**Faculty Senate Meeting Minutes**

**September 29, 2021**

**4-6 p.m.**

**Attending senators:** Taylor Acee, Rebecca Bell-Metereau, Stacey Bender, Dale Blasingame, Rachel Davenport, Jennifer Jensen, Lynn Ledbetter, Ben Martin, Stan McClellan, Roque Mendez, Danette Myers, Andrew Ojede, Michael Supancic, Nicole Wesley

**Attending guests:** Sarah Angulo (Senate Fellow), William DeSoto, Tozi Gutierrez, Alexandria Hatcher (Title IX Director), Bobby Mason (Chief Compliance Officer), Judy Oskam, Karen Sigler, Madelyn Weirich (University Star)

Meeting was called to order at 4 p.m.

**Mace Bearer Assignments – Senator Ledbetter**

The Senate needs to consider whether to take part as mace bearers at upcoming commencement ceremonies. There was concern over COVID safety protocols, with the ceremonies being held indoors with large crowds.

* A senator mentioned she took part as mace bearer for three summer ceremonies. She had no concerns over safety related to COVID, but there were issues with crowds blocking the platform party from leaving at one ceremony.
* The commencement team will meet on October 7. Senator Supancic represents the Senate and will update after the meeting.
* A senator asked if not serving as mace bearers would affect the Senate’s standing with administration. Senator Ledbetter said it is an honor to be included in the ceremony.
* A senator said she believes we should continue to serve as mace bearers, with senators volunteering to fill the role for their College and other Colleges if needed. This would eliminate the need for those who are uncomfortable taking part.
* A senator walked through what the summer ceremonies looked like: Students sitting very close together. Most of the platform party was wearing masks. There was an effort to limit friends and family attending.

The Senate agreed to move forward with serving as mace bearers. A sign-up sheet is available on the Teams site to volunteer.

**Title IX Compliance – Alexandria Hatcher, Title IX Director and Coordinator, and Bobby Mason, Chief Compliance Officer**

The Office of Equal Opportunity and Title IX has a full-time director, Alexandria Hatcher, to deal with allegations of sexual misconduct, harassment or discrimination. According to Mason, national statistics show one in five women are victims of sexual misconduct in their college years. For men, it’s one in 16. LGBTQ communities get harassed at a higher rate. Around 80% of victims never disclose this to anyone. On a college campus, when sexual misconduct is reported, it’s often reported to a faculty member.

The focus of today’s visit is to discuss Title IX reporting responsibilities and obligations of faculty. Faculty are required to report any incident or overhearing of an incident from coworkers or students.

What should faculty listen for? What do we need to report? Texas State defines and describes prohibited sexual misconduct violations include cyberstalking, dating violence, domestic violence, fondling, incest, sexual assault, sexual harassment, sexual exploitation, sexual intimidation and stalking. If you have any doubt at all, report it.

Some of the common allegations and management issues in the workplace or classroom involve inappropriate jokes, toxic conversations, failure to maintain proper professional boundaries and becoming overly comfortable with coworkers and/or students.

New legislation (Senate Bill 212) makes failure to report an incident a Class B misdemeanor. In addition, the institution must terminate the employee who failed to report.

If a student approaches to suggest they need to tell you something, it’s advised to let them know you are a mandatory reporter. You can also tell them there are confidential sources on campus who do not have to report incidents to the Title IX Office: Attorney for Students, Counseling Center and Student Health Center. If a complainant tells you something, you need to report it with all information you know, including names, location and what happened.

If there is a class assignment where information is revealed through a submission, you are required to report it to the Title IX Office.

The form requires your information, including name, email and phone number. Then you fill out as much information as you know about the incident. If you don’t know something that is asked in the form, you can select “unsure.”

* A senator asked if there is a timeline of what makes a disclosure timely. Hatcher said even if someone tells you something about childhood trauma or another historical event, you should still report it to the Title IX Office so they can receive resources. Those historical events are not part of SB212, but they are part of the institution’s requirements.
* A senator asked for clarification on potential duplication of cases between Title IX and Cleary Act cases. Liaisons who deal with Cleary Act compliance ensue this does not happen. The senator then asked how this reporting applies to Consensual Relationships Policy (UPPS 04.04.39). Hatcher said it would make it easier for her to have consensual relationships reported to her office, so she has that history as context. Currently, she does not control that policy. If adults do not report a consensual relationship, a supervisor is responsible for taking action. Mason said he hopes to have Hatcher take over that policy in the future.
* A senator asked who investigates harassment or discrimination related to race. Hatcher said that is her office, as well.
* A senator asked if graduate assistants and student employees are considered mandatory reporters. Student employees are not part of SB 212. They are, however, considered a responsible employee under the university’s Sexual Misconduct Policy in terms of needing to report any incident or disclosure. They could potentially get fired, but Hatcher’s office has discretion of whether that action is justified. Hatcher said she would send this information to deans, chairs and directors to make sure this clear.
* A senator asked about what happens if a student, staff member or faculty member who, themselves, is the victim of sexual misconduct. They are not required to self-report under SB 212, but they are required to report under the Cleary Act if it happened on campus or a university property.

Hatcher went over some common scenarios related to reporting requirements. Bottom line: If you have any doubt at all, go ahead and report what you saw or heard. This is for the safety of the university community.

SB 212 only requires you to report information you witness or hear during the scope of your employment. However, Hatcher hopes someone would report anything they hear or witness related to misconduct to a student, staff member or faculty member at any time. Faculty and student relationships get more complicated when meeting off campus. Faculty should always be considered in the scope of employee whenever a student is involved, even if the situation arises at home, bar or somewhere else.

* A senator asked what happens if a student lies about disclosing something to a faculty member that was not reported. Mason said investigators will get to the bottom of that and follow due process.

**PAAG Questions – Senator Ledbetter**

Senator Ledbetter asked for potential topics to discuss with the President and Provost.

* A senator raised the idea of requiring vaccines in the future now that one is FDA approved. Her other idea was to ask about a record freshmen class will lead to performance or merit raises.
* A senator said she wants PAAG to address a lack of conflict resolution or de-escalation for faculty and graduate assistants when dealing with students. Another senator said Faculty Development has offered trainings for faculty only, but it is not open to graduate assistants.
* A senator said he wanted to hear how shared governance works at the System level, if there is shared governance at that level.
* A senator wants the President and Provost to address the early stages of the next strategic plan, particularly new programs.
* A senator wants to discuss the lack of cost-of-living adjustments and equity adjustments to prevent salary inversion with long-serving faculty.
* A senator wants to ask about diversity, equity and inclusion initiatives related to mandatory training for faculty. Senator Ledbetter expects an update on this next week.
* A senator wants to ask about more native plants on campus.

Senator Ledbetter will put together a list of options for the upcoming PAAG meeting. Senator Ledbetter said she would also like to eventually have a PAAG session that is question and answer without prepared topics on an agenda.

**Charge for Academic Governance Committee – Senator Wesley**

The published charge for this committee is as follows:

*Monitors and studies the system of departmental and college academic governance, PPSs and other rules for conducting university business that impact faculty. The committee will provide an annual report on its findings and recommendations to the senate. The committee is comprised of one faculty member per college, plus one college dean and one department chair. The committee meets as necessary to address the charge issued by the Senate.*

Senator Wesley wanted to address her proposal with the Senate before meeting with the AGC next week. She is proposing a change to remove duplication of Academic Affairs policy reviews off the charge of the AGC, in favor of broadening the charge to look at local governance issues to see how they align. The first part of the committee’s mission statement is it monitors and studies the system of Departmental and College academic governance. The suggestion is to look at what policies, if any, are currently in place in Colleges, Departments or Schools for academic governance. This could lead to conversations about how we move forward to find more equity in Departments and Schools.

* A senator shared that this could make some people very uncomfortable, and that’s okay. Senator Wesley said having conversations about working as a collective is done in the spirit of what the Senate stands for and what the AGC is supposed to accomplish.

Senator Wesley plans to bring this proposal up with the committee on a meeting next Wednesday to gauge committee member opinions.

* A senator said he is the chair of his College’s governance committee and has pushed to be part of College Council meetings. Senator Ledbetter said this proposal could lead to better representation for faculty on College Council.
* A senator said the first step is to figure out what we don’t know about what happens in Departments and Schools in terms of governance – whether they have a governance committee or a governance document. He said this is a black hole of responsibility that we lack data about. The senator said this is a very large responsibility, and he doesn’t know if it’s doable – but it needs to be addressed. Senator Wesley said she does know some Departments have governance committees and policies in place, and Senator Ledbetter said that could be a start to this charge – to see what those policies say in terms of how those Departments operate.
* A senator asked for clarification of the problem we’re trying to solve. He asked if there is a specific Department that is suffering because of this. Senator Wesley said having some data about this would provide the next direction. She said it’s important to talk about this, especially with the worry of lack of shared governance commonly addressed in the Senate.
* A senator said the intention wouldn’t be to place blame on any Department or School that doesn’t have a governance policy. He said governance policies should, however, include things like how to select coordinators there should be a fair and equitable process to allow everyone to be considered. He said shared governance should mean every Department should be open and transparent so that every faculty member at every level has some knowledge of how the Department operates.

Senators agreed Senator Wesley should move forward with talking about this proposal with the AGC members. Senator Wesley will report back to the Senate after their meeting.

Minutes from the September 22 meeting were approved.

The Senate went into executive session to discuss a committee appointment. Senator Bender was approved to serve as Senate representative on the Academic Freedom Committee, replacing Senator Dedek.

The meeting adjourned at 6:24 p.m.