Minutes of February 12, 2015
Faculty Council Meeting

Attendance
Members present: Bina Gupta (for Andre Ariew), Jim Baumann, David Bergin, A. Cooper Drury, Tim Evans, John Gahl, Richard Guyette, Jung Ha-Brookshire, Karen Hebert, Berkley Hudson, Art Jago, Rebecca Johnson, John Lory, Judith Mabary, Camila Manrique, Dennis Miller, Nicole Monnier, Stephen Montgomery-Smith, Peter Nabelek, Karen Piper, Craig Roberts, Angela Speck, Vitor Trindade, Douglas Wakefield, Rachel Brekhus (Librarians), and Rebekah Hart (Council Secretary). Members absent: Naresh Khatri, Tony Lupo, Marty Steffens, Mahesh Thakkar, Ben Trachtenberg, Harry Tyrer, William Wiebold, Galen Suppes (AAUP), and Don Sievert (MURA).

Approval of Minutes
Chair Craig Roberts called the meeting to order at 3:30 p.m. in S203 Memorial Union. Minutes for the January 22, 2015 Faculty Council meeting were approved.

Discussion Item(s)
Guests: Garnett Stokes, Provost; Frank Bowman, Professor, Law and Marsha Fischer, Counsel, General Counsel’s Office. The new provost Garnett Stokes was present and introduced herself to Council members. Provost Stokes was warmly and openly welcomed by several members of Council, reflecting a general attitude of optimism for her future at the university, and was assured an invitation to return to address the group.

Bowman, attending in place of Faculty Council member Ben Trachtenberg, provided a slide presentation on “Procedures for Adjudicating Complaints of Sexual Harassment or Discrimination under MU Collected Rules.” Bowman had written a letter to the Board of Curators, which was also distributed to Faculty Council, on the role of the advisor in Title IX cases. Under the new Title IX rules, both victim and alleged perpetrator would be deprived of the right to an advisor empowered to speak on their behalf and to ask questions during a formal hearing. The new rules do not, however, prevent the retention of a lawyer. Bowman emphasized that faculty and students no longer have the procedural protection they once had under the old rules. That those involved are able to represent themselves adequately in a hearing is unrealistic, unfair, and unlikely to promote accurate, just results, according to Bowman. If a faculty member advances to the dismissal for cause level, neither the accused nor his or her attorney has the right to dispute facts found in the initial hearing. When the stakes are such that the future course of a person’s life is affected, neither the accused nor the accuser should be assumed capable of effective personal representation.

Fischer spoke next, indicating that determinations were made with the goal of adopting the best process for the educational/employment venue. In the interest of being equitable, any restrictions must be applied to both parties. Such restrictions prevent advantages available to one party over the other (due to economic status, for instance). Other institutions also have similar restrictive
roles for the advisor and attorney. During the Q&A session that followed, additional clarification of the process was provided, namely that the investigator gathers information from both sides in terms of who they want to be interviewed and which evidence they want to be presented. Both sides also have access to this information prior to the hearing. It is important to remember that the advisor can offer assistance before, during, and after the hearing, but cannot question, cross-examine, or speak for the client. The process is one of a workplace, not a courtroom. Nevertheless, information collected in the hearing can be used outside this venue in a court criminal case. As a representative of the Law School, Bowman suggested that Faculty Council ask the Board of Curators to strike certain language and substitute other in the new rules. Roberts suggested that a time be scheduled for a more complete discussion.

Executive Order 41; Title IX Process – Miller. Miller provided a flow chart on the manner by which faculty infractions of Title IX policies should be addressed as well as a recap of meetings by the IFC since November 2014 to discuss President Wolfe’s proposed changes to the Collected Rules and Regulations presented to the Board of Curators at their February 2015 meeting. The January 15 deadline for input led IFC to recommend the proposal go forward but with the caveat that President Wolfe have the power to change the CRR by executive order for the next two years. IFC also wanted the opportunity to have a “blue-ribbon panel” experienced in Title IX but not affiliated with MU to examine the process and its enforcement. Rebecca Johnson commended the efforts of the IFC and the subcommittee charged to work on the Title IX changes.

Race Relations – Hudson, Lory. A motion was made and seconded to support Chancellor Loftin’s effort to help race relations at MU. The rules were suspended and the motion passed unanimously.

Library Mold – Roberts. Roberts reported on the library mold issue as contentious with a long e-mail trail. A letter from the Faculty Council Ad Hoc Committee on the Library Mold issue dated February 1 to Roberts was distributed before the meeting. In the letter Faculty Council was asked to either request an immediate point-by-point accounting of the matter or to consider proposing a vote of no confidence in the Director of Libraries.

Rules of Order Change – Wiebold and Miller. In the interest of time this item was postponed until our next Council meeting.

Standing Committee Reports & IFC:

IFC – Miller. See Title IX agenda item above.

Faculty Affairs – Tyrer. Ha-Brookshire reported in Tyrer’s absence that the subcommittee is working on their final report.

Diversity Enhancement - Speck. Discussions continue, along with meeting with students, regarding an effective diversity component in the curriculum. The subcommittee is also investigating possibilities for those who choose not to be mandatory reporters.
Student Affairs – Evans. Discussions are taking place regarding what can be improved concerning student mental health. The subcommittee is also working with Academic Affairs on determining action to take with respect to scheduling and attending classes, namely with regard to Friday classes and syllabus week.

Academic Affairs - Monnier. Monnier met with Leona Rubin (Graduate Senate) regarding the proposal for accelerated graduate degree plans, i.e., five-year BA/MA degrees. Raising the minimum TOEFL score from 61 to 79 is also under consideration. Finally, the Higher Learning Commission will be conducting their visit for accrediting the campus; forums allowing input will be announced.

Adjournment.
Council went into closed session at 4:55 p.m. The meeting was adjourned at 5:15 p.m.

Respectfully submitted,
Judith Mabary, Recorder