APPROVED AND CORRECTED MINUTES

These minutes are disseminated to provide timely information to the Academic Senate. They have been approved by the body in question, and, therefore, they are the official minutes.

ACADEMIC SENATE MEETING
November 18, 2015

Present: Hobson Wildenthal, Inga Musselman, Robert Ackerman, Frank Anderson, Karen Baynham, Elizabeth Bell, Kurt Beron, Judd Bradbury, Patrick Brandt, Gail Breen, Matthew Brower, John Burr, R. Chandrasekaran, David Cordell, Mieczyszaw Dabkowski, Eric Farrar, Nicholas Gans, Lev Gelb, Jennifer Holmes, Dorthee Honhon, D.T. Huynh, Mustapha Ishak-Boushaki, Carrie Lambert, Murray Leaf, Michele Lockhart, Syam Menon, Ramachandrar. Natarajan, Ravi Prakash, Viswanath Ramakrishna, Michael Rebello, Tim Redman, Christopher Ryan, Betsy Schlobohm, Richard Scotch, Sabrina Starnaman, Tres Thompson, Michael Tiefeldorf, Murat Torlak, Tonja Wissinger,

Absent: Naofal Al-Dhair, Dinesh Bhatia, Nadine Connell, Gregory Dess, Gregg Dieckmann, Vladimir Dragovic, Monica Evans, Bernard Ganglmair, M. Ali Hooshyar, BPS Murthi, Simeon Ntafos, Jared Pickens, Alejandro Zentner

Visitors: Andrew Blanchard, Carrie Chutes, James Dockery, Naomi Emmett, George Fair, Bob Fishbein, Eoy Holiday, Karen Huxtable, Calvin Jamison, Rawn Johnson, Serenity King, Abby Kratz, Jennifer McDowell, Jessica Murphy, Marion Underwood

1. Call to Order, Announcements and Questions
Interim President Wildenthal called the meeting to order at 2:02 PM. The University is working on a proposal to increase tuition and fees that is due to system by December 7, 2015. University Leadership and Vice-Presidents are holding meetings with students to discuss the proposal. It was again noted that this increase in tuition and fees would NOT affect current students. As current students would not be paying the increased tuition and fees, only 30% of students next year would be paying the increase. There is a concern that the university may ask for too high an increase, but also too little will not cover the current needs of the university. The University will focus the increased income from the tuition and fees on advising, classroom infrastructure, and increases in compensation for teaching assistants. The university has had a significant increase in student growth, but not a proportionate funding increase. A request for an update on campus carry was made, but there was nothing significant to report. The President opened the floor to questions. There were none.

2. Approval of the Agenda
Murray Leaf made the motion to approve the circulated agenda. Viswanath Ramakrishna seconded. The motion carried.

3. Approval of the October 21, 2015 Minutes
Dinesh Bhatia was left off the list of attendees. Murray Leaf moved to approve the amended minutes. Murat Torlak seconded. The motion carried.
4. **Speaker’s Report – Richard Scotch**
   1. Tim Redman notified the Senate that he would not attend the Senate meeting due to illness. Richard Scotch filled in for him.
   2. The Legislative Summary was not able to be covered in the October Senate meeting due to the loss of quorum. Vice-Speaker Scotch brought the document to the attention of the senators should they have any questions. Those questions should be directed to Serenity King.
   3. Everything was on the agenda.

5. **UT Dallas’ Reaffirmation Project – Serenity King and Jessica Murphy**
   The Compliance Certification Report documenting UTD’s compliance with the Principles of Accreditation (96 principles, two of which deal with assessment) is due in September 2017. In 2007 UTD’s submitted report included over 500 pages of narrative, and over 100,000 pages of supporting documentation. That report addressed 87 principles.

   The Reaffirmation Leadership Team will be made up of: Hobson Wildenthal, Executive Vice President and Provost and President ad interim; Inga Musselman, Senior Vice Provost and Acting Provost; Serenity Rose King, Assistant Provost and SACSCOC Liaison (Chair of Leadership Team); Jessica C. Murphy, Associate Professor and QEP Director; Nicole Piquero, Professor and Associate Provost; Clint Peixhardt, Associate Professor and Chair of the Committee on Educational Policy; Joanna Gentsch, Associate Dean for Graduate Studies; Sarah Maxwell, Associate Professor and Associate Dean for Undergraduate Studies; Kimberly Laird, Associate Vice President and Controller; Josh Hamners, Director of Assessment, Student Affairs; Mary Jo Venetis, Director, SACSCOC Accreditation.

   At that time Serenity King introduced Jessica Murphy, the Quality Enhancement Plan Director. The University is directed to create a Quality Enhancement Plan (QEP) per SACSCOC Core Requirement 2.12. Input and recommendation must come from all areas of the campus, it cannot just come from Administration. The 2008 QEP was GEMS (Gateways to Excellence in Math and Science). This evolved into the Student Success Center.

   The QEP process begins in Fall 2015 - early Spring 2016 with the idea collection phase. During this time, the QEP group will be gathering suggestions and identifying trends. Input is required of as many interested stakeholders as possible so that a diverse set of proposals can be gathered. In spring 2016 - early Fall 2016, the topic selection phase will begin. The QEP Council will be established and will comprise a broad-based membership from across campus and the community. The QEP Council will choose the QEP topic based on input from each member’s constituency. In Fall 2016 the proposal will be made, followed by the Pilot phase in Spring 2017.

   Dr. Murphy presented how the university community could submit ideas for the QEP. At that time the floor was returned to Serenity King. She noted the Reaffirmation could be put on hold pending the SACS decision being made in December. A copy of her PowerPoint presentation is in Appendix A.

6. **Introduction to Center for Teaching and Learning – Paul Diehl**
   Paul Diehl is the new Director of Teaching-Learning Initiatives. Dr. Diehl, starting in September 2015, established a center for teaching and learning. Its official launch will be the first week of classes in January 2016. The center will be staffed not only by himself, but also an assistant director and
staff. Each school will have a liaison to the center and be responsible for creating associated programs and events geared toward enhancing undergraduate and graduate instruction within their schools. The Committee on Effective Teaching will be working closely with the center in an advisory capacity. The Committee has already sent a survey out to all faculty of teaching practices on campus. Dr. Dichtl reminded the faculty that they had until November 20, 2015 to respond to the survey.

The center is targeted toward all teachers, not just the award winners. The center has found that there are three target groups that need attention. The first is junior faculty who have not had much teaching experience. The second is teaching assistants who provide a vital role, and the center will give them training and guidance. Third is lecturers who are part-time and are teaching for the first time. Lecturers have great expertise but may not have taught before. For many, this is their first experience in the academic administrative environment.

The center is working on Graduate and Advanced Graduate teaching training certificates. This will give teaching assistants the opportunity to learn now to do their job better in a variety of areas. The Center anticipates a large amount of participation in its programs. The center will also work on assisting faculty with structural improvement grants. These grants allow faculty to apply for more innovative projects. The center hopes to bring in speakers on key topics of teaching and learning.

Vice President Murray Leaf made the suggestion that the position of ‘Director of Teaching-Learning Initiatives’ be added as an Ex-Officio member of the Committee on Effective Teaching. An updated committee draft will be placed on the December Council agenda.

7. **Textbook Adoption Policy – Bob Fishbein and Rawn Johnson**

Bob Fishbein, Assistant Vice President of Auxiliary Services, introduced Rawn Johnson, the University Book Store manager, to the Senate. Rawn Johnson started at the university in July 2015. He is currently doing the textbook adoptions for Spring 2016. He is attempting to upgrade the culture of the bookstore. When Rawn joined the book store in July the adoption rate was 40%; he had just come from a school that had a rate of 90%. As of the time of the meeting, the University Bookstore was at 30%. His goal is to reach 65% for Spring 2016. The primary reason for him to increase the adoption rate is to save students money. If he can get the information he needs sooner, he can assist students in getting the best price for textbooks. If the book store get a late adoption request, many times the publishers may be sold out of the book.

Johnson requested that faculty get him the book adoptions as early as possible so that he can create packages. This will facilitate the store buying the right books. In the past getting the adoptions to the bookstore was confusing. Adoptions were being sent to five different emails. That has been alleviated by making one email for the adoptions to go to. Rawn is not picky how the adoptions get to him, but simply that they get to him. He currently has plans for three workers to spend the fall break going through all the email in the email box and create packages. At this time he opened the floor to questions.

A question of sell through was raised. In most schools sell through is 60-65%, our store is currently getting in the low teens. Rawn is continuing to address price for the students. The book store is matching Amazon, as well as other stores’ prices. This has gotten a great deal of good feedback from students. Rawn encouraged the senators to pass along the information to their colleagues so that everything gets to the bookstore as soon as possible.

8. **FAC Report – David Cordell**
David Cordell reported that the Faculty Advisory Council is in the early stages of working with the UT System Office of Strategic Initiatives on a research project relating to dual credit courses—courses that high school students can take to receive university or community college credit. In his Strategic Plan speech to the Board of Regents on November 5, 2015, Chancellor McRaven announced the University of Texas System's commitment to greater engagement and collaboration with schools and educators from pre-K through high school, including the Texas Prospect Initiative. Hence, a comprehensive study of dual credit in Texas is timely. The project is based on five main research questions:

1. What information do UT System institutions collect on students' dual credit?
2. Who takes dual credit and what courses are most often taken?
3. Are there short and long term effects associated with students taking dual credit?
4. From student and faculty perspectives, do dual credit programs create an effective access and success pipeline when students transition from high school to college?
5. Based on the study's findings, what types of policies and programs will help more Texas students get into college and succeed there?

The project goal is to obtain a better understanding of the relationship between dual credit and student outcomes the UT System academic institutions.

The current chair of the FAC, the chair elect of the FAC, and David Cordell met with Vice Chancellor Leslie on November 10 to discuss the project, and Vice Chancellor Leslie gave preliminary approval. Work on the project will begin immediately, and a meeting with researchers from the Office of Strategic Initiatives is scheduled in early December.

9. CEP Proposals- Clint Peinhart

The Committee representative presented the following committee report.

A. Amendment to Undergraduate Catalog - Minors

It was found that in the catalog the main policy regarding minors did not match what was listed within the schools themselves. An amendment was made to the Undergraduate Minors portion of the 2015 Undergraduate Catalog.

"Semester credit hours may not be used to satisfy both the major and minor requirements; however, elective semester credit hours or major preparatory classes may be used to satisfy the minor. At least one-third of the semester credit hours for a minor must be taken at The University of Texas at Dallas."

The policy was amended to read.

"Semester credit hours may not be used to satisfy both the major and minor requirements; however, free elective semester credit hours or major preparatory classes may be used to satisfy the minor. At least one-third of the semester credit hours for a minor must be taken at The University of Texas at Dallas."

B. 2016 Undergraduate Catalog Curriculum Changes

302 additions/changes/deletions were proposed for the spring 2016 Undergraduate catalog. The courses were already reviewed by Committee on Undergraduate Education, and CEP. At CUE there were a few amendments, and those courses were updated to reflect those amendments. Of the courses listed under repeatable courses, most had changes with course descriptions, specifically the MUSI classes. The MUSI classes were specially highlighted. They went from a 3 credit hour class to a 1 credit hour class. Also all MUSI classes were changed so that "the course can be repeated up to a maximum of 8 credit hours but can only be taken once"
a semester” was added to their description. This is to prevent a student from taking the same musical course in different sections, and getting credit for both sections.

BIO 3V15 was a newly added class that is repeatable as topics vary. PSCI 4V65 also may be repeated as topics vary. PSCI 4V67- Moot Court changed its repeatability from 6 hours maximum to 12 semester credit hours maximum. There are two new online courses, COMM 4371, and BMEN 3360.

There were several new courses added due to the new Rhetoric minor proposed in Arts and Humanities. New courses were also added to ATEC/EMAC to reflect refining the courses as they are now their own school. NSC 3361 had its title adjusted due to assessment reports. JSOM had changes due to cross listing. A large group of Chemistry courses were added due to the new honors program in chemistry. Graduate curriculum changes will be coming to CEP in December.

One course was removed from consideration by CEP, HIST 3332- History of Communication Media.

CEP chair Peinhardt made a motion for the Senate to approve the Amendment to Undergraduate Catalog- Minors, 2016 Undergraduate Catalog Curriculum Changes as circulated. The motion carried.

10. Student Government Report

No representative was present, therefore no report was given.

11. Governance, Administration, and Mission Policy – Serenity King

In preparation for the 2018 Reaffirmation, Serenity King’s office reviewed policies that should be in the Handbook of Operating Procedures, but which the university does not have in place. The first missing policy was a Governance, Administration, and Mission Policy. Our University’s policy is significantly different from others as ours includes shared governance. Our campus has a history of shared governance, and there is a wish to continue it. R. Chandrasekaran moved to adopt the policy. Matt Brown seconded. The motion carried.

12. Approval of Fall Graduates – David Cordell

David Cordell moved that:

These students have applied for graduation and have been reviewed by the Office of Records. The Office of Records has declared that all of these students will be eligible for graduation upon the completion of the current semester's work at the necessary levels. I request, therefore, that the Faculty Senate certify these students to graduate upon receipt of final grades, and notification of completion of other requirements, provided that the grades are consistent with the standards for graduation prescribed by this University. I also request that the Faculty Senate certify those students designated as eligible to graduate with honors upon completion of coursework and requirements consistent with the standards for honors at the levels offered by this University. R. Chandrasekaran seconded. The motion carried.
David Cordell moved that:

These students have applied for graduate degrees and have been reviewed by the Graduate Dean. The Graduate Dean certifies that all of these students will be eligible for the degrees indicated upon satisfactory completion of the current semester’s work. I request, therefore, that the Academic Senate certify these students to receive the degrees as indicated upon receipt of final grades and notification of completion of other requirements, provided that the grades received are consistent with the standards for credit prescribed by this University. R. Chandrasekaran seconded. The motion carried.

13. Scheduling of December Council and Senate Meetings, and January Council – Richard Scotch

A suggestion from the Council was presented to the Senate. The Council would meet on December 2, 2015 to prepare the agenda for the January 20, 2015 Senate meeting. Due to finals week, and winter break there would not be a December Senate meeting, nor a January Council meeting. Tres Thompson moved to also approve moving the March 2016 meeting one week later, as it would fall during spring break. Betsy Schlobohm seconded. The motion carried.


Revisions from the October Senate meeting were incorporated into the policy and resubmitted to the Senate for approval. Jennifer Holmes moved to approve. Murray Leaf seconded. The motion carried.

15. Revisions to Research of Conflict of Interest – Murray Leaf

Dr. Leaf had circulated the updated research conflict of interest policy. Originally separate versions were proposed by the Faculty Senate and the Office of Research, but the Faculty Senate declined to approve it. Recently President Wildenthal was notified that our University had not submitted an approved policy. Dr. Leaf updated the policy to reflect the Senate’s version. R. Chandrasekaran moved to approve the policy. Betsy Schlobohm seconded. The motion carried.

16. Assessment Committee Charge – Serenity King

Serenity King requested that the Senate affirm the formation of the committee in principle. After the recent review, her office found that a university wide assessment committee was required. Robert Ackerman moved to affirm the formation of the committee in principle. Jennifer Holmes seconded. The motion carried. The faculty members of the committee will be appointed through the Committee on Committees.

17. Approval of Committee Replacements – David Cordell

Committee on Academic Integrity: Tim Christopher replaces Olivia Banner; Erin Smith replaces Liz Salter; Eric Schlereth replaced Liz Salter as Chair.

Distance Learning Committee: Dean Mark Spong recommended adding Steve Yurkovich to the committee.
Committee on Faculty Mentoring: Orlando Richard replaces Dan Bochsler.

Committee on Learning Management Systems: Hlaing Minn replaces Kamil Sarac; Susan Minkoff replaces Michael Baron; Jonathan Frome replaces Barbara Ashmore.

Committee on Student Scholarships: Carol Lanham replaces Shelly Lane as Chair. Simeon Ntanos replaces Carol Lanham as Vice-chair.

Library Committee: Shalini Prasad replaces Xin-Lin Gao; Sean Cotter replaces Mark Rosen; Jennifer Hudson is the replacement for Daniel Wickberg.

Academic Program Review Committee: Shayla Holub replaces James Bartlett as both member and CHAIR.

Advisory Committee to the University Budget: Larry Overzet replaces Duncan Macfarlane; Bob Glosser (NSM) replaces Robert Kieschnick.


University Committee for the Support of Diversity and Equity: Jillian Round replaces Michelle Lockhart.

Institutional Animal Care and Use Committee: Kenneth Hoyt replaces Shalini Prasad.

University Safety and Security Committee: Greg Metz replaces John Worrall as CHAIR.

University Research Integrity Committee, Christine Dowlaghan replaces Anthony Champagne as Vice-Chair.

University Sustainability Committee, Carolyn Reichert replaces Dan Bochsler as a member and as Vice-Chair.

Tres Thompson moved to approve. Betsy Schlobohm seconded. The motion carried.

18. Amendments to Committee Charges – Richard Scotch

UTDPP 1015- Auxiliary Services Advisory Committee: Titles were updated to reflect recent name changes. This was a non-substantive change.

UTDPP1017- Campus Wellness Committee: Per a recommendation from the Committee on Committees on July 30, 2015, the Committee Vice-Chair would be appointed by Staff Council.

UTD1018- Committee on Committees: The Student Government President was added to the committee to facilitate a smoother appointment of students to committees.

UTDPP 1039- References to “The Chancellor’s Council” were removed from the policy as that award is no longer handled by this committee. Matt Brown moved to approve. Kurt Beron seconded. The motion carried.
19. Regent Rules 31008 – Termination of a Faculty Member Pool – Murray Leaf

The university is required to have a pool of available faculty members should it be necessary to terminate a Faculty member. This pool must be updated each year in June. Those members who have left the pool have been replaced. The pool members are: John Fonseka, Murat Kantarcioğlu, Mario Rotea, Ovidiu, Daescu, Euel Elliot, May Yuan, Bruce Jacobs, Peter Assmann, Karen Prager, Anne van Kleeck, Greg Dess, Stanley Liebowitz, Vijay Mookerjee, George McMechan, Rod Heelis, Dean Sherry, Roger Malina, Paul Fishwick, Milton Cohen, and Marilyn Waligore.

Murray Leaf moved to approved. Betsy Schlobohm seconded. The motion carried.

20. Discussion: Title IX – James Dockery

At this time Vice Speaker Scotch opened the floor to allow senators to pose questions, and raise concerns about the Title IX policy and trainings to James Dockery. Murray Leaf spoke on a major concern of many of the faculty; the reporting of incidents to Mr. Dockery’s office. This included the interpretation in the training that if a faculty member overheard something, a student had a question, or if faculty discovered something in an indirect form such as a paper, the faculty member must report it to the Office of Institutional Equity and Compliance (OIEC).

David Cordell requested clarification if it was true that there was a UT System template that system distributed to the University for the Schools to approve. The policy approved by the Senate in September of 2015 was drafted from that template. Mr. Dockery gave a brief history on the development of the policy. Mr. Dockery arrived at UT Dallas in April of 2015. The policy was submitted to all campuses at the end of April/early May 2015 as a ‘model policy’. The University was to use the template to adopt a policy based on the ‘model policy’. Certain portions of the policy were made to allow it to be ‘localized’ to each specific University. The example given was what resources would be available at each school’s specific location. In 2014 similar policies had already been adopted by several universities. There was a requirement by the Department of Education, Office of Civil Rights that required universities to create policies addressing sexual assault/harassment. As soon as the policy arrived on campus a committee was created comprised of student affairs, law enforcement, housing, staff council, and faculty. The committee reviewed the policy from every aspect so that the university knew what it was required to do and have available. The committee pulled together all the ‘localization’ aspects of the policy. From there, the Texas Legislature enacted a law that required universities to create a policy addressing these same issues. That law became effective as of July 2015.

The policy began its way through the Handbook of Operating Procedures process. The policy was taken through various committees to allow it to be viewed by various stakeholders. The policy was placed on the Senate agenda by the Academic Council for the September Faculty Senate meeting, where it was approved unanimously in the September Faculty Senate meeting. From there the policy was taken to the HOP meeting for final review. There it was approved to be sent to the Office of General Council a: UT System. At OGC it was reviewed by the lawyers and approved by system. It was then posted to the UTD Policy Navigator.

A concern was raised over the penalties for violating parts of the policies, especially where a student explicitly asks a faculty member not to report. Mr. Dockery responded that were not any penalties involved in not reporting, but there is language in the policy that makes it very specific, “The University
has an obligation to maintain an environment free of sex discrimination, thus many University employees have mandatory reporting and response obligations and may not be able to honor a complainant’s request for confidentiality. Complainants who want to discuss a complaint in strict confidence may use the resources outlined in Section 3.5.” Section 3.5 notes those who have confidentiality obligations, such as physical and mental health care professionals and pastoral counselors. Mr. Dockery went on to further state from section 4.1 of the policy, “The University has great respect for the privacy of the parties in a complaint. 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. These individuals may need to act to maintain campus safety…” Mr. Dockery went on to reassure the Senator that his office takes privacy and confidentiality very seriously; however the OIEC office must balance the needs of the overall community as well. It is absolutely critical that they go that in such a way that they can address the needs of complainants, and the accused, as well as addressing the community as a whole.

Tonja Wissinger noted that after speaking with Mr. Dockery at the Academic Council she returned to her classes and asked them their understanding of the law. Some of the students had been through the training. She specifically asked her class that deals with childhood sexual abuse because they are more aware of how people disclose sexual incidents. They saw this policy as faculty losing a role where students could come to them, talk and decide what they wanted to report. The faculty members were a sounding board for them. One student even said, “Why should I bother making relationships with faculty if I can’t talk to you, and I have to go to some stranger? Or you have to report to some stranger?” The students are seeing the faculty as losing that role, and without any discretion. A student worker also must discourage students from coming to her and telling her anything private.

Mr. Dockery responded that he felt it was a very unfortunate situation. He went on to respond that the confidentiality issue is nationwide. Mr. Dockery had just returned from a conference the previous week where they were discussing this topic. The conference was made up of lawyers that dealt with Title IX issues. They called this situation the ‘Confidentiality Conundrum.’ The Confidentiality Conundrum is where the Department of Education must look at this from a much larger perspective, specifically the needs of the community as a whole. The issues they are pinpointing are issues pertaining to sexual assaults/sexual harassment. There is no-one stopping the faculty from having confidential discussions with students about as many other issues as they like.

The OIEC office fully embraces the issue with regards to confidentiality. All of the other UT System schools are also facing these concerns. The bigger issue is, assuming an allegation is true, how can the university balance confidentiality for the complainant against the needs of the potential next victim? How do they balance that against the needs of the patent or family member? Mr. Dockery presented an example: Michigan State had a lawsuit filed in November 2015, by four women. Part of their allegation is that the university took no steps to address issues relating to the perpetrators. Every day the victims had to walk past or see the perpetrators. Even after the university finally conducted an investigation they took no steps to address any of the potential sanctions available to the university such as to remove them from the class. One student said the accused lived in the same dorm, but the university did not remove them from the dorm. According to the allegation, the university took no steps to address the issues raised by those students. Mr. Dockery assured the senators that after working with the student affairs office at UTD these matters are taken very seriously.
Another question was raised asking how the OIEC will balance the rights of the accused and the needs of complainants. Mr. Dockery responded that the first step will be not to rush to judgment. The first thing will be to conduct a very thorough investigation. Towards that end, the OIEC has hired a lawyer to conduct very thorough investigations. They have great skills and experience.

Had the Senators seen any of the investigative reports, they would find they are incredibly lengthy and very detailed. Mr. Dockery’s charge to the investigative lawyer is to leave no stone unturned. Every “T” must be dotted, every “I” crossed. Everyone must have the benefit of the doubt.

The next step after investigation would be for the matter to be addressed by the Student Affairs Office. The Dean of Students Office will conduct a hearing, and have the information reviewed again. The OIEC office will be involved in the initial investigation. Why? Because when the report comes to the OIEC office they want to take a fresh perspective from the report. Once Mr. Dockery reviews the incident, he may ask for further investigation. He must give each party an opportunity to rebut, or to make their own additional assertions before he makes a decision. This gives another opportunity for review before it goes on to the Dean of Students’ Office. Mr. Dockery’s background is as a former criminal prosecutor and a former criminal defense attorney, with years of experience in the area of labor and employment law. From that perspective, he knows how to handle accusations right. It is the OIEC’s hope that they will consistently do them right because it is too critical, too important, to not only to the complainant, but also the respondent, and the community.

Andrew Blanchard requested clarification on a couple of statements. He felt there was a disconnect between the concerns of Dr. Wissinger and the Michigan State example. He felt they were two different circumstantial events. The assumption in the case of Michigan State was that the four women brought the issue up to the university, and the university did not respond. This was different from Dr. Wissinger’s question, concerning if a student talked to her in confidence. These are two different pathways that should not be confused. Mr. Dockery responded that he disagreed, as he felt they were one and the same. If the initial step to report is not made, the presumption is that because you are a responsible employee, if the information is brought to your attention then the university is on notice.

Dean Blanchard commented that he did see the same situation that the university is at risk if Dr. Wissinger was to get a confidential report. However, Mr. Dockery responded that Dr. Wissinger would NOT be able to get a confidential report as she is a responsible employee and must report it.

Another faculty member raised the concern that they were responsible for what they could measure, and the Title IX issues are amorphous. Maybe an accusation is the truth, or maybe it is neurosis, a faculty member cannot judge. As a responsible university employee, he is responsible for some things but they do not feel they are responsible for others. They would rather turn that responsibility over to others that are trained in that field. They would like to reserve the right as a faculty member if a student speaks to them confidentially to hold that confidentiality. What the student has been telling them could be true, it could be delusional. He/She may or may not be sympathetic. He/She may or may not offer advice, probably not. He/She would most likely send them to a counselor or to the student affairs office. He/She doesn’t feel that they should be designated a “Responsible Employee” official.

Mr. Dockery reacted to the faculty members concerns from a policy perspective. The expectations found in the policy are what the Department of Education expects, as well as the Office of Civil rights expects from university faculty. From that perspective, fortunately or unfortunately, the decision made by UT System and by others entities requires ‘responsible employees’, which faculty are
considered, to follow the policy. The policy itself was analyzed, reviewed, and brought before the Faculty Senate in September 2015. It was then voted upon by the Faculty Senate, and approved.

Richard Scotch refuted the statement that the Faculty Senate was 'informed' that all faculty members would be deemed responsible individuals. That may be a good policy, or may not be a good policy, but in the minutes there was never any discussion of that. When the Senate approves a broad policy it may not in fact equate to endorsement of a specific provision. Whether OCR requires of the university is a separate issue. Dr. Scotch did not feel Mr. Dockery could say that the Faculty Senate ever endorsed the idea that faculty cannot hold student confidentiality.

With all due respect Mr. Dockery retorted that he stood before the Faculty Senate in September of 2015 and not one member had a question about the policy. No changes were requested, no adjustments were made, no sleight of hand occurred. It is a fact that the policy was presented before the September 2015 Senate in its entirety, voted upon, and approved by the Senate in which 40 for the 51 members were in attendance.

Another faculty member requested clarification on the policy. The faculty member believed that the policy was very inclusive, specifically to report all incidents occurring on university property by students, faculty, staff, or guests to the university. Therefore, if something that happened in early childhood between a child and an uncle who is now dead was reported, should a faculty member still have to report that? If so, the policy is overly inclusive.

Mr. Dockery acknowledged the faculty member's concern, and addressed his office's role in a situation such as their example. His office would conduct an immediate investigation into matters that impact the community to keep the community safe. The goal of the policy over all is to address issues of immediate concern to the community, and to insure that there is a complete and thorough investigation of the facts. Something that happened five to six years ago does not impact the community's immediate safety concern. The faculty member rebutted that is not how she felt the policy was written, and therefore the intent needs to be placed into the policy. The wording needs to be very specific so that the intent is very clear so that the faculty who are now being upheld as the responsible parties will know exactly what type of incidents needs to be reported. If it is something that occurred outside the campus, in a relationship that is outside of the campus, it needs to be very clear that it doesn't need to be reported unless that person is likely to visit this campus and cause a ruckus. She felt it needed to be clearly stated within the intent of the policy, and there needs to be a change.

In order to facilitate a more orderly discussion Vice Speaker Scotch began calling upon senators in order to make sure everyone could voice their opinion within the time period allowed.

Matt Brown raised a question regarding procedure. If the Senate remained dissatisfied with the policy as interpreted, what are the Senate's options? Would it be possible to introduce a brief amendment? Is it possible to strike faculty members from those designated as responsible employees? Vice Speaker Scotch reminded the senators that Mr. Dockery noted that the policy has already gone through the process, therefore a change could be initiated in the policy but would not go into effect unless adopted by UT System, and first by the HOP. So the Senate can make whatever proposal they choose but that would not necessarily mean the proposal would go into effect unless it was affirmed through the necessary process.
Kurt Beron requested a model syllabus item be created so that his students were informed that he would gladly be a resource for sexual violence, but should they disclose anything to him in any way he is required to report it to the OIEC. Mr. Dockery advised the Senate that he had worked with the Provost’s office to develop a statement for the syllabus template for that purpose. It has been vetted already by Student Affairs, and through various faculty. He will be making minor adjustments to the item, but it will then be returned to the Provost’s office. From there it will follow proper procedure for approval as part of the official syllabus template.

Tres Thompson raised his concerns that he did not feel that during the presentation of the policy at the September Senate meeting, there was no clear definition of terms of what a ‘Responsible Employee’ was. He noted he had a philosophical problem with the whole issue, because universities are acting \textit{in loco parentis} ['in the place of a parent'] by generating a system for dealing with sexual misconduct. In reality, universities have done an abysmally poor job compared to the criminal justice system in dealing with these issues. He asked whether individuals designated under Title IX as responsible individuals were pushing back, and said that this is not an issue on which universities have a good track record.

Mr. Dockery responded that from his perspective, the Title IX policy has made the determination what is sexual misconduct, and underneath sexual misconduct is sexual harassment, and other non-criminal types of misconduct as well. From that perspective, not everything goes to the police department. Even with that in mind, there are two aspects of the process: the criminal, which is proof beyond a reasonable doubt. Then there is the civil aspect of the administrative investigations. The Department of Education through the Office of Civil Rights requires universities to conduct their own investigations separate and distinct from criminal investigations. The reason for that is that, typically, the investigation, if it is done well, can be done within a reasonable period of time to address the safety of the community. Which also means then from that perspective, you can very easily take immediate measures to address the community concerns of the safety of the community. For instance, removing people from a dorm, or to require the accused to take an online version of a course because of the fear and concern that the alleged victim or actual victim had for their safety. The criminal side of the house could take years to address an allegation, but the Department of Education Office of Civil Rights has said that universities must conduct these administrative investigations.

Dean Blanchard noted he believed the concern the faculty is trying to express was that they do not have a clear understanding of what to do beyond the restricted ability to hold knowledge of an incident in confidence, and they needed to understand what the next step would be other than to report to the OIEC office. Mr. Dockery replied that if a faculty member cannot keep a confidence, the recommended procedure is to tell the individual to go to a counselor who can keep the confidence. That would offer the faculty an opportunity to say, “You realize I cannot keep this in confidence, please go and see the particular counselor who can help you in confidence.” That is a process in which faculty can understand what the next step would be. Currently the faculty view is that they have a duty to report an incident. They don’t want to disagree with the law, but they have to have some sense that they are doing well for that student.

Mr. Dockery responded that universities around the country have invested quite heavily in Title IX coordinators, counselors, and in training because they want to do the right thing. Sadly there are times in the law where one cannot be as specific as one would like. Part of what takes the burden off the faculty is that the OIEC office can do the detailed analysis instead of the faculty themselves. If they do not know what to do, they know to call Dockery’s office. This will allow the faculty and Mr.
Dockery himself to work through the variety of issues, and then work together to come to a resolution that works for the student, respondent, and for the community as a whole. Yes the policy says that faculty must report, but that report is to a team of people who are genuinely interested in making certain that confidentiality is maintained as much as possible, and that issues are addressed aggressively and thoroughly, and completely. At end of the day, the university will have a process the faculty will be proud of.

At this time Vice Speaker Scotch noted that he would continue with those whom he had called upon, but once they were done the meeting will close. If there were Senate members who felt that additional actions should be taken by the Senate on Title IX, they should contact those in Academic Council which will meet on December 2, 2015. From there Council can decide if any proposal needs to be referred to a committee, or brought back to the Senate. The Senate will not meet again until January 20, 2016.

Mr. Dockery invited any concerned Senators to contact him via email or phone with any questions or concerns. He wanted to make certain that his office is transparent and available to all faculty. If at the end of the day, it is necessary for it to come back to Council or Senate, he would be willing to do that.

Michael Tiefelsdorf raised a concern regarding the process of investigation. While the OIEC office does its best to be impartial the office may still have an appearance of not being impartial. He recommended that the office provide separate resources in the investigation to both the accuser and the accused, rather than mingle everything into one report.

David Cordell wished to establish a couple things. The law itself does not say faculty are responsible employees? Mr. Dockery responded that in fact the law does state that faculty ARE responsible employees. Vice Speaker Scotch clarified further that Title IX does not say that, but the Office of Civil Rights policy document does, and Mr. Dockery agreed. Vice Speaker Scotch further stated that it was not the law, but their interpretation of the law. Mr. Dockery called back to how the lawyers developed the policy. A group of lawyers at UT System that had outside council engaged as well and taking all the guidance from the Office of Civil Rights that 'Dear Colleague..' letters were created. The 'Dear Colleague' letter would say it is not the law but we expect you to follow it. In addition to that, there are other types of information used, most recently the University of Virginia and the University of Montana entered into a resolution with the Department of Education. It is from those resolutions that the policy was created. Dr. Cordell refocused his clarification, that the law does not state that faculty are responsible employees, and that no actual regulations make this determination, but only a letter specifies that. Mr. Dockery confirmed the statement, but noted that the letter is very close to the law. Dr. Cordell further questioned if the UT System specified in the template that you must include faculty. Mr. Dockery strongly confirmed that yes, the System did specify in the template that it included faculty. The template was a mandatory policy for the system, and all other UT System universities have had in advance or adopted the system required policy.

Richard Scotch recommended that the senators review the documents regarding Title IX from the Council packet [See Appendix] for further clarification. He specifically noted the guidance from the Office of Civil Rights with questions and answers. Section D.1 “Which school employees are obligated to report incidents of possible sexual violence to school officials?” That passage provides the guidance on this issue. Mr. Dockery quoted from Section 3.2 of the UTD Prohibited Discrimination and Sexual Harassment/Sexual Misconduct Policy,
"Incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct may also be reported to Responsible Employees. A Responsible Employee is a University employee who has the duty to report incidents of sexual misconduct to the Title IX Coordinator or other appropriate designee... Responsible employees include all administrators, faculty, supervisory staff, resident life directors and advisors, and graduate teaching assistants, except any employee with confidentiality obligations as defined in Section 3.5."

Murray Leaf noted that the policy and the law distinguish between complaint and discussion. Dr. Dockery asked if Mr. Dockery felt that any discussion was a complaint. That assumes that the student cannot distinguish between discussion and complaint. He felt that Mr. Dockery was saying that the faculty were not allowed to distinguish between discussion, and complaint. Mr. Dockery remarked that the definition is, "Incidents of sexual misconduct (including sexual harassment and sexual violence) and other inappropriate sexual conduct may also be reported to Responsible Employees. A Responsible Employee is a University employee who has the duty to report incidents of sexual misconduct..." Mr. Dockery said that if he was asked to give the faculty a bright line list of everything that could be considered an incident of sexual misconduct, it cannot be done. Dr. Leaf replied that everyone knows what the difference between a discussion and a complaint, and he felt that Mr. Dockery was ignoring that fact. Mr. Dockery remarked that he disagreed. Dr. Leaf continued that faculty could ask a student who is a grown up intelligent person, do you wish to make a complaint? Then they have made a complaint. Mr. Dockery attempted to explain his point of view by saying he lives in a world of precedent, from that prospective most recently Butlers vs. James Madison University, where a student had been sexually assaulted at a party off campus down in Florida. The Dean of Students asked the question "Do you want to file an official complaint?" The student said, "I don't know and I don't think so." The court said the University was wrong for not immediately investigating that incident. Dr. Leaf countered that this was not the situation he was asking about. Mr. Dockery returned to the Responsible Employees and what their duty is, and that duty is to report incidents of sexual misconduct to include sexual harassment and sexual violence.

Vice Speaker Scotch noted that the senators were not arguing the fact that responsible employees must report incidents of sexual misconduct, what many of the senators are saying is that there is always some discretion about whether something is an incident of sexual misconduct or something else. If it is clearly an incident of sexual misconduct, the law may be clear, but that everyone has some amount of discretion about how to interpret things that happen. So if someone says something rude, Vice Speaker Scotch might not consider it an incident of sexual misconduct, but someone else might. A discussion about it might occur. If the faculty lose that discretion, as faculty members they are trained to have to make these judgments, they are not the same as judgments that attorneys and judges make. But for many of the faculty, this is a deep concern. When this concern was raised the response from the OIEC office was simply to state, "You must report sexual misconduct." The faculty agree with that, but maybe they don't have to report someone who makes a sexist comment, but that may not be at the level of sexual misconduct. Mr. Dockery assured the Senate that he was not trying to be disrespectful, but he felt that hairs were being split. The group could talk about what is, and he agreed with the faculty that there is always a level of discretion, and he felt that the policy was not asking the faculty to check their common sense at the door. The key component is when in doubt, report. If two people were sitting around a table, and a comment is made does that automatically mean that is sexual harassment? The answer is, No. Sexual harassment is repeated unwelcomed conduct; however the person who overhears it may find it offensive. They may say that they heard the comments and he/she did absolutely nothing about it. That may force the OIEC to address these issues. It is a very
complex situation. Mr. Dockery assured the Senate that he did not want them to check their common sense at the door. He highly stressed, however, that when in doubt to please report it.

Carrie Lambert was given the floor for comment on the Title IX training itself. She expressed that she understood the need for the training; however she felt the training was insensitive. It focused on what was going on at other universities. She felt she did not need to know about the crimes on other universities. There was a lot of drama in the training that was unnecessary. Dr. Lambert felt that much of it was insensitive to those who have experienced sexual violence in their past. What she wanted to have seen was what her responsibilities were, and how she could best help her students and university. She stated that she sat next to someone who had to leave the room to be sick, and another who spent the training sobbing. In her opinion it was too traumatic for many faculty. She suggested that the training be cut down to one hour, that any longer time made it unnecessarily drawn out, and also advised that the filmed material be dropped. She contended that the faculty simply need to know what they need to do to help their students and university. Dr. Leaf commented that the training did not speak well to the sensitivity or the OIEC. Matt Brown commented that he felt that the training showed that the office was not trustworthy.

21. Adjournment

Betsy Schlobohm made a motion to adjourn the meeting. Matt Brown seconded the motion. The motion carried. The meeting adjourned at 4:09 PM.

APPROVED: [Signature]
David Condey
Secretary of the Faculty

DATE: 6/1/2016