

Volume VIII, Number 4
Minutes of the Special Faculty Senate Meeting
January 13, 2015

I. Call to Order and Roll Call

The meeting was called to order at 1:30 PM by President Martin Bohner and roll was taken.

Those whose names are grayed out below were absent.

Benjamin Seabough, Lance Haynes, Joel Dittmer, Mark Mullin, Ron Frank, Craig Claybaugh, Fui-Hoon Nah, Daniel Forciniti, Pericles Stavropoulos, Tom Schuman, Mark Fitch, Stuart Baur, Ali Hurson, Chaman Sabharwal, Michael Davis, Sahra Sedighsarvestani, Maciej Zawodniok, Kurt Kosbar, Chengshan Xiao, Matt Goldberg, (Steve Parks for) Katie Grantham, Abhijit Gosavi, Wan Yang, Michael Bruening, Bill Fahrenheitz, Wayne Huebner, Martin Bohner, Robert Paige, S.N. Balakrishnan, Anthony Okafor, Gearoid MacSithigh, Umit Koylu, Ted Read, Paul Worsey, Shoaib Usman, Barbara Hale, Ulrich Jentschura, Amber Henslee

II. Presentation on CRR 600.040 and associated CRR changes – M. Bohner

Martin Bohner gave a brief presentation on Collected Rule and Regulations 600.060 summarized Title IX changes to associated CRR as distributed prior to the meeting. He explained that this special meeting is the last opportunity for providing input before the Intercampus Faculty Council (IFC) meets on Thursday, January 15 in preparation for the Board of Curators Meeting in February.

Details may be found at the following links:

[http://facultysenate.mst.edu/media/campussupport/facultysenate/documents/fs-agenda/2015/Title IX related CRR Changes concerning Faculty 2.pdf](http://facultysenate.mst.edu/media/campussupport/facultysenate/documents/fs-agenda/2015/Title_IX_related_CRR_Changes_concerning_Faculty_2.pdf)

[http://facultysenate.mst.edu/media/campussupport/facultysenate/documents/fs-agenda/2015/Title IX related CRR%20 Changes concerning Staff.pdf](http://facultysenate.mst.edu/media/campussupport/facultysenate/documents/fs-agenda/2015/Title_IX_related_CRR%20Changes_concerning_Staff.pdf)

III. Discussion of CRR 600.040 and associated CRR changes

Dr. Bohner opened the floor for discussion stressing the intent to gather input to take to the IFC meeting.

Discussion centered on the removal of the words “extreme or repeated” from CRR 310.020C and replacing them with “harassment or discrimination in violation of the university’s anti-discrimination policies”. When questioned as to the reason those words were removed, Melanie Mormile reported that during IFC discussions questions arose

regarding what would be considered extreme or repeated. The change in wording was made to refer back to the discrimination policies the university already has in place. Those anti-discrimination policies use the terms "severe or pervasive".

Lance Haynes proposed the following motion:

I would ask the Body's consent that my colleague, Jerry Cohen, be allowed to read the letter he distributed prior to the meeting so that it could be included in the minutes.

Motion was seconded.

Dr. Cohen read the following letter:

Dear members of the Faculty Senate,

I see red flags popping up all over with respect to the proposal submitted for your consideration by the Intercampus Faculty Council. Of course we all want to eliminate sexual/gender/etc. harassment, but there is no need to greatly weaken the protection of tenure in doing so. Note the IFC proposal to eliminate the present CRR provision stipulating that stripping a faculty member of his/her tenure must be for an especially serious offense:

"Either extreme or repeated sexual harassment or racial, gender, or other discriminatory practices."

A new equity process is being proposed, and while it still needs to be studied, the following sentence in Dennis Miller's 12/31/2014 letter to UM's faculty hops off the page for me:

"...As a consequence of the equity resolution process described in 600.040, a recommendation for dismissal may be made for a tenured faculty member."

Now, since the provision "Either extreme harassment or racial, gender, or other discriminatory practices" will be eliminated, what remains is that even a single non-serious case of offending behavior can result in the removal of a faculty member's tenure.

Dennis Miller tries to reassure us:

"These revisions [of the CRR] will be compliant with federal statutes... while respecting academic freedom AND TENURE. [J. Cohen: caps. added]."

No! They do not respect tenure! They definitely do not, since the firm protection of tenure in the present CRR will be removed.

Note also: The proposed revisions appropriately mention that an accused faculty member may have access to an attorney. I would only add that any accused faculty member darn

well better have an attorney. After all, his/her livelihood may be at stake. And attorneys do not come cheap. The process in the proposed 600.040 can be a protracted one, and so an accused faculty member--even if entirely innocent--can run up a hefty legal bill (\$10,000? \$20,000?).

For me the solution is simple: Produce whatever equity resolution process seems appropriate, but retain the very sensible and very just provision in the present CRR which says:

"Either extreme or repeated sexual harassment or racial, gender, or other discriminatory practices."

Please consider this a possible motion at the meeting.

Dennis Miller's letter welcomes comments and questions from the faculty, and so here is my question:

Why in the world would we be asked to permit the removal of a faculty member's tenure for any offense other than one which is extremely serious (e.g., assault) or repeated?

Sincerely,

*Jerry Cohen
Professor of German & Russian
Department of Arts, Languages, & Philosophy
Missouri S&T*

As discussion continued a question was posed as to the prudence of relying on the discrimination policy to which this policy refers. What happens if that policy is later removed by Executive Order?

Motion was made and seconded to accept the letter presented by Professor Cohen and endorsed by S&T Faculty Senate to be officially forwarded to IFC for the meeting on Thursday.

Motion passed.

Kurt Kosbar commented that the proposed Title IX resolution process sounds like a description of a legal proceeding, but the process does not guarantee many rights that the U.S. legal system does. He then listed several examples of this from the document.

Lance Haynes proposed the following motion:

Faculty Senate asks that protections at least as strong as those guaranteed in the United States Constitution be provided to any accused under the Title IX procedure.

Motion was seconded. Motion passed.

It was mentioned that there is pressure from the Office of Civil Rights and the Department of Education to make things happen quickly on these Title IX issues, which in turn places pressure on the Board of Curators. The resolution process itself is supposed to be completed within 60 days from the complaint to the resolution of the case. However, the case may be reopened if new evidence is presented. In addition, the removal of tenure process would begin AFTER the sixty day period.

Discussion ensued concerning the length of the term of service and the training involved for members of the hearing panel (each member to serve a one year term with possibility of renewal). Chancellor Schrader suggested that, given the expense of the training, the idea of having a slightly longer time where you can take advantage of that investment and training might be a way to bring consistency to the panel. Having multi-year terms (two or three years) would mean there would be people on the panel who were not in their first year of service.

It was further suggested that the number of people serving on the resolution panel is quite small (three members). Dr. Mormile mentioned that the question of who will choose those members has come up on one of the other campuses and will likely be discussed at the IFC meeting. Paul Worsey suggested that there should be more faculty on the panel, perhaps chosen from another university, to ensure the accused would have a panel of their peers.

A concern was expressed as to the lack of a standard regarding what constitutes admissible evidence. It was suggested that a reasonable standard would be evidence that could be submitted in a civil suit.

With no further remarks, Dr. Mormile thanked everyone for their input.

IV. Adjourn

The meeting was adjourned at 2:24 PM.

Respectfully submitted,
Steven Grant, Secretary