



## FACULTY SENATE MINUTES

<b>Meeting Date:</b>	02/27/17	<b>Time:</b>	14:45-16:30	<b>Location:</b>	Culp Center, Room 311
<b>Next Meeting:</b>	03/13/17	<b>Scribe:</b>			Eric Sellers
<b>Present:</b>	Fred Alsop, Patrick Brown, Doug Burgess, Randy Byington, Heidi Campbell, Cindy Chambers, David Cluck, Erin Doran, Wendy Doucette, Joyce Duncan, Jon Ellis, Susan Epps, Lon Felker, Bill Flora, Virginia Foley, Retha Gentry, Jeff Gray, Katherine Hall, Bill Hemphill, Stephen Hendrix, Tod Jablonski, Karin Keith, Thomas Kwasigroch, Guangya Li, Mary Ann Littleton, Fred Mackara, Chrissy Mullins, Tim McDowell, Theresa McGarry, Lorianne Mitchell, Bea Owens, Jonathan Peterson, Eugene Scheuerman, Eric Sellers, Melissa Shafer, Candice Short, Bill Stone, Paul Trogen, Craig Turner, Liang Wang, Rachel Walden,				
<b>Absent:</b>	Kaniska Chakraborty, David Champouillon, Dorothy Drinkard-Hawkshawe, James Livingston, Mildred Maisonet, Anthony Masino, Shunbin Ning, Timir Paul, Darshan Shah, Ahmad Wattad				
<b>Excused:</b>	Leila Al-Imad, Saravanan Elangovan, Lee Glenn, Peter Panus				

Agenda Items	Responsible
Meeting called to order [Time]	Epps
1 Introductions	Epps
2 Celebrations	Epps
3 Announcements	Epps
4 Approval of Minutes	Epps
5 Information Item(s)	Epps
6 New Business	Epps
7 Action Items	Epps
8 Questions on Reports/Summaries from Committees/Working groups	Epps
9 Comments from Guests	Epps
10 Adjourn	Epps

### DISCUSSIONS

Meeting Called to Order 14:45-16:30

**1 Introductions**

Kristen France, the Chair of the Staff Senate Liaison Committee, was present. She said that Staff Senate representatives would periodically visit Faculty Senate to keep up relations and unity between faculty, staff, and students.

**2 Celebrations**

Epps mentioned that Melissa Shafer's show over the past weekend was a success. Alsop informed the Senate that Dr. Dennis Hamm passed away. He was a professor at ETSU who had retired earlier this year.



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### 3 Announcements

3.1 Lorianne Mitchell will give the 'Women on Wednesday' lecture on March 1, at noon. The talk is about diversity in higher education, current trends, and the forecast for the future. The talk will be held in the multicultural center.

### 4 Approval of Minutes

**Byington: Motion to approve**

**Gray: Second**

**Minutes approved**

### 5 Information Item(s)

#### 5.1 Update on attendance reporting

Epps received an email from Amy Collins stating that zero credit hour courses do not affect financial aid; however, the attendance report does not distinguish courses based on credit hours.

#### 5.2 Update on fee breakdown

Epps stated that the information is on the College of Medicine website. Richard Highland provided the link to the request form. The undergraduate link is on the main bursar page.

#### 5.3 INtopFORM update – Dr. Amy Johnson

Six years ago, the University decided to adopt INtopFORM as the quality enhancement plan. This was set to improve a set of learning outcomes over the next 5 years. We are at the end of our fourth year. INtopFORM is an attempt to improve students' ability to seek, use, and communicate information. We are trying to improve student's inquiry skills through faculty development. Forty-nine faculty fellowships have been awarded from 29 programs and 64% of the undergraduate programs are participating, which is about 15% higher than the target. The program also sponsors co-curricular endeavors through the quality enhancement program. These are \$3,000 grants awarded to individuals who want to improve students' ability to seek, use, and communicate information. This year we aimed to improve student's knowledge on voting.

Faculty support and development is conducted through a two-and-a-half-day INtopForm workshop in August and it is sustained throughout the year through faculty learning communities. To let you know how we are doing, 85% of people said they were excited about using the new knowledge after the workshop, and 100% of the faculty indicated they had a deeper understanding of the learning competencies. Between 92%-96% of the faculty said that they had learned something new about teaching. Once folks join the learning communities, we begin to share teaching ideas. Here are the results of the faculty community surveys: 100% of faculty agreed that FLC supported their commitment to teaching; 81% of faculty agreed that they had more enthusiasm for teaching. We also do an alum survey. We ask if they are still talking about teaching, 92% said they do.

I am also here to recruit more faculty fellows. When we recruit the next faculty, we will have had between 20 and 25% of the entire full-time faculty that participated in the QEP. That is a pretty significant number. Often when I go to conferences, other schools have much lower percentages. Next year, a fifth year feedback report will be compiled and more feedback from faculty will be included.

Epps: The program really needs to come back. I do a lot of reading and participate in the book club and I have learned a lot more about teaching. I made many connections across disciplines. There is a financial benefit to doing this too. Dr. Brown and I were in the first year group of faculty fellows and our group still gets together just to talk teaching. We are from all disciplines.

Hall: Are you required to be teaching at the undergraduate level?

Johnson: No, in fact this year we are open to all levels. It is a \$2,000 compensation for about 50 hours of work.

So far, we have been able to fund every faculty application we have received. We have had increased interest in the program throughout the years.

Littleton: Is the program open to clinical instructors?

Johnson: Yes, it is open to all faculty members.

Doran: What about University School?

Johnson: Yes.

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#### 5.4 Honor Society of Phi Kappa Phi information – Dr. Amy Johnson

Johnson: I am also the president of Phi Kappa Phi, which is the university's highest honor society. If students ask about it, please let them know it is real. We just sent out invitations last week to some students. If you were a



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member of Phi Kappa Phi at another institution, we would love for you to come.

Epps: Most of the people involved are staff. We would really like for more faculty to be part of the program.

5.5 Title IX/Sexual harassment: Dr. Jeff Howard– students: Ms. Mary Jordan- faculty/staff: Ms. Tracy Barry  
Howard: We can start with questions if you would like. We have brought some items for you to look at in these handouts.

McDowell: Maybe we need both parallel answers for students and faculty or staff. My first question would be if a person is feeling subjected to sexual harassment or if they are a second party and feels that sexual harassment is occurring and they are witnessing, who do they report this to and how do they proceed?

Howard: It depends on the person with which they shared the information. That person could be a Campus Security Authority (CSA), which means they have to report the incident, but not necessarily the name of the complainant. It depends on who is aware of the harassment, who the person tells initially, and from a student perspective, it usually is a CSA.

Jordan: It depends on who is involved. For example, if it is two students, it will go to Student Affairs. If it is an employee and a student, it comes to the Department of Equity and Diversity. We will sit down with you to determine the way to go about a situation. We find that students do not want to file a complaint because they are afraid of retaliation. We are often working with students to help them move the process forward. If someone comes to us and they do not want to file a complaint, we have an obligation as a responsible person of the university to report the incident. We will not necessarily expose the person but we have to notify authorities that an event occurred.

McDowell: So far I am hearing if the victim is a student, and when you say employee or student, I am not sure whether the employee in your usage here means faculty and staff or just staff or what does employee mean?

Jordan: Anyone employed by or that has a contract with the University will be dealt with in our office.

McDowell: The filing and complaint form process, I also do not understand how that is done. I presume that there are different types of complaints and some are more legally complex or legally binding than others and some require non-anonymous complaints and others might not. Can you elaborate on that complaint procedure?

Jordan: If there has been an assault or something like that we have to report it. Many times it is short of that. Often we get referrals from a faculty member or a student and then Tracy interviews the individuals. One of the things we do is to determine if the complaint fits within the guidelines of our office. We are responsible for the complaints that would constitute harassment as far as title VI and title IX are concerned.

Barry: Mary mentioned the interview, which is where we start our investigating. Depending on the nature of the harassment, we might go to the dean or department chair to identify where the area of concern is.

Howard: On the student side, we get a lot of reports through resident advisors and public safety. We have anonymous reporting and reporting through the counseling center. We have an online reporting form in Student Affairs for students, faculty, and staff, to make a report. We complete an intake form with students that provides all of their options. (A copy of the form was provided.)

Ellis: Tracy, is your job fulltime for investigations?

Barry: No, we do not have a fulltime investigator.

Ellis: Is that because we do not need it?

Barry: We balance the role between Mary and I. A lot of time we have a lot of consultation going on before the investigation. The investigation process does not require 8 – 4:30 every day.

Jordan: I think there was a misconception about us having a back log of cases that we were investigating; we do not have a backlog. We are looking at the Title IX issue in terms of adding an additional person to be the Title IX coordinator and also the coordinator for Title VI, and other.

Howard: We had 15 cases that were investigated on the student's side. We assigned two individuals to every case. There are some low level cases where someone said a person said some things to someone else and all they want is an apology. These 15 cases were investigated more thoroughly. This consisted of multiple interviews, looking into text messages, social media, and other evidence.

Jordan: There have been about 5 complaints this academic year. One of the first things we do when the complaint comes in is consult with legal. Our legal council is part of our team that we work close with to design a plan of action to move forward with the investigation.

Brown: I had a student who came to me last year who was concerned about an abusive relationship. I did not know if I was obliged to report this. I would really like a flowchart to help me determine whether I should report an incident.

Howard: In terms of CSA, the list is sent out to all of the colleges annually. If you are a CSA, you receive notice. If you are not a CSA you are not obligated to report.

Jordan: We are looking at how some of the policies can be stream-lined. We are also looking at making ETSU a



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sexual violence free campus. We are coming up with a better set of policies to help determine responsibility and who will need to report. We are trying to come up with a free standing retaliation policy. People do not want to complain because they are scared so we are trying to figure out how to keep people safe and avoid retaliation.

Schacht: Does ATIXA have a standard as to how investigations are conducted?

Howard: They have a lot of resources on their website. Every state is different and has different laws, which makes it hard and may not always be the same.

Schacht: I think I am interested in a lower level of analysis and precisely how investigations are conducted. Is there a manual for investigations or peer reviewed research on investigations? I am a forensic psychologist so I know there are potential pitfalls for investigations and policies. One place where I think we fall short is that investigative interviews should be recorded.

Howard: There is a training notebook, but we do not record interviews. On the student versus student complaints we have two investigators. One is primarily used for note taking and the second is primarily questioning and that is our protocol.

Alsop: University counsel is involved early on. Does university counsel get involved in the interviews?

Howard: We are operating under their rules. Once there is an outcome, we gather all of our information and provide that to the University counsel's office. We do consult them early on for more perspective and information. They are not involved in the investigation itself.

Alsop: Tracy and Mary, is legal involved in your investigations?

Jordan- We do the actual investigating. Sometime there are multiple complaints and legal may get involved, but we do the investigation. It is policy to initially consult with legal. I will sometimes sit in with Tracy for the interviews. We have talked about adding an additional person. I am not sure if that will happen due to budget restrictions.

Walden: I have two questions. Is it accurate to say that the client for university counsel in this case is the university?

Howard: Correct.

Walden: How does this intersect with the investigation if a student goes directly to the local authorities?

Howard: The Department of Education and TBR policy recommends having our investigation complete in 60 days. It is not predicated on how long it will actually take. Our process is not predicated on waiting on local law enforcement for something that may or may not have happened.

McGarry: The students are being surveyed right now about sexual harassment on campus. Is that from you and where is it going to go and how often does it happen? Is it a regular occurrence?

Howard: This is the third or fourth year that this survey has been given. The survey is more in depth every other year. We receive this data and it is compared to other schools. The data is shared with the Sexual Misconduct Leadership Team on campus every year.

McDowell: How are the results shared?

Howard: The results are taken back to the SMLT group annually for review and discussion. Currently, it is used to help adapt the campus safety notice. It is also used for educational programming across campus. You can also go to the annual Clery report that is published online.

McDowell: So the results are shared internally among concerned offices?

Howard: We discuss it and share it with Interim University Council. It is available to anyone that would like to see it.

McDowell: So if I wanted it, I could email and get it?

Howard: I would be glad to send it to Dr. Epps, and she can share it with you all.

McDowell: There is one thing I am still unclear on, so I am going to make up an example. I have 120 internal bio non-majors students and there is three teaching assistants teaching smaller lab sections. This has not happened, but what if one of my lab instructors told me there is somebody harassing somebody else or upset about being harassed in their section? So I have indirect information and I am a person of responsibility in that local system, how should I proceed?

Howard: I would suggest contacting Student Affairs with as much detail as possible from the lab instructor or you. I would then ask your lab assistant to write down as much as they could about the situation. If they feel comfortable providing names, we would encourage it. If we did not have the names of those involved, we would talk to them about what they observed and how they could intervene if they witness the behavior again.

Jordan: I think the most important thing is being proactive so if there were a way to consult with you about how to handle a potential situation, we would want to do that.

Littleton: Where is this complaint form located? And, you are saying for students to go to Student Affairs?

Howard: Yes, it is online. It is not the full policy, but a shortened version to help get clarity quickly for students, but they have access to the full policy.



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Felker: What if we have an intern in another city or at a conference, and they report a form of harassment, where do they report this?

Jordan: I think you would want to start with us in order to figure out where else you should go, and so that we can provide safety.

McGarry: All this information students need about where to go is on the violence free website? And at what point do students get the information that this is where they should go? Is there something in their orientation?

Howard: It starts in Launch, which is the online orientation, and we talk about sexual misconduct and bystander intervention and campus resources. This is followed up on ground at the in person orientation. We have had the highest participation in the Haven training. We have many educational program activities. The climate survey will include resources for help.

McGarry: When do employees get instructions about where to go?

Barry: It is in orientation and employees are required to take the online training every year.

Epps: Any other questions?

### 5.6 Revision of Senate Constitution and By-laws (for action at next meeting)

Epps: this is not for action today. It is an information item that will be an action item at the next meeting.

Troy Perdue and Joe Smith

Smith: Because we are a state institution, we fall under the state of TN open records law. We have received a request from Jim Culp, a person's attorney, asking for emails from all faculty and staff that include the word 'erection' or 'erections'. We are asking faculty to do a word search and forward any email that contains these words to us at: [openrecords@etsu.edu](mailto:openrecords@etsu.edu). Faculty and staff will receive a request via email later this week informing them of the request and that they are required by law to comply with the request.

Perdue: We had a very broad request about word searching emails and dirty jokes. We have never done a search of all faculty. We have looked into individuals, but never everyone. The TBR General Counsel suggested that IT search everyone's emails. We wanted to avoid this, and with consultation from TBR we came up with the alternative plan that Joe described. Just to be clear, an email will go out to all faculty requesting that they forward all emails containing the words 'erection' and 'erections'. We will not go behind you to look and see if you did it. You are obligated as state employees to do it. The only people that will see the emails are myself and Joseph. We are going to go through them and make sure that the requestor only gets public documents. Your joke with the word erection in it is not a public document. If you mix the comment with work then we will have to report it. If it is a silly joke, we will not turn it in.

Peterson: What if the email includes medical information?

Smith: It will be redacted.

Walden: Do you want it if it is in the context of erection of a monument?

Smith: Yes, you will want to send these.

Flora: If someone searches and nothing is found do you have to respond and say 'no emails were found' because you said all faculty?

Smith: I am not going to require that, we will assume if we do not hear from someone that no emails were found.

Littleton: So it is voluntary?

Smith: No, everyone has the duty as a faculty or staff member to do it.

Littleton: Why are we doing this?

Smith: We are doing it because of the open records law. We are a state institution and we have a duty to comply with the request.

Perdue: We are in the middle of a hearing and the lawyer who is asked has asserted to us in writing that the use of erection is common place.

Duncan: Is it retroactive from last February?

Smith: I will clarify in the email exactly the days.

McGarry: So if there is a thread, do you want the whole thing or the one message?

Smith: Give me the whole thread just to make it easier.

Sellers: My inbox is empty so there is nothing to search. All of mine is downloaded and stored locally. I would just say let OIT search mine because I cannot.

Perdue: Typically, these systems let you search these still, but if it does not and you have this problem, tell Joe.

Hemphill: Do we need to search our private email accounts too? Also, what if is a private email that does not discuss work?

Smith: Yes, search both emails, but do not worry about emails that do not have to do with work.

Byington: We appreciate this approach. At a sister institution they had their IT do the search without the faculty



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knowledge so thank you for doing this for us.  
 Epps: I thought it was important for you all to know about this so you can defend the process to colleagues.  
 Walden: How will you follow up about appropriateness?  
 Smith: There will not be any follow up unless there is a crime that I would be required to report.  
 Stone: What about my colleagues at the college of medicine? I do not think this will be handled well over email.  
 Smith: That is why we wanted to have ambassadors like you all to help explain and we are also available to answer any questions.  
 Hendrix: Can you tell us when the email will go out?  
 Smith: Tomorrow.  
 Littleton: So just to be clear this is just an ETSU request?  
 Smith: Yes.  
 Epps: Does the request also include staff?  
 Smith: Yes.

6 New Business

7 Action Items

7.1 Committee on Committees – Foley

There is an opening on the Technology on the Safety Committee and an opening on the Veteran’s Affairs Committee. Suggestions for people who can fill these positions will be appreciated, and the representatives do not need to be members of Faculty Senate; however, they must be faculty.

8 Questions on Reports/Summaries from Committees/Working groups

8.1 Academic Council

Peterson: Why are the minutes not posted on the website?  
 Epps: The minutes are not posted so that other schools cannot use our ideas. Dr. King suggested that an Intranet website could be password protected so that they could be accessed by faculty.  
 Stone: The minutes should be posted due to the Sunshine Act.  
 Foley: Anything that is passed during Academic Council appears in other places of the University as policy.  
 Stone: Any meeting of the state organization is subject to everyone. It is the law that the minutes have to be posted.  
 Foley: I have asked for the minutes before and up to this point, we have not been able to receive them.  
 Epps: We get a copy of the draft minutes for review; however, I would not be comfortable sharing these because they get changed.  
 Schacht: The theme of other institutions stealing ETSU’s idea has been around for a very long time. I heard it six years ago when I was on the Academic Council, and the administration, not the faculty, are worried about this.  
 Foley: It is not the academic issues we were worried about them stealing, it is enrollment and recruitment and retention issues.  
 Schacht: This is an active issue right now because Dr.Noland told us at the last meeting that MTSU and maybe some other institutions have made Freedom of Information Act requests for our student lists. Presumably their plan is to market their online programs to our students.  
 Brown: The minutes are ‘open to inspection’ and they are available upon request.

8.2 Executive Committee with Dr. Bach

No questions.

9 Comments from Guests

None.

10 Adjourn

**Brown: Motion to adjourn**  
**Peterson: second**  
**Meeting Adjourned**

*Please notify Senator Eric Sellers ([sellers@etsu.edu](mailto:sellers@etsu.edu) or 9-4476, Faculty Senate Secretary, 2015-2016, of any changes or corrections to the minutes. Web Page is maintained by Senator Doug Burgess*



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