

Faculty Organization Executive Committee Meeting  
August 21, 2020  
12:00-2:00pm  
Online via Zoom  
Minutes

In Attendance: Mark Baer (President), Bill Allegrezza (Vice President), Bill Dorin (COAS), Axel Schulze-Halberg (COAS), Surekha Rao (SOBE), Vesna Balac (CHHS), Marshelia Harris (CHHS), Alicia Wright (SOA), Sharon Pratt (SOE), Scott Hudnall (Library), Crystal Shannon (At Large), Susan Zinner (Past President), David Parnell (Secretary)

1. Called to order at 12:00pm.
2. Approval of minutes: April 3, 2020
  - a. Approved without amendment.
3. Old Business – Mark Baer, President
  - a. Chief of Staff Interviews: Thanks to everyone who was able to participate in the Chief of Staff interviews. It seems like everyone on the search committee was pretty much on the same page. The candidates were impressive and the selection will come down to a matter of fit for the campus.
  - b. UFC Report: Harold Olivey is the UFC rep and is absent from this meeting, through no fault of his own, due to an error in the invitations. He will report to us on UFC activities at the September meeting.
    - i. Sexual Misconduct Policy revision (see Attachment #1): IU is stricter than Title IX regulations on sexual exploitation. The UFC has rushed to update the Sexual Misconduct Policy this summer so that it aligns with new federal regulations. There was an approval of changes under pressure to meet the timeline, with the understanding that there will be further discussion and revision later. Monica Solinas-Saunders contributed quite a lot of time to this revision and discussion. We will invite Monica to the September Executive Committee meeting and the following Faculty Organization Committee meeting to speak on this issue.
    - ii. COVID Testing Policy: A faculty member was exposed to COVID and was tested, but did not receive the results for almost a week. Mark in combination with Vicki worked out a fix to the process to smooth out the distribution of the test results to those who are tested, so this should not happen again. Faculty Question: Will we find out about positive tests on the campus? Answer: Yes. There is a tool on the One.iu dashboard that gives information about IU COVID tests, and it can be filtered for campus. There is not a plan to distribute test results in a direct way such as a mass emailing. There is also a plan for surveillance testing, or as it is now called mitigation testing. This will start in Week 2 of the semester. There will be thousands of random tests across all campuses each week. Those selected

will be notified on Sundays and will be asked to schedule a test for the following week. It is not a symptomatic test (the swab), it is a spit test (spit in a cup). The purpose is to track a possible surge on individual campuses. If you would not be coming to campus regularly anyway, there is no reason to come for a test. So if you are teaching only online, you should not be accepting the invitation to participate in the mitigation testing.

- iii. IU is aggressively ramping up its testing capabilities and the goal for some time in the future is to be testing all faculty and staff who are student-facing on a weekly basis. Mark heard this from Dr. Griffin, who is the public face of IU's COVID response. It is not clear how soon this could happen, but this is the goal. Faculty Comment: I heard that UIC is recommending faculty be tested twice weekly. Things to think about: how would this policy be accepted on our campus? Would this be accepted or a problem?
- c. Executive Committee Membership: We need a tenure-track UFC representative. Harold serves as our non-TT representative to UFC, but we also need a TT representative, because representation there was just expanded last year. We also need two At-Large members for our Executive Committee. Does anyone have recommendations for people we could nominate now? Or do you want to email me ideas later? I really need your help right now in trying to identify people, so I will make this deal: you email me suggestions for people who could serve in this way and I will reach out to them and ask them to stand for election. COAS: Scooter Pegram is rotating off. Bill Dorin and Axel are still on. SOA: Alicia has another year. SOE: Sharon has been re-elected and has another two years. SOBE: Surekha has another year. CHHS: Vesna has another year. Marshelia has been re-elected and has another two years. So we need one COAS and two At-Large and one TT UFC rep. What is the situation with the IU Northwest Council? President, Vice President, and two other faculty representatives attend.

#### 4. Ken Iwama, Chancellor

- a. Thank you to everyone who participated and especially to Mark for the Chancellor's Address & Campus Conversation. It was a great event. I would appreciate any feedback or advice you have about this event and communication going forward. I would always like my meetings with you to be a conversation. I will report on things that are critical, but please feel free to speak with me about what is on your mind.
- b. A couple of updates: This morning we released a student video to the community. I think you can send as many emails as you want, but students resonate with a visual platform, so I pressed my team to have this video ready for today. My concern was to relieve the faculty as much as possible from being the police of masks, spaces, and sanitation. I will be walking around on Monday and observing classrooms and checking on compliance. This is a moving target. President McRobbie's message of yesterday was a little scolding. Maybe that was needed. But as we addressed this morning, every university is different. We are different

than Bloomington or Notre Dame. We will be looking at our situation specifically. About this semester's future, expect anything at this point.

- c. Surveillance testing (now mitigation testing): I would have preferred a different term, but this will be going on. The symptomatic testing will be ongoing and it is incredibly important that anyone feeling sick gets tested. The mitigation testing will be done by spitting into a vial, which will be sent to New Jersey apparently. Our goal is to have over 300 people tested every week for the mitigation testing, starting a week from this coming Monday. If you are not on campus at all, you can waive the testing. The purpose of this testing is to drive our decisions and have data to show if we are entering precarious territory.
- d. Enrollment: I have the figures from today, which probably reflect yesterday. Thanks to all faculty and staff who have been working hard on the retention piece. The students that are coming back are due to you. Juniors are up 1.3%, Sophomores are up 10.7%, Seniors are down 1.6% but hopefully that will move up. We are trying to identify the gaps that prevent students from enrolling. Some of the things we are noticing are things happening cross-campus and should be taken care of before they get to my office. I do not know if there has been an Enrollment Management Committee on this campus, but this is something that is worth talking about as we move forward. Faculty Comment: We have a Vice Chancellor of Student Affairs and Enrollment Management and many campus groups worked on a strategy for retention, but I do not know where that situation is right now since we lost the Vice Chancellor of Student Affairs. Chancellor: I have seen many different models for how retention is handled: under Student Affairs, under Academic Affairs, there is no one correct model and it depends on each institution. Faculty Comment: We had a Retention Summit under Vicki for the last two years, which had lots of task groups. It was coordinating advisors and admissions, but I do not think it was mostly to do with faculty or instruction.
- e. IU Northwest Council: I think Mark and Bill attended my first IU Northwest Council. I asked for feedback on its utility and what it does for the campus. Much of the feedback is that it had turned into a chancellor's report meeting. I see a potential for that council to do more heady things and have more real involvement. I have been a part of an Institutional Planning Committee in the past, which is half administration and half faculty. I see a way in which we can utilize the Northwest Council to give it more oomph and make it not feel like anybody is wasting their time to give another report. I need feedback and having a conversation. We need that group to live its mission as it is called a strategic committee. Faculty Comment: I think the council is useful because it brings together many different groups and offices that are not normally together, so there is potential for complex problem solving. Faculty Comment: There used to be a Strategic Planning Committee and the format was more intensive discussions than reports. We used to have two day retreats and open discussions about what was needed.
- f. When I think about strategic planning, the worst thing I could do as a new chancellor is to say "let's start it tomorrow." It has to come to the campus organically. The one thing I need to do is escalate my conversations with the community once we get past the opening. I want to meet with every faculty

department within six months or maybe the year. I need to hear from the faculty departments about their perspectives before we talk about strategic planning.

Mark: I think the Faculty Organization could help to facilitate faculty conversations with Chancellor Iwama over the coming year. Chancellor: I will report on things that I need to tell you, but if there are things you want to hear from me I would appreciate hearing from you so that I can include it in my remarks. Mark: Do you have a brief update on the Chief of Staff position? Chancellor: Yes, we had a meeting just the other day to narrow down the candidate list. Getting to the finish line will probably involve tracking down references. Surekha will keep you updated on the process.

- g. Faculty Question: I found that I had a couple students this semester who dropped my class because they did not have the money for the semester. I referred the students to Beth Tyler and she followed up with them. I think there are more students out there in that situation who have not disclosed that to anyone. Is there a plan in place to go after those students? Chancellor: Matching up available funding with students in need is a never-ending challenge. There is usually a deficit. EVCAA: We have had a group on campus for the last two years that looks at students who do not re-enroll and track why. This year and last spring we decided that \$200 was too little to owe to IU and have advanced it to \$5,000. As long as students owe \$5,000 or less they can re-enroll. So we are now looking at students who owe more than \$5,000 and we are trying to get them below that amount so they can re-enroll. Chancellor: We keep in mind that students are not just enrollment numbers, they are a life story and have the potential to change their life through education. We try to balance our desire to help with piling on more debt to students who may struggle to graduate. EVCAA: We have to do what is best with the student, not what brings us the most tuition dollars, and we are very conscious of that.

#### 5. Vicki Roman-Lagunas, EVCAA

- a. I have a list of one-second things:
- b. This summer I have worked with Mark and Bill and faculty representatives who have added to their service commitment and shown their love for our students and conquered big and important questions. I will never be able to say how important the work we have done together as faculty and administration is. Being able to talk through things and hear different perspectives has been valuable. Mark and Bill have been extraordinary partners in this. I have never had an experience like this. Mark: I just want to add that Vicki has offered many informal discussions on a moment's notice this summer, and it has been an open door and a good collaboration.
- c. SPEA has received their accreditation through 2027. Congratulations.
- d. SOE will have their accreditation visit this fall. Their report has been revised and accepted. Congratulations.
- e. Mitigation testing: More news to come this week. I will be meeting with a small team about how to do this at IUN. Please to the best of your ability encourage

faculty, students, and staff to do it if they are called. This will happen starting the following Monday.

- f. Tenure Calendar: Anyone who was in a probationary period has had the opportunity to extend their tenure calendar. The people who were supposed to go up during this summer had until May to request this extension. It was a given if they requested. The other five years of probationary TT employees have until the end of this calendar year to request an additional year extension.
- g. Cynthia and others have put together a lovely viewbook of the Celebration of Faculty Research. It is coming soon and I want to put it front and center.
- h. We have three finalists for the Founder's Day Teaching Award: Hannah Lee, Marie Eisenstein, and Maureen Rutherford.
- i. If you go to the Faculty Affairs link on the Academic Affairs website you will find the best practices and Q&A documents about the fall opening. We could not have done what we had done without the help of the faculty.
- j. Ivy Tech: Our in-person schedule is done the week before Thanksgiving and the rest is online. They will be doing their regular schedule through the whole semester. They are doing everything we are doing on campus and following our protocols on social distancing and cleaning in the A&S building classrooms. But their current plan is to do so through the whole semester, not to go online only after Thanksgiving.
- k. Faculty Comment: I am hopeful that we might have a more frequent and explicit collaboration with Ivy Tech going forward. Could there even be a group that includes faculty/staff from each school that meets? Right now it seems like the contact is entirely at the executive level, and I am not sure why that is. EVCAA: We have had some staff/administrator meetings with Ivy Tech. I can ask Margaret, the me of Ivy Tech, if this is something she would be interested in doing. I know they are as overwhelmed as we are. We can approach her in mid or late September. I think it's a great idea.
- l. Faculty Comment: CIS has had an immense problem with the transition of classes from Ivy Tech to IUN, so there is not a smooth transition of transfers. EVCAA: We have done this in the School of Education, but if we could do this in every department and school I think it would be helpful.
- m. Faculty Question: What are the additional benefits that have become available for faculty and staff? Are there ways to support our employees who are working at home and providing child or elder care? EVCAA: These policies started two weeks ago. The arrangement we have at IUN is that HR takes care of all things staff and Academic Affairs takes care of all things faculty. Liz and Karen in AA have been going through trainings on these policies. We will be bringing these policies to you. IU does not pay for everything, but these policies do protect jobs. We will bring this to everyone, probably in a Town Hall. Faculty Comment: IU HR sent out a great email about this yesterday which everyone should read.

#### 6. Old Business – Mark Baer, President (continued)

- a. New Committee Structure: I sent out a survey to faculty members in the spring, and I have included the results in the invitation to this meeting. I would like to

review faculty priorities on Faculty Affairs, Academic Affairs, and Student Affairs. See Attachment #2. Is the survey accurate still even though it was run in the spring or should it be run again? Faculty Comment: I think we should run it again because things have changed. Faculty Comment: I think we should run it again to try to get at least 3/4ths of the faculty to reply, since only about half of the faculty replied to the spring survey. Faculty Comment: I think we should run it again to try to get more replies. We are struggling to get replies on who wants to serve on what committee. Faculty Comment: Those that reply get their choice and those that do not reply simply get assigned. Mark: I would like to have the super committees assigned by the time of the first faculty organization meeting.

- b. Faculty Comment: Some faculty are heavily involved in service, and some do not do any service. Faculty Comment: In my department there are heavy service expectations but in others there are not. It would be good to generalize service expectations across campus. Faculty Comment: When new professors are told they go up for promotion in teaching or research, service gets left by the wayside. Mark: I think the floor for service should not be nothing, but that does not necessarily mean people should go up for promotion based on service.

#### 7. New Business

- a. Susan Zinner: There is no written policy currently that tells your supervisor that they should take into account COVID-19 complications for research performance this past year. We do not get travel funding this year and some faculty may be doing less research or at least publishing less. I would like there to be a written policy that the dean or director doing our faculty annual evaluations will take these problems into account when doing the evaluations. Mark: I will bring this up at the next Dean's Council.
- b. Scott Hudnall: Just yesterday UITS launched a brand-new library homepage. It has fewer links and should be easier to navigate: <https://www.iun.edu/library/>
- c. Mark: Our next meeting is Friday, September 4<sup>th</sup> at noon. If you have follow-up items, please let me know so that I can add them to the agenda. I also need one nomination for Executive Committee from every member.

#### 8. Adjourned at 2:11pm.

Attachment 1:  
Sexual Misconduct Policy Revision  
(See the following pages)

## UA-03 Discrimination, Harassment and Sexual Misconduct Policy

### **Scope: (p.1)**

- Application (students, faculty, staff, others)
- Applies to reports of Discrimination, Harassment and Sexual Misconduct (herein “D/H/SM”)

### **Policy Statement: (p. 1)**

#### **I. Overall Policy Tenets**

- Prohibition on discrimination and harassment (restates UA-01 protected categories).<sup>1</sup>
- Policy governs response to all forms D/H/SM
- Compliance with law; procedures part of policy
- Individuals experiencing D/H/SM encouraged to report (link to contacts)
- Some employees have reporting obligations (internal link)
- Retaliation provision
- Brief overview response process: promptly respond, assess, offer supportive measures, options for formal complaint process; fair and impartial investigations and resolution; appropriate sanctions

#### **II. Jurisdiction**

- Policy applies to any report D/H/SM
- Applicable complaint resolution process to address formal complaint depends on several factors
- Reservation of right by university to address conduct outside jurisdiction of this policy

#### **III. Covered Behaviors**

- Discrimination
- Harassment
- Sexual Misconduct (sexual harassment, sexual assault, sexual exploitation, dating/domestic violence, stalking)

#### **IV. Intellectual Inquiry & Debate**

- Articulates university’s commitment to academic freedom

#### **V. Education, Prevention and Training**

- Campus to publicize ongoing educational programming for all, information on resources, reporting options, etc.
- Employee training requirements

### **Reason for Policy (p.5)**

- Committed to success, safety and well-being of all members of university; recognition of grave and long-lasting effects of D/H/SM; committed to timely investigations and appropriate actions
- Committed to compliance with applicable laws, working with law enforcement where applicable, and using resources to improve prevention and reducing D/H/SM and ensuring safe, diverse, equitable and inclusive communities

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<sup>1</sup> Text in blue font indicates additions to UA-03 that provide procedures for addressing complaints of discrimination and harassment. They fill gap in existing current procedures and generally parallel the sexual misconduct complaint resolution procedures.



**Procedures (p. 6)****VII. Overarching Procedural Tenets**

- University Provided Information: information provided when responding promptly to reports
- Reporting an Incident: information on where to report and where reports are referred
- Sexual Misconduct Involving Child/Minor: specific reporting requirements
- Amnesty: offered to students reporting D/H/SM
- Retaliation: protection against retaliation explained
- Roles, Duties and Obligations of Certain Employees:
  - Sexual Misconduct & Title IX Coordinators (University and Deputies)
  - Equity Officials (University and Campus)
  - Employee Reporting Obligations: certain employees have duty to report to officials above
    - D/H reports – employees with teaching responsibility and supervisory authority
    - SM – Responsible Employees (defined and reporting obligation)
  - Exempt Disclosures: categories of exemptions for employees otherwise having reporting duty
  - Confidential Employees
- Role of Law Enforcement
- Privacy
- Requests for No-University Action
- Determination of Procedures in Response to Reports of Discrimination, Harassment or Sexual Misconduct
- Supportive & Interim Measures (including reference to campus interim suspension procedures apply for student matters)
- Summary of Rights of the Complainant and Respondent all Complaint Resolution Procedures
  - Fully informed of policies, procedures, and nature and extent all alleged violations
  - Treated with respect
  - Accompanied by advisor
  - Adequate, reliable, impartial investigation and resolution
  - Informed of options to notify policy and be assisted if choose
  - Notified of counseling, mental health, academic, legal and other support
  - Have allegations investigated by individuals properly trained
  - Equitable participation, opportunity to identify witnesses and other evidence
  - Reasonable timeframes
  - Preponderance of evidence standard applied
  - Right to appeal

**+STUDENT DISCRIMINATION & HARASSMENT COMPLAINT RESOLUTION PROCEDURES (p.15)**

[refers to Student Code procedures]

**+FACULTY & STAFF DISCRIMINATION & HARASSMENT COMPLAINT RESOLUTION PROCEDURES (p.16)**

- Covered Behaviors (restates protection against D/H based on protected categories in UA-01)
- Initial Assessment (explains review and assessment upon receipt report or complaint)
- Discrimination Complaints against a Unit or Department (Investigation, determination, letter of findings and recommended remedial action if applicable)
- Discrimination or Harassment Complaints against Faculty or Staff:
  - Relevant Officials explained (Investigator, Decisional Official, Appellate Official, FBR)
  - Interim Actions
  - Informal & Alternative Resolutions (informal action, alternative resolution between parties, acceptance of responsibility option)
  - Investigation of formal complaint
    - Notice of allegations
    - Fact-finding
    - Scope of investigation
    - Prior or subsequent conduct considerations
    - Expectation of cooperation
  - Report of Investigation
    - Preliminary Investigation Report content
    - Provision to parties and opportunity to comment
    - Final Investigation Report to DO
  - Finding and Decision
    - Each party provided with an opportunity to meet with DO and comment/make statement
    - DO issues finding as to whether violation; and sanctions if applicable
    - Timeframes set forth
    - Notice to both parties
  - Sanctions
    - Level One
    - Level Two
  - Appeals
    - Either party may appeal to AO
    - Basis(es) for appeal identified
    - AO determines whether basis appeal met, and if so, makes final determination based on review
    - Timeframes set forth
    - Parties notified
  - Request for Faculty Board of Review
    - For faculty sanctioned – may submit request following AO determination
    - Bases for appeal same as above
    - Scope of FBR review
    - Timeframes set forth
    - FBR recommendations
    - Notice to parties
    - Final determination by AO
    - If differs from FBR, final determination by President with notice to parties
  - Expectations for a Respectful Process

**+OVERARCHING PROCEDURES FOR RESPONDING TO REPORTS OF SEXUAL MISCONDUCT (p. 24)**

- Covered Behaviors: sexual harassment, sexual assault, sexual exploitation, dating/domestic violence, stalking
- Complaint
  - o Upon receipt of report, outreach from Coordinator to inform of processes and offer supportive measures
  - o Coordinator determines whether Complainant wishes to file formal written complaint; if not, assess for no university action or university-filed complaint
  - o If formal complaint submitted, determine whether TIX Complaint Resolution Procedures apply (TIX criteria set forth); if not, dismiss TIX complaint (other University Complaint Resolution Procedures or other university procedures may apply).<sup>2</sup>
    - Either party may appeal dismissal

**+STUDENT SEXUAL MISCONDUCT – TITLE IX COMPLAINT RESOLUTION PROCEDURES (p.26)**

- Covered Behaviors (sexual harassment, sexual assault, dating/domestic violence, stalking – link to TIX based definitions)
- Relevant Officials explained (Investigator, Hearing Panel, Sanctioning Official, Student Affairs Official)
- Investigation (applicable timeframes included)
  - o Notice to parties of all allegations
  - o Investigation includes interviews, evidence gathering, etc.
  - o Prior or subsequent conduct considerations
  - o Expectation of cooperation and impact of failure to comply
  - o Preliminary Investigative Report and File provided to parties with opportunity to review and provide any clarifying information
  - o Final Investigation Report – if charges, then sent to Hearing Panel for determination of responsibility
  - o If TIX Complaint dismissed at any time, may be referred to other procedures and both parties have opportunity to appeal dismissal
- o Reasonable timeframe for investigation
- Selection of Advisors
  - o Parties must have Hearing Advisor of their choice, if none identified, the university shall provide university hearing advisor; advisors may only directly participate when questioning the other party and witnesses
  - o Parties may have other advisor through process; non-hearing advisors may not conduct questioning
- Alternative Resolution Options
- Sexual Misconduct Hearing

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<sup>2</sup> Text in green font indicates provisions required by or that flow from new federal Title IX regulations.

- 3-person hearing panel
- Closed hearing
- Live hearing via in-person or remote
- Questions posed only by panelists and Hearing Advisors
- Chair determines relevance of questions and if may be asked
- Recorded
- When deliberating, panel may not be able to consider statements of witness(es) or party(ies) that do not participate in hearing
- Decision and Sanctions
  - Panel deliberates without parties present (not recorded)
  - Panel considers whether information from Investigatory Report and hearing meets the standard of proof (preponderance of evidence [more likely than not])
    - If not, the panel notifies both parties in writing; either party may appeal
    - If so, the panel proposes sanctions
      - Proposed sanctions are reviewed by the Sanctioning Official for proportionality and consistency with university standards; Sanctioning Official's decision controls in the event of disagreement
      - Possible sanctions identified
      - Panel notifies both parties of the hearing panel's decision; either party may appeal
- Appeals (applicable timeframes included)
  - Either party may initiate an appeal in writing to the designated campus Student Affairs official; must include basis for appeal and supporting information; all parties may submit written statement if any party appeals
  - Underlying decision and any sanctions held in abeyance until final notice of appeal outcome; any supportive measures will remain in place
  - Basis(es) for appeal
    - Procedural irregularity that affected the outcome
    - New evidence that was not reasonably available at time determination or dismissal made, that reasonably could have affected the outcome
    - The Title IX Coordinator(s), investigator(s), or hearing panelists had a conflict of interest or bias for or against the party(ies) that affected the outcome
    - The sanction imposed is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines
  - Decision of Student Affairs official (applicable timeframes included)
    - Preliminary determination by Student Affairs Official of whether basis of appeal has been met
    - If so, Student Affairs official reviews written appeal and pertinent part of hearing record; will not consider new evidence/information that is not in the record unless that is the basis for the appeal
    - Student Affairs official renders determination:
      - Affirm original decision regarding responsibility or set aside and impose new decision

- Set aside original decision regarding responsibility and order a new hearing before a new panel
- Affirm original decision regarding sanctions or set aside and impose new sanctions
  - Student Affairs official notifies both parties of determination in writing and initiates steps to effectuate the determination
  - The decision of the Student Affairs is final and there are no further appeals
- Request for Accommodations and Special Circumstances
- Expectations for a Respectful Process

### **+FACULTY AND STAFF SEXUAL MISCONDUCT – TITLE IX COMPLAINT RESOLUTION PROCEDURES (p.33)**

- Covered Behaviors: sexual harassment, sexual assault, dating violence, domestic violence, stalking [new Title IX regs do not include sexual exploitation, which is included in university complaint resolution procedures]
- Officials: Relevant officials explained (Hearing Official, Decisional Official, Appellate Official, Faculty Board of Review)
- Interim Action: upon Equity Official's need for immediate interim action and upon consultation with DO and other appropriate university officials, DO may administer interim action, which can include removal, reassignment, administrative leave, or suspension
- Informal and alternative resolutions
- Investigation initiated upon signed receipt of signed formal complaint
  - Notice to parties of all allegations
  - Investigation includes interviews, evidence gathering, etc. (all evidence preserved)
  - Prior or subsequent conduct considerations
  - Expectation of cooperation
  - Preliminary Investigative Report and File provided to parties with opportunity to review and provide any clarifying information
  - Final Investigation Report sent to DO and hearing scheduled
  - Reasonable timeframe for investigation
- Selection of Advisors
  - Parties choose Hearing Advisor; if none identified, the university shall provide university hearing advisor; Hearing Advisor may only directly participate when questioning other parties and witnesses
  - Parties may have other advisor through process; non-hearing advisors may not conduct questioning
- Hearing
  - Live hearing via in-person or remote; recorded
  - Only Hearing Advisor may question the other party and witnesses
  - HO and DO make decisions as to relevancy of questions
  - When deliberating, panel may not be able to consider statements of witness(es) or party(ies) that do not participate in hearing
- Decision

- DO, in consultation with HO, deliberate and determination whether violation based on preponderance of evidence
  - If not, the DO notifies both parties in writing; either party may appeal; documentation of No Violation finding maintained in Title IX office, not personnel file
  - If so, the DO makes final decision on sanctions and notifies both parties of the decision and sanctions; either party may appeal
- Sanctions
  - Level One
    - Level One Sanctions shall not be appropriate in the event the Respondent was found responsible for sexual assault or other sexual violence.
  - Level Two
  - Consideration given to nature/severity of behavior and any prior incidents or violations
- Appeals (applicable timeframes included)
  - Either party may request an appeal to the Appellate Officer (AO); must provide bases of appeal and supporting information; other party notified
  - Bases for appeal: [same as under student Title IX procedures]
  - Preliminary determination by DO of whether basis of appeal has been met
  - AO reviews written appeal and renders determination
  - Possible actions:
    - Affirm DO's original findings
    - Set aside original findings and impose new findings and/or sanctions
    - Set aside original findings and order a new investigation (generally only in cases where significant procedural error has been identified to have affected the outcome)
- Both parties notified
- Request for Faculty Board of Review of AO's Determination
  - A faculty member sanctioned under this policy may request an FBR
  - Request must be made under campus policies
  - Campus procedures will be followed, except
    - Bases for appeal are the same as those for appeal of DO decision above
    - Timeframes included
    - The FBR will only receive the Final Investigation Report; the Investigation File; the written findings of the DO, along with comments submitted by any party; the written findings of the AO; and any sanctions; no new fact-finding
    - Emphasis on privacy: if there is a hearing, it must be closed to the public; identifies who may be present; no witnesses
    - If a party or designated university official presents a statement, only members of the FBR may pose questions related to the statement
    - FBR must conclude within 60 days, absent special circumstances
  - FBR may recommend that the AO
    - Affirm AO's findings
    - Recommend an alternate determination and/or sanction

- Recommend that the determination be set aside and a new investigation be conducted (generally only in cases where significant procedural error has been identified and determined to have affected the outcome)
- AO's final determination made within 10 calendar days of receipt of FBR recommendation
- If the FBR recommends that the AO's prior determination be modified, but the AO affirms the prior determination, the final determination shall be made by the President.
- Both parties notified
- Expectations for a Respectful Process

#### **+STUDENT SEXUAL MISCONDUCT – UNIVERSITY COMPLAINT RESOLUTION PROCEDURES (p. 42)**

- Covered Behaviors: sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking
- Officials explained (Investigator, Hearing Panel, Sanctioning Official, Student Affairs Official)
- Investigation (applicable timeframes included)
  - If sexual misconduct proceedings are initiated, notice to parties of all allegations
  - Investigation includes interviews, evidence gathering, etc.
  - Prior or subsequent conduct considerations
  - Expectation of cooperation and impact of failure to comply
  - Preliminary Investigative Report provided to parties with opportunity to review and provide clarifying information
  - Final Investigation Report
    - If charges, then sent to Hearing Panel for determination of responsibility
    - If no charges, parties provided Final Investigation Report and notified that case is closed
  - Reasonable timeframe for investigation
- Selection and Role of Advisors
  - Advisors not allowed to speak on behalf of parties or conduct questioning at the hearing
- Alternative Resolution Options
- Hearing
  - 3-person hearing panel
  - Closed hearing; recorded
  - Live hearing via in-person or remote; recorded
  - Complainant and Respondent have equal opportunity to make a statement to the panel
  - Questions posed only by parties or hearing panelists; parties may not directly question
- Decision and Sanctions
  - Panel deliberates without parties present (not recorded)
  - Panel considers whether information from Investigatory Report and hearing meets the standard of proof (preponderance of evidence [more likely than not])
    - If not, the panel notifies both parties in writing; either party may appeal
    - If so, the panel proposes sanctions

- Proposed sanctions are reviewed by the Sanctioning Official for proportionality and consistency with university standards; Sanctioning Official's decision controls in the event of disagreement
- Possible sanctions identified
- Panel notifies both parties of the hearing panel's decision; either party may appeal
- Appeals (applicable timeframes included)
  - Either party may initiate an appeal in writing to the designated campus Student Affairs official; must include basis for appeal and supporting information
  - Underlying decision and any sanctions held in abeyance until final notice of appeal outcome; any supportive measures will remain in place
  - Basis for appeal [same as TIX procedures]
  - Decision of Student Affairs official (applicable timelines included) [same as Title IX procedures]
- Requests For Accommodations and Special Circumstances
- Expectations for Respectful Process

**+FACULTY AND STAFF SEXUAL MISCONDUCT – UNIVERSITY COMPLAINT RESOLUTION PROCEDURES (p. 49)**

- Covered Behaviors: sexual harassment, sexual assault, sexual exploitation, dating violence, domestic violence, stalking
- Relevant Officials explained (Investigator, Decisional Official, Appellate Official, FBR)
- Initial Assessment
- Informal & Alternative Resolutions (informal action, alternative resolution between parties, acceptance of responsibility option)
- Interim Action
- Investigation
  - Notice of allegations
  - Fact-finding
  - Scope of investigation
  - Prior or subsequent conduct considerations
  - Expectation of cooperation
- Report of Investigation
  - Preliminary Investigation Report content
  - Provision to parties and opportunity to comment
  - Final Investigation Report to DO
- Finding and Decision
  - Each party provided with an opportunity to meet with DO and comment/make statement
  - DO issues finding as to whether violation; and sanctions if applicable
  - Timeframes set forth
  - Notice to both parties
- Sanctions



- Level One
- Level Two
- Appeals
  - Either party may appeal to AO
  - Basis(es) for appeal identified
  - AO determines whether basis appeal met, and if so, makes final determination based on review
  - Timeframes set forth
  - Parties notified
- Request for Faculty Board of Review
  - For faculty sanctioned – may submit request following AO determination
  - Bases for appeal same as above
  - Scope of FBR review
  - Timeframes set forth
  - FBR recommendations
  - Notice to parties
  - Final determination by AO
  - If differs from FBR, final determination by President with notice to parties
- Expectations for a Respectful Process

## **DEFINITIONS (p. 57)**

[many terms have hyperlinks where more fully defined within policy]

## **SANCTIONS**

### **Additional Contacts**

Attachment 2:

Faculty Organization Priorities Survey Results

(See the following pages)

# Faculty Organization Priorities Survey May 2020

Created by your Faculty Org Officers:

Mark Baer, President,  
Bill Allegrezza,  
VP, David Parnell, Secretary

Special Thanks to:  
Suzan Zinner and Stela Pudar-Hozo

# Why and How

Goals of this survey:

- To welcome every full-time faculty member to provide feedback
- To increase overall participation in Faculty Organization.
- To help Faculty Organization be more efficient, proactive and productive.

The survey was distributed to 153 full-time faculty via email on May 1 with a reminder on May 5 and the closing date of May 8.

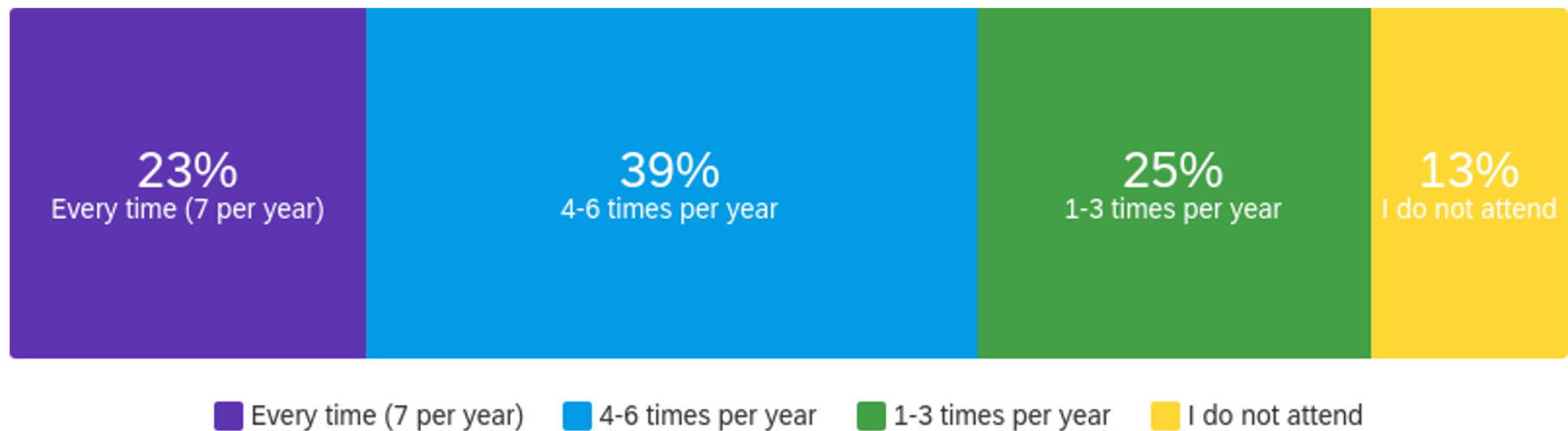
- 87 surveys were started (56% participation)
- 82 were completed (94% completion)



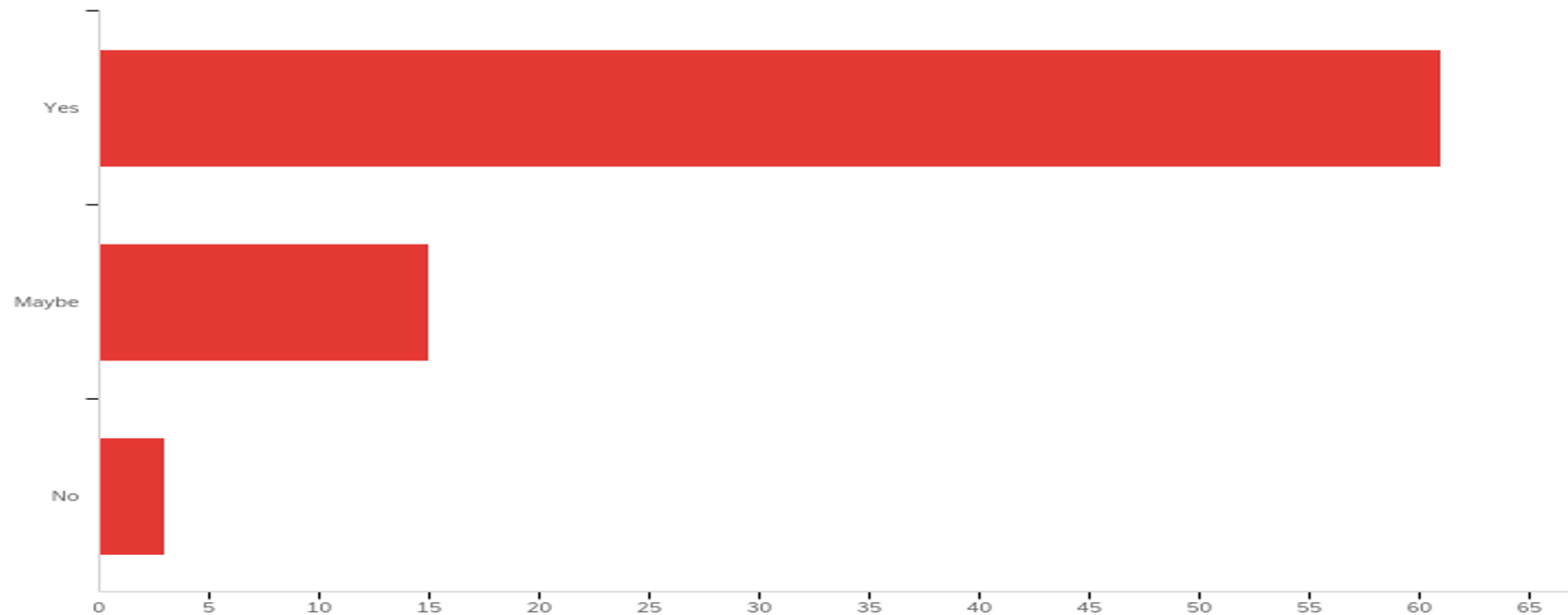
# Results

Anonymous written comments have been withheld but are being reviewed by the Executive Committee.

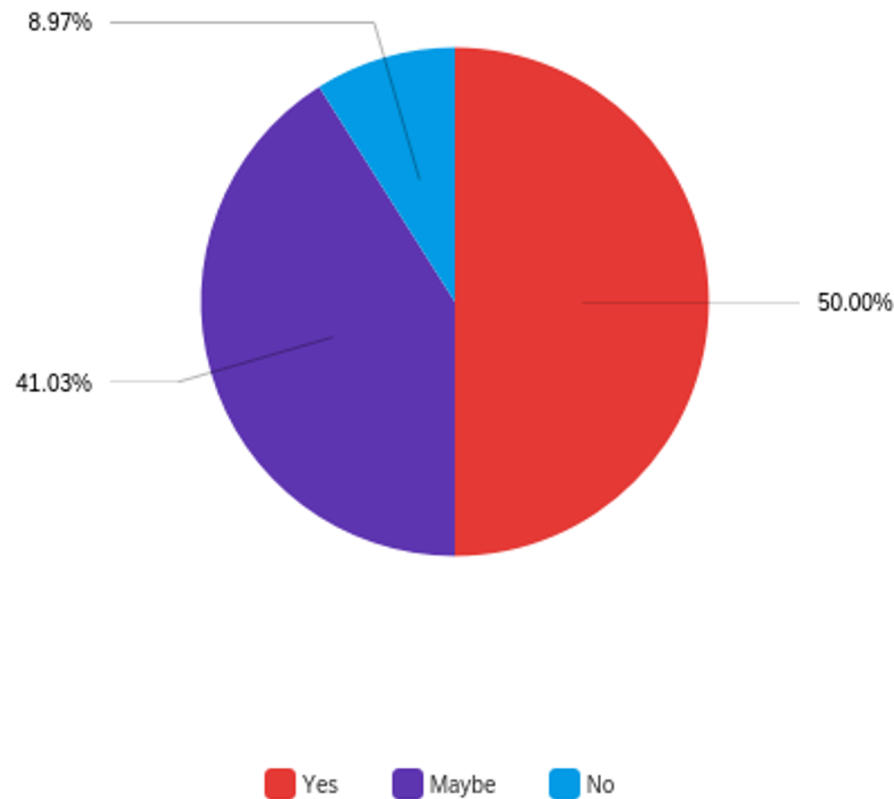
Q1 - We have a goal of increasing participation in faculty organization across all full-time faculty. How often do you attend the monthly faculty organization meeting?



Q3 - Would you support the continued integration of Zoom into Faculty Organization meetings to allow some faculty to attend online (even after the pandemic subsides)?



Q4 - Your time and effort are valuable. We have a goal to make each hour of faculty organization service as productive and rewarding as possible. Would you be willing to contribute more time and effort to Faculty Organization if you felt that your work was more productive and rewarding?





Q5 - Faculty Affairs includes matters pertaining to the rights, privileges, and responsibilities of faculty members. How would you prioritize the faculty affairs issues facing the faculty in the coming academic year? (Drag and drop the items below into the appropriate order)

<u>Hypothetical Agenda Item</u>	<u>Average Rank out of 8</u> (lowest=most important)
Efforts to support faculty communication and collaboration across disciplines	3.44
Efforts to improve and support excellence in online instruction on our campus in collaboration with CISTL	3.66
Efforts to support junior faculty through the promotion and tenure process	3.77
Efforts to improve and support excellence in face-to-face teaching on our campus in collaboration with CISTL	4.33
Revision of the tenure guidelines with regards to Teaching	4.49
Efforts to support student-engaged research/creative work	4.79
Efforts to support community-engaged research/creative work by faculty members	5.13
Revision and oversight of teaching awards	6.40

Q7 - Academic Affairs includes consideration of the implementation of University system-wide academic standards and policy review and recommendation in all areas of academic standards and academic program quality. How would you prioritize the academic affairs issues facing the faculty in the coming academic year?(Drag and drop the items below into the appropriate order)

<u>Hypothetical Agenda Item</u>	<u>Average Rank out of 4</u> (lowest=most important)
Review of the Academic Bulletin to make it more clear and user friendly	2.14
Consideration of a campus-wide First-Year Seminar program	2.30
Review of the campus General Education requirements	2.39
Integration of the rank of Teaching Professor into the Faculty Organization Constitution	3.16

Q9 - Student and Campus Affairs includes all aspects of student life as well as issues related to overall campus governance (budget, facilities, strategic planning). How would you prioritize the student and campus affairs issues facing the faculty in the coming academic year?(Drag and drop the items below into the appropriate order)

<u>Hypothetical Agenda Item</u>	<u>Average Rank out of 6</u> (lowest=most important)
Working with the Advising Center to support student success and retention	3.12
Working with Admissions and Marketing on student recruitment efforts	3.29
Working with administration to set goals and track progress	3.38
Increasing student access to scholarships and financial aid	3.56
Active participation in the budgeting process	3.78
Enrichment of campus life	3.87

Q11 - In your opinion, what should be the most important priority of the Faculty Organization in the coming year? (choose one)

<u>Hypothetical Priority</u>	<u>% of Votes</u>
Working with the new Chancellor to establish more effective shared governance practices	44%
Efforts to support faculty, staff, and students in dealing with the effects of the Covid-19 pandemic	26%
Efforts to recruit and retain students	17%
Efforts to make the Faculty Organization more productive and efficient	6%
Participation in budget-related shared governance	4%
Something else	2%

# Immediate Action

- In response to overwhelming support, Faculty Organization will continue to meet via Zoom. When in-person meetings are possible again, we will look to integrate zoom for those who prefer to participate remotely.
- We would like to keep the door open for feedback. In July 2020, we will be creating a suggestion box on the Faculty Organization home page where faculty can raise points of discussion or suggest agenda items with anonymity. We will send an announcement when this goes live.
- Other efforts to improve the efficiency of faculty organization meetings based on survey feedback will be forthcoming as well.

# Next Steps

- The Officers will meet with Chancellor Iwama in August.
- Newly-elected Executive Committee will review the survey results (including the written comments) in August.
- The new Super Committee structure will be implemented in the 20/21 academic year. These results will help shape the agenda for the three Super-Committees (Faculty Affairs, Academic Affairs and Student/Campus Affairs).

THANK YOU FOR PARTICIPATING IN  
SHARED GOVERNANCE!