

Faculty Senate Minutes
March 22, 2004

Senators Present: Barry Anton, Kris Bartanen, Bill Beardsley (Chair), Terry Cooney, Alyce DeMarais, Robin Foster, Bill Haltom, Suzanne Holland, Sarah Parker, David Tinsley, Keith Maxwell. Visitor: David Macey.

Approval of Minutes of March 8, 2004: Minutes should be changed to reflect the correct spelling of Senator Bartanen's first name, Kris.

M/S/P

Special Orders:

Bartanen reported per Loeb request we schedule a faculty meeting topic of how to deal with mental health issues for students. April 7 is the scheduled date.

Macey, representing Diversity Committee, asked if fellow colleagues would be interested in contacting by email or phone students of color who have been accepted for Fall 2004 to encourage their attendance at UPS. Let D. Macey know if interested.

Old Business:

1) On ASC material per possible review of hourly schedule. Beardsley pointed out that it is possible for people to make a case for exceptions to the 4:00 p.m. class schedule prohibition and asked Holland if that settled the issue she had brought forward. Holland expressed appreciation, but said that her original point was to inquire whether or not we have a way of evaluating the success or failure of the current schedule we are now under: has it met the stated goals for changing the schedule in the first place?

Anton moved: we charge ASC with evaluating the classroom schedule at its earliest convenience. Haltom seconded. Motion carries.

2) The issue of whether to have a comprehensive harassment policy. Bartanen brought it back and Macey came as member of the committee to answer questions.

Anton asked why other universities have kept their sexual harassment policies against discriminatory harassment separate, or have joined them. Bartanen said that some people believe that a combined policy may signify a lessening of importance of sexual harassment concerns, while others believe a combined policy can effectively address all types of discriminatory harassment. Bartanen said that university attorneys reported that more organizations are going to comprehensive policies. She reported that in our case, the committee felt processes for both policies are same and that it would not make sense to have redundancy of two policies.

Maxwell asked if there are any EEOC policies on this issue. Bartanen answered that: 1) “reasonable person” standard in the law is being applied to all forms of discriminatory harassment and 2) Office of Civil Rights letter (p. 4 of proposed policy) on harassment was incorporated here to provide clarity.

Tinsley brought up concern about the rights and privileges granted to the complainant versus those granted to the respondent and questioned why both parties do not have the same right to review documents (p. 10 & p. 15). Bartanen replied that this is current policy, but was a good point and would be corrected.

Tinsley also noted page 18, under the Burden of Proof clause that “a violation may be found solely on the statements of the person by or on whose behalf the complaint is brought.” Why is it stated this way so that the word of complainant is taken without additional proof required? This is a fairness issue because it covers any kind of speech considered problematic. Cooney noted that, again, this is current policy and may address a situation in which a respondent fails to attend a hearing.

Tinsley: Any speech act can simply be misunderstanding and he is troubled by a policy prohibiting harassment being extended to all communication on campus.

Holland moved to table discussion to next meeting so that all Senators could be present. Anton seconded. Motion fails on a vote of 4 yes, 4 no, and 2 abstentions.

Beardsley: p. 16 3A. Complaint against faculty: Suggested that the language of the current policy be changed from “may” to “must” to clarify that formal adjudication of complaints must use the grievance processes of the Faculty Code.

Cooney: In light of Tinsley’s concern about reporting requirements, notes that officers of university (including department chairs) are legally obligated to report harassment complaints. Senators expressed concern about extending this to broad realm of speech.

Bartanen clarified “harassment” vs. “discriminatory harassment.”

Foster: Is there something in the document about a reporting requirement? (Answer is on pp. 6-7). Points out that there is a difference between speech and harassment.

Cooney: We have had no experience with this proposed policy. But concern about speech in classroom has not turned out to be any issue at all in terms of the sexual harassment policy. Ultimately you have to convince PSC & President that there’s an issue if there’s going to be a sanction—so this is issue for faculty.

Bartanen: The issue for the “victim” is where do they bring their concern about harassing behavior other than sexual harassment? The proposed policy means at least we have process for how the conversation can take place. Now, it’s not clear where to bring the concern.

Holland: The policy troubles Holland because we have a less than ideal situation at UPS in terms of diversity. She didn't want colleagues to be discouraged from teaching because of the threat of sanctions. This includes senior as well as junior faculty.

Cooney wanted explication about why this reaction from students is a problem.

Holland was worried about raising diversity questions for faculty who teach those questions, and suggested that it might also stifle a person who doesn't normally teach these things from teaching race or gender issues.

Maxwell: As a white male, I might not appreciate that a different viewpoint might leave me open to criticism.

Haltom: It can have a chilling effect especially for colleagues. Students are not going to sue. But if colleagues *believed* that were a possibility, then they might not teach this material. Their beliefs are heartfelt, but misguided.

Bartanen: Does the existence of a policy further the chilling effect people feel about discussing diversity issues? Or is there a way to amend it?

Macey: Reading the policy as a pre-tenured person who teaches about sexuality, I do not find it to have a chilling effect on me. Perhaps the policy needs to be introduced with an educational component that helps us understand its context.

Haltom: Agree with Macey but do not tinker with the policy so much but try and reach campus understanding about what we take the policy to include and to exclude. It's useful to get reassurances *before* implementing a policy as to "framer's intentions." Have them be separate from document and not change content of document itself.

Cooney: Notes you can do with an appendix, and that p. 3 tried to address this, second paragraph under B.

Beardsley: Asks whether added material on sexual harassment consistent with old policy. "Sexual harassment is a form of discriminatory harassment" (pp. 3-4) is stronger language.

Haltom: Question on p. 7 "Supervisory responsibilities."

Haltom: Nothing precludes Senate from taking this up next time.

Macey: Diversity Committee will be taking up the Senate's suggestions at its next meeting.

New Business: None

Maxwell objects to being name minutes-taker for next time because he did it out of order last time.

Haltom wanted minutes to note that “Senator Maxwell was out of order.”

Meeting adjourned at 5:05 p.m.

Respectfully submitted:

Suzanne Holland
Scribe