

Minutes of Faculty Senate Meeting

May 7, 2014

*Submitted by Senate Secretary, Catherine Seta, Professor of Psychology
Prepared by Amalia Wagner and Catherine Seta, Ph.D.*

Caveat: Comments recorded are not necessarily verbatim. In addition, the identity of most Senators making comments or questions are not recorded, in order to facilitate open discussion. The identity of comments from Senate Officers and Senate *Ad Hoc* and Standing Committee Chairs are given, as is the identity of persons commenting in their official administrative capacity (e.g., CFO, Provost and College Dean.)

Special note: This late semester meeting was held in order to accommodate the pre-notification requirements dictated by the Senate Bylaws for the Senate to consider amendments to its Bylaws. (see below and in Article V of the Senate by laws, refer to Addendum A).

It was determined that the number of elected senators in attendance fell short of constituting a quorum in this May, 2014 meeting. Votes taken at the May 2014 meeting may be subsequently ratified by the full body. (Motion put forth by Senate By-laws committee and passed by Senate in October senate meeting.)

In attendance: Edward Allen, Daniel Bourland, James Cotter, Kevin Cox, Jacquelyn Fetrow, Will Fleeson, Michele Gillespie, Samuel Gladding, Laura Graham, Michael Hughes, Tim Janke, Kevin Jung, Leslie Kammire, Hank Kennedy, Nina Lucas, Linda McPhail, Hof Milam, Wilson Parker, Paul Pauca, Michelle Steward, Lynn Sutton, Rosalind Tedford, Mark Welker

Welcome from President Hank Kennedy (3:15 pm)

Professor Hank Kennedy asked if there were any comments or corrections to the minutes of the April 2014 meeting. No comments or corrections were voiced; therefore, the minutes of the April meeting were approved as posted on the Faculty Senate website.

Consideration of Proposed By-laws Amendment:

(For complete report, refer to Addendum A)

President Kennedy reviewed the proposed by-laws amendments. The changes consist of reorganizing several of the sections and converting the following ad hoc committees to standing committees.

- Faculty Senate Committee of the Collegiate Senators
- Faculty Senate Committee on Athletics
 - Not an attempt to substitute the College Committee on Athletics. This committee would have a broader base and be independent form the Athletic department.
- Faculty Senate Committee on Administrative, Faculty and Staff Compensation
 - To institutionalize the Faculty Senate's role regarding compensation issues.

The Senate discussed two benefits to converting the committees to standing committees:

1. The chairs of the committees become a member of the executive committee.
2. The incoming Senate President doesn't have to reappoint the ad hoc committees.

Q & A followed:

Q: (Dean Sutton) I have a question about the Collegiate Senators becoming a standing committee. What is the rationale of having a caucus of one academic unit being a committee of the senate and what kind of matters will they address?

A: (EA) As a group, it is focused on one aspect of our "clientele." The Collegiate Senator's Committee brings together members of various divisions on campus to discuss issues that are common to the college. Additionally.... looking at the big picture and trying to put things together..... that isn't under any other committees' domain.

Q: (Dean Sutton) How does it interact with the governance of the college? It seems to work against the philosophy of the Faculty Senate in other ways..... where all academic units are consideredand address issues together from various perspectives.

A: (EA) In terms of our interaction with the administration, we are completely advisory. The college is the largest academic unit on this campus. I understand what you are saying with respect to the fact that it is a relatively small group and doesn't reflect the entire campus; but on the other hand it does reflect the need within the college to have a group of individuals who are looking at broader, common issues that can be discussed with, for example, Provost and the Dean from this perspective. In addition, the reports we compiled this year were distributed to the other University School.

Comment: (Dean Sutton) I wonder how other people in other units feel about this?

Comment: (Professor Kennedy) The Committee on Collegiate Senators has been something that has been floating around in the by-laws of the university since I've been here. It has been episodically considered and each time this has happened, it takes quite a while before there is any process and lacks any type of stable institutionalization. The idea is to give this committee a "home" in the Faculty Senate. Their role is advisory and they do not have control over any academic units. In my view, I think it would be a good idea for other schools to consider this and establish their own independent faculty senate group.

Comment: I think the rationale that I would consider would be that it is the largest academic unit. The kinds of issues that would be discussed there are issues that are within the domain of senate type issues. The content is the same but it's the particular instantiation of that content that is relevant to the college faculty, which I've learned over this year is often different from other units. Since we have 15 senators in here, we could have the college dominate this meeting. Instead, by putting it into a subcommittee it becomes a reporting committee to the Faculty Senate.

Comment (EA) Also, I think that different schools have different cultures. I think the problems are also different. There is a need for understanding and asking ourselves how we can do better in looking at individual units. Maybe from a congressional point of view we can consider this like a caucus.

Comment: (Dean Fetrow) I feel like it steps on the autonomy and authority of the college and the other schools. The by-laws don't clearly state it in a way that helps me understand what they are going to do in relation to other units or in relation to the college.

Comment: I think the Collegiate Senators are bringing a couple of issues to the college soon.

Comment: (EA) Yes, we are bringing two issues for discussion. The first one is regarding college enrollment increases and the second about Teaching Professionals and tenure. Both of these are issues that are important to the college as a whole.

Comment: Something we need to remember in this context is that the Collegiate Senators have been called into existence in the past as a body - at times at the request of administrators. (The administration) was looking for someone (to act) as a sounding... I think the existence of the Collegiate Senators as a body is going to be a reality whether we institutionalize it or not.

Comment: The institutionalization gives the Collegiate Senators Committee the structure to allow it to happen more effectively. It is very difficult to get fifteen people to meet regularly. If the institutionalization of it would allow it to meet and have more discussions of multiple divisions on campus then it would be more effective.

Q: I have mixed feelings about having a standing committee that does not address universal issues. Could the Collegiate Senators Committee be housed in the college?

A: (Hank Kennedy) Yes, there has been discussion about that but nothing has worked out.

Q: Are there any safeguards that could be put in place to prevent a committee whose membership is limited to one academic unit from diluting the focus of the other committees?

Comment: (Dean Fetrow) I would like to make a clarification that I cannot make a formal committee in the college. It must be voted on by the faculty. At the Deans' discretion, I have met with the Collegiate Senators on issues that I think are big and I would like a collective body, but I cannot make a formal committee in the college. I have similar concerns about Dean Sutton's initial comment and worry that one academic unit being "privileged" here(that is) as having a formal "live body" within the senate. I think this (committee) would be better housed within the college.

Q: If the Faculty Senate Athletic committee becomes a standing committee, will we have two committees asking the same questions as the College Athletics committee?

A: (Professor Kennedy) There might be some overlap. This will give us a place to discuss athletic issues with COIA, which is independent of the athletic department. COIA was setup to be located within the Faculty Senate; with that in mind it is just institutionalization of an arrangement that already exists.

Q: I think this is redundant. We have competent people on the College Athletics committee. I don't know what the Faculty Senate Athletic committee does and why it is needed?

A: (Professor Kennedy) The College Athletics committee meetings are held in the athletics department and the information that comes out is what they decide to provide there is no discussion of broader issues.

Q: Shouldn't we consider keeping the College Athletics committee as an ad hoc committee for another year and see if it needs to be a standing committee?

A: (Professor Kennedy) Regardless of whether this committee is made a standing committee or not, the Senate has an independent role with respect to this issue because of COIA and what COIA is.

Comment: A suggestion was made that the Chair of the College Athletics Committee will be an ex officio member of the Faculty Senate Athletic Committee.

Comments: (Professor Kennedy) I don't think there is any conflict of interest here. Athletic issues are becoming increasingly important to university governance.

Q: Why is the cost of athletics not shared across the academic units?

A: I don't know but it is an interesting question.

SENATE ACTIONS: Non-voting members were excused from the meeting. Sixteen voting members were present.

A motion was made and seconded to delay a vote on the proposed changes until the first Faculty Senate meeting in the fall of 2014. More discussion ensued and a vote was carried out. Seven votes were cast to delay the vote and eight votes were cast against delaying the vote.

A call for a vote in favor of adopting the by-laws as revised by the Executive Committee was set forth. With twelve votes in favor, the adoption of the revised by-laws passed.

Committee Reports

Resources Committee:

The objective of this committee is to evaluate on an annual basis each of these areas from the perspective of the faculty senate. The committee also serves as an oversight group.

Professor Cotter will distribute a more formal document in the next several weeks, via email to the membership. Below are the topics discussed.

- Investment issues
- Financial and resource allocations
- Issues related to the Office of Personal Career Development

Sexual Harassment Policy (see Addendums B and C)

Before discussing the Sexual Harassment Policy, Professor Kennedy pointed out that there was not a quorum present that would be necessary in order for a vote to be taken (note: the Bylaws do not require a quorum be present for a vote on changes to the bylaw amendments, see Article V of attached Addendum A).

Professor M.Green provided background information about the history and formation-process regarding this policy. There has been extensive dialogue involving the Senate EXCOM, the Sexual Harassment Policy committee and the General Counsel's office. Professor Green indicated that he feels that the policy is procedurally fair and that the General Counsel's office was open to input from the Senate EXCOM and the SHP (sexual harassment policy committee). However, the EXCOM and SHP committee disagreed with the University General Counsel on two issues. Professor Green described these two sources of disagreement, as follows.

One remaining source of disagreement relates to a statute of limitation clause which would potentially establish a time limit for bringing forth a sexual harassment complaint against a faculty member. The position of the University's General Counsel's (GC) office and the University administration is NOT to include such a statute of limitation in the policy, whereas the position of the Senate EXCOM is that such a statute SHOULD be included. A statute of limitation would stipulate that after passage of a (to be determined) period of time, no claim or criminal indictment or grievance could be entered or processed.

The University Counsel's office is concerned there are impediments for students to enter complaints of sexual harassment against faculty members, such as power and status differences and peer pressure. They have stated that including a time limitation for complaints would be ill-advised, due in part to concerns about potential legal liabilities that the University might be subject to if time limits were placed upon filing such complaints. The EXCOM is concerned that the lack of a time limit for bringing forth complaints against a faculty could unfairly restrict a faculty member's ability to defend him or herself against such allegations (e.g., fading memories and problems locating potential witnesses).

The SHP committee and EXCOM's recommendation regarding this policy was that a time period for bringing forth complaints should extend for two years beyond the student's separation from the university, allowing time for any pressures emanating from an individual's position as a WFU student to dissipate. The attached memo (Addendum C) summarizes the EXCOM's and SHP committee's perspective. This memo is put forward to the Senate to be presented to the University Cabinet when this Cabinet considers the Sexual Harassment policy.

The second source of disagreement between the Senate EXCOM and the University's General Council relates to the detail to be provided by the Sexual Harassment Committee in its report. Professor Green also asked for feedback from the Senate in regards to section 5D on page 9 of the Sexual Harassment Policy (see Addendum B). This section states the Sexual Harassment Review Committee is responsible for preparing a report stating: the evidence that was considered, how conflicting evidence was resolved, the facts that form the basis of the Committee's determination, and whether a violation occurred. The University's GC office is concerned about the burden this responsibility places on the committee. Professor Green asked

those present how they felt about this issue and drew the attention of the group to the two perspectives to this issue: the perspective of the accused who would naturally be interested in knowing about what the basis of accusation and that of a committee member. As a member of the committee, there might be quite a burden to providing this level of include detail in the report. The possibility of providing staff assistance to the committee was discussed which would be helpful in providing the committee assistance in assist in preparing this report.

Q & A followed:

Q: How does the appeals process go forward without a detailed document with findings of fact?

A: (MG):on page ten there is the procedure for appeals. The grounds for appeal are quite limited.

Comment: I also think it would apply to new evidence.... because how would you know what new evidence to seek unless you knew what evidence was used to confirm the charge.

Response: (Professor Green) Both the complainant and faculty member will receive all of the evidence gathered by the investigators.

Comment: I don't know how you can have a committee that renders a decision without explaining the decision.

Response: The counter to (the nature of our legal system).... that is we don't ask juries to explain.

Q: What happens if a person appeals this outside of the university? Wouldn't it be useful to have a detailed report?

A: Your observation suggests that having a report with more detail might insulate the members of the committee from further discovery. It might but I don't want to promise that.

Comment: Professor Kennedy expressed that he feels having the endorsement of the Faculty Senate behind the memo re: Statue of Limitation might add strength to the consideration that the cabinet takes regarding this idea of statute of limitations.

Q: What if the accused victim fabricated facts and it turns out that this person lied about the harassment issues and this new revelation comes much later after the accused lost his appeal process?

A: (Mike Green) I don't think the policy addresses that. If this fact comes out between the time the committee decides and 14 days from the date of the decision, then of course an appeal could be taken.

Q: How much Title IX training does our HR department have?

A: (Mike Green) I have the impression that there is a fairly well vetted training program in place based on my experience dealing with Angela Culler who is the Title IX Coordinator. I think the university has a lot of incentive to get proper investigators.

Comment: (CFO Milam) We are very interested in getting this completed. The University is going to hire a full-time Title IX Coordinator to focus on this topic. The position will be posted soon.

Comment: I hope the investigators are very competent and have full knowledge of legal and investigative context.

Professor Green asked for opinions from the Faculty Senate to convey to university counsel. The consensus of the Senate was in support of the memo attached regarding statute of limitation in the sexual harassment draft policy.

Senate Action: Following discussion, a friendly amendment was suggested as follows: To change the memo regarding Statute of Limitation in the Sexual Harassment Draft Policy to read From: Faculty Senate Execute Committee with unanimous support of the Faculty Senators present at this meeting. This amendment was adopted.

Consideration of Executive Committee's Resolution on Wake Forest Medical School Policies on Tenure and Faculty Compensation: (Refer to addendums D – H, attached)

Professor Kennedy brought forth a draft of a resolution regarding policies on Tenure and Faculty Compensation at Wake Forest Medical School.

After much discussion, it was decided that the resolution is still under construction and will be considered at a later meeting.

Consideration of Report of Nomination Committee for Senate Officers 2014-15:

Professor Mike Hughes put forward the slate of candidates for Senate Officers for 2014-15. Gale Sigal is currently serving as Vice President is President *in waiting* and will become the Senate President for the 2014-15 term. The nominees to be voted upon are: Wilson Parker for Vice President, Cathy Seta, Secretary and Member at Large, Jeff Wiener. He asked for other nominations from the floor. No additional names were presented. The ballots were distributed and tallied.

One person abstained; all other votes were unanimous for the three candidates on the slate.

Professor Hughes thanked President Kennedy for his service.

Professor Kennedy concluded the meeting by thanking everyone and said he felt that the Faculty Senate had made progress this year

Adjourned: 5:20 p.m.