

Indiana University
UNIVERSITY FACULTY COUNCIL
November 29, 2016
1:30 P.M. - 4:30 P.M. (EST)
University Hall, Room 1006, IUPUI

Agenda

1. Approval of Minutes

<http://www.indiana.edu/~ufc/docs/minutes/AY16/02.23.16.pdf>

2. Executive Committee Business (10 minutes)

(Professors Rachel Applegate, Rebecca Spang and Joe Wert, Co-Chairs of the University Faculty Council)

U1-2017: <http://www.indiana.edu/~ufc/docs/circulars/AY17/U1-2017.pdf>

U2-2017: <http://www.indiana.edu/~ufc/docs/circulars/AY17/U2-2017.pdf>

U3-2017: <http://www.indiana.edu/~ufc/docs/circulars/AY17/U3-2017.pdf>

3. Presiding Officer's Business (30 minutes)

(Professor Michael McRobbie, President of Indiana University)

4. Question/Comment Period (10 minutes) *

(President McRobbie and Professors R. Applegate, Spang and Wert)

5. Report on Bicentennial Priority Two: A Community of Scholars (20 minutes)

(Executive Vice President Applegate and Professors R. Applegate, Spang and Wert) [DISCUSSION]

6. UFC Approval of Transfer Credit Policy Revisions (20 minutes)

(Executive Vice President John Applegate and Assistant Vice President for University Academic Affairs TJ Rivard) [ACTION ITEM]

<http://www.indiana.edu/~ufc/docs/circulars/AY17/U4-2017.pdf>

7. UFC Approval of Sexual Misconduct Policy Revisions (30 minutes)

(Jennifer Kincaid, Chief Policy Officer and Emily Springston, Chief Student Welfare Title IX Officer;) [ACTION ITEM]

<http://www.indiana.edu/~ufc/docs/circulars/AY17/U5-2017.pdf>

<http://www.indiana.edu/~ufc/docs/circulars/AY17/U6-2017.pdf>

8. UFC Approval of Nepotism Policy Revisions (20 minutes)

(Executive Vice President for University Academic Affairs John Applegate) [ACTION ITEM]

<http://www.indiana.edu/~ufc/docs/circulars/AY17/U7-2017.pdf>

*Faculty who are not members of the Faculty Council and who wish to address questions to President McRobbie and Co-Chairs Applegate, Spang and Wert should submit their questions to the Faculty Council Office at ufcoff@indiana.edu. Meetings are open to the public. Our documents are available at:

<http://www.indiana.edu/~ufc>

Transcript

AGENDA ITEM 1: APPROVAL OF THE MINUTES

SPANG: Good afternoon, everybody. In the absence of President McRobbie, apparently, chairing this meeting passes to me. Alright, so, thank you everybody.

?: Have we started recording?

SPANG: So, good afternoon everybody. It's good to see you. It is not the custom of these meetings to go around and introduce ourselves, we do have nametags. So, try to remember people's names, look up their websites later or in the dull bits of the meeting and we'll try to do more before the next meeting to make sure that we actually all know each other. First order of business is to approve the minutes of the meeting we had on the 23rd of February. Some of us, at least, were at that meeting. Do I hear a motion to approve? Do I hear a second? Any discussion. Approved. Thank you. Next on the agenda we have Executive Committee business, so I'd like to begin by turning to the University Faculty Council co-chairs Professors Rachel Applegate and Joe Wert for any comments they may have. Rachel?

AGENDA ITEM 2: EXECUTIVE COMMITTEE BUSINESS

R. APPLGATE: Briefly, about the School of Education is going through a restructuring. It is a core school and therefore the process is overseen by the UFC rather than the campus committees. We are in the process of setting up the committee for that. That's all I needed to say about that. I – I hope that if you have any comments about it you will share them either with the School of Education members or with me or Rebecca about that. So, I just wanted to update you on that process.

SPANG: Anything else we need to know that the Indianapolis Faculty Council is working on that could be of particular interest or import for the entire university?

R. APPLGATE: We're having a presentation either in December or January about IU Online. As it – as it evolves and matures we want to have some sense about what is centralized, what is – excuse me, what is shared services and faculty control of the curriculum. So, we are – the IUPUI campus has both graduate and undergraduate and of the regionals of undergraduate, and so it's a larger enterprise. We have also been discussing the Crimson Card and I don't think I'll open up that discussion right now. So those are two issues that we are looking at that might be of interest to you, but we are still in the process of getting the right people at the table to talk about them.

SPANG: Thank you. Joe?

WERT: You have in front of you a circular U2 which is a list of the standing committees which have been, I guess, renamed a "leaning committees."

SPANG: I'll clarify that in a minute.

WERT: There are – just quickly, then, the Faculty Affairs Committee and the Technology Policies Committee, we have spaces for two representatives from each of the regional campuses and so if anyone from the regional campuses, if you have anyone in mind please let me know.

SPANG: Let me clarify on that point. The last rewriting of the UFC constitution abolished standing committees. However, we felt that this may - last year in discussions in the UFC leadership we felt that

not having committees made it difficult for the UFC to react in a timely fashion, or to be a place where initiatives began, and hence that it would be useful if we had committees, not that were standing committees, that would require another rewriting of the constitution, but committees we would call leaning, that would be constituted and could be brought to life when necessary. So that's why we call them leaning committees, because we do not have provision for standing committees in the UFC constitution. There are a couple of other things I wanted to say under the heading of Executive Committee business and then I will happily hand the gavel over to its proper owner.

MCROBBIE: Give me a chance to catch my breath.

SPANG: Happily, my comments are long winded.

MCROBBIE: I appreciate your filibustering.

SPANG: So, just to let you know, that at some great length I think the Bloomington Faculty Council has begun to make real progress on developing an Open Access policy. This is something we started about last Spring that then got sent to four different committees. We have now convened a cross-committee working party that had a very productive meeting. This is all thanks in largely to the very organized and thoughtful labors of the chair of our Libraries Committee, Naz Pantaloni, who is a UFC member who unfortunately could not be here because of illness. So I suspect by the next time we meet, Bloomington may have passed an Open Access policy quite similar to that that IUPUI already has. So that's very good news. I also wanted to alert you that Bloomington has now passed an updated faculty misconduct policy, and that after nearly two years of discussion and deliberation, decided against trying to develop a post tenure review policy. Post tenure review policies are common at other Big 10 Universities, and there were a host of reasons why we decided not to follow in that way. Finally, I just wanted to summarize some comments I made two weeks ago at the BFC meeting in the immediate aftermath of the election. At that time, on behalf of the faculty, though without having been able to consult with all of them, I thanked President McRobbie and Provost Robel for the messages they had sent to the entire community affirming IU's commitment to core values of tolerance, respect, free speech, ethical conduct and ethical inquiry. And so, I want to reiterate my thanks. There are other public universities in this state where the President has sent no such comment, and I do also want to briefly gloss one thing that Provost Robel had said to the Bloomington Community in her own remarks. She said "we are all one IU." And I think that's right, and I think whether you voted for Clinton or for Trump, whether you chose not to vote or you were prevented from voting, we're all one IU. And whether you come from Muncie or Fishers or Terra Haute or West Lafayette. Whether you come from Chicago or New York, Beijing, Mumbai, Tel Aviv, Nairobi, Brussels or Hampden Maine. We are all one IU. And actually, whether you're afraid right now or hopeful. If you think the country has reversed itself after eight bad years or if you think it's about the launch itself into the abyss, we're all still in this together. And then I want to end, and this has become a hallmark of my comments to the Bloomington Faculty Council, with a recourse to the archives. Today, though, I have recourse not to the archives of the BFC, but to the archives of the United States. And I quote:

"The alternate domination of one faction over another, sharpened by the spirit of revenge, which is a natural part of party dissention, has in different ages and countries perpetrated the most horrid enormities and is itself a frightful despotism. It leads at length to an even more formal and permanent despotism, the ruins of public liberty."

So I urge all of us, as I urged all present at the Bloomington Faculty Council meeting, some of whom did not really understand my words apparently, I urge all of you to heed the words of George Washington's farewell address, in many ways echoing federalist number ten, and the try as best we can to maintain free and meaningful discussion without yielding to a spirit of party revenge and faction. Thanks.

AGENDA ITEM 3: PRESIDING OFFICER'S BUSINESS

MCROBBIE: Thank you, Rebecca, and please accept my apologies, the members of the UFC, it was a combination of delay and going to the wrong place, having assumed it was just where it has always been in the past, so my apologies again. I'm – I'm taking the – I'm – I'm, this is – I'm moving to agenda item three, and then when we move to four we can take questions on what I've got to say, and what Rebecca and the other co-chairs may have said or questions they can take. I'm – I'm taking the - the unusual step today of presenting what are actually prepared remarks to the – to the council. And I want to this because of the importance of the issues I'll be addressing and to ensure that they're accurately stated for the record, and what Rebecca said was a segue into the kinds of things I'm going to be talking about. November 8th 2016 saw the end of a bitter and divisive election campaign. We all hope that our elected leaders can now work together in the interest of all Americans. However, in the wake of the election there were a number of incidents on some of our campuses that led me to send a message to all members of the Indiana University community on November the 14th. And I believe this message states very clearly IU's values and mission the obligation that every member of the university community has to respect them and to adhere to them. I want to take this opportunity today to read this message into the record of the UFC and to underscore, again, all we stand for, and our responsibilities as one of the world's premiere universities. My message began:

“The 2016 presidential election is over, and our country has made a decision. The contentious political climate of the last several months has underscored deep divisions within our country. Debate and discussion about the issues over which the election was contested will and should continue, but it must be carried out in a spirit of tolerance and respect for the opinions of others, and one that recognizes everyone's fundamental right to freedom of speech.

The university has received some reports of harassment and intimidation of members of the IU community. This kind of behavior is completely inconsistent with the spirit of tolerance and respect that we must foster, and it is totally unacceptable, as is any form of vandalism to property. Indiana University will do all it can to ensure the safety of all in its community and to support them. All members of the IU community are highly valued and warmly welcomed here. Our commitment to diversity and inclusiveness is one of our core values.

Indiana University—and the nation's other leading public universities—can serve as models of communities whose members are committed to evaluating new ideas, fostering meaningful debate, and openly addressing the very real problems that confront the people of our country and of the world. We must continue to build a university community whose members are committed to the highest standards of ethical conduct and integrity—a community in which there is no room for discrimination or harassment based on anyone's actual or perceived race, religion, gender, sexual orientation, personal convictions or national origin.

We must also aspire to be an engaged Indiana University in the state and beyond. Indiana University is part of a thriving democracy. We educate students who go on to engage in work that advances the

common good. We prepare students for lifetimes of active, engaged citizenship. We can also lead the way in contributing to greater understanding of the causes of some of the most pressing problems facing us, and to finding solutions to these problems.

As we prepare for IU's Bicentennial and our third century, we must recommit ourselves to fulfilling these missions and to educating the next generation of civic, cultural, social, and economic leaders of the state, the nation, and the world."

In the following weeks, then, concerns also began to be raised on some IU campuses about the future of the Deferred Action for Childhood Arrivals program, known as DACA or DACA depending on how you want to pronounce it. In particular, given some of the views on immigration that were expressed during the election campaign, and this was causing concern for many of the students in the DACA program. DACA is an immigration program established by the Obama Administration in 2012. It allows certain undocumented immigrants to the United States, who entered the country as minors, to receive a renewable two-year period of deferred action from deportation and eligibility for a work permit. The program does not provide lawful status or a path to citizenship. So, on behalf of Indiana University, I want to assure all of the DACA students that we remain fully committed to ensuring a welcoming, safe, civil and inclusive community for all of our students. While no action has been foreshadowed by the incoming administration, and while we do not know whether action concerning this program will be a continued priority for it in January, IU is committed to strongly supporting all of our DACA students. As a public institution bound by federal and state laws, Indiana University is able to and will take several steps in support of all of our students regardless of immigration status. IU respects the privacy of all students equally in their studies, work and personal lives and therefore we will only enquire into, record, use or communicate a person's immigration status when required by law or when necessary to protect the person's safety. We protect the privacy of all student records as required by the Federal Educational Record Protections Act that's known as FERPA. IU provides counselling and support to students on immigration related concerns through the Office of International Students Services. We will provide counselling to students about and connect students to available resources for education on living expenses for which they are legally eligible through the Office of Scholarships. And IU will vigorously investigate and prosecute anyone who threatens, intimidates or harasses any member of our community. We will make special efforts to protect those who are targeted or who are at risk for physical harm, threats or intimidation. IU will continue and intensify its long standing advocacy for expanded access to higher education for all Indiana University students living in the United States, including, specifically, advocating for the continuation of the DACA status and for the equal treatment of such students for all educational programs. These related points have been communicated to all of the DACA students by – and to other students – by the Provost, the Chancellors and they have in turn been in regular contact with them. All of us at Indiana University, then, deeply value every one of our admitted students and we will closely monitor any developments in federal policy and immigration status, and the DACA program in particular, in the new year. Now I mention our commitment to advocacy for the continuation of immigration programs that effect our students, to this end I join the Presidents and Chancellors of about 200 of America's leading Universities, including 44 of the 60 American Members of the AAU and 10 of the 14 members of the Big 10 in signing a, quote, "Statement of support of the Deferred Action for Childhood Arrivals "DACA" program and our undocumented immigrant students." And again, I wanted to take the opportunity to read this statement into the record for this meeting of the UFC. This is the – the statement, quote:

“The core mission of higher education is the advancement of knowledge, people and society. As educational leaders we are committed to upholding free enquiry and education in our colleges and universities and to provide the opportunity for all of our students to pursue their learning and life goals. Since the advent of the DACA program in 2012, we have seen the critical benefits of this program for our students and the highly positive impacts of our institutions and our communities. DACA beneficiaries on our campuses have been exemplary student scholars and student leaders, working across campus and in the community. With DACA our students and alumni have been able to assure opportunities in business, education, high tech and the non-profit sector. They have gone onto medical school, law school and graduate schools in numerous disciplines. They’re actively contributing to their local communities and economies. To our country’s leaders then we say that DACA should be upheld, continued and expanded. We are prepared to meet with you to present our case. This is both a moral imperative and a national necessity. America needs talent in these students who have been raised and educated in the United States are already part for their national community. They represent what is best about America and as scholars and leaders they’re essential to the future. We call on our colleagues and other leaders across the business, civic, religious and non-profit sectors to join with us in this urgent manner.”

You can find the text of that and the full list of everybody who signed it on the Pomona website where it originated. So let me conclude by saying that I have a particularly acute sense of the importance of immigration programs and all those affected by them, for I am myself an immigrant, as are my three children, though we are now all proud US citizens. Chancellor Paydar and his wife are immigrants. This is half of the senior academic leadership of Indiana University that is myself and the three executive Vice-Presidents. We must always remember that apart from any Native Americans among us in this country, we are all immigrants or the descendants of immigrants. Immigration has been one of the fundamental strengths of American society and democracy since its founding, enriching it and providing the freedom for the most talented to succeed and to prosper. This country has been a beacon of hope around the world to those oppressed by tyranny and class. Indiana University is committed to doing all that it can to help preserve and protect these notions that are at the heart of the American idea and to fostering the supportive and welcoming environment for students from all backgrounds and from all parts of the world. And that concludes my prepared remarks and with that I’d like to move onto agenda item 4, which is questions and comments. I’m happy to take any questions on what I just went through and I’m sure Rebecca and Rachel will also – and Joe – will also happy to take questions. Please, any questions from anybody? Yep.

AGENDA ITEM 4: QUESTION/COMMENT PERIOD.

SMITH: Thank you very much for making those statements. You remark at a certain point about the university’s intentions and the law and the demand that the law places on the university, is there any early enquiry or judgement about the difference between law and executive orders? Because I think we can probably expect executive orders to be raining down in the early parts of the winter.

MCROBBIE: Well, let me make a general comment, and I - since I have a lawyer beside me I might defer to him for some – and they plenty of company here too, for some more specialist comment on the matter. What I will say is that, I think that people are speculating that of all the issues concerning immigration, that the new administration may want to attend to, that this is likely to be low on the list, simply because you’re dealing basically with students. I think, from memory, people have to be under 31 to be in the DACA program. And as – as we’ve attest - that the 200-year anniversary presidents attested,

these are, in general, exemplary students, high achieving students and so on. And this is probably a group that is – is not going to be high in the priorities for attention. So I think that's our thinking about the politics of it. Whether there's any legal issue here that you want to comment on, John.

J. APPLGATE: Well, simply that the – that the DACA program itself is a creation of presidential directive and so the President can un-direct that. I know there's been a lot of references to the ICE, Immigration, Customs Enforcement, thank you, a policy on treating churches, schools, universities separately, that is even a lower form of existence, and could be overturned with – with a sentence, literally. And so, that, I have to say, is pretty cold comfort, I think much greater – much the greatest comfort here is, as the President said, that the DACA students are an incredible appealing group, who came here early, not on of necessarily their own choice really, and are a fully participating in productive activities. They have to be to be in this category. They've also self-identified, and I think any sense of justice would understand that they could be in a position of being punished for their own willingness to identify themselves and participate in this program. So, there does seem to be some indication that that's fairly low on the priority list of things to do.

SMITH: Very quick follow-up, are we under any legal obligation to maintain a database that continues to acknowledge the self-identification?

J. APPLGATE: We have – my understanding is that we have to certify if somebody in the program is part of – of an educational program, but we – we don't keep one for that purpose, as far as I'm aware. But of course, the ICE does. And that's – there's really no information that we have or keep especially identifying DACA students that the ICE does not already have.

SMITH: Thank you.

MCROBBIE: Yes.

SANDERS: I think we would all agree or we would all understand if you decided it wasn't proving to answer this or were prepared to answer this, but has the university thought about, or is it exploring its options to decline to co-operate if, let's say, the federal government, ICE, suddenly wanted Indiana University's assistance in identifying DACA students, or indeed any undocumented students or faculty members, for that matter, staff on its campuses. Lawyers know of something called the anti-commandeering doctrine which is the basic principle that the federal government can't force state officials and state authorities to co-operate and help implement federal initiatives unless there is money involved, unless we've already agreed to do it in exchange for getting various federal monies and so forth. Is that something that the university would explore, the extent to which we could legally decline to assist the federal government in its efforts to identify members of our community who are undocumented.

MCROBBIE: There may be a sort of fine legal point about that, again, I might ask John to respond to, but I – but I – but I think it would be most unwise for us to decline to co-operate with the state of federal authorities, given the impact they have on our continuing – continuance as an institution. That is the law of the land that I think our position has always been on numerous issues, as an institution that we will follow the law of the land. Whether there's anything else John – do you want to add to that?

J. APPLGATE: Well, it's important to understand that the DACA students are already identified. I mean, to begin the program you have to identify yourself, who you are, your, where you are and so on. So

there's not really much you would have to add. For undocumented students, we don't know that we have undocumented students or faculty or staff. And I'm not sure that it would be in their or anyone's interest for us to make it our business to carry out an investigation like that. We have not in the past, we've had no reason to. I don't see why we would start.

MCROBBIE: I think it would be most unwise.

SANDERS: It wasn't to suggest we resist any sort of lawful request, but there might be circumstances under which, and local law enforcement authorities experience this with ICE, ICE can ask them to do things but they can't make them do them and I thought there - there may be similar situations here where the federal government could request our assistance but at the end of the day couldn't mandate it or require it, whether we would take advantage of that sort of flexibility or not, I guess is what I'm trying to ask.

MCROBBIE: I think what - what, I mean we just have to consider whatever requests are made on a case by case basis in terms of, you know, what's appropriate with respect to the reigning law at the time. I mean, I think we should also be careful about prejudging what might happen here. We could spend a lot of time with all kinds of scenarios, I'm - the effort that I put into this has been aimed at advocacy for trying to ensure this doesn't happen. I should add that I've been working with the AAU on some matters, they are - they are sort of heavily involved with advocating for the - the - the DACA program, as does the ABLU. The President of the ABLU wrote an excellent letter to the - to the new administration, again, making the case for the continuation of the program. So there's a lot, as John said, it's a very appealing class and there's a lot of people behind its continuation. Other questions. Other questions. Anything for Rebecca or Rachel? Any other questions? Alright. With that, let's - let's move to agenda item 5, and this - this is the report on the Bicentennial priority number - number two, which is the priority about the community of scholars, and this is going to be a discussion with the two Applegates, and Rebecca and Joe.

AGENDA ITEM 5: REPORT ON BICENTENNIAL PRIORITY TWO: A COMMUNITY OF SCHOLARS

J. APPLGATE: Well we - I think the majority of people here were here for our brainstorming session just ended, and I'll just say I thought it was very helpful. It was - it was just the kind of lively conversation that I had hoped for and a lot of ideas, of a large and small nature came out - out of that. I think, clearly, this one - one of the main things that, at least, I had hoped to get out of this, and I certainly think it did come out of this, was getting this on people's minds and thinking about this as one of those kind of fundamental issues, that it's very hard to get your arms around it, really very hard to get your arms around it. But we need to be - we need to be thinking about it and we need to be thinking about it very intentionally, both in its broadest sense and in the DONOT(?) discussion. And so, I was - I thought it was very helpful. We will - at the end we agreed that our facilitator, Martie Adler, put - will put the ideas that came up together in one document and distribute them generally. I certainly hope that, well I should say, many of these ideas are ones that are really primarily implemented at campuses and schools and departments, and so I hope that that's really where much of this happens. If there are things that we, as a university, the one IU, can do to set goals or values or best practices, however, I think that would be great. But it's getting the ideas disseminated more broadly. So I'll just turn it over to Rachel or Rebecca or Joe for their thoughts.

R. APPLGATE: We will distribute for comment and your input, these comments, and I would add two things to that. First of all, we're kind of preaching to the choir this morning. We're preaching to people who have already stepped forward and entered into the community of faculty governance, and so that may not be our hardest audience to reach. So we need to think carefully about how to engage more people in this. And then I would urge, the other leadership sitting up here at this end of the table is that, this is a faculty governance body, but there is also administration. You know, and if this is a value then administration needs to administer it and to put into practice the administrative ways that would support reward, value and nourish the creation of community. So I thought we had a number of excellent notes coming out of this. Rebecca?

SPANG: Yes, I too found it a very productive and enjoyable and fast two hours. Of the things that came out of it that I saw as sort of worth thinking about as we move forward, key issues seem to be, Rachel's already alluded to, the reward structure, a way in which you incentivize and promote building a sense of community. And for me, and one thing that wasn't part of the broader discussion this morning, I am also really feeling right now that this is about a sense of community between the campuses and their surrounding areas. If IUPUI doesn't feel a sense of community with Indianapolis, if Bloomington, the campus, doesn't feel a sense of community with the eleven counties in south-central Indiana, I think we lose something, and I think we risk still preaching to what is a bigger and not fully converted, but nonetheless, a choir. And maybe if we have a sort of shared mission of being part of that community, that will help give us more of a sense of community as well. So we talked about the importance of equity, we talked about the pernicious effects of entitled – senses of entitlement and self-responsivity, self-promotion, and we talked about the crucial importance of building a culture in which individuals feel responsible to the institution because, the institution is responsible and responds to them. So I think those are some of the main things that I took from it this morning. Joe.

WERT: I guess another thing I would add is, in reiterating what Rachel said about including administration in this, I think we also include our students and our staff as well. If we're going to be a community, we think we all have to be a community. That's all.

J. APPLGATE: Others who participated are certainly welcome with their – their thoughts. So I think I indicated that – that the four of us would - would get together maybe even yet this – this calendar year and – and – and churn out some next steps to – to bring some of the – either sharpened some of the ideas and or bring them to – to action and – and take some of the steps that were indicated, because it really was a very helpful conversation and it would be a shame if it – if it ended there.

MCROBBIE: Anything else on this topic? I must say I am very – very pleased that the people in the council are taking - taking this up because there are many important priorities, but this one is, I think, particularly important to the sense of community of the academic body of the university. Anything else on this? Any other comments? Okay. Well, let's move onto agenda item six. And, let's see, this is again John. This is the approval of transferred credit policy revisions.

AGENDA ITEM 6: UFC APPROVAL OF TRANSFER CREDIT POLICY REVISIONS

J. APPLGATE: Great, thank you. This is - I should begin and point out TJ Rivard, who is the director of University Transfer office, who has responsibility for coordinating this. This is a revision of a policy that we adopted, actually, last year and I just have to confess that the original version of it was sort of a misguided attempt at simplicity and directness, when for once that was not actually what was called for.

The original version was literally directed at 100 and 200 level courses as a concept, I guess, lots of numbering systems exist and the use of them in transfer at IU as upper division courses. So the idea was to make sure that lower division courses and upper division courses did not get confused in the transfer process. The actual goal of it was – was much narrower than as stated. It really was the transfer of two-year institution lower division courses, by definition lower division courses, to IU and what would happen with those. So, as written, the policy was overly broad and was interpreted in a fairly prescriptive way. We made an administrative interpretation of it as a sort of holding position, which is basically the green version, or the new version of the rule. Which I think is – did no more than acknowledge the intended purpose of the rule, or of the policy, and express the importance of departmental and disciplinary discretion in applying the policy where, for example, another four-year institution, another peer institution, simply either numbered their courses in a very different way from the way we do, or in cases put mixed and matched topics in different ways. So what for us was upper division or what for a particular department was upper division content, really was covered in a lower division course, or apparently a lower division course, at another peer institution. I think the present rule, or the proposed policy language is much clearer about exactly what it's aimed at and also about the appropriate departmental faculty discretion in making those decisions. And so, I recommend it to you, I think it's clearly a matter for faculty decision.

MCROBBIE: Okay, so this – this actually needs a motion, I think, for us to approve it.

J. APPLGATE: So moved.

MCROBBIE: And a seconder?

BERBERI: Second.

MCROBBIE: Okay, so there's a motion in front of us to approve these revisions to the transfer credit policy. Can I – is there any discussion on this? Any comments anybody wants to make? Any discussion? Discussion? Alright, there being none I'm going to put the motion to approve it. All those in favor signify by saying aye. [aye] Against, same sign. [silence] It is carried. So, we now move to agenda item 7, which is the approval of the revisions to the sexual misconduct policy, and that's Jenny Kinkaid and Emily Springston.

AGENDA ITEM 7: UFC APPROVAL OF SEXUAL MISCONDUCT POLICY REVISIONS

SPRINGSTON: Thank you for having us today and having the opportunity to present you with the approval for revisions to the sexual misconduct policy and two – two sets of revisions to the student code and the Code of Academic Ethics, which we'll explain in a few minutes. Just for context, we spent this Fall, my office working with Jenny Kinkaid and the UFC appointed faculty sub-committee, made up of Alex Tanford in Bloomington, Peggy Stockdale at IUPUI and Monica Solinas Saunders at IU Northwest, and that sub-committee worked with us to review the policy, consider any proposed revisions to the policy. And so, I'd like to first thank both the BFC Executive Committee for their leadership on this, as well as that faculty sub-committee, Alex here today, too, for their time, attention and also the expertise that they each brought to the review. Before you are, well there's two documents and we just discovered the academic – the Code of Academic Ethics is also included in the revision and I can explain that in a second, because it just mirrors the code revisions you see for the student code. These all contain the revisions that were approved by the subcommittee and are submitted to you today for your

approval. Specifically, I can talk to you first about the sexual misconduct policy and those changes. Some of those, as you look through it, are not significant, substantive changes. A lot of some minor tweaks or cleaning up of the language where we've seen it now in play for a little over a year now, and these are things that either we believe we need to just clarify or clean up, and also explain further how the policy works. So, please jump in if you have any questions, but I'll kind of skip to the big highlights, which is the policy statement. We made a change on your page two, I believe, to just identify, we removed the term exceptional and switched that to appropriate. The sub-committee, we looked at that just thought that exceptional misled that there was a high threshold of situations where we may need to apply different procedures than how may exist here and a clear example of that is, for example, if someone is arrested or convicted for criminal behavior. Our campuses some of them have summaries suspension type tools that we did not want to inhibit, and did not need these procedures to replace those sorts of things. So it's not that other procedures wouldn't apply, it's just there may be appropriate circumstances where these are not the primary procedures applied. The next substantive piece I draw you to is on the definition of sexual assault. Right before that you'll see a movement of language, it's not a change in any of the language in the prior behavior, sorry, this is with regard to the scope of the policy and on and off campus behaviors, that language is the same as already existed and was approved by this committee. We just moved it under scope rather than under definitions. So with that I'll jump to the definition of sexual assault. We did take a look at this definition and we knew over the past year that we wanted to make this more concise and clear, and also to differentiate that there are different manners of sexual assault, those of penetration, those by contact. And we removed some extraneous language there and used the term "intentional sexual touching" where there's sexual contact. The importance of separating it and making it clear like this is to understand that to the extent there is a conduct case with respect to our students and that's under investigation. They are notified and it correlates directly to the Student Code of Conduct and that's where they're changed under. So you'll see that in the student code, when we get to that, this is how individual be notified in the specific charge. The differentiation is also important with respect to if someone's found responsible, there is some distinction with respect to the type of conduct and frankly to the sanctions that might be applied. The next thing I draw your attention to is on page nine, I believe it's your page nine, and this is clarifying law enforcement. We just added a provision to make it clear that individuals understand that there may be times where we do report to law enforcement, even if an individual has chosen not to. We do encourage individuals to do that on their own, we don't have that mandatory obligation but there are times where we feel the need to do that and we wanted to make that expressively clear to our community. And on the next section with confidentiality, this is just language that clarifies what comes from the Cleary Act and the recently revised Cleary handbook with guidance that makes it clear that confidential employees, some of them, still have to provide non-identifying information for Cleary reporting purposes. The next item that I bring to your attention is "under investigations" on your page 10 through 11. We added this provision to make it clear of the university has the ability and will look to other reports that may relate to the same individual in determining or considering is there a pattern, is there a knowledge or intent or motive. This language, we spent some time with the committee looking at this. This language does pull heavily from the University of Virginia's policy, which we liked their language, and we wanted to speak to this in our ability to look to this. We think it adds some helpful balancing language about how it's assessed and how it's relevant. The next language that you'll see on your page 11, I believe, or is it 13, sorry, my pages are a little off – is the express language that indicates that we can reopen a case if it had previously had been considered closed. This is referring to cases that may not have gotten to an end, to an

adjudication, primarily. We have had a situation and we looked at that and we felt that we had to be more expressly clear that if there is a case that's come before us and there wasn't enough to go on, or something happened, if new information comes to light. That's not a double jeopardy situation that we're looking at again. So we wanted to make that language very clear. The interim and remedial measures, there was some – is some confusion among our students about what sort of accommodations or measures they may be able to receive, whether or not and where they are in the process. This clarifies the difference between an interim measure and a remedial measure. It also makes clear that those who aren't fully engaged in our processes, or making a formal complaint, may receive some other measures, but they may not look exactly the same. We can't put in a no-contact order if someone's not willing to give us a name of an individual to bring a no-contact order against. So, that needed some cleaning up, and we also made that slight adjustment in the definition of those measures in the definitions section. That gets us through the policy section, and then there's the few brief changes to the student procedures, which the committee also looked at. On your page 13, I believe, on section 1A – 15, thank you – we made it clear in this section when we're talking about the respondent and their role is here we indicated the expectation that they're participating. We removed from a later section under the hearing the back and forth about the different parties and their level of participation. We felt that was confusing and so we just spoke to it up there. To be clear, this is information that is gone over, sometimes ad nauseam, with parties throughout this process who a lot of nuances to this that they may not show up exactly in the procedures, but we have a lot of materials, the investigators and those who work with students are going through these – this information and talking about the hearing process. So it may not all be expressly stated in the procedures. And then you'll see that deletion of the term "hearing panel", in section 2A. The acceptance of responsibility was supposed to be a quick and efficient process that did not need a hearing, if someone is accepting responsibility for the specific charges, and we found that we left the term "hearing panel" in there. It can be a decision of sanctions by the conduct officer. We also discovered that there's two other places where "hearing panel" shows up in those two paragraphs, and so that we're asking that those be deleted as well. The notes under the procedures, simply, the committee thought it would helpful to identify that translation services can and are used in certain circumstances. Both – we've used them both in translating materials as well as during hearing or proceedings. And then also a notion about civil protective orders which some of our parties may have and just that that means that we have to think about some other ways to run that procedure, where it may restrict them interacting with each other. And then finally, in the definitions, we made a few – seeking a few revisions. The definition of dating and domestic violence, adding the – the term "threat of violence" to make it more clear for seeing threats, not just the violence, and I think that does align with guidance in the Cleary handbook. And – definition of "sexual penetration", we removed some extraneous language there. And the definition of "student", just aligning it with the code; where we can, we'd like to align and just refer to the other place where the official definition sits. And you'll see that in the code it will do that vice-versa, refer back to the policy. And then finally in sanctions, making it clear that if we've had a prior finding of misconduct of any sort, and someone is adjudicated responsible under this policy, that prior finding would be considered for at the sanctioning stage. Those are the changes being sought to the policy. To correlate to that, the student code you'll see two sections in the definitions that we're looking to clean up and make more succinct, and just refer to the official definition that sits in the misconduct policy under stalking as well as sexual harassment. Which you'll see that just mirrors what we previously spoke about. And then in the right section, the right to freedom from harassment, we felt that sexual harassment could just be referred to via the sexual misconduct policy

and didn't need a stand-alone provision, separate apart from any other sort of discrimination harassment. So again, cleaning that up and linking it directly to the policy. Those two definition changes, stalking and sexual harassment, that you see in the student code, we're looking to see the very same revision in the Code of Academic Ethics, and the way that it mirrors the student code, and so the same revision there. So I believe that covers everything, I'm happy to answer any questions.

KARAKATSANIS: I have a question. On page 23 under "interim and remedial measures", you've struck out a sentence and I'm wondering why that was struck out. Are interim and remedial measures then not available to individuals who have experienced sexual misconduct but are not willing to move forward with a complaint?

SPRINGSTON: They are available, but it will – and that's where the language about it's going to be really fact dependent on situational dependent. So, for example, if someone is not engaging and not bringing a formal complaint then we have less ability to do a formal no conduct order or no trespass order to where they're living. We try and do what we can within the bounds, but there's due process that has to come into play if we're saying someone – if we're imposing a restriction on another individual who is on our campus. The formal complaint and investigation mechanism allows us to then take some more formal interim and remedial measures, absent that formal complaint mechanism, we may be more limited in what we can ask of the other individuals. But there is a lot - and to be sure there's a lot going on with people – students and reports that we received that are not engaging in the formal process or they may not share anything more with us, but they're looking for some other sort of accommodations and assistance during a very specific time period or triggering time period.

KARAKATSANIS: Okay.

SANDERS: Jenny and Emily, this is actually not about something new in the policy, but I'd indicated to you in email that there was something I was curious to bring up. As chair of the Student Affairs Committee of the BFC, as I've gotten more experienced with student judicial matters and the policies, I had the opportunity to reflect on the extent to which the university seems to increasingly claim jurisdiction over off-campus conduct. And so, looking at the language that's underscored on page 2, I guess my reaction, part of it comes from being a lawyer, is that this language seems to have been crafted with the intent to allow for the maximum claim of jurisdiction over behavior, or to whenever possible, bring - to sweep kind of off campus conduct under the university's jurisdiction to deal with it. And – and I guess I'm wondering, looking at this language, can you tell me as a practical matter, you know, what's inside the boundary and what's outside the boundary. What kind of conduct here involving a student or an employee or a staff member would be not justiciable, could not be under the university's jurisdiction to take cognisance of to discipline and the point I'm making goes beyond this policy, this comes up I think in a lot of different areas of – of the student code and other things where the university's increasingly being asked to pay attention and intervene and exercise its power over things that happen, speech, conduct things that happen on campus. I guess, tell me if I'm being too cynical about this language, but this is designed to, as I said, to –to -to maximize the university's ability to reach of campus conduct rather than to impose any sort of meaningful boundary or limitation on the university's jurisdiction.

SPRINGSTON: Okay. So, a – you mentioned speech and those the things. So if we're looking off campus, we're looking at fairly much physical behavior, criminal type activity that someone's engaging in. Typically, for all those first sections relate to where it ties to some university activity or program.

SANDERS: Right.

SPRINGSTON: Or, where it's as between our members. So even though it may be occurring off-campus, and so many of our students not living on campus, that's where we may see that. So that's the primary, is where we're looking at that, is between students. If we learn of criminal activity by a member of our community and they've been charged, arrested, there's going to be an investigation to figure out how that relates here, and action and consideration, or actions taken there. Speech and things like that. One is, that's why we can have that strong, intellection inquiry and debate provision in the policy, that would really limit -

SANDERS: When I mentioned speech it actually wasn't in the context of this, I'm talking - generally this seems to be part of what I detect is a larger pattern of this kind of thing, but speech is not -

SPRINGSTON: So the language was pulled from the student code, and that goes back to 1990, and that nation of late that anything that may relate to security of the university, the integrity of the educational process. And so I think the look is how does it connect to the university, and how does it interact with the student's ability to engage here. Or, if its unrelated to, they're not acting towards another student or a member of community. Is that behavior somehow connected to us and is not protected in any way.

SANDERS: Right.

SPRINGSTON: And is – and I think really, paying attention to the threat and security notion of it.

SANDERS: Right, so am I correct, I mean, god forbid and IU student over the holiday break commits an act of sexual violence back at their home community, let's say in Chicago, against someone not affiliated with the university, are there any circumstances under which that would come under IU's jurisdiction?

SPRINGSTON: Yes.

SANDERS: Under what part of this?

SPRINGSTON: So, if we know that a student, similar to other personal misconduct violence, if there is - again, we're talking about arrest, charge, something official.

SANDERS: Let's assume they were not – that there was no law enforcement involved.

SPRINGSTON: So it's just an allegation or a report?

SANDERS: Right.

SPRINGSTON: We don't have much to go on there. Right. We might want to look into it and see if we can learn. Looking into it means we know -

SANDERS: Right.

SPRINGSTON: - is there more information, are there articles on this, have other students brought this to our attention because they know more. But absent law enforcement, or absent in other educational institution, there's some sharing of information that way, but not much. There's not much to go on and we're not taking action off of just anecdotal support.

SANDERS: But we would still investigate it, we would still assume that's our concern in some way?

SPRINGSTON: Yes. I think with any concern about a student that would be brought to our attention of potential conduct or behavior outside or as they're our student. But you're looking - for what's there to - what's more - is there information, is there law enforcement. Absent that you don't really have an ability to assess it or determine more.

SANDERS: Okay. Right.

MCROBBIE: Alex.

TANFORD: I think there's a miscommunication between the two of you. The answer is, this does exactly what you say, we did this to draw a line about what is within the university's disciplinary jurisdiction and what isn't and two things are required. Either it be on campus or it be in connection to a university activity. So, two people where something happens back home, if that isn't brought onto campus in any way through continuing harassment or something like that, is outside.

SANDERS: Okay, but I just heard Emily say-

TANFORD: IU can always investigate it, but not under this policy. I mean if this - IU can investigate anything it wants, I assume. But this says this policy applies to sexual misconduct procedures on campus or in the context of university program activity, period. But that it does not -

SPRINGSTON: Well, I think it's a provision about ossifies in the very last paraphrase of - on where it could undermine the security of the university community or integrity, or pose a serious threat to self or others. So I guess -

TANFORD: Yeah, but that's again, things that come back on and effect the campus.

SPRINGSTON: Or has the potential to, and I think that's where the criminal activity, that's the one piece. I mean, if you learn that a student over the break was charged or arrested for sexual assault, we're going to look very carefully at that and as the campus think, do we need to do an interim suspension until we learn more -

SANDERS: Sure, justified.

SPRINGSTON: Those are the scenarios that you're talking about, because you're potentially seeing a serious threat coming onto your campus at some point.

SANDERS: Sure.

TANFORD: I'm going to vote against it if that's the way you're going to interpret it, because this is not the way we discussed it. What we discussed is drawing a limit, and now you're now saying there is no limit.

KINCAID: We don't really discuss this -

TANFORD: I'm deeply concerned about that.

SPRINGSTON: I don't think we -

KINCAID: Yeah, we didn't really - this was just a move, so I don't know that we looked at that in detail. What we did, I think, go into detail. We are to raise the consideration of reports versus findings and

consideration in terms of findings only for sanctions, right, and not reports, of the investigation versus the sanctioning phase, which I think was a good change.

SPRINGSTON: So -

MARSH: I would just want to sort of, I guess, underline what Alex said that if the university's going to get into the business of investigating, or even thinking about investigating potential threats, that really opens the door really wide and I would have to vote against that provision too for that reason.

SPRINGSTON: So – and this is not unique to this policy, so I want to be clear for our student conduct, you have personal misconduct that may occur off campus, you learn that a student has been convicted or arrested for, let's use this area, for rape. And we're - without that, without this language you're saying you could - that student can still come and participate as a - here on this campus.

MARSH: I think so.

R. APPLGATE: On may the 19th [indistinct comment] It's about the Faculty Board of Review, and I happen to know the sexual misconduct with class recently, and it said that faculty may appeal a finding to the Faculty Board of Review. But at IUPUI we have very specific language about what can be appealed to a board of review, and sexual harassment is not appealable. Plus, the process that is described here is not actually in our constitution.

SPRINGSTON: My understanding, and these procedures were not under this review.

R. APPLGATE: Right.

SPRINGSTON: But when the – when this body originally approved this policy, this policy trumps any other conduct policies with respect to sexual misconduct, so this is the avenue of procedure and -

R. APPLGATE: So, who – so we should – you're saying, I believe, that we should be amending our constitution to be in line with this?

KINCAID: So are you talking about the campus level constitution?

R. APPLGATE: Well it seems – yeah. It's – it's I found it on our – it's called our handbook or whatever, a guide for IUPUI handbook, IUPUI faculty guide. And we have a constitution, we have bylaws. We have stipulations about a faculty board of review.

KINCAID: So – I – what I – what I would suggest is our intent was to leave this section out of this policy review just because it's just another huge chunk of work -

R. APPLGATE: Correct.

KINCAID: - and convene the same committee, and I think Emily and I talked yesterday about putting a callout to all vice chancellors of Academic Affairs, HR, FBR groups that deal with this policy for any tweaks or considerations, to, you know - we established the policy and, you know, then until we had any cases to work through and now we had several I think, not on every campus, on faculty and staff, but most campuses. So, I think that's, you know, something that we should consider and I think that we could – our intent was then to bring any revisions to that section for to the spring meeting -

R. APPLGATE: That would be great and I want to endorse this, but I don't want it to eat up this particular meeting. I know I shouldn't come out of left field and say this but -

KINCAID: No, no, it's ok, it's alright -

SPRINGSTON: It's wonderful to hear that.

KINCAID: I mean, I think there's, again, as we've worked through it and see how it feeds into the various campus Faculty Boards of Review, and the different campus level policies. I think there's, you know, a lot more work to do on that.

COOKSEY: Thank you, President McRobbie, this is a question for Jenny and Emily. A moment ago a comment was made that some of this policy was meant to – or to not delineate boundaries with regard to Indiana University's autonomy and conducting investigations, or initiating processes. But my question is, has – has our university really gone out there drafting policy and creating boundaries, or Jenny and Emily, are we merely anticipating and responding to Indiana state law, federal law. I mean, I don't really see any of this as us going rogue out there and drawing or not drawing boundaries. I see this policy as being in - in sync with existing laws – local laws and statues, and I see this policy as being somewhat anticipatory of liability that we might have as an institution.

KINCAID: I mean, I would agree with that, I think that we had an existing policy on sexual harassment and we had existing student procedures and student ethics, and student code and then, I think, with emphasis on Title IX and the requirements in the federal guide, and not to mention Cleary reporting, all of these things. I mean that's - that's what we spent a year and a half on, sort of combining into the one policy. Going back to the jurisdictional piece, that sentence was lifted from the code as it dates back actually, we talked to archives today to make sure that sentence was there from 1990. So that's really just tracking the code as it existed -

SANDERS: [indistinct comment]

KINCAID: And that sentence that you talked about the – I can give you this too Steve -

SPRINGSTON: Relaying to the security of the -

KINCAID: Yeah, activities that are being conducted off the university campus or the acts related to the security of the university community or the integrity of the educational process. So that's where that language originated, and I think it really has been used to when we have had both employees and students commit crimes off campus, and as a way of looking at them in terms of the safety and security of our university community. And I would add, they don't exist – this doesn't exist in a vacuum either. I mean, when it comes to, say, faculty, there's the – you know, the policy on permanent separations, that there's notice requirements and a level, a threshold level, by which you could discharge someone, and – and the review processes. So, again, this isn't sort of just out there, I think there's a lot of speech considerations that will pull anything related to speech, political, I mean there's campus level policies. So I think that's where that originates. If it needs to be tweaked or limited, that's – that's another – that's another option, but I think it's not – certainly not done that was just carried over and it was – it's not taken as a way to sort of expand the university's authority.

MCROBBIE: Sorry, John -

J. APPELGATE: Just a couple of things. On the text of it, it does seem the first two sentences, whole require a pretty clear connection between the off campus activity and the – and why we could look at it at all. So, I think Alex makes a good point that those are – those are pre-requisites in effect. So it wouldn't be – the concern that I think would otherwise be quite legitimate, of sort of going out and sort of roving investigation of – of things occurring off campus. And I do think that if we were, you know, came to know of – of serious, particularly a violent crime, occurring or committed by one of our students off campus, we would need to ask ourselves whether that presents some kind of – some kind of risk to the community. I think other people – other students and so on would be very concerned, and one could imagine some pretty terrible scenarios, but I think that connection is pretty well captured in those first two sentences which would avoid just sort of going out there. But let me just say to the larger question: Steve, I think you are correct in hearing a lot of calls for the university to sort of expand beyond – but let me tell you that is the opposite of what the university is trying to accomplish. To just give you the example I know best, with IUPD, we're not resourced at any of our campuses to be guardians and police beyond our – our borders. We obviously co-operate and work with local law enforcement and we back each other up a lot, but the idea that – that we're trying to take over management, or law enforcement or emergency management or whatever in those areas. We really work pretty hard to resist that idea. It confuses responsibility, I worry that it makes promises that we can't keep, I worry about that a lot. And it – it clearly makes it more difficult to work with the jurisdictions that we're inside of, who rely on having, you know, clear boundaries and understandings. So, you're right that we get – we get asked to get involved more, but we really try to pull back. And, really, it's always the same policy, right, which is that if there's an effect on the campus or on members of our community in connection with being members of our community, then - then obviously we need to consider that carefully. But, really, we're trying to avoid that.

MCROBBIE: Either, we actually don't have a motion in front, but given this is listed as an action item, then I guess we're going to need a motion to approve this policy. So can I have a motion to that effect?

SPANG: So moved.

MCROBBIE: Second?

WERT: Second.

MCROBBIE: Okay. So, it's formally in front of us as – as a motion to approve these - these changes. So can I ask for any discussion on the – any more on – any more discussion on this? Yes.

MARSH: The section on page 11 that talks about opening – possibly re-opening cases previously considered closed. I – I didn't – as it's written it sure looks like double jeopardy. I appreciate your explanation that in fact it's only in cases that were I guess not – didn't go as far as a hearing or didn't go as far as a decision, but as written, it doesn't read that way. Could that be amended just to make it clear that...because it really jumped at me as double jeopardy as I read it.

SPRINGSTON: Okay. So – and I guess that's in the use of the term closed, because otherwise it would have been adjudicated and a determination would have been made. So closed would have been -

MARSH: So it's a definitional problem.

SANDERS: Yeah. I mean if – I guess, I was struck by a similar thing if you were saying, in limits of circumstances I don't see why a written policy couldn't set forth what those limited circumstances are. It simply says "limited circumstances" without saying what those are. I think you said what they are. It seems to me it would be fair that the policy actually set forth what those specific circumstances are. Otherwise, again, it could be open to a sort of boundless discretion by someone who's not familiar with what the intent was in putting that language in.

SPRINGSTON: And that's the – that's the challenge is – we don't necessarily know all the circumstances. Again, it's very limited, but I can tell you in this – and that's where we sit in the event of new information. That's the challenge in trying to define it right now when we don't know that case is going to come up and cause that real conundrum of figuring out whether that's something that is - we're able to take another look at. So I'm challenged to think about articulating all of the scenarios where that might be. I think it's very limited.

SANDERS: That seems to me contradictory to say it's limited, but we don't know what the limiting principles are.

KINCAID: Would the closed – would – would - would redefining closed help?

MARSH: Or just putting the definition in there. Because I didn't – it's not definitions that I can see. If you're not – if you're not -

SPRINGSTONG: Previously considered not to move forward

MARSH: So it could be in the definitions section.

TANFORD: I'm against it, and we talking about this on the committee, and the problem is we cannot know the future or predict – we're not a court of law. We're not interested in double jeopardy; we're interested in the safety of the campus. And we – we're, lots of scenarios that were brought forward about new evidence coming forward, a new person complaining, a recording found that wasn't – the number of circumstances in which the, you know, are not subject to definition, I don't think, in which you could articulate when it as legitimate in the interests of safety on campus. The fact that a person is, say, a serial rapist, and the case didn't go forward because some people – and then new evidence came forward, DNA or something, and you go, oh, we'll let him stay on campus just because of a policy. I mean, the scenarios could be quite serious and unpredictable. So I – so as a member of the committee that worked on this I would be against trying to define it because I don't think it's possible.

KINCAID: I think we saw that it at that Wisconsin University - the Wisconsin situation recently in which, you know, there's allegations and then all of a sudden there's, you know, numerous allegations against the same person that may or may not have advanced for a variety of reasons previously.

MCROBBIE: Other questions, yes.

SPANG: Just – I've been wondering how to share this. When I was a graduate student I was a resident advisor in a dorm at another AAU institution, and after the winter break a female student came to me and said I have to tell you something that happened over the winter holiday. At a new year's eve party in New York city her ex-boyfriend, who also lived in the same dorm, had flown into a jealous rage, bounced her off the wall and then dragged her more than a city block by her hair. She had a lump like this on her head. And she, you know, she came back to school, after having been to the emergency

room, and they were in the same major. They were going to have to be in classes together. She said I can't do this, I cannot be in the same room with him. So, this was something that had happened off campus, this was something that happened in the break and the university's misconduct – student misconduct hearing panel decided that it was endangering one of the university's students and making it, what's the language, creating a hostile environment such that she could not complete her academic work and so he was suspended until she finished her degree, and I firmly believe that was the right thing to do. And so, I urge you to get caught up in concerns about the on or off campus behavior, which as Emily and Jenny has said, you know, has been in the code since 1990. This is absolutely crucial we have to do this to protect our students.

MCROBBIE: Yes.

SALISBURY: As a student, I'm operating under the assumption that if I'm an enrolled student of the university any action I take, regardless of where I take it, I could be subject to the code of student conduct review, which I think basically covers the jurisdictional question. It's like, if our student does something off campus, whether a formal charge or something is made, once we're made aware of it the student code of conduct office has the right or responsibility to investigate that, regardless of where it happens, which is exactly what she shared. I mean, isn't that – am I correct in the understanding of how that works, or?

SPRINGSTON: I can't speak to any sort of misconduct, I don't know. Again, I think it's something that is of a heightened, heightened concern that would come to our attention. I mean, we don't know what all our students are doing. We know at admissions, they have to tell us if they have any criminal activity and that's considered at the admissions stage. So, that is also considered as a continuing relationship at the university if there's criminal activity off campus.

MCROBBIE: Other questions? Comments? Yeah.

MARSH: I guess this is – well this is a question, actually, because we were talking earlier about whether the reach of the university is expanding or not in this area. And I know that you gave a report last year on the number of cases and I assume there will be another report in this room. But that was only student allegations against students, I believe, so I'm dying to know, who or what body is responsible for making as similar allegations against faculty and staff?

SPRINGSTON: Yeah, so, the – we've been working the last few years to try and get everyone on the same page of what they're tracking and the data points that's being tracked. They all are not on the common tracking. We're getting there, but it's been slow going and not – it's extremely important, we're trying to track it. We didn't put out that report because we didn't have good data to put out, in the same way that we were able to glean for the students. It is our deputy Title IX coordinators on each campus who handle faculty and staff matters who would receive those reports, and should now be tracking that as well. On some campuses, for example IUPUI, there is - there is an annual report where that data is also provided. I will – as we work to call that data this year, I'd like to look at that as well, but I don't know if we'll be place to do that in a nice, formal annual report in the same way. We have far fewer reports in that way, I can – can definitely confirm that. We don't have a lot of reports on our regional campuses in the first place. IUPUI and Bloomington are primarily receiving the majority of reports, and many, many reports, because of the broad capturing reports may not relate to another member of our community. It's someone who is the same, they've been harmed, but it's not necessarily

the same here so that's where resources come into play and that's really where a lot of time is spent. But I appreciate that, we are working on it. It's kind of been where do we put our primary time and resources now, and getting this to a place to having those better so that we can share that more broadly.

MCROBBIE: Other questions or comments from anybody. This is getting to the point of having a vote. Anything else. Alright, let me the motion to approve the revisions to the sexual misconduct policy. All those in favor signify by saying aye. [aye] Against, same sign. [no] I might want to do a, it might sound like united as one, but I might might want to do a roll call just to be certain of that. Can you take care of that, Craig?

DETHLOFF: Roll taken.

Aye: 16 No: 5. Absent: 3

MCROBBIE: The ayes have it. With that let's move to agenda item eight, which is approval of the revisions to the nepotism policy and that's John.

AGENDA ITEM 8: UFC APPROVAL OF NEPOTISM POLICY REVISIONS

J. APPLGATE: Okay. This is also primarily a technical one, and I guess like the prior one indicates some of the dangers of adopting language from prior policies. In this case the prior policy read, sort of, elliptically, "A persons who have a familiar relationship with a member of the Board of Trustees of Indiana University, should not be recommended for employment." What is mean it, or what meant, is members of the Board and Trustees should not recommend for employment, at Indiana University, persons with whom they have a familial relationship. The earlier version, which as I said, was a carry-over, is either over-inclusive in the sense that it says that someone who is related to a member of the Board of Trustees must never be employed by Indiana University, or under-inclusive in that it merely prevents a recommendation by someone, who knows who, to be used, and when it seems like there really should be this middle ground. It's a straight forward revision to it, and maybe like the transfer one, so that it says what it means.

MCROBBIE: I think this is a pretty simple one, but I may start by just asking for a motion, for approval of this. Can I get a motion, please?

WERT: [indistinct comment]

MCROBBIE: Second?

SPANG: Second.

MCROBBIE: Okay. Any discussion on the motion? Any discussion on this motion? Alright, there being none, I'll put the motion. All those in favor signify by saying aye. [aye] Against, same sign. [silence] The policy is approved. And, before we adjourn there's a matter that John would like to discuss.

J. APPLGATE: Well, just briefly, we're all aware of the attack at Ohio State University yesterday in Columbus. And it seems unkind to those who were injured, some seriously, to say that we're grateful that their injury was not much worse, and there appears to have been no loss of life. One of the things that was repeated a lot in the coverage of it was the initial announcement that we out from the campus about the concept of Run, Hide, Fight as a way of responding to an armed attacker. In this case, again, it

was a knife and not a gun, but, you know, there is obviously very little that it would stop it from being a gun. I just wanted to underscore that, the importance of that approach. It's certainly the approach we take at Indiana University, and if you want, if you have not seen the video about this, it's a six-minute video on Run, Hide Fight. It's a protect.iu.edu. And on that site, and it's actually even before this, was pretty prominent on the site. There is also with a that a whole lot of information about addressing any number of hazards, but obviously in particular the active shooter one. There included materials, you know, pdfs of just kind of quick checklists and – and other information you can put in syllabi if you want to, or just keep with you. It's pretty straight forward. The Run, Hide, Fight doctrine is, of course, the first thing you should do in a situation like that, is get away from the situation. The second is to hide, or to make your place secure. I don't know if you saw a photograph from one of the classrooms with the chairs all barricaded against a door. That was excellent practice, by the way. And fighting is the absolute last resort in a situation like that. So, I just encourage you to use those resources, and let me also use the occasion to put in a plug for the importance of drills on this and any other kind of situation that we have, including earthquakes, which are real, and they – in Indiana – but those – those drills for any of these situations are incredible important and supporting your students or people you work with in complying with those is of the utmost importance. And that was, again, one of the things that came out, again, from the OSU experience, which is the value of that to the community, so that a good – an excellent response, really, by that – by that university was able to give people a sense that they were safe and secure when – when they were. So...

MCROBBIE: Yeah, let me just -

SMITH: What was the address?

J. APPLGATE: [Protect.iu.edu](http://protect.iu.edu).

MCROBBIE: Let me just add to what John said, or endorse what John said, about the need for faculty, and obviously faculty leaders like yourself, to actually participate in the drills. I, you know, realize they can be intrusive when you're trying to get something done, but I think it's essential to take them seriously and to provide an example for the rest of the faculty and staff and students. Alright, with that, we're adjourned. My apologies, again, for being late.

MEETING ADJOURNED: 3:13PM