4-27-2015

University of Northern Iowa Faculty Senate Meeting Minutes, April 27, 2015

University of Northern Iowa. Faculty Senate.

Regular Meeting **#1767**
UNI Faculty Senate
Summary Minutes
April 27, 2015
Oak Room, Maucker Union
(3:30-4:48 p.m.)

Courtesy Announcements

1. **Call for Press Identification**: Christiana **Crippes**, *Waterloo-Cedar Falls Courier* and Alex **Kehrli,** *Northern Iowan.*

2. Comments from Interim Provost **Licari**:
In his final remarks to the UNI Faculty Senate, Interim Provost **Licari** encouraged faculty to attend graduation. He expressed his thanks for the leadership of the Faculty Senate and sadness about leaving the faculty, staff and students at UNI saying, that the best thing about UNI is that, "everybody here makes it so easy for everybody else to be excellent. It really is like a family here. That's made it hard to leave."

3. Comments from Faculty Chair **Peters**:
Chair Peters reported that budget appropriations for UNI are still being discussed by the Iowa House & Senate. He also summarized the report of the Faculty Voting Rights Committee (Addendum #1) which recommends (1) that all units on campus rely upon the definition of Voting Faculty in the Constitution, and (2) that UNI guarantee due process rights and proper compensation to those Contingent Faculty members whose contracts include service obligations, and that such faculty members be granting voting rights once those due process rights are granted. He extended thanks to both Interim Associate Provost April **Chatham-Carpenter** and Associate Provost **Licari** for their service to UNI, and cited their contributions.

4. Comments from Senate Chair **Kidd**:
Chair **Kidd** extended his thanks to Senators whose terms have expired (Karen **Breitbach**, Cyndi **Dunn**, Randall **Harlow**, Melissa **Heston**, Marilyn **Shaw** & Mitchell **Strauss**) and welcomed the new Faculty Senate Vice-Chair

elected by acclamation, Steve **O'Kane**. Vice Chair Lauren **Nelson** also recognized the service to the faculty provided by outgoing Senate Chair **Kidd** and Faculty Chair **Peters**.

During Chair **Kidd's** comment period, discussion and action was taken on:
0.00: Policy Proposal: Dunn/O'Kane with language to be revisited.
2.04: Curriculum Policy & Management: Zeitz/Nelson with AAUP language removal to be revisited.
2.13: Dunn/Walters: Faculty Participation in University Planning & Budgeting.

Minutes for Approval
April 13 Approved **Nelson/McNeal**

Consideration of Calendar Items for Docketing

1280 Emeritus Requests for John W. **McCormick** (Computer Science), Daryl **Smith** (Biology/Tallgrass Prairie Center), Edward C. **Rothnel**l (Mathematics), and Jerry V. **Caswell** (Library).
****** Motion **Zeitz/Strauss** Docketed at Head of Order.

Consideration of Docketed Items

1280 1175 Emeritus Requests for John W. **McCormick** (Computer Science), Daryl **Smith** (Biology/Tall grass Prairie Center), Edward C. **Rothnell** (Mathematics), and Jerry V. **Caswell** (Library).
****** Motion **Nelson/McNeal** to add Andy **Gilpin** (Psychology) to this list.
****** Motion **Strauss/ O'Kane All aye Motion Passed**

1265 1160 Consultative Session on new Discrimination, Harassment and Sexual Misconduct Policy 13.02 (tabled)

4:48 Adjournment Strauss/Second by acclamation
(Final regular meeting of the year.)

Follows is 47 pages including 2 Addendum:

Regular Meeting #1767
UNI Faculty Senate
Full Transcript
April 27, 2015
Oak Room, Maucker Union

Present: Senators Karen **Breitbach**, Jennifer **Cooley**, Barbara **Cutter**, Forrest **Dolgener**, Cyndi **Dunn**, Todd **Evans**, Gretchen **Gould**, David **Hakes**, Randall **Harlow**, Chair Tim **Kidd**, Ramona **McNeal**, Vice-Chair Lauren **Nelson**, Steve **O'Kane**, Gerald **Smith**, Mitchell **Strauss**, Jesse **Swan**, Secretary Laura **Terlip**, Michael **Walter**, Leigh **Zeitz,** Faculty Chair Scott **Peters,** Associate Provost Mike **Licari,** Associate Provost Nancy **Cobb,** Associate Interim Provost April **Chatham-Carpenter,** NISG Vice President Renae **Beard**.

Not Present: Melissa **Heston**, Marilyn **Shaw**, Gary **Shontz**.

Guest: Leslie **Williams**.

Kidd: I'd like to call this meeting to order. Are there any press present?
Press Identification: Christiana **Crippes**, *Waterloo-Cedar Falls Courier*, Alex **Kehrli,** *Northern Iowan*.

Licari: I would really like to ask you and your colleagues to attend graduation, I think it really is good for students and their families to see their faculty at these events and so they are Friday night, May 8 and then throughout the day on Saturday, May 9, so I would really encourage you to attend and for you to get your colleagues to be there as well. Second of all, a number of nominations and applications came in for both the Associate Provost position and the College of Education Dean's position, and so I'll be contacting people throughout the week this week, so those processes are in motion and then finally, it is hard for me to believe that this is my last

Faculty Senate meeting here at UNI. I'm still kind of wrapping my brain around a lot of this.

Kidd: Very sad, aren't you? [Laughter]

Licari: I'll have Faculty Senate at Indiana State. They believe in shared governance, so I'll be there, too. I really have enjoyed my time at UNI and indeed, working with the Senate. There are a lot of great folks here at UNI: great faculty, staff and students. Throughout the time that I've been here at UNI, all of the people here is really what made saying 'Yes' every time I was asked to help out, so easy. I guess you know it's kept me busy, and I know I've asked a lot of you in the room to do things and so I really do appreciate it. I'm glad I said 'Yes' to all of those things because it gave me a chance to get to know people across campus. That's probably the best thing about UNI: Everybody here makes it so easy for everybody else to be excellent. It really is like a family here. That's made it hard to leave. I'll confess that I'm feeling a little empty right now. I know that I'll have new family at Indiana State, but I'll confess that right now, it hurts. Thanks everybody in this room especially, for your leadership on campus. It's people like you who make it hard to leave. [Applause]

Kidd: Thanks, Mike. I know I've enjoyed working with you and April (**Chatham-Carpenter**) too. I'm sad to see you both go.

Licari: Thanks, Tim.

Kidd: Did you want to say goodbye, April? [Applause] Comments from Faculty Chair **Peters**?

Peters: A few comments regarding the budget. You may have read press reports that the House and Senate have now set funding targets for

universities. A lot of this is still up in the air because they have yet to agree on K through12 numbers, but the current proposal from the Senate would have an additional $7 million added to UNI's base budget, which would basically mean a more or less flat budget year for us next year. Not a lot of new money to do new stuff with, but it would fill a hole that's been created. Unfortunately, the House proposal, which is I think being debated even as we speak, the current proposal, would leave UNI in a roughly $4 million hole next year. So we'll keep paying attention to that and do what we can. There's a bit of faculty business that I'd like to report on. You will recall that at the beginning of the year I convened a committee to examine issues relating to faculty voting rights, specifically whether the Faculty Constitution should guide all participation in Faculty Governance at UNI and also whether UNI should implement AAUP recommendations to grant voting rights to Contingent Faculty members on campus. Now, I want to thank Chris **Edgington**, Ken **Lyftgot**, who reviewed things via email, Chris **Neuhaus**, Michael **Prahl**, Marilyn **Shaw** and Jesse **Swan**. If I had set out to maximize scheduling conflicts of any given people on campus, I don't think I would have found a group with less overlap in their teaching schedules in the fall than we had. We were only able to meet once in the fall, but we did meet several times in the spring. We did agree on a report and with the Chair's permission, I'd like the report to be appended to the minutes of this meeting. I shared a draft of that with all of you. But briefly, that report recommends first of all that all units on campus rely upon the definition of Voting Faculty in the Faculty Constitution, and second, that UNI guarantee due process rights and proper compensation to those Contingent Faculty

members whose contracts include service obligations, and that such faculty members be granting voting rights once those due process rights are granted. So, we'll be working next year to discuss those findings and recommendations to College Senates and with Administration, but I'll pause now to see if there's any questions about that.

O'Kane: Scott, I read that report and I'm still a little foggy on what a Contingency Faculty is? Does that mean non-tenured, tenure track?

Peters: It does. That's the term that AAUP uses. Here at UNI it would primarily be adjunct and term faculty members. Okay? Finally, Mike stole my thunder, but April didn't, so I'll start with April. I want to take a minute to thank April (**Chatham-Carpenter**) on behalf of the faculty for your service to UNI. Your contributions to UNI have been recognized: April has received the Regents Award for Faculty Excellence. She's received the Excellence in Liberal Arts Core Teaching Award. She's received the Above and Beyond Award last year. You all know her heavy involvement in efforts related to retention of students, Cornerstone, the First Year experience. She's left a mark here. She's made a great impression here. She's formed all kinds of relationships and done great things. So, April, thank you very much for all your time here at UNI and your service to our students. [Applause] And to Mike (**Licari**): Mike was integral…I'm going to say more tomorrow; there's a reception tomorrow, but for now, Mike was integral in my department's Public Administration Program for a number of years. Throughout Iowa there are public servants who are former students of his who are city managers and the like. He chaired the Senate. He's been coming to these Senate meetings for a long time. He chaired the Senate during the year that

the decision was made to arm campus police. Those of you who were around then remember that was a pretty big deal. He's been very involved in HLC re-accreditation. He was also very involved in various retention efforts on campus and on a less important scale, but nonetheless shouldn't to be ignored, Tim (**Kidd**) mentioned a few weeks ago, he makes Board meetings a lot more fun. And on a personal note, he's been a very good friend for nearly 12 years, and I will miss him a lot, and I wish Mike and his family a lot of success.

Licari: Thanks, Scott. I appreciate that. [Applause]

Kidd: Thanks, Scott. I'm not very good at goodbye speeches. I'm more of the hand-wavy-kind of person. While these people are not leaving the University, I don't think, they are leaving the Senate, so I'd like to thank them. I'm going to read their names so that I don't get anything wrong. Mitchell **Strauss** is running away to a happier place, Cyndi **Dunn** stepped in for a year and helped us out a lot. I really appreciate it. Karen **Breitbach**, she's been here for a couple of years. Now you're finally free. Randall **Harlow** is not here I don't think, but he might be coming in later. Also Marilyn **Shaw** and Melissa **Heston**—they're taking off early.

Strauss: They weren't going to be held accountable.

Kidd: Exactly. They're missing their very last meeting. [Laughter and applause] Thank you Laura. (**Terlip**) Next thing up, after asking several dozen, maybe four dozen people if they want to be Senate Vice-Chair--Yes, that is more than the people in the room, Steve **O'Kane** agreed to serve as Vice Chair and I'd like to give him a round of applause. [Applause]

O'Kane: I'm crazy.

Kidd: He stepped back last. If anybody would really like to take him on, I'm sure he'd be really sad, and I believe I owe him a beverage. Two beverages. Thank you, Steve. You get to sit up here next year.

Nelson: I guess we should actually have a formal election. I nominate Steve **O'Kane** for the position of Vice-Chair of the Faculty Senate.

Strauss: I second.

Terlip: I move that nominations close

Strauss: I second it.

Kidd: All in favor? Good. So I guess we'll take a vote on Steve while he's in room.

Terlip: I would like to move that we elect him by acclamation.

Nelson: I second.

Kidd: All in favor?

Nelson: Thank you.

Kidd: And that's why she's going to be Chair next year, because she did that efficiently and well, unlike me.

Nelson: Laura (**Terlip**) contributed to the efficiency.

Kidd: Thank you very much, and thank you Steve (**O'Kane**).

Smith: Is it satisfactory for us to ask while the Provosts and Associate Provost are in the room, a question or do you prefer not to?

Kidd: Sure.

Smith: There continues to be different numbers floating around campus. Would one of you be able to tell us the minimum enrollment for a graduate class to make it at UNI, and a minimum enrollment for a junior/senior class to make it, and a minimum for a freshman/sophomore?

Licari: Yes. Traditionally speaking, those enrollment levels have been 5/10/15, although I think it would be smart and we have discussed this in Academic Affairs Council, about pushing those numbers up, you know to perhaps 20/15 and probably still 5 for a graduate level class, with an eye towards frankly, cost savings.

Smith: Thank you very much. I think what's happened is people remember the 5/10/15 and then there's started to be circulated in some quarters on campus the 5/15/20, so that's what's caused people to wonder, "What are they?" So, has that new number been approved or is that been discussed by Academic Affairs?

Licari: That's what we've discussed, and that's what we've settled on.

Smith: So it is 5/15/and 20?

Licari: Right.

Smith: Okay. Thank you. Thank you very much.

Cutter: I have just a follow-up. I'm wondering how that would apply to undergraduate seminars that actually capped at 15?

Licari: It's a hard and fast rule so you'll have to cancel those classes. [Laughter] There will be exceptions, of course for, as we all know…

Cutter: Writing intensive seminars, will that still be ten maybe?

Licari: As we all know there are sound reasons occasionally for having fewer students in a class than perhaps 20. Some of it might be for pedagogy. Some of it might be just because the physical lab space you're in doesn't allow you to have you to have 20: Maybe there's only 16 benches. So the class has to be 16. It can't even be 17 for safety reasons or whatever. Those are the target thresholds for your normal classes I will say, and then as per

usual, you will have discretions with your department heads about any kinds of exceptions that might need to have.

Smith: Thank you.

Nelson: Before we move on to our official business, I wanted to thank Chair **Kidd** for his service to the Faculty Senate and Faculty Chair **Peters** for his service this year as Faculty Chair, and I just wanted to say that the time they spend here in the Senate meeting is not nearly all of the time they have to spend working on behalf of the faculty, so there are many unseen meetings and things of that nature that they do attend on our behalf, so I want to make sure that we recognize that and thank them for their year of service. [Applause]

Licari: You are indeed right Lauren, and I roped Scott into one more thing right before I came in. What you just said is indeed true.

Kidd: And you'll know all about it. I hope they get the website fixed. I guess my biggest frustration has been the Senate website, and thank you all for bearing with me as I stumble through Robert's Rules of Order, and anything else that I stumble through. Let's get on to business, because it's always good to be done.

Strauss: I think my favorite quote of yours was "I don't hear very well, I can't see very well, either." [Laughter]

Kidd: It helps, doesn't it? I think that's key to running a meeting. First, off, let's look at these policies all right? So we just got back some policies from the President that were approved by the Senate, and they've been sitting, some for over a year.

Nelson: Should this be New Business?

Kidd: I'm still commenting. So I guess the question is…Should this be in New Business?

Nelson: I guess if you just have some comments about it.

Kidd: I just have some comments about it, yes. So the question is, the usual method for dealing with these after review and revisions has been that if anyone has objections to these revisions, they can be raised and if so, we can see about sending a formal petition to deal with that or they can simply go on through the normal policy process, where they'd be seen—I believe they'd be going through Cabinet. In the opening comment period, I believe.

Peters: If we don't object, then I think that what the President has suggested will be policy.

Kidd: We don't have to do anything formal now. It's up to you if you want to delay or... again, I don't want to rush through anything. My suggestion would be that if anybody would like to comment or object on anything, they can do so now or later, okay, unless we have consensus.

Nelson: Just to be clear, these are those three policies that we received the email from Faculty Chair **Peters** about.

Kidd: Yes, so it's the Budget Policy, the Policy Policy, and the Curriculum Management and Change Policy. As Scott mentioned in his email, these are all mostly very minor revisions. But again, we don't have to pass anything today, but I would ask that if there are any objections that we would want to deal with, that we could do so by the end of the year; at least to know that there are objections. Scott, do you want to have any comments on this?

Peters: I shared my comments in the email. To me, if we just go policy by policy, I guess in terms of the Curriculum Management Policy that's up on screen now, the major change that the President is suggesting is regarding striking the language about AAUP standards for exigency, and substituting language about Senate approval of programs for alternative language that is I think is identical to the language in Iowa State's policy, which is to say that for a program to close, the Provost and the Faculty Senate have to agree. On the Budget Policy, the change is very minor. The change is just to say that every spring the University would present a near-final budget for the coming year, and that's simply to compensate for the fact that some years like this year, we don't have a final budget because the legislature hasn't told us how much money they're giving us. Then on the Policy [on] Policy, the finalizing of the new policy process, there were some changes in timeline in terms of how much time people have to act. But the major change I think was the composition of the faculty of the policy review committee. We had suggested to have two faculty members on it: One from United Faculty and one from Senate. The President actually says we should have three faculty members and then three staff members. My own opinion on that is that committee will function better if it's got people from all across campus who might pick up how those policies affect different parts of campus. I personally wouldn't have any objection to that. The other thing on the Policy [on] Policy was inserting language about that before something goes through the process it has to have the approval of the relevant Vice President. That was something that when we first started drafting this, we discussed with President Allen and he actually indicated

that he didn't like that idea because what if somebody wanted to propose a policy that maybe is a good policy for the University but he didn't like it much. So, I suppose you can imagine a scenario where the Senate and the Provost are at odds over something and the Provost doesn't want to send a policy up the chain, and the Senate thinks it should be discussed up the chain. That would be the one thing that I saw in these revisions that might merit discussion, but that's just me speaking from my own personal view. I understand that for some, striking the AAUP language…is…you can disagree with that and some other things. I think on the whole, as I said in the email, with these policy proposals, even with the President's changes, we've gotten almost everything we've asked for.

Cutter: I could say something about the AAUP language, because sorry I didn't get a change to email that around. From UF's perspective, it's a little disappointing to see the AAUP language struck out, but I think that the language in here is good and strong in ways that Scott (**Peters**) suggested. I think this is a really good step forward in terms of faculty control over having a real say in the curriculum process.

Swan: The same thing about the AAUP language---Was there any indication why that language would be dropped? The reason I ask is because with it dropped and with the proposed insertion, it's actually more difficult for the administration in a financial exigency to close programs when they actually need to. That the language that we have in there now provides very quick, expeditious ways of addressing genuine financial exigencies, and that's what AAUP policy does. Taken it out, then actually says that the administration has **less** opportunity to address genuine financial exigencies.

I'm not sure that the faculty want the administration to be so…burdened, so restricted, so…in genuine financial exigencies. So what's the rationale for wanting to drop that option?

Peters: That I don't know. In the email, a little bit earlier in the week, where President **Ruud** notified me and Tim that they had suggested some changes to these policies he had mentioned that in the email. We didn't get the drafts of the policies until right before I forwarded it to everybody Friday, and so I haven't had a chance to touch base with the President to ask about that in particular. He mentioned the insertion of the ISU-like language. He didn't mention earlier in the week… he hadn't mentioned the elimination of the AAUP language. I don't know if Mike is willing to share anything about the EMT discussion or not.

Licari: I can't speak for President **Ruud**. I do know at the EMT meeting I made that point that the Senate was in good shape in terms of it's ability to manage curriculum, in terms of establishing the new committee, and that with, let's just say, better administrative decisions in terms of hiring and staffing and things like that, that I didn't envision a need to have unilateral control of closing programs in the hands of the administration.

Cutter: Honestly, I don't have the same concerns that Jesse (**Swan**) does about taking out the AAUP language, making it harder to deal with these things because in effect, the administration can just provide the Senate with financial data if that's at issue, which is one of the big things that the AAUP guidelines suggest. That would have just been a more formal process. I think this could, as it's written, it could work pretty similarly.

Kidd: Any other?

Dunn: This is about one of the other policies, basically going back to Chair **Peters**' point on the Policy on Policies, the question as to whether the head of the administrative body should approve it before it moves forward. One idea that occurred to me is that currently if the Policy Review Committee suggests revisions that the originating body does not approve of, in essence they both go forward, and the higher-ups can sort of see both sides, so you might just want to suggest to the President that perhaps we could do the same thing here, because it certainly makes sense to get buy-in from whoever ultimately is going to be in a sense, carrying out the policy, but this would say, "If there really is a difference of opinion, what it wouldn't allow, which the current language does allow, is the VP could not just veto it and it stops right there. It would say if there's a disagreement, both sides bring their case forward to the higher levels.

Peters: We could pass that on. On the other thing, as a practical matter, I think, whoever is proposing a policy needs to be aware, and how much time are you going to be willing to spend if the Vice President is opposed to it? It's in the interests of the Vice President and the body proposing the policy to sit down and talk and try to come up with something that's acceptable to everybody. I do understand where that comes from.

Cutter: I just have a follow-up on that same point, which is in some ways, it's not clear to me that anything is really gained here by inserting the language in here, because it doesn't have anything to do with the final policy. It's just about moving the policy up the chain so it can be talked about. So, I think inserting the language actually just stops conversation about policy potentially, rather than having anything to do about how

policy is finally approved, so from that perspective it doesn't seem to me that there's enough gained by having this language in here the way it is, to have it make sense, that maybe there could be some other kind of language like Cyndi (**Dunn**) is suggesting or recommended that, you know, that the people originating the policy consult; have conversations with the appropriate, the head of the administrative body or something.

Kidd: I have that language on the screen again. Again, I hate rushing things during one meeting at the end of the semester. So I don't know if we want to say, "Hey we approve these things," but I also don't want to wait three more years.

Zeitz: The 'Head of the Administrative Body…who is that?

Kidd: It depends on the department. So Academic Affairs, I guess that would be.

Zeitz: I see.

Kidd: So my thought from hearing the discussion would be to (1) leave objections open of course and if anybody finds they object too, please let me know, or Scott (Peters) know and we'll talk to the President about this particular sentence especially and see if that can be removed from the language or modified in some way. The Budget Policy, I mean again, that's final or near final. That seems fine to me.

Peters: Can we say that the Budget Policy can move forward?

Nelson: I think we have to be careful about what we do or don't do at this point because all of the policies that are proposed with the revisions are far better than what we have currently, and so the question is, do we delay based on the language objection—that sounds like that's not clear cut. In

the one policy on Curriculum, that there's different points of view on that. So we're saying that probably that language isn't going to, it actually gives the Senate a stronger role. I don't want to see that policy held up or the Budget Policy held up. The Policy on Policies: I don't know…do we have anything currently that's on the books?

Kidd: Not like this, no.

Nelson: So it's kind of my understanding that once these go through the Executive Management Team, they are policy, but they are subject to revision. So I think I would rather see the policies be in place and us raise our concerns, especially about the one that is a little bit more problematic—the Policy on Policies.

Dunn: I don't know if with Robert's Rules we can do this, but what I'd sort of like is to send something forward that says the Senate supports the adoption of all three policies, with the specifically mentioned concerns, and sort of trust the President and the Executive Team to take those under advisement, make whatever decisions they ultimately believe is best, pass the policies, and then if we really are upset by something and want to make changes in the fall, we could do that.

Kidd: That sounds like a good motion.

Cutter: Maybe we could do it one policy at a time so that…

Kidd: Sure.

Nelson: So with the Budget Policy, I don't think that there is anything like that. We just accept that policy as it's stated.

Kidd: Sure.

Dunn: I move that the Senate support the faculty participation in University Planning & Budgeting proposal as written.

Kidd: Do we have a second?

Walters: Second.

Kidd: Second by Senator **Walters**. All in favor? Any opposed? Abstain? Motion passes. The second one would be curriculum, I guess.

Nelson: The curriculum one was less controversial than the Policy on Policies, I guess.

Kidd: Do we have a motion to accept the Curricular Proposal?

Zeitz: I move that we accept the Curriculum Policy.

Nelson: I second.

Kidd: Any discussion? Would anyone like to put in comments anyway about concerns regarding the AAUP guideline?

Swan: I'd like mine to be reconsidered.

Kidd: Absolutely. This will definitely be done.

Dunn: I would just make the point that there's no reason why both sentences couldn't be in there. "In cases of financial exigency." I don't see those as necessarily conflicting so the President may want to take that under consideration.

Kidd: That makes sense. I will convey that and see what his response is. When he sent this email he didn't indicate that this was….He was open to comments and discussion. Any further discussion?

Terlip: I just want to make sure that the wording goes through in both of them, and that it's very clear that the Senate has to approve it, and that the

administration can't declare financial exigency and close things without consulting the Senate. I think that's something we want to avoid.

Kidd: Yes. Should we call a vote then? All in favor? Any opposed? Abstain? Great. Then the last one is the Policy on Policies. Here, I believe this is the sentence which is most controversial. Any other additional comments about this, besides the Administrative Head portion? Let me just say this has week has not been a good for me and computers. I found out my e-learning class was erased for a short time. I think we could ask for either removing this language or reasoning for this language, or modifying in the form as Cyndi (**Dunn**) suggested to have things parallel as things go through. I've had comments on policies that came from the Senate. Had those go through along with those that came out of the cabinet.

Dunn: I move that the Senate recommend adopting Policy Proposal 0.00 on Policy with the proviso that we ask the President to review the line about "receives approval about the draft policy from the head of the Administrative Body before moving the policy forward for approval. We would like him to revisit that.

O'Kane: Second.

Kidd: Second by Senator **O'Kane**. Any further discussion? All in favor? Any opposed? Abstain? Great, motion passes. I'll relay these comments to the President and any comments—I'll keep the communication lines open. And now that I've murdered Robert's Rules of Order during my comment period, sorry. That was the goal for my last meeting. Now we can see if we can pass the minutes of the last meeting.

Nelson: I move approval of the April 13th minutes.

McNeal: Second by Senator **McNeal**.

Swan: Out of order?

Kidd: All in favor? Any opposed? Motion passes. The minutes of April13 are passed. We have one item for docketing and hopefully approval: the Emeritus requests for John **McCormick**, Daryl **Smith**, Edward **Rothnell** and Jerry **Caswell**. Since we often do this very quickly, can we have a motion to just approve them?

Zeitz: So moved.

Strauss: Second.

Kidd: Second by Senator **Strauss**. All in favor? Any opposed? Great. So we'll docket and approve those items at the same time.

Terlip: Point of order. We have to officially accept it on the docket and then approve it.

Nelson: I move that we docket at the head of the order.

McNeal: Second.

Kidd: All in favor of docketing at the head of the order? Any opposed? Excellent. It's now at the head of the order.

Nelson: Do we have letters of support for these folks?

Kidd: Not yet. I have a couple, but I'm trying to get more. I had a tough week on computers. I will endeavor to get letters of support to be appended to the minutes.

Nelson: That's usually what we like to have, is just have it appended to the minutes. Everyone would get to review them if they're distributed with the minutes.

Kidd: One point of order. I did not have a paper copy of this person, but I should be remiss, because Kathy did send it to me, and I forgot to put his name on it, and that would be Andy **Gilpin**. I thought I updated the Senate website on that. That was very late. I don't know if we should add his name to the list or not.

Nelson: I think so.

Kidd: Okay. So could I have a motion to add Andrew **Gilpin**'s name to this list?

Nelson: So moved.

Kidd: All in favor?

Nelson: We need a second.

Nelson: Senator **McNeal** seconded.

Kidd: All in favor? Any opposed? Excellent, it's the last meeting I can tell.

O'Kane: Since we don't have any letters of support, I would like to say a few things about Daryl **Smith**. Daryl is retiring as the Director of the Tallgrass Prairie Center and has been a long, longtime member of the Biology Department. He is respected in many ways. It wouldn't be people that most of us interact with, but Daryl has been very much one of the faces of UNI of Conservation Biology really, throughout the world. I would heartily recommend that he get Emeritus status.

Strauss: I'd like to follow up on Daryl **Smith** and reiterate what Senator **O'Kane** says to point out that Daryl despite so busy, managed to carve out time to help earn Parker **Strauss**, my son, earn his Eagle award by helping to guide renovation of a prairie at Peet Junior High School, and he was just so fun to work with, and so deep in his knowledge. I support that, too.

Kidd: That's great. Any other comments? Testimonies? Again, I will ask for some letters of support for these people to be appended to the minutes for the record of course.

Nelson: I will comment, we didn't have a chance to comment on some of the other individuals, the members that are members of the College of Humanities Arts & Sciences were all recognized at a recent event that I attended, and so Professor **McCormick** and Professor **Rothnell** were also lauded at that particular event and have many worthwhile accomplishments at the University, so I hope that we will be able to recognize all of them and add their materials to the minutes.

Kidd: If there's no further discussion…

Strauss: I move we offer Emeritus status to all those names listed on docket item 1280…

Nelson: …With the addition of Professor **Gilpin**.

O'Kane: Second.

Kidd: Second Senator **O'Kane**. All in favor? Any opposed? Excellent. Motion carries. So I thought we could start off…Cyndi, did you want to?

Dunn: Sure.

Kidd: Let me pull up the motion.

Dunn: I apologize for the late notice. Tim and I and the Senate website were not communicating well.

Kidd: Probably my fault.

Dunn: Basically, this is the report of President **Ruud**'s task force that we were asked to review the policy on Discrimination, Harassment and Sexual Misconduct and we've come up with four possible changes to that policy.

Three of them have unanimous support of the working group. One of them, there is agreement on. We're going to be finalizing this report this Thursday which will then go to President **Ruud** so we wanted to run this by the Senate, get any further thoughts, maybe an official motion supporting the changes, if you do indeed support them. I've numbered these for easy reference. The numbers won't appear in the final document, but if we can skip Number One for right now. Number Two is that the "Title IX Officer and Deputy Coordinators will also accept anonymous reports from victims and third-party required reporters. Anonymous reporting will fulfill employees required reporting responsibilities." So, this was the concern that people had about being forced to identify the victim against the victim's will. This would say if you think that that's a problem, you can report anonymously, and not only withhold the victim's name, but you wouldn't include your own name, so that they could not, in fact, come back to you for more information. But it would still be helpful to them in cases where there might be an ongoing threat or a repeated pattern, to have that information. This again, the Title IX Officer supports, and to further clarify, if you could scroll down to Number 4, the Complaint Resolution Process, there's another in yellow, bolded thing. So this is a little bit later in the policy, but again, hopefully clarifies "In case of third-party reporting, personally identifiable information, such as name of the victim, name of the respondent, may be withheld at the victim's request. In circumstances involving serious danger of physical harm to members of the community, such as patterns of predation, violence or threat, the Title IX Officer may subsequently require additional information." So this attempts to answer

the question of "If they come back to me, if I've withheld the victim's name, under what circumstances would that happen?" Understandably, the Title IX Officer said we can't promise that we would never ever do that. There might be some serious situation where we would come back and say, "Here's what's going on. We really need a name or more information, or we need this person to come talk to us." That allows for this, but we tried to be a bit more … spelling out that it's really only if there's a serious physical threat to other members of the community that they would do that. This again, the Title IX Officer was supportive of. I guess before I go on to the other two, are there any comments or questions on these two?

Swan: How would a Title IX Officer come back to someone having received an anonymous?

Dunn: Okay, in that case they would not. Suppose that I contact them in my name and tell them a student had 'this and this' happen. I'm withholding the student's name at his or her request." And they say, "Okay, we've got all the information." Then they might come back to me at some later point and say, "Here's what's going on, and here's why we need more information." But, if I reported it anonymously on the Public Safety Website and I didn't put my name on that form, that couldn't happen.

Swan: Very good.

Cutter: To follow up on that, one thing that is not in here but is something that the Senate might want to think about, is that currently when you look on the website about Anonymous Reporting, it's not very clear, first of all. It just brings you to a big old reporting page, and also, it's online, and if people are really going to anonymously report, I think they need to feel like

they know it's anonymous. Unless they print something out and send it in through campus mail. So, I'd also be interested to know if the Senate would want to recommend revising it to make it seems more clearly anonymous--- the anonymous reporting option that exists; make it more clearly anonymous.

Swan: I very much endorse that suggestion. Along those lines, back to the previous yellow one. How if, a faculty member reports anonymously, how is that going to fulfill her obligations to report? That is, you need some documentation for the bureaucracy subsequently, right? But you've done it anonymously. So how is that…

Dunn: Basically what this would mean is if at some point they came to you and said, "You knew about this. Why didn't you report it?" You could say, "I reported anonymously on the 12th of March, and they would see that yes, there was a report on the 12th of March.

Swan: Thereby losing the…

Dunn: They would have to know you, for you to give them that answer, so to speak.

Swan: So how would they know that?

Dunn: That's the thing. They wouldn't know unless say, a student said, "I told this professor about that and they didn't do anything."

Smith: (cannot hear) You think they're all knowing, Jesse.

Swan: I do think they could say, thinking Jerry that you knew something, say they know something to see if you'll say more than you want to.

Dunn: What this says is that if you have reported anonymously, you've fulfilled the policy, and they can't come back and penalize you for not reporting. Does that help?

Swan: It does help, I just don't see how it could possibly work.

Dunn: I doubt that. I certainly hope that they're going to have better things to do than to run around thinking of all the people who might have reported this but didn't. But maybe I'm wrong.

Smith: Would that be the first time you've ever been wrong?

Terlip: Second [Laughter].

Terlip: I just have a question. I don't know if it applies to this part of the policy. But in the unlikely event that the Title IX Officer was the subject of the complaint, how would one process that?

Dunn: Yes. And this policy does not really address that at all. It's certainly something we can mention to the President when we meet with him on Thursday. The other recommendation that several people gave to us was the idea of an Ombud's office. If we had such a thing, that would be the obvious way to do it because otherwise at the moment---and this is sort of the Catch-22, is the Title IX Officer is directly under the President. Any complaints about the Title IX Officer really, your only choice is to contact the President directly, and I can understand why some people might be hesitant to do that. But basically, I don't know the answer to your question.

Terlip: I didn't know if it was in here, either.

Swan: Along those lines, she made me think of it-- some victims express, have expressed in the past, probably will express in the future—a desire for something to be done, but not for it to go to the Title IX Officer. So what is

one to do in that case, other than go to the University Public Safety personnel and other people as appropriate?

Dunn: I should be hesitant here, because I'm not authorized to speak on those issues. I guess what I would say personally is, first off, there is a Victim Advocate on campus. One thing that we discussed with the Title IX Officer that we do plan to do, is she'll be sending out a sample syllabus statement to everyone at the beginning of every fall semester which will include information like, if you want confidential support and advice, here is who you contact. That would be one answer. A second answer, yes, is Public Safety. But I guess I would say---and policy doesn't actually address this with regard to students, it does with regard to, if a faculty member say, has a complaint against another faculty member, if I recall correctly, the person's department head or dean, can't actually deal with that without reporting to the Title IX Officer. In other words, the idea is they don't want people going and handling this on their own, without it going through the Title IX Office, and I would assume the same would apply to concerns about students. Leslie, do you have any idea there? [Refers to guest Leslie **Williams.**]

Williams: Jesse, I think it depends on what you're asking. If someone is wanting something done and they don't want to report it to the Title IX Officer? I think they're out of luck. I think that's where we have a conflict: We have a conflict between reporting and filing a complaint. You can report something without actually doing something against the alleged perpetrator, but reporting is just letting somebody know. So the Title IX Officer wouldn't have to do anything, but we need to know the student's

name and the faculty member's name and something like that. I guess there are kind of ways to tell. You could go to a counselor. You can go to a Victim's Advocate. The police wouldn't tell. They're CSA.

Smith: I'll assume the purpose of this communication being distributed is to be helpful to the students. At the beginning of the fall semester is a little bit late to be sending it out to be helpful for the fall semester. It needs to be distributed at least by the 15th of August. Because many of us have our syllabi prepared considerably before the beginning, so that's a little bit late. It would lag by a semester. I think they need to move up their anticipated distribution.

Dunn: Thank you. That's a good point. Yeah. I think with we've been talking about is we should probably send it to department heads, and ask them to distribute. But you're right, early on would be best.

Smith: The more layers it goes through…

Dunn: …The longer it takes.

Smith: It could be sent out campus-wide, so we all know about it and possibly it won't be inadvertently delayed.

Dunn: Okay. Thank you. Okay. The other two items in here that we're recommending to the President, if you could scroll to Number 3 there. This was a concern that was originally raised by the Union. This section of the Iowa Code guarantees that employees can engage in concerted action. Basically to talk and work among ourselves, for purposes of support, aid and so on, and so the concern was that that faculty---any employees need to be able to discuss possible discrimination or harassment and decide whether they want to do anything about it without necessarily being

required to report those discussions to the Title IX Office. And again, Title IX Office agreed to just having the statement that "Nothing in this policy will infringe upon the rights of employees to engage in concerted activities as guaranteed by Iowa Code 20.8(3)." Questions about that? The Union lawyer has looked at that.

Cutter: But not on it's own.

Dunn: So that brings us to the first one there, and this is the one that the committee was not unanimous on. This is the required reporting, "All University employees who are aware of or witness discrimination, harassment, sexual misconduct, or retaliation are required to promptly report to the Title IX Officer or a Title IX Deputy Coordinator." We want to add the words, "with the following exception: Non-supervisory employees will not be considered required reporters in relation to other employees." In other words, not in cases involving students. It's an employee-employee matter. Our feeling was that basically the people who aren't department heads and up shouldn't be required to report things involving other employees if those people choose not to do it.

Cutter: And to add on to that, that's essentially the meaning of the Iowa Code 20.8, which would mean nothing to anyone, if you didn't explain it in the document.

Dunn: And here the Title IX Officer would like students and employees basically to be treated the same and not have that particular carve-out. Our current plan is to present to the President and then say it's his problem. Here are the pros and cons either way.

Kidd: Any other?

Swan: I Just want to register into the minutes that the AAUP policy for this sort of thing indicates that faculty are not typically reporters for this sort of thing and that's not in here and I think it should be that we should follow our profession's standards and policies in this and in most matters. About this that you're talking about, are you saying that Number 3 is acceptable to everyone, it's just that as Senator **Cutter** puts it, expressing what it means above is not? So even though we don't express what it means, by having Number 3, we still have that in fact?

Dunn: Number 3 alone gives us something, I agree with Senator **Cutter**, that understanding exactly what Number 3 means without anything else, it's sort of a silly practice: How do we discuss things if we're required to report them? So it…

Swan: …I guess I'm asking Senator **Cutter**… I think we should have the language to clarify. That we should be clear and transparent in our dealings, but having Number 3 doesn't that give us operationally, even if we're saying it in plain terms?

Cutter: I think it would give it to us, but somebody might have to grieve to get that, which I don't think is a good way to go about this, and nobody would know that how to interpret Iowa Code and so it doesn't really make sense, unless you state out front what the implications from the Iowa Code are to faculty here..

Hakes: Then why do we have 1 and 3 separated? Why isn't [Number] 1 following Number 3 as part of Number 3, if it's an explanation to Number 3?

Cutter: It would be fine to put them together.

Hakes: I don't understand why the location is…

Swan: Would that help those on the committee opposing the inclusion? I don't think it would, but if it would, then that's the spot as a second sentence or something.

Dunn: We can certainly raise that and see what the response is, so thank you.

Kidd: Any other comments?

Swan: So is it my understanding that we're simply discussing this, and you two and the committee will be discussing this further with the University President, and with the feedback that you've gotten from us?

Dunn: Yes.

Swan: That's just where we are now.

Dunn: I guess what, and it's not mandatory, but I think might be helpful, if the Senate is comfortable voting to support these four changes, that could go in our report to President **Ruud** and would…for that reason why might be willing to accept them? I guess I can make that motion.

Kidd: You kind of already have.

Dunn: Actually yeah, I did technically.

Cutter: Add we might want to add that maybe you know, that more clearly anonymous reporting option?

Kidd: Like a paper option?

Cutter: Paper option for anonymous reporting.

Dunn: That the committee devise a more clearly anonymous reporting option.

Kidd: I've added some questions at the bottom just to kind of put some more topics for discussion.

Dunn: Things that we should bring up in our…

Kidd: Do these seem okay?

Cutter: And what about sanctions?

Dunn: Oh, yeah.

Cutter: Another thing that just came up recently, that we as a committee starting talking about were sanctions, because if you look at the policy, there's a number of sanctions for violating the policy. Employees who--I'm going to quote here, "An employee who has violated this policy… sanctions may include, but are not limited to verbal or written warning, requiring counseling, training, demotion, reassignment, suspension with or without pay and termination." Now, it seemed clear to us--well I don't know if it seemed clear to all of us, but I'll just say it seemed clear to me, that these sanctions are meant to apply to people who engage in the prohibited conduct. Right--suspension with or without pay and termination? But technically if you're a required reporter, and you didn't report, you would also be in violation of the policy. So, it seems important to make it clear that you can't be fired if you were a required reporter and you didn't think something was reportable, and then somebody said later on, "Yes it was reportable." Right? Obviously, that doesn't seem to me like that was the intention of the policy. So I think it would be very important to clarify that it's not supposed to suggest that people will be fired for not following the reporting requirement. Being fired would be for a serious violation of prohibited conduct.

Swan: So I wanted to speak to that. It seems to me that if a vice president or dean, such as a Dean of Students failed to report and follow through on such information, that those possible remedies would be appropriate. I think that the problem comes into line when we don't follow our profession's standards as expressed by AAUP and thereby include faculty as reporters. If a faculty member doesn't realize that something should have been reported, and then later gets caught up in the bureaucracy, these are very inappropriate penalties, reactions, et cetera. But exactly as you say, that's what could happen, given the way it's currently expressed. Again, if we would not have faculty as these mandatory reporters, then it can actually make much more sense. It was an expansion, last semester it was a concern and it continues to be a concern is that the expansion of required reporting to all faculty is what's really been disturbing. Lots of the administrators, we all think, "Of course they're supposed to be acting. That's the national complaint against administrators who have been hiding evidence et cetera et cetera et cetera. So we want to make sure that we continue at UNI no to be at all a part of those negative circumstances. So, it's not bad that an administrative role suffer those penalties for not reporting and doing what's appropriate. It is entirely inappropriate to be applying that to the whole faculty bargaining unit. And again, we are very fortunate at the University of Northern Iowa because we by State law have a faculty bargaining unit, and you're either in it or you're not. So if you're an administrator, then you're no longer in the bargaining unit. That makes it very simple for a bureaucrat to know whose a mandatory reporter and who is not. Are you in the bargaining unit? Then you're not. If you're not in

the bargaining unit, then you are. So I think that would make the policy much more workable and indeed achieve what so many people want from this policy.

Smith: With all of the discussion of the anonymous reporting, I would like to hear what the consequences are of filing an anonymous false report that had no basis in fact. Are there any consequences in the policy?

Dunn: I don't see how there could be, if they're anonymous. That is one of the problems with anonymous reporting is that people are not always responsible.

Smith: And there have been in different context, we all are aware of how completely false allegations have been made. Now under it being anonymous, not being to the Title IX Office and they unleash all the bureaucracy to resolve this report. They don't know that it's a false report and they start their process. Well…

Cutter: I just want to follow up actually, I think what Jesse (**Swan**) said was very helpful about the sanctions, because I was thinking about non-supervisory employees in that context, and I mean we had a lot of discussion in the group over whether to just have supervisory employees be required reporters and not to have non-supervisory, bargaining unit members basically, not to have them do it, and we just didn't seem to be getting very far on that, so we were looking into other options like anonymous reporting as potential compromises, but I think it's true: That does bring up other issues, like this sanction thing which does seem much more reasonable if you're talking about supervisory employees than non-supervisory employees.

O'Kane: It seems to me that the committee probably needs to go and revisit that. I suspect that the bulk of us do not want to be mandatory reporters.

Dunn: I guess I will say that we spent a lot of time talking about it. I don't think we're going to get any movement from the Title IX Office on that particular issue. President **Ruud** could of course override that. I will say that the Victim Services Advocate that we talked with believes that everybody should be a mandatory reporter. The Student Senate believes that everyone should be mandatory reporter. This is becoming more common across the country, which is not to say that it is required or that means that we should necessarily do it, but it is kind of the way everyone is going with this. We could certainly offer that to President **Ruud** as an option. I guess…it's partly a matter of what do we think is genuinely doable, as what would be in an ideal world.

O'Kane: I seem to remember a reading in the *Northern Iowan* sometime in the recent past, maybe I'm misremembering, but a student editorial…I

Cutter: And that student's right here. [Refers to Renae **Beard**]

O'Kane: Did you write that?

Beard: I sure did.

O'Kane: If I remember right, that editorial said we should <u>not</u> be mandatory reporters.

Beard: Right and …

O'Kane: Because that it puts a damper on things.

Beard: The Student Senate reviewed the policy again last week, but it was their last meeting and they're going to reconsider it in the fall at their first meeting.

Cutter: I do think… I would like to hear what the Senate thinks on this because I think if Senators want us to bring back this issue, I think we should. I mean, I don't… I think we moved away from it very hesitantly in the first place. If you feel we should talk about this again, we can... The President said that we can give more than one recommendation and he can pick…So, there's no reason we can't.

Kidd: Should we call for a vote on this?

Strauss: Are we hung up on the notion of penalties for not properly reporting, is that what the issue is?

Swan: There are several issues.

Strauss: That's the key one though, isn't it?

Dunn: And one of the reasons we were willing to move away from not wanting to include faculty as mandatory reporters was that we, and some of the other people concerned with this, did have a pretty intensive discussion about the anonymous reporting. It seemed that most people's main concern was, "It's wrong to identify the victim against his or her will." And that was very compelling and it was like "Okay, this anonymous reporting takes care of that problem," and so that's why we're willing to go that way. But it might be nice, just to have and people may not know what they think, and I'm not entirely sure what I think, even a show of hands, whether people are more or less comfortable with the anonymous reporting or whether they'd really like us to argue strongly with both the

Title IX Officer and President **Ruud** for not including the faculty as required reporters.

Strauss: That said, and being married to Annette **Lynch**, I hear this all the time. And she's not happy about it, put this is happening on a national scale, and to fight this we're fighting what's going on on a national level. I think the notion of approving this anonymous reporting is kind of a Solomonic decision. Yes, you'll get your report, but we reserve the right to be anonymous and I can live with that. But my concern is what Senator **Swan** brought up I think, or maybe it was Senator **Cutter**, that if we inadvertently not report, do we end up getting fired or suspended without pay, and that needs clarification.

Dunn: The policy currently says that in the case of an employee who violated, the Title IX Officer makes recommendations to their administrative head, whether it's provost or dean, I'm not quite sure. That person would be the one who would ultimately decide on the sanctions. And if you disagree with the sanctions, there's an appeals process, and overly severe sanctions, or sanctions that are too severe for the offense is one of the legitimate grounds for appeal. So the Title IX Officer does not make the decision unilaterally. They advise the person's superior, who makes the decision. There is an appeals process, and I guess one question is, "Do we trust that process would be sufficient, or would we want something in the policy that sort of says: Failure to report can only be sanctioned this far?" And then we have the problem of what if a dean's failing to report what people have been complaining about for years? That's a different issue.

O'Kane: However, that's a moot point if we're not required to report. I agree with Cyndi (**Dunn**), can we get a sense of the Senate?

Cutter: I think I'd like to know that, too.

Kidd: Sure, one more comment.

Strauss: There have been long standing qualms on the part of that office where Title IX resides. In fact, I've seen language from the United Faculty to "Stay away from that office at all costs." So if we put this decision-making capacity in that office, I could see where there would be ambivalence and concern on the part of faculty, and I think we should go the extra mile to clarify this language. I personally don't trust to go to that office and then to another administrator before we're thrown to the wolves possibly. I think we should sort it out.

O'Kane: Again, Mitch (**Strauss**) If we take a sense of the Senate and we decide that we do not want to be mandatory reporters, the concern I think goes away.

Strauss: I think that I heard a moment ago that this is going to go to President **Ruud**'s desk and he's going to chose, and if we choose to stick our heads in the sand, that we're not going to be mandatory reporters, then we're going to end up being mandatory reporters anyway, and then we're going to lose our opportunity to sort out this penalty business.

Cutter: Can I say something? I don't think making a choice one way or another means we're going to lose anything, because we can put together different packages.

Kidd: Yes.

Terlip: I guess just in terms of this bandwagon that we have to jump on it because other universities are trying to do it, is a pretty weak argument. I think it's an attempt to try to minimize liability and it's another application of a business model to what we're doing here in the classroom.

Strauss: I agree completely. It is a liability issue.

Hakes: What happens here? I recall from our prior discussions in the fall that we all agreed that it was incorrect but easy; the problem was people switching back and forth. As head of a student club within your department, you're supervisory at that time, and then at the end of the semester, you're no longer head of that club, and you consider yourself not to be supervisory. That kind of confusion leads the legal department to just declare us all to be mandatory reporters. So it's not as easy as whether we're in the Union or not, or whether we're covered by Bargaining Unit or not, so that I'm supervisory when I'm head of the student club…

Swan: I can answer that. For the Clery Act, for the student club you must report to the head of Public Safety. That's it. That's the end of it. Now this is something else. Then if you're in the bargaining unit, that means you're faculty, not administration. The second you become administration you're not in the bargaining unit. That's why it's a convenient, easy mechanism for bureaucrats to use if they're confused who's who. If you're in the bargaining unit, then you're not a reporter. And if you're not in then you are a reporter.

Hakes: So if I'm in the bargaining unit, I am not supervisory, no matter what?

Cutter: Supervisory has a very specific definition about hiring and firing. Actually that's in the Iowa Code.

Hakes: It would seem to me that that was argued with us as the reason why we had to go down this path, because of this apparent confusion. If there's no confusion, then I don't know why …

Kidd: Could we get a sense of the Senate?

Cutter: Could I just ask how many of you'd be interested in having us revisit the taking off faculty--- bargaining unit faculty and other non-supervisory employees mandatory--- taking that off the table as mandatory reporters? That's a lot. Can you keep your hands up and Cyndi will count?

Dunn: Fourteen, I think.

Cutter: Any opposed? One? Two I think.

Nelson: I'm not opposed, but you asked if we were comfortable with wanting us reporting versus. I would like for you to revisit this, but if we cannot get this, I just wanted to state that I'm comfortable with at least anonymous reporting.

Swan: I know you mentioned ombudspersons. I'd like you to pursue that as well. That could be a very valuable asset on campus.

Smith: I wonder if in the course of an investigation, it's an anonymous report, in the course of the investigation, I would think professional investigators would come awfully close to being able to identify who did the report, and if it turns out it was a false report, without any basis, there should be some consequences. We surely don't want to become a campus where students disillusioned with a grade file an anonymous report. Can you imagine the havoc that would create on campus? Not that anyone

think that would ever happen, but it could happen, and that's why we have penalties for perjury under oath. I wonder if even if the report was anonymous, if there could be some way that they file the report under penalty of perjury, because they're putting a professional career at risk when they file a report. If the report is valid, they should be able to keep their anonymity. But the idea of false reports being filed, and then us saying, "It's anonymous so we have no idea of who or addressing it," it seems like we're not thinking through to a logical but unfortunate possible consequences.

Dunn: Currently, it does state in the policy that false or malicious reports are also a violation and will also be penalized and taken seriously. In terms of the anonymity, if they receive an anonymous report, they are supposed investigate in the sense of trying to find out if this is true, and what to do about it. If there's no evidence, it's obviously not going to get very far. If, "Gee, this is the twelfth time this month that somebody's complained about the same professor," they're going to find more.

Smith: My earlier concern, I didn't understand that to be the status, and I think that makes it a more solid policy.

Nelson: So they have the sense of the Senate.

Kidd: I didn't know if you wanted to have any kind of sense of how we feel about the other of these four highlighted items.

Cutter: Actually, we've kind of moved in a different direction.

Dunn: I think we have what we need for both our meeting and our report to the President. Thank you.

O'Kane/Swan: Thank you very much for all this. [Applause]

Kidd: So I guess we'll just table this discussion again. So it's 4:52. Did you guys want to do one more thing?

Smith: I've heard say on more than one occasion, that this is our last Senate meeting of the year. I understand that, and that's predicated on the fact that we just working during the academic year, but lots of us will be around during the summer, and I know the Senate has proposed a $7 million increase. But, let's just say the compromise is a $3.5 million increase, we're going to be in one tough shape as a university. If our president thought it was appropriate, are you authorized to call a meeting of the Senate during the summer if we wanted to express--our new chair, I just don't think we should consider we're out of business until September because this may be a very tense summer and while the *Des Moines Register,* it reads good to see that one senator's proposing a $7 million increase for UNI, we can breathe a sigh of relief, and I hope that turns out to be reality. The most likely thing, the way politics work, it will be some number less than $7 million, and if it's substantially less, the hurt can remind us of a few years ago. I would think the Faculty Senate would want to be standing by to participate, in anything we were asked to express our opinion or give a view about. So, you have the authority?

Nelson: Yes. I think we can call a special meeting.

Smith: And when do you become our chair? July 1?

Swan: Right now.

Smith: Right now you are the Chair?

Nelson: May 15th

Swan: That's right we did make it the end of the year.

Hakes: We may not have a quorum.

Nelson: That's the point. We can weigh in on something informally. We may not have a quorum to take a formal vote.

Swan: You can call a consultative session.

Nelson: Yes. We certainly could do that.

Swan: And no actions are taken in consultative session. Lauren actually knows all the rules. She'll be good.

Strauss: I move that we adjourn.

Kidd: Before we do that, I want to respond to Senator **Smith**'s comment. Yes, the budget situation could be anywhere from kind of okay to very dire. I will be able to communicate with the Senate on this matter over this summer in my capacity on the Budget Committee. And now, Senator **Strauss**, you had a motion?

Strauss: I move that we adjourn. It's my last motion.

Nelson: And it was a good one.

Swan: Second.

Kidd: All in favor?

Adjourn? 4:58

Respectfully Submitted,
Kathy Sundstedt
Transcriptionist and Administrative Assistant
Faculty Senate
University of Northern Iowa

Addendum 1: Report of Faculty Voting Rights Committee, April 27, 2015

Chris Edgington, Ken Lyftgot, Chris Neuhaus, Scott Peters, Michael Prahl, Marilyn Shaw, Jesse Swan

Although the UNI Faculty Constitution defines the voting faculty as "all those who are appointed to one of the four academic ranks--instructor, assistant professor, associate professor, or full professor--and who hold a probationary or tenured appointment," some units on campus have allowed those defined as "non-voting faculty" under the Constitution to participate as voting members in their governance. There have also been some instances recently of members of the non-voting faculty either running for election to voting seats or serving as interim voting members of university-level committees. And there remains some confusion about the propriety of those who hold administrative appointments serving as faculty representatives on committees. Coincidentally, in January 2013, the American Association of University Professors (AAUP) recommended including faculty members with contingent appointments in faculty governance as full voting members.

Accordingly, the Chair of the Faculty formed this committee to answer the following two questions:

- Does the definition of voting faculty in the Faculty Constitution apply to all instances of faculty governance across all units of the university? If not, what guidelines, if any, are appropriate to define voting faculty at the unit level?
- Are the Constitution's definitions of voting and non-voting faculty appropriate for UNI today, or should voting rights be extended to faculty members who hold contingent appointments? If the latter, what limits, if any, are appropriate on contingent faculty members' voting rights?

Findings

Current Practices

- In Fall 2014, when measured as a share of all FTE faculty appointments, non-voting faculty members comprised 24.5 percent of the UNI Faculty. Although the vast majority of these non-voting faculty members teach part-time, every college does employ some full-time adjunct professors and/or term appointees, many of whom have taught at UNI for long periods of time and are fully integrated within their academic units. Many of these people feel deeply connected to UNI, but their lack of voting rights creates a disconnect and prevents them from feeling a part of the faculty.
- Some academic units on campus allow contingent faculty members full voting rights in faculty governance. Based on discussion within the committee and on a survey sent to department heads (with responses received from 13 of 33 departments), the committee learned of one department that allows term faculty to vote, another that allows P&S Staff members to vote, and another that allows adjunct professors to vote within one of its committees. Further, the College of Humanities, Arts and Sciences' bylaws defines voting faculty as "those College Faculty members who are tenured or tenure track, renewable term, or hold clinical appointments of 50 percent or more with the exception of those Faculty members who hold full time administrative assignments."

Should participation in governance at all levels of the university be guided by the definition of voting faculty in the Faculty Constitution?

- The committee agreed early on that the university and its faculty are best served by a single definition of voting faculty for all faculty governance. Such a clear definition assures that all authority in governance flows from the Faculty Constitution and promotes cohesion across the disparate units of the university.

Moreover, failure to follow a consistent definition throughout faculty governance could lead to decisions being questioned at a higher level. For example, in the curricular process the University Faculty Senate generally defers to the decisions made by college senates and committees of the UNI Faculty. However, any decisions of those bodies that hinged on the participation of faculty members who are not voting members of the University Faculty could be subject to challenge before the Senate. In short, it becomes difficult for the University Faculty Senate, which acts under the Constitution as the "principal representative agency" of the Faculty, to defer to decisions made by bodies comprised of those who are not voting members of the faculty.

Although Section 1.4 of the Faculty Constitution allows the Senate to grant voting rights for individual faculty members upon petition, this provision has rarely been used and the committee fears that frequent admission of contingent faculty to the voting faculty on an ad hoc basis would cause more confusion than we have right now.

Should voting rights be extended to those currently categorized as non-voting members of the faculty?

- In January 2013, the American Association of University Professors (AAUP) published "The Inclusion in Governance of Faculty Members Holding Contingent Appointments." It recommended that:
    - "[I]ndividuals whose appointments consist primarily of teaching or research activities conducted at a professional level" (p. 7) be granted full voting rights "identical to those for tenure and tenure-track faculty" (p.9). These rights may be limited to faculty members who meet certain criteria, e.g., time-in-service requirements.
    - "All faculty members, regardless of their status or appointment type, should, in the conduct of governance activities, be explicitly protected by institutional policies from retaliation in the form of discipline, nonreappointment, dismissal, or any other adverse action" (p. 12).
    - Contingent faculty should be compensated for any service obligations that are part of their appointment responsibilities and that, when such responsibilities are an explicit part of the appointment, they should be included as part of the evaluation process.
- The purpose of the AAUP's recommendations, which this committee endorses, is to enhance academic freedom within the university by broadening participation in faculty governance to all members of the faculty and to ensure that all members of the faculty can participate fully within the shared governance system without fear of retribution or undue pressure from administrators or fellow faculty members.

Conclusions and Recommendations

1. *All colleges and academic departments, and all committees at all levels, should follow the definition of voting faculty in the UNI Faculty Constitution.* Accordingly, the Chair of the Faculty recently advised the Committee on Committees and the chairs of all college senates that only members of the voting faculty as defined by the UNI Faculty Constitution are eligible to serve as voting members on university committees. The Chair of the Faculty should further engage with individual colleges and departments to discuss the implications of individual colleges and departments departing from the Faculty Constitution's definition of voting faculty. These discussions should take place as early as possible in the Fall 2015 semester.

2. *UNI should provide contingent faculty due-process rights and compensation for service work consistent with AAUP recommendations, at which time the UNI Faculty will extend voting rights to such faculty members.* This committee supports expanding academic freedom and more closely tying contingent faculty members to the life of the university. Once university policies and procedures are in

place to assure that those contingent faculty members assigned service responsibilities are protected and compensated pursuant to AAUP recommendations, the faculty will extend them voting rights consistent with AAUP recommendations. At that time, the Chair of the Faculty should appoint an ad hoc committee of faculty to make recommendations as appropriate to amend the Faculty Constitution.

Addendum #2:

Revisions to Policy 13.02 on Discrimination, Harassment, and Sexual Misconduct
presented by Senators Cyndi Dunn & Barbara Cutter

Whereas, Policy 13.02 on Discrimination, Harassment, and Sexual Misconduct was passed with little input from faculty members and no review by the Faculty Senate,

And whereas many faculty have voiced concerns about the reporting requirements contained in the policy,

And whereas United Faculty also has legal objections to certain parts of Policy 13.02,

Therefore, be it resolved that:

The Faculty Senate recommends the following changes to Sections III and IV.A of Policy 13.02 on Discrimination, Harassment, and Sexual Misconduct (changes are numbered and highlighted in yellow):

III. Reporting Responsibilities

All University employees who are aware of or witness discrimination, harassment, sexual misconduct, or retaliation are required to promptly report to the Title IX Officer or a Title IX Deputy Coordinator 1) with the following exception: Non-supervisory employees will not be considered required reporters in relation to other employees. Any student who is aware of or who witnesses discrimination, harassment, sexual misconduct, or retaliation is encouraged to promptly report to the Title IX Officer or a Title IX Deputy Coordinator.

2) The Title IX Officer and Deputy Coordinators will also accept anonymous reports from both victims and third-party required reporters. Anonymous reporting will fulfill employees' required reporting responsibilities.

3) Nothing in this policy will infringe upon the rights of employees to engage in concerted activities as guaranteed by Iowa Code 20.8(3)

All initial contacts will be treated with the maximum possible privacy: specific information on any complaint received by any party will be reported to the Title IX Officer, but, subject to the University's obligation to investigate and redress violations, every reasonable effort will be made to maintain the privacy of those initiating a report of a complaint. In all cases, the University will give consideration to the complainant with respect to how the complaint is pursued but reserves

the right, when necessary to protect the community, to investigate and pursue a resolution when an alleged victim chooses not to initiate or participate in a formal complaint.

Please note: This section addresses reporting obligations for members of our campus community who are made aware of potential violations of this policy. Methods for filing a complaint and the Complaint Resolution Process are detailed in **Section IV.** Additional resource-related information can be found in **Section VIII** and at **uni.edu/safety**.

IV. Complaint Resolution Process

The University will respond to any alleged violation of this policy received by the Title IX Officer or Deputy Coordinators. This section outlines ways in which offenses can be reported by individuals choosing to pursue complaint options. Additional resource-related information can be found in **Section VIII** and at**uni.edu/safety**.

A. Confidentiality and Reporting of Offenses

The University of Northern Iowa will make every effort to safeguard the identities of individuals who seek help and/or report discrimination, harassment, and/or retaliation. While steps are taken to protect the privacy of victims, the University may need to investigate an incident and take action once an allegation is known, whether or not the reporting individual chooses to pursue a complaint.

4) In cases of third-party reporting, personally identifiable information (name of victim, name of respondent etc.) may be withheld at the victim's request. In circumstances involving serious danger of physical harm to members of the community, such as patterns of predation, violence, or threat, the Title IX Officer may subsequently require additional information.

No employee should ever promise absolute confidentiality except those as described below in **Section IV.A.2**. Reports may be private, but not confidential, as described below in **Section IV.A.3**. Reports to police and/or Title IX officials do not obligate the complainant to file any criminal or university conduct charges.

The University will not pursue disciplinary action for improper use of alcohol or other drugs against an alleged victim of sexual misconduct or against another student who shares information as either a witness to or as a reporter of sexual misconduct as long as the report is made in good faith. See "Good Samaritan Provision," Article III(4), **Student Conduct Code**.

Deliberately false and/or malicious accusations of discrimination, harassment, or retaliation, as opposed to complaints which, even if erroneous, are made in good faith, are just as serious an offense as discrimination, harassment, or retaliation and will be subject to appropriate disciplinary action.