Esq.  
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Court of Claims Defense Section  
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*Attorneys for Defendant*



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*Attorney for Plaintiff Steven Liss*

# EXHIBIT 1

## View Professional Staff Annual or Probationary Performance Evaluation Summary - Dir, Student Involvement

### Evaluation Details

Employee First Name:	Steven
Employee Last Name:	Liss
Employee ID Number:	1002241
Employee Account Name:	Liss, Steven
Business Title:	Dir, Student Involvement
Job Code Title:	Director (Admin Prog)-7
Evaluation Cycle:	Fiscal
Evaluation Cycle Begin Date:	07/01/2009
Evaluation Cycle End Date:	06/30/2010
Department:	Student Life
Supervisor:	Emerick, Sandra
Supervisor Title:	Assoc Dean, Student Life / Dean of Students
Next Level Supervisor:	Drnek, James
Other Users in Department Who Need Access to this Evaluation:	Emerick, Sandra Graser, Misty Drnek, James

### Last Year's Goal Statements

8 Records

Goal:	Goal Met: (Entered by Supervisor)	Employee Comments:	Supervisor Comments:
Assessment -- focus on quality of student experience rather than quantity.	Yes	Unit assessment revised in association with overall departmental changes.	Steve was extremely instrumental in gathering data for the Assessment process. Our goal is to continue to ramp up data collection, analysis and closing the assessment loop.

<b>Board of Elections established as stand-alone entity.</b>	Yes	Completed Fall Semester 2009.	Goal met and thoroughly managed by Steve.
<b>Data collection and associated report production process refined.</b>	No	In progress -- introduction of OrgSync during FY 11 should assist in this process.	Good progress toward student organization technology development and implementation. Continue to find ways to evaluate student satisfaction of Student Involvement services.
<b>Explore CSI staffing alternatives; e.g. addition of full G.A. and non-work study student staff.</b>	Yes	Full G.A. added for FY 11. Pursuing non-work study student staff via GFAC in Fall 2010.	GA hired. Large staff of student assistants hired. Work through ways to support front of house reception services through use of students.
<b>SGA Election process upgraded through use of technology.</b>	Yes	SGA Election hosted online for first time in April 2010.	Fantastic Job working with IS&T to develop and run online elections and to have a record response as well!
<b>Streamline student organization administration process.</b>	No	In progress; introduction of OrgSync will assist with this process.	Ongoing. Continue working to move general processes to online services and increase online traffic to and awareness of student organizations to increase involvement.
<b>Support and/or facilitate creative efforts to market on-campus involvement opportunities to CSU students.</b>	No	CSI brochure not complete.	Pursue more social networking marketing, involvement campaign to include student organization testimonials, highlight student group accomplishments, and work with CSU marketing to focus on engagement opportunities within student orgs.
<b>Support development of Greek Life strategic plan.</b>	No	Ongoing. Helped facilitate series of meetings with Dean, Greek Life Coordinator, and Greek Alumni towards this end.	Develop plan to include growth goals, marketing, retention through awards and academic expectations, for 3 year plan.

## Job Responsibilities

### 11 Records

#### Responsibility:

- 1. Provides oversight and direction for effective operation of general fee and registered student organizations and student media by:**
  - A. Overseeing the Center for Student Involvement, including registered organization resources and general fee work space.**
  - B. Establishing goals and overall direction for staff charged with coordinating operations of registered student organizations, fraternity/sorority affairs, and student media. Serving as advisor for budget processes, personnel matters and administrative functions.**
  - C. Ensuring that general fee organizations are operationally consistent with department audit requirements and all student organization policies and procedures.**
  - D. Developing procedures for general fee student officer training, orientation, performance evaluation and transitioning. Hosting general fee advisor meetings to discuss issues/concerns and promote consistency of operations.**
  - E. Implementing annual process for review and revision of general fee organization constitutions, organizational structures, officer selection, position descriptions, funding strategies and adherence to record retention policies.**

- F. Implementing assessment plan for supervised areas in conjunction with requirements and guidelines of CSU and Council for the Advancement of Standards in Higher Education.
  - G. Advising at least one general fee student organization by training/evaluating student officers, supporting the officer selection process, ensuring budget operations are consistent with department and university procedures and ensuring that all organizational initiatives contribute to an effective learning environment supportive of student involvement and retention.
2. Supports Faculty Senate Student Life Committee by serving as member of sub-committees (e.g. student conduct code, student organization policies, student leader scholarship policy). Makes recommendations regarding policy revision.
  3. Coordinates activities of the General Fee Advisory Committee (GFAC) by:
    - A. Establishing GFAC agenda in collaboration with the Vice Provost.
    - B. Overseeing and ensuring compliance with fund request/allocation procedures.
    - C. Maintaining records, meeting minutes/summaries and content of GFAC web site. Coordinating and tracking work flow, schedules, projects and committee decisions.
    - D. Serving as primary point of direct administrative contact and liaison with committee members, faculty, staff and student campus constituencies.
    - E. Convening and chairing GFAC subcommittees and ad hoc task forces. Serving as chairperson of GFAC in absence of the Vice President.
  4. Advises and provides operational oversight for the Student Government Association (SGA), including:
    - A. Advising and supporting SGA operations, including Executive Board, Senators, Student Appointments Board, Finance Committee, United Student Organizations, Print Shop, and other SGA committees.
    - B. Monitoring SGA budgets, ensuring financial recordkeeping follows established guidelines and department audit requirements.
    - C. Conducting monthly meetings with officers and once per semester performance appraisals with officers; attending cabinet, executive board and senate meetings.
    - D. Reviewing and monitoring documents to be presented before the student body.
  5. Supervises assigned personnel by providing orientation, guidance, assistance and developmental training as required. Approves or makes recommendations regarding employment, performance appraisals, salary changes, promotions, transfers, and terminations.
  6. Coordinates facility management and office space allocations for general fee organizations to ensure efficient use of limited resources, including office/equipment maintenance and ongoing upgrades of facilities.
  7. Assists in planning and supports the University's response to situations and emergencies impacting individual and overall student safety and welfare; implementing an early alert process that identifies and responds to campus issues and concerns.
  8. Assumes administrative responsibility for the Department of Student Life in absence of the Dean and Associate Dean.
  9. Serves on university and division committees as requested.
  10. Enhances professional growth and development through participation in continuing education courses, professional organizations, seminars and workshops, reading current literature and maintaining professional contacts in the community.
  11. Performs other functionally related duties as assigned.

**Individual Competencies**

**Work Quality/Quality Standards/Quality Service**

Below signifies MEETS All EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Demonstrate high quality standards in all work
- Meet deadlines and notify affected parties when meeting deadline is not possible
- Interact with internal and external customers exhibiting professional courtesy, respect and quality service behaviors
- Present and promote a positive image of CSU
- Provide high levels of service in all situations

Employee Rating:	Exceeds Expectations
Supervisor Rating:	Outstanding
Employee Comments:	
Supervisor Comments:	
<b>Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.</b>	

**Interpersonal Relations/Team Interactions**

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Create and/or contribute to a work climate that reflects trust, openness, and good relations among the University community
- Work cooperatively with supervisors to accomplish tasks and is willing to accept advice and follow directions
- Work cooperatively with team to ensure outcomes and high levels of service
- Demonstrate an ability to effectively manage conflict
- Recognize the diversity of the campus community and treat everyone with equal respect and dignity

Employee Rating:	Exceeds Expectations
Supervisor Rating:	Exceeds Expectations
Employee Comments:	
Supervisor Comments:	
<b>Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.</b>	
	I consider Steve to be a team player anwilling to work with fellow staff.

**Communication Skills**

Below signifies MEETS All EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Effectively use oral and written communication skills to convey ideas to others in a clear and informative manner
- Be tactful and professional in all oral and written communications
- Display good listening skills
- Keep appropriate CSU staff informed, including supervisor, when information received is (or could be) relevant to them
- Provide for timely, accurate and complete information between various departments in a helpful, assistive manner

Employee Rating:	Exceeds Expectations
Supervisor Rating:	Meets All Expectations
Employee Comments:	
Supervisor Comments:	
<b>Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.</b>	

**Productivity, Initiative and Creativity**

Below signifies MEETS All EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Distinguish between necessary and unnecessary activities
- Effectively plan work to avoid constant deadline crises
- Effectively organize own work schedule
- Find ways to "add value"
- Work effectively and efficiently under general supervision where only broad work instructions are provided
- Recommend and/or implement improvements to methods, procedures, and services
- Effectively utilize department resources, identify and secure external resources (as applicable)
- Keep current on recent developments and new information in his/her department or field, including new technology, equipment, programs, and services

Employee Rating:	Meets All Expectations
Supervisor Rating:	Meets All Expectations

Employee Comments:

Supervisor Comments:

Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.

#### Analytical Skills, Report Writing, Data Management and Analysis

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Adhere to financial and record keeping procedures of department and University
- Maintain documentation that is complete, organized, legible, and concise
- Search for and investigate many different kinds of relevant information to assist in decision-making
- Demonstrate the ability to discover, understand, and verbalize the concepts and ideas held by others
- Use analytical skills to review information and formulate alternative solutions to problem
- Articulate the pros and cons of alternatives when devising plans or courses of action

Employee Rating:

Meets All Expectations

Supervisor Rating:

Exceeds Expectations

Employee Comments:

Supervisor Comments:

Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.

#### Leadership/People Management/Managing Performance of Others

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Set clear focus and direction
- Provide ongoing feedback and coaching to employees
- Define roles and responsibilities and set clear expectations for performance
- Challenge and motivate employees
- Apply clear and consistent performance standards
- Handle performance issues decisively and objectively
- Manage collaboratively
- Make decisions systematically

- Maximize the diversity of the team to meet business objectives

Employee Rating:	Meets All Expectations
Supervisor Rating:	Meets All Expectations
Employee Comments:	
Supervisor Comments:	
<b>Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.</b>	

### Project, Meeting and Time Management

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Manage multiple priorities effectively
- Set priorities and delegates effectively
- Set clear meeting agendas and involve appropriate people for meetings
- Manage tasks and responsibilities for all departmental projects
- Meet project deadlines or communicate effectively when deadlines are compromised

Employee Rating:	Exceeds Expectations
Supervisor Rating:	Meets All Expectations
Employee Comments:	
Supervisor Comments:	
<b>Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.</b>	

### Next Year's Goal Statements

7 Records

Goal:	Goal Met:	Employee Comments:
Board of Elections "extraction" from SGA more fully implemented.	Yes	BOE Constitution and SGA Election Rules fully revised by Advisory Council and approved per protocol.

<b>Continue to explore CSI staffing alternatives; e.g. addition of staff to proved front desk coverage.</b>	Yes	
<b>Continue to support development of Greek Life strategic plan.</b>	No	
<b>Data collection and associated report production process refined.</b>	No	Data and report capabilities of OrgSync need to be utilized.
<b>Streamline student organization administration process.</b>	No	In collaboration with CSI staff.
<b>Support and/or facilitate creative efforts to market on-campus involvement opportunities to CSU students.</b>	No	Need to complete CSI brochure, take full advantage of OrgSync.
<b>Support maximum/ideal use of student organization spaces in new Student Center.</b>	No	In conjunction with CSI staff and Student Center Manager.

**Overall Rating Comments**

**Overall Performance Rating**

Overall Performance Rating: Exceeds Expectations

**Comments**

Supervisor Comments: Steve is an excellen student affairs professional. His strengths are student advising, particularly one on one; organization, and productivity.

Employee Comments:

Next Level Supervisor Comments: Steve, Thanks for doing such a wonderful job! Your efforts are really appreciated! -Jim

**Notes/History**

09-15-2010 4:10 PM	Steven Liss
<i>Saved Without Submitting</i>	
09-15-2010 4:26 PM	Steven Liss
<i>Save</i>	
09-15-2010 4:29 PM	Steven Liss

Save

09-17-2010 9:10 PM

Steven Liss

Save

09-24-2010 11:36 AM

Steven Liss

*Sent to Supervisor to Conduct Evaluation*

10-04-2010 9:43 AM

Sandra Emerick

Save

10-12-2010 10:12 AM

Sandra Emerick

*Evaluation Complete - Pending Discussion with Employee*

10-13-2010 8:00 PM

Sandra Emerick

*Discussion Complete - Sent to Employee for Review*

10-15-2010 12:15 PM

Steven Liss

*Reviewed - Send to Supervisor*

10-15-2010 1:02 PM

Sandra Emerick

*Sent to Next Level Supervisor for Review or Approval*

10-15-2010 1:54 PM

James Drnek

Save

10-15-2010 1:54 PM

James Drnek

*Sent to HR for Review/Filing*

10-21-2010 12:56 PM

Patricia Skerl

*Evaluation Complete*

## View Professional Staff Annual or Probationary Performance Evaluation Summary - Dir, Student Involvement

### Evaluation Details

Employee First Name:	Steven
Employee Last Name:	Liss
Employee ID Number:	1002241
Employee Account Name:	Liss, Steven
Business Title:	Dir, Student Involvement
Job Code Title:	Director (Admin Prog)-7
Evaluation Cycle:	Fiscal
Evaluation Cycle Begin Date:	07/01/2010
Evaluation Cycle End Date:	06/30/2011
Department:	Student Life
Supervisor:	Drnek, James
Supervisor Title:	Vice Prov Stu Affrs/Dean Stdnt / Provost & Sr VP, Academic Affrs
Next Level Supervisor:	Mearns, Geoffrey
Other Users in Department Who Need Access to this Evaluation:	Snell, Kim Mearns, Geoffrey Drnek, James

### Last Year's Goal Statements

7 Records

Goal:	Goal Met: (Entered by Supervisor)	Employee Comments:	Supervisor Comments:
Board of Elections "extraction" from SGA more fully implemented.	Yes	BOE Constitution and SGA Election Rules fully revised by Advisory Council and approved per protocol.	The BOE has become independent from SGA.
Continue to explore CSI	Yes		Student staff supervised by

<b>staffing alternatives; e.g. addition of staff to proved front desk coverage.</b>			the Office Coordinator, will provide coverage at the front desk.
<b>Continue to support development of Greek Life strategic plan.</b>	Yes	Format for Greek "study group" established; group to meet and develop draft of strategic plan during FY 2012.	Greek study group has been established. Group will begin drafting plan in FY 2012.
<b>Data collection and associated report production process refined.</b>	Yes	Data and report capabilities of OrgSync need to be utilized.	Capabilities for OrgSync continue to develop with cooperation from a wide variety of partners.
<b>Streamline student organization administration process.</b>	Yes	In collaboration with CSI staff.	OrgSync will support some issues associated with streamlining.
<b>Support and/or facilitate creative efforts to market on-campus involvement opportunities to CSU students.</b>	Yes	Need to complete CSI brochure, take full advantage of OrgSync.	Org Sync will allow the Center for Student Involvement to market involvement opportunities more easily to CSU students.
<b>Support maximum/ideal use of student organization spaces in new Student Center.</b>	Yes	In conjunction with CSI staff and Student Center Manager.	Students continue to use the space more and more.

## Job Responsibilities

### 11 Records

#### Responsibility:

- 1. Provides oversight and direction for effective operation of general fee and registered student organizations and student media by:**
  - A. Overseeing the Center for Student Involvement, including registered organization resources and general fee work space.**
  - B. Establishing goals and overall direction for staff charged with coordinating operations of registered student organizations, fraternity/sorority affairs, and student media. Serving as advisor for budget processes, personnel matters and administrative functions.**
  - C. Ensuring that general fee organizations are operationally consistent with department audit requirements and all student organization policies and procedures.**
  - D. Developing procedures for general fee student officer training, orientation, performance evaluation and transitioning. Hosting general fee advisor meetings to discuss issues/concerns and promote consistency of operations.**
  - E. Implementing annual process for review and revision of general fee organization constitutions, organizational structures, officer selection, position descriptions, funding strategies and adherence to record retention policies.**
  - F. Implementing assessment plan for supervised areas in conjunction with requirements and guidelines of CSU and Council for the Advancement of Standards in Higher Education.**
  - G. Advising at least one general fee student organization by training/evaluating student officers, supporting the officer selection process, ensuring budget operations are consistent with department and university procedures and ensuring that all organizational initiatives contribute to an effective learning environment supportive of student involvement and retention.**
- 2. Supports Faculty Senate Student Life Committee by serving as member of sub-committees (e.g. student conduct code, student organization policies, student leader scholarship policy). Makes recommendations regarding policy revision.**

- 3. Coordinates activities of the General Fee Advisory Committee (GFAC) by:**
  - A. Establishing GFAC agenda in collaboration with the Vice Provost.**
  - B. Overseeing and ensuring compliance with fund request/allocation procedures.**
  - C. Maintaining records, meeting minutes/summaries and content of GFAC web site. Coordinating and tracking work flow, schedules, projects and committee decisions.**
  - D. Serving as primary point of direct administrative contact and liaison with committee members, faculty, staff and student campus constituencies.**
  - E. Convening and chairing GFAC subcommittees and ad hoc task forces. Serving as chairperson of GFAC in absence of the Vice President.**
- 4. Advises and provides operational oversight for the Student Government Association (SGA), including:**
  - A. Advising and supporting SGA operations, including Executive Board, Senators, Student Appointments Board, Finance Committee, United Student Organizations, Print Shop, and other SGA committees.**
  - B. Monitoring SGA budgets, ensuring financial recordkeeping follows established guidelines and department audit requirements.**
  - C. Conducting monthly meetings with officers and once per semester performance appraisals with officers; attending cabinet, executive board and senate meetings.**
  - D. Reviewing and monitoring documents to be presented before the student body.**
- 5. Supervises assigned personnel by providing orientation, guidance, assistance and developmental training as required. Approves or makes recommendations regarding employment, performance appraisals, salary changes, promotions, transfers, and terminations.**
- 6. Coordinates facility management and office space allocations for general fee organizations to ensure efficient use of limited resources, including office/equipment maintenance and ongoing upgrades of facilities.**
- 7. Assists in planning and supports the University's response to situations and emergencies impacting individual and overall student safety and welfare; implementing an early alert process that identifies and responds to campus issues and concerns.**
- 8. Assumes administrative responsibility for the Department of Student Life in absence of the Dean and Associate Dean.**
- 9. Serves on university and division committees as requested.**
- 10. Enhances professional growth and development through participation in continuing education courses, professional organizations, seminars and workshops, reading current literature and maintaining professional contacts in the community.**
- 11. Performs other functionally related duties as assigned.**

### Individual Competencies

#### Work Quality/Quality Standards/Quality Service

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Demonstrate high quality standards in all work
- Meet deadlines and notify affected parties when meeting deadline is not possible
- Interact with internal and external customers exhibiting professional courtesy, respect and quality service behaviors
- Present and promote a positive image of CSU
- Provide high levels of service in all situations

Employee Rating:	Exceeds Expectations
Supervisor Rating:	Outstanding
Employee Comments:	I strive to communicate to all members of the CSU Community that I truly care about the institution and all members (students, faculty, staff).
Supervisor Comments:	Steve presents a very positive image of CSU to the entire community. Steve is student-centered in his approach to advising and working with students and others.
<b>Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.</b>	

**Interpersonal Relations/Team Interactions**

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Create and/or contribute to a work climate that reflects trust, openness, and good relations among the University community
- Work cooperatively with supervisors to accomplish tasks and is willing to accept advice and follow directions
- Work cooperatively with team to ensure outcomes and high levels of service
- Demonstrate an ability to effectively manage conflict
- Recognize the diversity of the campus community and treat everyone with equal respect and dignity

Employee Rating:	Exceeds Expectations
Supervisor Rating:	Exceeds Expectations
Employee Comments:	
Supervisor Comments:	Steve has good interpersonal skills and works extremely well with others.
<b>Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.</b>	

**Communication Skills**

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Effectively use oral and written communication skills to convey ideas to others in a clear and informative manner

- Be tactful and professional in all oral and written communications
- Display good listening skills
- Keep appropriate CSU staff informed, including supervisor, when information received is (or could be) relevant to them
- Provide for timely, accurate and complete information between various departments in a helpful, assistive manner

Employee Rating:	Exceeds Expectations
Supervisor Rating:	Meets All Expectations
Employee Comments:	Actually one of my stronger points...although some have said that I tend to be too tactful/careful at times.
Supervisor Comments:	
<b>Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.</b>	

**Productivity, Initiative and Creativity**

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Distinguish between necessary and unnecessary activities
- Effectively plan work to avoid constant deadline crises
- Effectively organize own work schedule
- Find ways to "add value"
- Work effectively and efficiently under general supervision where only broad work instructions are provided
- Recommend and/or implement improvements to methods, procedures, and services
- Effectively utilize department resources, identify and secure external resources (as applicable)
- Keep current on recent developments and new information in his/her department or field, including new technology, equipment, programs, and services

Employee Rating:	Exceeds Expectations
Supervisor Rating:	Exceeds Expectations
Employee Comments:	
Supervisor Comments:	
<b>Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.</b>	
	Steve is extremely productive, working with minimal supervision. Steve is very organized in his approach to work.

**Analytical Skills, Report Writing, Data Management and Analysis**

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Adhere to financial and record keeping procedures of department and University
- Maintain documentation that is complete, organized, legible, and concise
- Search for and investigate many different kinds of relevant information to assist in decision-making
- Demonstrate the ability to discover, understand, and verbalize the concepts and ideas held by others
- Use analytical skills to review information and formulate alternative solutions to problem
- Articulate the pros and cons of alternatives when devising plans or courses of action

Employee Rating:	Exceeds Expectations
Supervisor Rating:	Exceeds Expectations
Employee Comments:	
Supervisor Comments:	
<b>Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.</b>	Steve makes good decisions based on thoughtful consideration of data and other relevant pieces of info.

**Leadership/People Management/Managing Performance of Others**

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Set clear focus and direction
- Provide ongoing feedback and coaching to employees
- Define roles and responsibilities and set clear expectations for performance
- Challenge and motivate employees
- Apply clear and consistent performance standards
- Handle performance issues decisively and objectively
- Manage collaboratively
- Make decisions systematically
- Maximize the diversity of the team to meet business objectives

Employee Rating:	Meets All Expectations
Supervisor Rating:	Meets All Expectations

Employee Comments:	I very much appreciate the Dean's support in this area; our staff has many years of experience....which can sometimes result in unique challenges.
Supervisor Comments:	
Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.	
Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.	

**Project, Meeting and Time Management**

Below signifies MEETS ALL EXPECTATIONS performance. Rating in this area should be based on applicability to the employee's current position and job duties. This competency is defined as the ability to:

- Manage multiple priorities effectively
- Set priorities and delegates effectively
- Set clear meeting agendas and involve appropriate people for meetings
- Manage tasks and responsibilities for all departmental projects
- Meet project deadlines or communicate effectively when deadlines are compromised

Employee Rating:	Exceeds Expectations
Supervisor Rating:	Exceeds Expectations
Employee Comments:	
Supervisor Comments:	Steve does a great job taking on projects. One example of this would be the OrgSync project. Orgsync will move administration and management of all student organizations into an electronic environment. Steve has worked hard to move this initiative forward aggressively.
Supervisor comments are required for any ratings other than Meets All Expectations or Meets Most Expectations.	

**Next Year's Goal Statements**

7 Records

Goal:	Goal Met:	Employee Comments:
Begin process of Advising Viking Expeditions and associated Service Funding process.		Need to further explore connection to Honors Program.
Continue to support and/or facilitate creative efforts to market on-campus involvement opportunities to CSU students.		Focus on electronic media.
Continue implementation/integration of OrgSync.		Explore possible connection to facility reservation process.
Continue to support development of Greek Life strategic plan.		In conjunction with Greek Coordinator.
Explore options for enhancing evening and weekend		In collaboration with Student Life.