**Academic Senate Executive Committee Minutes**

**MONDAY, August 3, 2020**

**By Zoom; HOV 308E as OMA compliance room
Approved**

***Call to Order***

Academic Senate Chairperson Susan Kalter called the meeting to order following the conclusion of the lengthy Faculty Caucus Executive Committee meeting.

[Oral Communications from that meeting have been carried over to these minutes.]

***Oral Communications:***

Senator Kalter: Couple things for us, Oral Communications. I think by the end of the day today, we ought to try, if we can, to start strategizing about what the first and second Senate meetings are going to consist of, especially because we're talking about the budget stuff today. And, you know, sort of when we need to be educating the whole Senate about budgets going into this year, because we usually do that around October. But it might be, you know, a little bit better to do that earlier this year.

And then also, I think we should talk about a couple things about whether we should ask the committees to meet before the Wednesday, August 26 date in order to choose a secretary and a chairperson for each committee. Because usually, we would be at the President's residence and then come in and have those little group meetings in Old Main. But this year, we won't have that, and it might be kind of a little strange to try to do that in the 15 minutes before starting the August 26 meeting. So, talk about that.

And then I think we ought to also talk about how the committee chairs are going to need to provide Zoom or Zoom like options for their committees in the same way that when we conduct classes, we're going to need to have that option for everybody, just in case of quarantine, and stuff like that. So, those are just a couple of oral communications.

***Distributed Communications:***

***Check in regarding Engineering programs analysis and planning.***

Senator Kalter: Just a couple of things to check in about the Distributed Communications about the Engineering Programs. They didn't have anything for us this week. No update today, they will probably have one in two weeks. We've asked them basically to keep in touch, either through Administrator Remarks or updates to Exec, or if they want to both, just so that the Senate knows kind of what's going on.

***From John Davenport: New Regulations for Title IX (Information/Action August 26, 2020)***

***08.03.20.01 Policy 1.2 Anti-Harassment and Non-Discrimination Policy Current Copy***

***08.03.20.02 Policy 1.2 Anit-Harassement and Non-Discrimination Mark Up***

***08.03.20.03 Policy 1.2 Anit-Harassement and Non-Discrimination Clean Copy***

***08.03.20.04 1.2.1 Anti-Harassment & Non-Discrimination Policy Complaint Procedures Current copy***

***07.29.20.03 1.2.3 Sexual Harassment-Student Procedures***

***07.30.20.01 Code of Student Conduct draft with TIX removed***

Senator Kalter: I'm going to skip down to the stuff about Title IX because it's the most important thing here. Basically, you can kind of see that what has happened, you know, you might have been listening to the national news that the Trump administration basically changed the regulations related to Title IX, and how, you know, sexual assaults and those types of events get reported on a campus, and how they get adjudicated in the campus system as opposed to under the law. It's not good. It puts a huge burden, not only on the person who is alleging an assault, but it also then puts a huge burden on the university. What they're doing, they're having to pull the Title IX parts of the Student Code of Conduct out of the Code of Conduct, and put them into Policy 1.2, and it looks like they're creating a number of procedural policies. 1.2.X, you know, 1.2.1, 1.2.2, 1.2.3, to along with that which never existed before, I think there's only a 1.2.1 at this point. So, they're gonna have one through five of those.

They're not done with all of those, but they sent us I think the 1.2.3 one. And so, we decided several years back that the 1.2 policies are not Senate reviewable. But they're going to be going through the Senate in the late part of August because it's a good idea for them to come through us as an Advisory Item so that Senators can sort of distributed among their constituencies, hey, there's a major change going on here with the Anti-Discrimination and, you know, Anti-Harassment Policies and that you should have a heads up and know about that. So, that's what we're getting. We're basically dividing this into two things, the Code of Student Conduct part, and then the 1.2 Policy parts, those are only going to be at Advisory. And then the Code of Conduct we have to decide essentially, do we want to put that straight out onto the Senate floor as an Information/Action Item, basically just approving the fact that they pulled all of the Title IX stuff out of the Student Code? Or does it need to go through committee? I'm recommending that it goes straight to the floor, because there's really nothing we can do about it. So, do you guys have comments about any of that? Comments or questions?

Senator Horst: I am uncomfortable having it be an Info/Action Item. It seems like they're doing that a lot lately. And you know, there are extenuating circumstances, but we can't have everything be… not that it's going that way. But, you know, we've had like the Alcohol Policy come through, where there were legal things that were happening that mandated that be one way. But we still went through the procedure of asking questions and informing our constituents and then voting on it. And so, I would just like it to get the full treatment. I had a whole slew of little typos and word problems. I can just put them in an email. Are you saying it should go first as Information, and then as Action two weeks later? Or are you saying it should go through committee? I'm comfortable with the Information and the Action Item. But I’m going to channel Gizzi right now and just say, something where there's actual substantive changes I think we should still go through the deliberation, I mean, the deliberation phase separate from the Information phase.

Senator Nikolaou: One of the questions was, so there are no other changes that are happening to the Code of Student Conduct, right. So, SGA didn't make any changes that we would need to review in addition to Title IX?

Senator Kalter: This has been an ongoing saga of the Student Code ever since like five years ago when they, or six years ago, actually, I think when they changed it the last time. So, it went through the Senate, it got approved, but a number of students signed a petition out of the SGA, about how we needed to have this ad hoc committee set up in order to review the Code again, right after it had been changed and approved. So that's been sitting in, it's not sitting, but like that committee had started to meet, and then it got delayed, because we knew that the Trump administration was going to change stuff. And so, it's been an unbelievable challenge because we've been waiting for the Code to come back through that committee, and then all of a sudden, there's this massive change over this summer, which we all kind of knew in the spring was going to happen, and it gives no chance for that little ad hoc subcommittee to reconstitute, meet, and do it, because they almost always need the Code to start with the beginning of the academic year. And so, this has been the saga of the Code for like 10 years now, that they have to make changes before we can meet about it. And then what we're doing is sort of catch up. And in this case, it's so compliance driven that there's just nothing we are going to be able to do. But you're right. There were other changes, like, two years ago when Senator Breland was on Exec, you might remember her suggesting adding stuff about hate crimes. That's one of the things that's still being contemplated. So I think one of the questions we need to bring up is, so what's happening with the Student Code ad hoc committee? Like they still have work that they're doing right and make sure that that work is continuing, that the Code will come to us eventually with all of the rest of the work. But the Title IX stuff has been…

Senator Nikolaou: Yeah and you could use only the Title IX that we have to comply with, then yeah, I agree that it should go directly to the floor. And then if SGA comes with other changes then we can look at it during the year.

And then I agree with Martha that probably we should have them as separate, because yeah, there are several, you know, smaller things. But then when I was reading the first part, where it does, you know, section one about policy, the way that it is ordered, it gave the impression that this policy is mainly or it implied that instructors mainly, secondarily personnel, are the ones who are going to be doing the harassment and discrimination, which is not the case because it applies to everyone. So it was weird. And it was just an ordering thing, because if they move something up, it makes it clear that it is for everyone. And these are the exceptions if you're an instructor, and if you're personnel.

And then another kind of unrelated to that, Tracy emailed me a couple of comments for the previous two things that we skipped on. So, I don't want, I don't know if you want me to read them or not.

Senator Kalter: Not yet, but in a moment. So, the one that you just said, you're gonna say that on the floor that, hey, there's this place in, I think you were talking about the 1.2 policies, there's a place where it implies that it's either faculty or staff that are doing the harassing, and that you wanted to have them… You're going to say that on the floor of the Senate.

Senator Nikolaou: Yeah. Because it is just moving one paragraph before the other, that says that this policy kind of applies to students, like students, instructors and staff, and then provide them the exceptions that an instructor can still remove a student to, you know, fix the situation within the classroom. Because the way that it's written, it describes the policy, and then it talks about, please note, nothing in this policy prohibits instructor blah, blah, blah, and the university personnel, blah, blah, blah. In that sentence, there is nothing about students. So, it gives the impression that instructors primarily are the ones who are going to be doing these… engaging in these type of behaviors.

Senator Kalter: I see. Okay. Okay. Yes. Say that again on the floor.

Senator Horst: And there's a lot of stuff like that, Susan, and my comments, reply, were in regards to 1.2 stuff. I could see a scenario where the Student Code, they basically delete something, okay, we can do an Information/Action on that, but these 1.2, there's a lot of little things that need cleaning up or clarifying. Like not to say, I noticed in the gender section, they were using the pronouns, he and she, and I was like, well, if there’s any place you’re not going to use those pronouns would be that place. So, there's lots of little things I think that need cleaning up and clarifying and discussing.

Senator Kalter: Yeah, I mean, I was also reading over the weekend about the Violence Against Women Act, because, of course, men can be raped, right, men can be raped on a college campus, and it really needs to be clarified whether or not all of this applies to that kind of a scenario. And whether or not the assailant is a man or a woman. Right, that I mean, so some of that I think needs to be really clarified because there are controversies apparently about the Violence Against Women Act that it shouldn't only apply to women, that sexual crimes can happen with anybody. Right? So, I think that when we do this, I agree with both of you that we should do Information in August, and then an Action in September, if we get to the Action that quickly, and in both cases, we should have the Advisory as the 1.2, as Advisory Items in both of those, like not take them off, not have it just be one night, but sort of have talked about those, give them advice, and then come back and say, what did you think about that advice? Did you change stuff?

Senator Evans-Winters: I'm really concerned about this policy, just because again, it’s so reflective of the current presidential administration, at the national level. And as you could imagine, the calls I've been getting as a as a black feminist womanist scholar and a policy person that it took us back a few decades for those people who've been doing this work for a while. And some questions I've been asked, and some, Susan, we're gonna have to contemplate, what does this look like now with social distancing, and students all over the place, literally. So, what are the responsibilities to the universities and those of us who do the advocacy work and, you know, the help healing work? So, I think that… and I don't know again, where are we gonna find a time? This goes back to the conversation we just had with the Provost, and maybe I'm looking too hard to the students like Lauren, but we have to figure this out. Well, I think we have to figure this out. We have a different type of responsibility when we're going to have some students in on-campus property, some students in residence… out, you know, in campus owned, off campus apartments. You know what I mean, right, Lauren? And we're gonna have some students who are at home. But it, again, it alleviates any responsibility to the University to serve and protect, or to put policies in place and the burden on the student. Again, it's atrocious. I can't believe this. And so, I don't know if we need a working committee overall, to reimagine these levels of protection, and also to have ISU say, this is not necessarily a policy that we are in full... what I'm looking for, I can't even speak, this is how… Yeah. We're not in full agreement with it.

Senator Kalter: You know, by the way, the new administration, if there is one in January might overturn the whole thing to be…

Senator Evans-Winters: Yeah. Maybe, maybe. I mean, either way it goes, we may be… I'm not gonna say that. Well, we may have people in place who have a history of sexual violence against women. I'll put it that way. Okay, so something to think about. Yeah, but I wanted to go on record to say that actually, I was not necessarily in favor of where the country is going in that direction with Title IX Policy.

Senator Katler: Yeah, thank you, because I think, I'm guessing that we're pretty unanimous about that and hopefully the whole Senate will be too. Okay, so our plan is that we're going to put it on only as an Information Item, with the other ones as Advisory. Advisory twice, so there'll be Advisory again, when the Student Code is back for an Action Item. We all are, by the way, getting better copy, because I noticed that the copy of the Student Code did not show the strikethrough. And so, we're going to need that, you know, and we're getting the other 1.2 policies that they didn't give us, but they're still in… they're still spinning them basically.

***From John Davenport: Reconstitute the Inclusive Community Response Team***

Senator Kalter: Let me move next and sort of try to wrap this meeting up. John Davenport got in touch with me a couple weeks ago to let us know that the work that's been happening since the #AntiBlackISU stuff back in October has led them to decide based on student pressure, (yay students!), that, oh, lo and behold, there should be a faculty member on the Inclusive Community Response Team and it shouldn't just be folded into the Redbird Care Team. Yay students! So, thank you very much. I don't know who did that, Lauren. Or if it had anything to do with you, or anybody that you know, but thank you for that.

So, you might have noticed back in the Faculty Caucus agenda that we have that, as we're going to have to elect somebody, and we're going to send out a call for volunteers for that team.

For a little bit of background, we used to have somebody, in fact, I think Gizzi was the first one who volunteered for that. Because of the… I think he was interested in it because of the free speech issue. So, we'll have that happen. Does anybody want to say anything about that? Before I go to the two things that Dimitrios said that Tracy had stuff about?

Senator Harris: No, I was gonna say that’s news for me. I didn't even know that. I know, right, myself and the other students didn't even know who's on that team in the first place. So, and we had issues with how readily known and available that team is in the first place, because it's not something (and I know that Dr. Davenport said that he's working on it) but that's not something that is known by students that that is a thing. So, I think that's great. But then I don't know if you know the rest of the people who are a part of the team, and if they're students, because I know if I'm not on it, I'm not sure if there's any other students a part of it. Um, so yeah.

Senator Kalter: Well, I was just gonna agree with you, it's buried on their website. Their website isn’t regularly updated. So, I can tell you sort of the structure of it, but not the specific people anymore, because when you go to the website, which I haven't done for a while, it's still got Gizzi on it, even though he had stepped off, and then Kevin Laudner had stepped on, and it looked like Dimitrios was raising his hand as somebody who had been on it, which I didn't even remember. And they usually do not have students on it, because of the confidentiality issues. But it was the Legal office, Office of Equal Opportunity and Access, Housing, a faculty member, I think the ISU PD (police department) is on it, Dean of Students Office, and I feel like there are at least two more, but I can't remember which. Oh, it might be Student Counseling, and some other one. And so, yeah, you're right that when you go there, you think that you know who the members are because they still have up on their website who they were, but then you couldn't contact them. Right. And it wasn't well publicized. So, hopefully, this will be a big improvement.

Senator Nikolaou: Yeah, I was on that committee, just before they canceled… once they removed the faculty member, but yeah, there were no students in the committee.

***Check in regarding coronavirus planning for fall 2020 (and spring 2021)***

***05.27.20.03 AAUP Guidance for Reopening Campuses***

***06.30.20.01 Article: waiver for harm inflicted by COVID19***

***06.29.20.05 Email Preview-plus COVID education modules***

Senator Kalter: Yeah. Okay, let's go back up. I think I think we can actually sweep away the Coronavirus planning stuff now. We're kind of past those two things. The only thing I wanted to mention is that the faculty survey seems to be against having any liability waivers. So, to mark that. Dimitrios, did Tracy have something for that one?

Senator Nikolaou: No, she had one for the Email Preview-plus COVID. And for the continued discussion.

Senator Kalter: Oh, what did she have for the Email Preview-plus COVID.

Senator Nikolaou: So, I'm quoting, she (Senator Tracy Mainieri) says, “I'm really encouraged by their recent email and social media communications about the student group who will be doing peer mentoring on safety, the Redbird Pledge, and other efforts I've seen pushed out in recent weeks.” Now that was her comment for this item.

Senator Kalter: Great. So she's just saying, yes, this is a good thing.

Senator Nikolaou: Yeah.

***Continued discussion: Activation of a faculty/staff ad hoc committee to examine ISU’s financial situation going into fall semester and during 2020-21
05.27.20.02 AAUP COVID update***

***6-15-20 Excerpts regarding faculty staff ad hoc committee***

Senator Kalter: Okay. We talked a lot about the budget and the financial situation in the last hour. So, I think, you know, the only statement I have about this one is that we still need to have something if we come close to layoffs, furloughs, pay cuts, or reducing our teaching staff, whether it's GTAs, non-tenure line, or tenure track. I didn't say it before in the last hour, but I actually, you know, despite what Martha and Venus we're bringing up, I actually think that the only way that we can do the 5% hold back is what they're spinning as their scenario, to take it basically out of the searches in the AIF, you know, the freeze, but it's not like that's a good thing. Dimitrios, what did Tracy say about that one?

Senator Nikolaou: Okay, so for this one, Tracy says, “I'm not sure of the goal of this discussion. So, forgive me for providing comments without understanding what the goal of the discussion is. As I said in previous meetings, I do not believe creating another committee for this purpose is necessarily the best path. I still advocate for taking the question to the full Senate for their input with two questions. Do we need such a committee? And if the answer is yes, should we create a new ad hoc committee or put it on the Issue Pending for an existing committee?” That was the comment.

Senator Horst: I just want to make a general comment, and it might not be correct, but I get the general impression that Provost Tarhule doesn't exactly understand what the Exec’s function is. You know, I think he's putting a little bit too much power on us. I mean, ultimately, we're just organizing the Senate's work. And so, I just wanted to throw that out. That he keeps on talking about meeting with us, and meeting with us, and really it has to all go through this Senate.

Senator Kalter: Yeah, I'm not sure whether that's because that's how it works on other campuses that have faculty Senate that aren't under the Open Meetings Act, or if it's because of lore that was passed down incorrectly, because I'm noticing actually that it's not just Dr. Tarhule. Diane Zosky also was told somehow that the Exec makes votes and does decisions, and I had to correct that with them, and I think with one other person this summer, I can't remember who it was. So, for some reason, a whole bunch of power is being attributed to this committee that it has never had or never tried to exercise. And I think it might be because we're meeting in the summer. But I don't know how we could have not met during this summer like this. So, you know, at one point earlier in the summer, we were talking about, do we want to have a meeting, and that didn't go anywhere.

So. Alright, I think that's it. We've been, this is now the second two hour meeting for the summer, all of us unpaid, having lots of fun together. Anybody have anything else before we have a motion to adjourn?

Senator Nahm: Can I make one comment, going back to the discussion about the Academic Continuity Working Group, and maybe all of the ad hoc working groups that were formed during the spring. I wonder if maybe we could ask the administration what the plans are for those work working groups in the fall, whether there are any plans to restructure or tweak those groups? And if so, maybe recommending that the Academic Senate has a hand in the restructuring of those groups or maybe even recommending that those groups be restructured so that, you know, there can be more faculty and student representation.

Senator Kalter: So Kee-Yoon, would you suggest putting that as a Discussion Item on the Senate agenda for the 26th?

Senator Nahm: I think, would there be a way to find out beforehand if there are already plans in place for those working groups in the fall, whether they're already plans going forward for any kind of restructuring? And depending on what answers we get back, yes, maybe talking about whether we might want to recommend restructuring from the Academic Senate, I think putting that on the on the agenda.

Senator Kalter: I'm not sure if you can read my mind, but I'm smiling because I'll just use the word unprecedented, and that I feel as the Senate Chair that I've been put into an unprecedented situation for a Senate Chair, where I've been asked both by the President and now by a Provost, not to email anything anymore, right. And even though in an email I got, they’re inviting other faculty to email them directly. And then had Cera email to ask the question to Ani and Amy about what's going on with the Academic Continuity Working Group and getting a non-answer back. I think I could send that email, or Cera could send that email, and we could get back into a loop that is unprecedented, where the Senate and the Senate Chair are not being answered, because the administration is deciding that they no longer want to answer our emails even though they want to answer everybody else's.

And I'm saying this one now, you know, on a pretty detailed record, so somebody will see this in 20 years, and say what was going on back then. But I guess I'm just shell shocked at this point about the treatment that we have received, and I don't think it has anything to do with the new Provost. I think he's in a very difficult situation to try to mediate what has been happening for a while. And I want to actually want to do a shout out to Martha (audio interruption) because the Senate is trying to exercise its ordinary powers, and to keep in on the conversation that we've always been in on, at one of the healthiest shared governance campuses that I know of, and it's been amazing that the instance of a pandemic has derailed shared governance in such a way. So, I don't know. I mean, I can try, Kee-Yoon, you might have better luck if you sent the message.

Senator Nahm: I can. I can do that. And I'm merely making the suggestion as a way of covering our bases, just to show that we've tried other channels of communication, before we turn this into a discussion right among the Senate. Because, by that point, I think, you know, it might be clear that at least from my point, making the suggestion that I am in favor of some kind of restructuring, and then rethinking how those working groups move forward, you know, planning for the rest of the fall and the spring.

Senator Kalter: Yeah. So, the question then, how to ask that question without being stonewalled. Because I think that Dr. Tarhule is right, that you can read certain things as accusatory or whatever, but you also, when you're reading an email, you need to also step back and say, I don't really know what the tone of this email is, because it's an email. And so, you have to if, you know, if you're getting paid a lot of money to do administrative work, the people who are doing that work, need to take a step back, a 24 hour or 48 hour period, and say, you know, I might have read that in one way, but they may have meant it in a different way. And so, let me not read emotions into it that may not be there. And that may take longer in a pandemic, right, it may take more than the couple of hours that it often takes, when you read an email and you're sort of in a heightened state of emotion. It may take, you know, a couple of days, but it still is something that I think is all of our responsibility to do, is not to assume that accusatory, or I don't trust you, or whatever is happening, and just take the emails for what they are, and answer them in a really businesslike way. So, I don't know how to get past that. Because I think I'm the first Senate Chair who's ever been in this position and I'm sure that it's created by the pandemic. So. Okay. Thank you all for all of your time, and we'll see you in two weeks at four o'clock.

***Adjournment***
Motion by Senator Nahm, seconded by Senator Harris, to adjourn. The motion was unanimously approved.