APPROVED AND CORRECTED MINUTES

These minutes are disseminated to provide timely information to the Academic Senate. They have not been approved by the body in question, and, therefore, they are not the official minutes.

ACADEMIC SENATE MEETING
March 23, 2016

Present: Hobson Wildenthal, Inga Musselman, Robert Ackerman, Naota Al-Uhair, Karen Baynham, Elizabeth Bell, Kurt Beron, Dinesh Bhatia, Judd Bradbury, Patrick Brandt, Gail Breen, Matthew Brown, John Burr, R. Chandrasekaran, Nadine Connell, David Cordell, Mieczyslaw Dabkowski, Gregory Dess, Vladimir Dragovic, Eric Farrar, Bernard Ganglmair, Nicholas Gans, Lev Gellb, Jennifer Holmes, M. Ali Hooshyiar, Mustapha Ishak-Boushaki, Joe Izen, , Carie Lambert, Murray Leaf, Michele Lockhart, Ramachandran Natarajan, Simeon Ntafos, Ravi Prakash, Viswanath Ramakrishna, Michael Rebello, Tim Redman, Christopher Ryan, Richard Scotch, Tres Thompson, Michael Tiefelsdorf, Tonja Wissinger,

Absent: Frank Ancerson, Gregg Dieckmann, Monica Evans, Dorthee Honhon, D.T. Huynh, Syam Menon, BPS Murthi, Betsy Schlobohm, Sabrina Starnaman, Murat Tordiak, Alejandro Zentner

Visitors: Andrew Banchard, Naomi Emmett, Taylor Ervin, George Fair, Calvin Jamison, Serenity King, Abby Kratz, Angela Maun, Lauren McLeod, Jennifer McDowell, Nichole Piquero, Elizabeth Samuel, Marion Underwood, James Dockery.

1. Call to Order, Announcements and Questions
Interim President Wildenthal called the meeting to order at 2:08 PM. Interim President Wildenthal distributed memoranda to all the vice presidents and associate vice presidents and copied the deans of the schools, informing them that their budgets for fiscal 2017 will be reduced by 5% from the fiscal 2016 amount. This had been discussed for a year, but it was just made official. This was done because President Wildenthal had concluded that the teaching and advising mission had been seriously eroded over the past several years, and the emphasis must now be rebalanced between the educational and support missions. President Wildenthal expressed his opinion that in dealing with the reductions the university must focus on those things that directly affect the current students. Building for the future is worthwhile, but not at the expense of our current students. The amount per student will slowly decline over the next several years. This is due to the minimal tuition increase plan. At the same time there should be continual annual salary increases, which are essential. Dr. Wildenthal has informed UT System of the situation. The University is anticipating a 10% growth for fall 2017. He opened the floor to questions.

Murray Leaf raised the question about the possible funds we could receive because we are on our way to being a research university. Dr. Wildenthal responded that there is a chance the university will receive an additional $9 million per year, however this will not increase with enrollment.

2. Approval of the Agenda
Joe Izen moved to approve the agenda as circulated. Murray Leaf seconded. The motion carried.
3. Approval of the February 17, 2016 Minutes
Murray Leaf moved to approve the minutes as circulated. Jennifer Holmes seconded. The motion carried.

4. Speaker’s Report – Tim Redman
1. Two years previously an expressed goal of the Senate was to improve the environment for the non-tenure-system faculty members. Thanks to the 3+3+3 committee, that has been accomplished. The next priority for the Senate is to address the issue of salary compression/inversion. The Advisory Committee to the University budget, chaired by Richard Scotch, has been working on this concern. The final figures, and concerns should be forthcoming.
2. Following the suggestion of having a credit union on the campus, Speaker Redman investigated the possibility. He found that it would take an enormous amount of work to set up, and then require twenty faculty to submit to an additional twenty hours of work per week to make it run smoothly. The option of the credit union on campus is not feasible, and he recommended that faculty review options elsewhere on campus.
3. After speaking with Calvin Jamison regarding having changing tables placed in all campus buildings, it was found that the cost and usage may not be feasible. Dr. Jamison noted that his team will first be targeting areas where there is a large amount of traffic in public spaces. Nicolas Cans and Matt Brown reiterated that there should be changing tables in family bathrooms in all public spaces. Matt Brown further noted that there is a policy in the Handbook of Operating procedure that is not family friendly, and should be reviewed.
4. Speaker Redman called on Secretary Cordell to give a report on the Senate election. Dr. Cordell noted there were 67 candidates, and as of the meeting 142 people had voted. Reminders would be send out the Monday before the voting ends, and the morning of the last day of the election. The Faculty Caucus will be April 20, 2016 at 1:00 PM. This would be a faculty-only meeting.
5. As there would most likely not be a quorum of faculty members available for Senate meetings during June and July, David Cordell moved to have the summer graduates approved via an email vote. Judd Bradbury seconded. The motion carried.

5. Presentation: Request from Athletics- Kurt Beron
Members of the Student Athletics Committee were in attendance. The two students invited the faculty members to “D3 week”, April 4-8, 2016. An open invitation to the faculty was made for them to attend a special breakfast on April 5, 2016 at 8 AM.

6. Presentation: Consensual Relationship Policy Training- Colleen Dutton
Colleen Dutton gave a presentation to the Academic Senate on the Consensual Relationship Policy. A copy of the PowerPoint presentation is in Appendix A. Judd Bradbury requested further clarification. In other training, the initial policy stated that a faculty/student relationship was not forbidden, but the new policy stated it was now universally forbidden. He was curious if the policy forbids dating one’s own students, or universally any student. Colleen stated that she believed it was universal. It was noted that there may be some complications with that stance. Should a situation does come up, the situation will be reviewed.
Joe Izen raised the situation where a Teaching Assistant (TA) wishes to date one of his/her student Undergraduates. Dr. Izen suggest that there be a clear mechanism for getting permission to handle a situation like that. Colleen responded that this is where the management plan comes in to play. Colleen noted that her area is providing two training sessions with graduate students to address these situations.

7. **Presentation: Updates to Information Security and to the Information Security and Acceptable Use Policy - Nate Howe**

In spring 2015, Chief Information Security Officer Nate Howe presented an updated policy to the Senate. Over the following twelve months, with the assistance of the Information Security Advisory Committee, the policy has been updated to reflect the needs of the growing campus. The major updates included the following: 1) one can no longer delete a computer log to cover up a crime, 2) sharing of a Comet Card or key is also no longer permitted, 3) the potential for misuse by System Administrators is reduced. A copy of the presentation can be found in Appendix B. Ravi Prakash moved to approve the amendments to the policy. Joe Izen seconded. The motion carried.

8. **UT Dallas’ Reaffirmation Project - Serenity King**

Due to time constraints Serenity King focused on two main announcements. The complete list of announcements is included in Appendix C. The QEP open submission deadline is April 1, 2016 at 5:00 PM. She encouraged the Senate members to submit their suggestions. Our university had the privilege to host the president of SACSCOC, Beth Wheelan. She met with a wide variety of stakeholders on campus. It was Serenity’s opinion that it was a mutually beneficial visit. She got a sense of who our campus was, as she had never been to our campus. She reminded the university how much she advocates for institution on our behalf, in fact she left our campus and went to visit with the Chancellor, and on to meet with the Commissioner at the coordinating board. She remarked that our university should use her as a resource in the legislative session more that we have in the past. In particular, she would have liked to have been called about campus carry legislation. She does testify before legislatures quite often. Serenity opened the floor to questions about the reaffirmation.

Serenity had one last item to present to the Senate. UT Austin’s School of Social Work’s Institute on Domestic Violence & Sexual Assault, is doing a study on sexual assault, dating violence, sexual harassment, and stalking crimes on the UT system campus. It is sponsored by UT system. They sent out climate surveys to the students last semester and they will now be doing focus groups with subsets of students, faculty and staff. The focus group for faculty will be Wednesday, April 6, 2016. They are in need of 8 faculty volunteers. So far Murray Leaf, Denise Boots, and perhaps Alex Piquero have already volunteered. They need six more volunteers to meet right before Academic Council. Please contact Serenity to volunteer. If faculty would like to know more about the study they can go to [https://socialwork.utexas.edu/projects/clase-universityof-texas-system/](https://socialwork.utexas.edu/projects/clase-universityof-texas-system/) for more information.

9. **FAC/ TXCFS Report - Murray Leaf**

In the Faculty Advisory report presented at the February Senate meeting, Dr. Leaf had mentioned that the FAC had been left out of a committee to write a template for intellectual property policy in connection with the new Regents’ Rule on intellectual property. A member from UT Dallas faculty was put on that committee. That appointment did not go through governance, either at system or university level. Dr. Redman ask Dr. Leaf to draft a resolution that states that when someone is supposed to represent the faculty of UT Dallas they should be nominated or appointed by Faculty Governance. In the meantime the Chancellor has asked the FAC to set up a committee to advise him.
on what to do to improve shared governance in the system. He has asked for a white paper that will provide input to help him 1) decide what he should tell presidents, and 2) consider what System should be looking for on the various campuses. Dr. Leaf has added that as a principle for both system level and local level appointments, System should enforce consistently all Regents’ Rules.

The TCFS met February 26-27, 2016, in Austin. Murray Leaf and David Cordell represented UT Dallas.

TCFS meetings are always held jointly with Texas AAUP and the Texas Association of College Teachers (TACT) and some of the events are attended by all.

Although the TCFS had panels on a number of topics of concern, none led to any definite action.

The first speaker was Dr. Anita Levy, Senior Program Officer, Department of Academic Freedom, Tenure, & Governance, American Association of University Professors. Her topic was the Texas campus carry law, from the point of view its effect on academic freedom. The advice given to faculty at the U of Houston -- to avoid controversial or provocative subjects or views -- had just been circulated to the members. Her argument can be summarized as saying that there was a case to be made on several grounds, but it would difficult to get a court to support it.

The second speaker was Dr. David Gardner, Deputy Commissioner/Chief Academic Officer of the Texas Higher Education Coordinating Board. The topic was 60X30 TX. Dr. Gardner has been invited in response to concerns about the document at the previous TCFS meeting, on two counts. The first was that there seemed to be no faculty input into the document. The second was that the emphasis on “job skills” undervalued what higher education actually was and did, and thereby also trivialized it. Dr. Gardner did a great deal of talking and no notable listening. He repeated that he and the CB recognized that what education in the liberal arts normally conveys, such as the ability to read and write literately and think critically, are in fact valued by employers, but also argued that therefore what the CB was urging was only what we were doing already.

The third session on the first day were Michel Conroy and Debra Feakes, from Texas State University, who described measures they have been taking to more fully integrate non-tenure-system (NTS) faculty and provide them better security of employment. One was to issue what they described as five year contracts renewed annually. Another measure included several related provisions for time for professional development that could be included in contracts. The measures seemed to reflect a very constructive attitude on the part of the university, and conveyed the impression that it was well received by the concerned NTS faculty.

10. Student Government Report – Caitlynn Fortner
One March 22, 2016 Student Government had a productive meeting. SG passed a variety of allocations for things they had been working on all year long. These included an allocation for the purchase of equipment for a remote testing center room in residence halls. This will assist the accessibility center so that it doesn’t always have to have testing done in the SSB. They also got an allocation to buy more of the bathroom foot door openers, as well as pad/tampon dispensers. Also they passed their first resolution on Title IX. A copy of the resolution is included in the minutes as Appendix D. The focus of the resolution is on the faculty’s responsibility of being a mandatory reporter.
11. CEP Proposals- Clint Peinhardt

The Committee representative presented the following committee report.

A. Undergraduate courses- Late Additions
   Clint Peinhardt made a motion on the behalf of CEP to approve the late additions. The motion carried.

B. Graduate courses- Late Additions
   Clint Peinhardt made a motion on the behalf of CEP to approve the late additions. The motion carried.

C. Changes to Graduate Degree Plans
   Clint Peinhardt made a motion on the behalf of CEP to approve the amendments to the degree plans. The motion carried.

D. Amendments to UTDPP 1052- Policy on Procedure for Completing a Graduate Degree
   The policy had been brought before the Senate in January, but was sent back to CEP with suggested amendments. The policy was updated to reflect two months between retesting, instead of three. Clint Peinhardt made a motion on the behalf of CEP to approve the amendments to the policy. The motion carried.

E. Clarification of Catalogue Language on TOEFL Requirements to Match Admissions Policy
   Language was added later in the document to replace the removed statement.
   
   International applicants expecting to hold a non-immigrant visa type, from non-English speaking countries, whose primary language is not English and who graduated from a non-U.S. university where the language of instruction and examination was not English, must demonstrate English proficiency.

   This passage was amended to read as follows:

   International applicants must demonstrate English proficiency.

   Applicants native to a country where the primary language is English and who have earned a baccalaureate degree from an accredited institution of higher education where the language of instruction and examination was in English are excused from this requirement.

   Clint Peinhardt made a motion on the behalf of CEP to approve the amendments. The motion carried.

F. Data Science Graduate Certificate
   In order to keep up with the job market demand, this certificate was created. It was a joint venture between computer science and math. The certificate will be housed in the Math department. Dr. Peinhardt noted there is a similar certificate in JSOM however, they are different. The best analogy for the difference is Algorithms not Applications. Clint Peinhardt made a motion on the behalf of CEP to approve the certificate. The motion carried.

G. Minor in Public Policy & Minor in Science, Technology and Policy
Previously the Senate had approved Majors in Public Policy. Only 3 new classes were added to allow for both majors and minors. Clint Peinhardt made a motion on the behalf of CEP to approve the new minors. The motion carried.

12. Recommendation of Committee on Committees – Murray Leaf
Following an email vote, the Committee on Committees recommended Dr. Amy Walker as co-chair of Safety and Security Council from now through August thirty-first 2017. Murray Leaf move to approve the co-chair. Viswanath Ramakrishna seconded. The motion carried.

13. Consideration of Senate on the Interpretation of Title IX
A resolution was submitted to the Senate for discussion and approval. It can be found in Appendix E. As the text of the document was very long, Vice Speaker Murray Leaf focused on two main points of discussion that caused the creation of the document. The first point was that the Senate was trying to explain what Senators thought they had approved. The second point included suggestions regarding what should be done concerning Mr. Dockery’s interpretation, which differed from what the Senate thought it had approved. This document is a statement on the first part only, what the Senate thought it had approved, and what the Senate considers to be the appropriate interpretation. It was not intended to be revision of the current policy. Rather, it is the Senate’s sense of what they believed to be the proper interpretation. From that point it would be up to administration to decide whether to interpret the Title IX in the same way as the Senate does. Speaker Redman noted that this document was essentially a ‘signing statement’ for the Senate on the Title IX policy. A signing statement is a document that states what the approver believes the meaning is, and how the approver expects it to be implemented. Murray Leaf moved for the Senate to approve the circulated resolution. Richard Scotch seconded. The floor was opened to discussion.

George Fair commented on what his office has done since the last Title IX discussion occurred at Senate. In his capacity as Vice President, Diversity and Community Engagement, he consulted with Tim Shaw, the university attorney. Both reviewed the policy, and the Senate’s interpretation of the policy. It was their feeling that that James Dockery’s interpretation is correct, and his office will support the training he has given. Dean Fair wanted to assure the Senate that his office has studied the document.

Matt Brown responded that he was deeply ambivalent on the issue. On one hand he thought that the strong interpretation by Mr. Dockery is likely in some conditions but might cause re-victimization of sexual harassment/assault in a way that troubles Dr. Brown. Also he is concerned that the ‘ceway’ suggested in the resolution could be used in intentionally or unintentionally nefarious purposes. Consider a situation in which one is in an office/department in which there is a hostile work environment and one receives information from a student or subordinate. One must now make a judgment if it was really a reportable incident or if it is just general information. Could one decide based on one’s own judgment to dismiss the importance of it and not to report it to the appropriate office? Under conditions in which there are serious climate problems, slippery interpretations that rely on individual judgment in which someone may have either a bias or an inclination to maintain the status quo can be cause for a great deal of concern. Speaker Redman called for the vote. The vote was 11 yay, 4 nay votes. The motion carried.
Speaker Redman suggested that at 3+3+2 committee be created to amend the policy. Murray Leaf, Betsy Schlobohm, and Ravi Prakash agreed to be the Faculty members. A representative from the police force, Dean Fair, and Marion Underwood would be the Administrators. Marion Underwood would be the committee chair. As this affected students as well, one undergraduate and one graduate student would be appointed by Student Government to the committee. Murray Leaf moved to approve the committee. David Cordell seconded. The motion carried unanimously.

14. New Business
Joe Izen raised a concern regarding child care during exams, Friday and Saturday nights. Speaker Redman suggested that Joe Izen submit his concerns to the Academic Council for review at the next meeting.

15. Adjournment

There being no further business, Greg Dess moved to adjourn. Joe Izen seconded. The motion carried. The meeting adjourned at 3:25 PM.

APPROVED:  

Tim Redman  
Speaker of the Faculty  

DATE: 25. 9. 16
The University of Texas at Dallas is committed to maintaining learning and work environments as free as possible from conflicts of interest and favoritism. The University recognizes that two consenting adults should be free to conduct a personal relationship if they so wish when the relationship does not interfere with the goals and policies of the University; some romantic, dating and/or sexual relationships, although consensual, do create conflicts of interests.

This policy addresses those consensual relationships.

- [http://policy.utdallas.edu/utdbp3103](http://policy.utdallas.edu/utdbp3103)
• **Persons Affected**

• This policy applies to all University administrators, faculty, staff, and students.

• This policy is applicable regardless of the gender of the University employee with supervisory teaching, evaluation or advisory authority and/or the gender of the employee, student or student employee who is directly or indirectly supervised, taught, evaluated, or advised by the supervisory employee.
Prohibited Consensual Relationships. The following consensual relationships, even if a single event, are prohibited:

(a) A consensual relationship between a supervisor (as defined below and is defined as including faculty members) and supervisee regardless of whether the supervisory relationship is direct or indirect, unless the supervisor discloses the relationship in advance and a management plan is in effect;

(b) A consensual relationship between a coach or athletic staff and any student athlete or student assigned to or associated with the athletics department, such as interns and student employees, including any coach or student associated with an intellectual competition team, unless waived by the President or his or her designee for good cause. This prohibition does not apply to a student assistant coach who serves on a voluntary basis unless the student assistant coach has direct or indirect authority, including the appearance of such authority, over a student or student athlete assigned to or associated with the athletics department.

*If the prohibition is waived, a management plan must be completed.*
Reporting Requirements

(a) The supervisor must report a consensual relationship as described in 3.1. to the Dean/Vice President/Executive-level administrator and the Associate Vice President for Human Resources (AVPHR). The supervisor must make the report prior to entering into the relationship or if the relationship exists, with as much advance notice as possible prior to the supervisor accepting supervisory authority.

(b) The individuals receiving the report must immediately collaborate to attempt to manage the conflict of interest. If management of the conflict is not possible, the relationship is prohibited.
A management plan will:

(1) provide an alternative means for the supervision, teaching, advising, evaluation of the supervisee or otherwise mitigate the conflict;

(2) give priority to the interest of the subordinate individual;

(3) be written;

(4) be acknowledged and signed by the parties to the relationship; and

(5) be maintained by the Office of Human Resources and reviewed by the AVPHR on an annual or as needed basis.
Reporting Alleged Violations:

(a) Violations of this policy should be reported to:

Colleen Dutton, Associate Vice President Human Resources:
    phone: 972-883-2130
    email: colleen.dutton@utdallas.edu

(b) An individual in a supervisory role over a supervisor who
    is notified of or becomes aware of an alleged violation of this
    policy **must** immediately report the information to the AVPHR.
Investigation and Discipline

a) The matter will be investigated and if a policy violation occurred, the University may take disciplinary action, which may include termination. If there is a complaint of sexual harassment about a relationship covered by Sec. 3.1, above, and the relationship has not been disclosed and a management plan implemented, the burden shall be on the supervisor to explain the failure to comply with this policy and such failure will be a factor in determining whether the relationship was consensual and free of sexual harassment. Allegations of sexual harassment or sexual misconduct (and any associated retaliation) may also be subject to investigation in accordance with applicable University policy.

b) Disciplinary action will be handled under the University’s policies for discipline and dismissal of faculty or employees depending on the supervisor’s status.
Policy is prohibited. Participating in any proceeding pursuant to this reporting a consensual relationship or for retaliation of any kind against anyone for Retaliation is Prohibited.

Office of Institutional Equity and Compliance

https://www.utdallas.edu/oece/equity/
Counseling Resources for Employees and Students:

**Employees:** Confidential counseling services are available to employees through the Employee Assistance Program provided by UT Southwestern and may be reached by calling 800-386-9156 or 214-648-5330 or by email at eap@utsouthwestern.edu.

**Students:** Counseling services are available to students through the Student Counseling Center located in the Student Services Building, suite 4.600. The 24 hour phone line is 972-883-2575 and the website is http://www.utdallas.edu/counseling/.

Galerstein Women’s Center located in the Student Services Building, suite 4.300. The phone line is 972-883-6555 and the website is http://www.utdallas.edu/womenscenter/.
• Additional Resources and Policies:

• University of Texas System Systemwide Policy, UTS 184 Consensual Relationships

• University of Texas System Regents' Rules and Regulations, Rule 30105

• UTDBP3103 – Consensual Relationships http://policy.utdallas.edu/utdbp3103

• UTDBP 3090 - Nondiscrimination Policy http://policy.utdallas.edu/utdbp3090

• UTDBP3102 - Prohibited Discrimination and Sexual Harassment Sexual Harassment Policy http://policy.utdallas.edu/utdbp3102
For questions or additional information contact:

- Colleen Dutton, SPHR, SHRM-SCP
  Associate Vice President Human Resources, AD 2.208
  colleen.dutton@utdallas.edu  or 972-883-2130
Information Security Update
March 23, 2016

Nate Howe
Chief Information Security Officer
nate.howe@utdallas.edu

Risk Management, not Risk Elimination

Convenience  Security

Highlights

- Box.com storage increased 0x to 1TB (for same price), enjoyed by 6,000+ users
- Anti-malware conversion from McAfee to Microsoft, 71% of 7,500 machines complete (improved performance, lower cost)
- Duo two-factor authentication with more than 2,700 users
- Inventory of main website cluster, 700 sites to be scanned

Why Update The Policy Now?

- First year of new policy
- No surprises approach
- Customizations specific to UT Dallas

Policy Updates - Minor

- "UT Dallas" instead of "UTD"
- Added reference to CSIS
- "two-factor" instead of "2-factor"
- Renamed Student Affairs to "Community Standards and Conduct"
- Changed "conditioned" to "conditional"
Policy Updates - 1

To clarify when deleting logs is malicious, versus justified for performing research...

"Users may not delete logs from systems to hide possible security violations or prevent authorized investigations. This does not apply when done for other purposes, such as anonymizing research data."

Policy Updates - 2

To clarify that Incidental Use leading to a future job opportunity is not a violation, as compared to a simultaneous second job...

"Incidental Use of UT Dallas Information Systems that directly results in financial gain to the individual – such as work in support of outside employment or self-employment – is prohibited unless such use is approved by the User’s dean or department head. This is intended to prevent a conflict of interest."

Policy Updates - 3

To discourage sharing access devices, in the same way passwords should not be shared...

"Similarly, Users may not share individually-assigned access devices including Comet Cards, hardware tokens, and door keys unless necessary to preserve life safety in the event of an emergency."

Policy Updates - 4

To discourage abuse of privilege by system administrators...

"Server and application administrators may be called upon to provide information to support a disciplinary investigation or similar purpose. Before doing so, proper authorization procedures must be followed to ensure such information is necessary and appropriate. Accessing emails, logfiles, or other data for investigative purposes without proper authorization – particularly in retaliation for whistleblower complaints – is an actionable abuse of privilege."

Next Steps

Seeking support from Academic Senate to submit updated policy to the HOP Committee

Thank you!
SACSCOC Reaffirmation Update (http://sacscoc.utoledo.edu/)

1. Dr. Wheelan’s Visit
   - Impressed by growth and focus on student success
   - Help sustain progress through leadership transition and beyond
   - Work with legislators and System/Board of Regents

2. Call for Proposals for Annual Meeting
   - Proposal Deadline: March 17
   - Annual Meeting: December 3-6 in Atlanta (Higher Education at the Crossroads: Pathways to Equity and Excellence)
   - Tracks: Balancing Internal and External Accountability
     - Diversity and Equity
     - Good Practices for Accreditation Compliance
     - Effective Assessment Practices
     - Student Success and Completion
     - Hot Topics

3. Lunch and Learn
   Thursday, March 3, All faculty
   JSOM 11.210
   Several requests for additional sessions (monthly)

4. Reaffirmation Committee Meetings begin this month, Steering Committee to meet first

5. Program Head meetings with Serenity, Dr. Musselman, Dr. Wildenthal begin this month
SACSCOC President Dr. Belle Wheelan Campus Visit

Monday February 29

5:30 PM     Dinner at Texas (http://thesonoftexas.com/)
3609 Shire Boulevard, Richardson, TX 75082

Attendees:
Acting Provost Inga H. Musselman
Vice President for Administration Calvin Jamison
Assistant Provost and SACSCOC Liaison Serenity Rose King
Associate Vice President for Budget and Finance Kimberly Laird
Vice Speaker of the Faculty Murray Leaf

Tuesday March 1

8:15-9:45     Campus Tour to include NSERL, BSB, JSOM, Student Success Center

9:45-10:30    Meeting with members of the 2018 Reaffirmation Leadership Team and Academic Council, Calatrava Room, McDermott Suite (MC 4.4)

10:30-10:45   Break

10:45-11:30   Meeting with President’s Cabinet and Deans, Calatrava Room

11:30-12:00   Meeting with Jessica Murphy, QEP Director, Calatrava Room

12:00-1:00    Lunch, Calvin Jamison, Vice President for Administration

1:00-1:30     Meeting with Serenity King, SACSCOC Liaison, AD 2.202N

1:30-2:00     Meeting with Serenity King, President ad interim Dr. Wildenthal, and President Designate Dr. Benson, President’s Office

2:00           Departure
THE UNIVERSITY OF TEXAS AT DALLAS
STUDENT GOVERNMENT
MARCH 22\textsuperscript{ND}, 2016

In response to a lack of enforcement and communication regarding responsible employees and mandatory reporting under Title IX Prohibited Discrimination and Sexual Harassment Sexual Misconduct Policy

WHEREAS victims of sexual assault are a particularly vulnerable population on campus which deserve protection and sensitivity, and,

WHEREAS victims of sexual assault should be afforded as much control as possible over their lives after an assault, and,

WHEREAS not all students know who qualifies as a mandatory reporter or what a mandatory reporter is responsible to report, and,

WHEREAS those designated as mandatory reporters often serve as mentors and confidants for the student body, and,

WHEREAS the mandatory reporting requirement can prevent students from speaking to their mentors and confidants in confidence, and,

WHEREAS students who trust a responsible employee with sensitive information deserve to know what information will be reported, and,

WHEREAS students will lose confidence in reporting if their control of the situation is forfeited, and,

WHEREAS victims of sexual assault would be hurt if private information about their assault is shared without their knowledge or consent, and,

WHEREAS the counseling center staff are not mandatory reporters,

BE IT RESOLVED BY THE STUDENT GOVERNMENT OF THE UNIVERSITY OF TEXAS AT DALLAS

That the Office of Civil Rights Questions and Answers on Title IX and Sexual Violence\textsuperscript{1} be upheld:

Clarify and communicate to students which staff members are responsible employees so that students can make informed decisions about whether to disclose information to those employees, and,

\textsuperscript{1} http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf
Clarify and communicate to employees of their own reporting responsibilities and the importance of
informing complainants of the reporting obligations of responsible employees, and,

In addition, before a student reveals information that they may wish to keep confidential, a responsible
employee should make every effort to ensure that the student understands what information the
employee is obligated to report, the student's ability to request confidentiality, and the student's ability to
share information confidently with campus counseling services.

In addition, students be informed immediately if they disclose information that must be reported.

President  Caitlynn Fortner  
Vice President  Grant Branam
Appendix E

UT Dallas Sense of the Senate Resolution on Implementation of Title IX.

The sense of the Senate of the University of Texas at Dallas is that the policy titled Prohibited Discrimination and Sexual Harassment/Sexual Misconduct Policy is being interpreted and applied by the Office of Compliance in a way that is inconsistent with the plain meaning of its language and with Title IX of the Civil Rights Act that it is intended to implement. It is also contrary to the spirit of cooperation, mutual concern and regard for one another that we consider to be foundation of safety and security of all forms for all members of the UT Dallas campus community. To cultivate a campus of open communication free of discrimination or intimidation, we believe it is imperative that survivors of sexual assault and misconduct have voice and agency in their own process.

The Senate rejects the demand by Mr. Dockery, made in his training sessions and reaffirmed in his discussion with the Academic Senate on January 16, 2016, that a faculty member must report to his office all mentions of actual or possible sexual misconduct or assault, including indirect allusions such as might be found in class writing exercises, in confidential emails between students and faculty, and via online discussion boards, whether or not the student who is the source of the information wishes such a report to be made or whether the student in fact considers that sexual misconduct or a sexual assault has occurred. The Senate also rejects the violation of privacy implicit in the present formal reporting process and incident reporting forms provided by the University of Texas at Dallas Title IX office, which require an identified report with victim names and contact information for all responsible university officials (RUO’s) without the victim’s consent or permission.

The policy approved by the Senate requires faculty to report “incidents” and “complaints.” An enquiry about a possible assault, a request between students and university faculty for clarification or explanation of Title IX policies or options, or a vague allusion to a possibility is neither an incident nor a complaint.

The Senate takes related exception to Mr. Dockery’s position that it is not up to faculty to interpret the law. It is his contention that faculty are to accept Mr. Dockery’s interpretation. In American law, each individual is responsible for their own compliance or non-compliance and each individual has not only the right, but the duty, to make their own interpretation.

The Senate of the University of Texas at Dallas considers that all members of the faculty, and all members of the campus community, are obligated to assure each others’ security and safety. It follows that if a faculty member is approached by anyone seeking to discuss a matter that may threaten such safety and security, or that may indicate a failure to provide such safety and security, the faculty member should feel free to engage in the discussion in order to arrive at an understanding of what may have happened and provide whatever advice and assistance they consider appropriate on behalf the student directly concerned as well as the community as a whole. It is the duty of a faculty member to be informed on the process of Title IX complaints and to be able to direct students or other members of the university community to appropriate resources. If a student wishes to lodge a formal complaint, in accordance with the policy approved by the Senate, the faculty member must assist them in doing so. However, if a student does not wish to be identified in a formal complaint, a reporting option should be available to a
faculty member that allows them to report the incident to the Title IX office without student identifying information. Such a policy is consistent with the spirit of Title IX as directed by the Office of Civil Rights within the U.S. Department of Education, which states, “when a responsible employee knows or reasonably should know of possible sexual violence, OCR deems a school to have notice of the sexual violence. The school must take immediate and appropriate steps to investigate or otherwise determine what occurred (subject to confidentiality provisions...” (U.S. Department of Education, p. 15). Moreover, the Office of Civil Rights “strongly supports a student’s interest in confidentiality in cases involving sexual violence” (p. 18) and says that institutional exceptions to such wishes should be very limited. Indeed, it posits that “a school should be aware that disregarding requests for confidentiality can have a chilling effect and discourage other students from reporting sexual violence” (p. 19). As the main goal of Title IX is provide an equitable, open, and transparent climate where sexual assaults and misconduct are investigated and all members of our university community are assured equal protections, to disregard these compelling issues related to cultural, gender, sexual orientation, religion, or other personal issues related to the victim and event are contrary to the spirit of the law.

To ensure that this process is as transparent to all parties involved as possible, it is imperative that all members of the UT Dallas community are clear regarding how incidents of sexual assault, misconduct, or harassment will be handled and what situations are covered under the law. If the faculty member determines that a sexual assault or any other action that threatens the safety of others has occurred but the student does not wish to lodge a complaint, the disinclination of the student must not bar the faculty from making the report on their own per Title IX law. However, this report by the faculty member should seek to determine and respect the student’s reasons for hesitation to report, especially regarding compelling reasons related to maintaining victim anonymity and confidentiality, insofar as it does not endanger others. Such a policy is in keeping with best practices across other American university campuses who provide for anonymous reporting of incidents of sexual misconduct and violence by responsible university officials and with the U.S. Department of Education Office of Civil Rights directive on Title IX compliance.

A faculty member may believe that engaging in a conversation regarding Title IX issues are beyond their authority or competence. If a student approaches such a faculty member with a concern about relationships of a sexual nature that the faculty member feels unable to respond to, which may or may not attract Title IX, they should direct the student to someone else who can understand their concerns and respond appropriately. These options may include the Counseling Center, Student Health Center, Galerstein Women’s Center, off-campus resources, and/or the Office of Institutional Equity & Compliance.

The Senate notes the following wording in the policy and urges that it be taken in its ordinary and clear sense.

Sec. 3. “All members of the University Community...are “strongly encouraged” to report. They are not required to report. If they report they are not required to provide with full identifying
information on the victim. They are compelled to maintain anonymity and confidentiality of student reports.

They are to report "any incidents of...". Faculty are not required to report enquiries about sexual misconduct or assault, allusions to, or rumors of. The same wording occurs in Section 3.2.

Sec 3.3 refers to "a complaint of sexual misconduct." A request to discuss the topic of sexual misconduct or violence, an enquiry, a rumor, or an indirect allusion is not a complaint.

The Senate notes that Sec 4 of the policy says: "Under federal law, however, Responsible Employees who receive a report of sexual misconduct must share that information with the Title IX Coordinator and/or a Deputy Coordinator." This statement appears to allude to Section d-1 of Questions and Answers on Title IX and Sexual Violence, issued by the Assistant Secretary of the Office of Civil Rights. The question is: "Which school employees are obligated to report incidents of possible sexual violence to school officials?" The statement in response is: "A responsible employee must report incidents of sexual violence to the Title IX coordinator or other appropriate school designee, subject to the exemption for school counseling employees discussed in question E-3." The obligation should attach to faculty to report "incidents," not, "reports" and a fortiori not conversations, enquiries, allusions, or rumors. Accordingly, the Senate withdraws its approval of this section of the policy until it is reworded consistently with the law.