

**FACULTY SENATE MINUTES
SAM HOUSTON STATE UNIVERSITY**

20 November 2014

3:30 p.m. – 5:00 p.m.

Lowman Student Center, Room 304

Members Present (21):

Irfan Ahmed (COBA), Nancy Baker (CHSS), Tracy Bilsing (CHSS), Jonathan Breazeale (COBA), Don Bumpass (COBA), Madhusudan Choudhary (COS), Donna Cox (COE), James Crosby (CHSS), Karla Edison (COE), Mark Frank (COBA), Richard Henriksen (COE), Mark Klespis (COS), James Landa (COHS), Jeffry Littlejohn (CHSS), Dennis Longmire (CJ), David McTier (COFAMC), Sheryl Murphy-Manley (COFAMC), Dwayne Pavelock (COS), Lisa Shen (NGL), Stacy Ulbig (CHSS), Douglas Ullrich (COS), Tony Watkins (COFAMC)

Members Not Present (10):

Helen Berg (COE), John Domino (CHSS - on leave for Fall 2014), Randy Garner (CJ), Deborah Hatton (COFAMC), Joan Hudson (COS), Paul Loeffler (COS), Diana Nabors (COE), Gary Oden (COHS)

Called to Order: 3:30 pm in LSC 304 by Chair Nancy Baker

Minutes Approved: Minutes for the November 6 meeting were approved unanimously (21 yes).

Chair's Report

(Please see Related Documents for the full report, which was emailed to senators before the meeting.)

Policy 820317 Faculty Evaluation System (FES) – Rewrite

A committee was recently established in the College of Education to revise COE's FES policy. Given the ongoing university-level FES policy review, a senator wondered if timing of the COE revisions is of concern. Dr. Baker felt that the concurrent reviews reflected the provost and the deans' efforts to improve the consistency and effectiveness of the FES process. Conflicts should be minimal because the university policy is meant to provide general guidelines, while the college and departmental policy is meant to address specifics of the evaluation process.

Some senators were troubled by Provost Herbert's plan to ask two deans to rewrite the FES policy, particularly since the provost had articulated to the Senate on multiple occasions that recommendations for FES revisions should come from the faculty. Dr. Baker reassured senators that the new plan is meant to make the revision process more efficient. Moreover, the provost had specifically tasked two new deans who are former chairs with the rewrite to ensure the faculty's perspective is not lost in the process.

Senators also inquired about plans for faculty FES town hall meetings. Dr. Baker confirmed that the town halls will take place in spring 2015 and she had specifically confirmed this matter with the provost. The revised FES policy from Dean Lyons and Dean Edmonson will be shared with

the general faculty through town hall meetings before going forward in the policy review process. Since the town halls were originally scheduled for spring 2014, some senators expressed frustrations about this delay.

Another senator asked about the status of the Faculty Evaluation Committee. After making FES revision recommendations in December 2013, the committee has not met nor received any feedback since. Dr. Baker will find out about the status of this committee.

A few senators shared an idea that arose from a discussion with their dean about policy reviews. The current academic policy review process has uncovered inconsistencies both within and between various policies, which some felt may be better addressed by a one-time comprehensive review of all academic policies.

Therefore, the senators would like to suggest asking a group of faculty with expertise in technical writing and policy revision experience to take on this task during the summer. The group members would serve as third-party consultants and receive compensation for their efforts.

A number of senators supported taking advantage of the expertise of fellow faculty members and providing some financial incentives given the scale of the review. Other senators noted it should be made clear that the purpose of the group would be to align and edit, not rewrite, all the academic policies. Dr. Baker will share the suggestions with the provost.

Policy 900417 (Tenure and Promotion)

A senator wished to verify the provost's response regarding timetable for a faculty member to withdraw an application for tenure to avoid the "denial of tenure" status on his/her record. Dr. Baker confirmed that a faculty member can withdraw his/her application by submitting a resignation letter any time before the president submits the list of faculty names to the TSUS Board of Regents.

Another senator asked whether the resignation letter submission would prevent faculty from receiving the courtesy one-year contract offered to those who were officially denied tenure. The provost has stated that he believes a courtesy year should be extended to any faculty member who presented a competitive case for tenure considerations. The senator then expressed support for a guaranteed courtesy contract year for all faculty who withdrew their tenure applications.

Policy 820317 Faculty Evaluation System (FES) – Recommended Revision Options

Dr. Baker wished to address questions about the recommended options for FES revision. Specifically, there is concern that the options, currently under review by the Council of Chairs, has been presented as a submission from Senate, even though it was developed by the Faculty Evaluation Committee.

Dr. Baker clarified that even though the revision options did not originate from Senate, they were presented to Senate in a Faculty Affairs Committee report for review during the May 2, 2013 meeting. The report was then accepted by a majority vote. Unfortunately, the meeting minutes

and related documents for this particular meeting is not currently unavailable online. Dr. Baker is working on locating the FA report.

A senator pointed out that distinctions should be made between accepted and endorsed reports. Dr. Baker will ask the provost to clarify the wording used to describe Senate's association with FES revision options, and verify content of the documents submitted to the Council of Chairs.

A different senator was troubled by the recent appointments of ad hoc policy review groups and task forces. These appointments appeared to be bypassing the established policy review process and undermined faculty governance. Dr. Baker felt the ad hoc committees appointments were a temporary measure to get the review process back on track because of the number of overdue policy reviews. Moreover, even though faculty may not be directly represented on all the ad hoc committees, all the revised policy drafts will be submitted to Senate for review.

Committee Reports

Texas Council of Faculty Senate (TCFS) Meeting

Chair-elect Lisa Shen submitted a summary report (please see Related Documents) from the October 2014 TCFS and TSUS meeting. In particular, the TSUS system will be focusing on funding for Tuition Revenue Bonds, Higher Education Assistance Fund (HEAF), and Hazelwood exemptions during the new legislative session. Senators expressed support for the TSUS System's efforts to increase funding, especially for Hazelwood exemptions.

SHSU's Sexual Misconduct Policy (University Affairs Committee)

Tony Watkins, Chair of the University Affairs (UA) Committee, presented UA's findings on the university's policies and processes for handling reports of sexual assault and sexual misconduct on campus (please see Related Documents for full report). A senator asked about the reason for the policy review. The request to examine the policy was out of general concern and did not originate from any specific incident.

Overall, the committee concluded that the university has reasonable measures in place to address the incidents of sexual assault and sexual misconduct. There are multiple points of contact available for reporting a complaint and a number of trainings available for both students and employees. Jeanine Bias, the Associate Dean of Students and Title IX Coordinator, was very helpful in addressing FA's questions regarding the campus sexual misconduct policy and has offered to visit Senate.

The FA committee members have also spoken to various campus departments involved in handling sexual misconduct incidents, and noted that there are specific reporting rules for university employees in different positions. For instance, health service and counseling professionals are bound by a code of ethics to protect patient confidentiality and would keep all information private. In such cases, only the fact that an incident had occurred would be reported, without any personally identifiable information, for basic statistics tracking. In contrast,

University Police may also choose to release limited information on cases with pending criminal charges.

In addition, while university employees have an obligation to report knowledge of sexual misconduct incidents to the campus Title IX coordinator, the decision to contact law enforcement belongs to the actual complainant. Some senators were concerned about unreported incidents, although others pointed out that students are adults with the autonomy and responsibility to make the reporting decision.

A senator asked whether the university has an obligation to discipline the perpetrator. For instance, if the both parties involved in a sexual misconduct complaint lived in the same student residence building, would one or both the parties be removed from the residence?

Senator Watkins responded that the general disciplinary procedures are outlined in the TSUS policy and an internal investigation will be conducted by the Title IX coordinator, regardless whether the student chooses to contact law enforcement. Also, Wayne Bennett, the Director for Student Discipline and Risk Management, stated that students who are deemed as a threat to others or have a history of issues would be removed from student housing.

Another senator inquired about cases involving domestic violence. Do university employees have an obligation to report knowledge of any incidents involving students to the Title IX coordinator or the police? Does the procedure differ whether the domestic partner is a student? What if the couple lives off campus?

Senators decided it would be best take advantage of Dean Bias' offer to visit Senate. Dr. Baker will invite the dean to address questions regarding the sexual misconduct policy at an upcoming Senate meeting.

New Business

A request was made for senators to share all documents electronically before Senate meetings. Senators' preferred organizational methods vary, and providing both electronic and print copies of relevant documents would help everyone to keep abreast of all the discussion topics.

Intellectual Property Policy

A senator inquired about faculty's property rights regarding recorded video lectures for online courses. For instance, if a faculty member leaves the university, can this person stop the university from using video lectures bearing his/her image in the future?

During their Senate visit to address this topic last spring, Rhonda Beassie, the TSUS Attorney, and Bill Angrove, the Associate Vice President for Distance Learning, stated that under the TSUS policy, the university holds a perpetual license for all online course content. However, faculty members can take a copy of their course with them if they leave the university. Ownership of a faculty member's image was not specifically addressed.

Other senators offered ways to discourage the reuse of old lecture videos, such as incorporating current events in the lectures and registering all the material for copyright. In addition, a senator recalled that Mr. Angrove had indicated that best practices is to only use course material for up to one year after the departure of the original faculty content developer.

Nonetheless, these methods do not prevent the reuse of previously developed course materials for extended periods. Senators also had questions about whether there are any pending revisions to the TSUS Intellectual Property Rights Policy.

Another senator pointed out that with the increase in science and engineering technology courses, patent ownership will also be of concern. Dr. Baker will ask the provost regarding the university's policy for addressing ownership of patents developed in class through faculty-student collaborations.

Grading Scale

Senator Watkins shared instances in which a more refined grading scale would help to distinguish good performances. For example, students with final grades of 89% and 80% would receive the same letter grade under the current grading system, even though the former deserves more scholarships and other academic considerations.

A few senators suggested taking a student's trend of performance into account when assigning final grades. If there is evidence of continuous improvement, then perhaps a higher grade would be assigned. Other senators indicated that at least one college is encouraging faculty to save detailed grading records, independent of the official grade scale, in anticipation of situations that call for such information.

Senators also discussed alternatives to the current grading scale, including assigning the exact grades in percentages and adding "+" and "-" to the current letter grades. However, some senators pointed out that the broad letter grades are the most common grading scale amongst other TSUS universities and other comparable SHSU peers. Dr. Baker will share Senator's comments with Provost Herbert and ask for his thoughts.

Meeting adjourned at 5:00 pm

**Faculty Senate
Chair's Report
20 November 2014**

An important overarching theme for this week's chair's report is that the provost is planning a revision and review of all academic policies, to be completed by May 2015. The provost's goal is that, in the future, policies will be assigned to a group or individual (Faculty Senate; Council of Academic Deans; Council of Chairs; Dick Eglsaer; Kandi Tayebi) for routine review. From now on, ALL policies will be reviewed every two to three years.

Policy 900417 (Tenure and Promotion) Rewrite Committee

The provost intends to put the following people on this committee: Paul Loeffler and Stacy Ubig; Gerald Kohers and Scott Plugge; and John Pascarella and Abbey Zink. He will ask the committee to make this policy more concise and also to define "collegiality" (renaming it, if needed). He is requesting that a draft of a revised policy be completed by Jan. 31, 2015, at which time the drafted policy would be sent to the appropriate groups for review (Faculty Senate among them). The provost expects that each college will write its own tenure and promotion policy with more explicit details on expectations.

In response to the Senate's question of when a faculty member can "withdraw" an application for tenure to avoid the "denial of tenure" status on his/her record, the provost says a resignation letter can be submitted at any time. (April 15 is the approximate date on which the president sends forward a list of names of faculty up for tenure to the TSUS Board of Regents.)

Policy 820317 Faculty Evaluation System (FES)

The provost will be asking two deans (Phillip Lyons and Stacy Edmondson) to revise the FES policy based on what the Faculty Senate and the Council of Chairs have said about how best to change the FES. In particular, these two deans will be asked to focus on how to evaluate teaching. The provost will request that this be completed by January 31, 2015 at which time the revised policy would be sent to the appropriate groups for review (including Faculty Senate).

The provost says he will hold Town Hall meetings on FES once a revised version of the policy is complete; he envisions Faculty Senate co-hosting these Town Hall meetings with him.

Policy 790601 Faculty Instructional Workload

The provost is asking two deans (Michael Lacourse and Ron Shields) to revise the Faculty Instructional Workload policy. He chose them because of their own faculty's special workload challenges (music and nursing). He hopes that they will be able to incorporate other separate policies that are relevant into this new, revised policy (for example, policy 900420 on reassigned time and 810701 on instructional overloads). He has requested that they complete the policy revision by January 31, 2015 at which time the revised policy will be sent to the appropriate groups for review (including Faculty Senate).

Once the three major policies described above (Tenure and Promotion, FES, Faculty Instructional Workload) are revised, reviewed and approved, the provost plans to send the following policies to different groups to be reviewed and revised: Post-Tenure Review (this will go to the Faculty Senate); Off-campus Instruction (this will go to CAD); Hiring of Non-tenure-track Faculty (this will go to CAD). All other academic policies will be assigned to specific people (such as Dick Eglsaer or Kandi Tayebi) for initial review (and revision, if needed). The provost continues to work on revising the Merit Pay policy; he will rely on data from the past five years of FES scores and merit allocation to inform his revisions of the policy.

Policy 980204 Performance Evaluation of Tenured Faculty (Post-Tenure Review)

The provost says this policy came about as a result of state law about ten years ago. Our current policy does not address teaching, and the policy is too vague. The Faculty Senate will be receiving this policy sometime in February to review and/or revise. (The Senate is free to approve the policy as is, if no changes are seen as needed.)

Bearkat One card

I have sent Kristy Vienne the names of the senators who believe they have bank accounts with Higher One that they do not recall opening. She is going to do further research into this and let Senate know what she discovers.

The provost will talk to Kristy about whether we can have "FACULTY" and "STAFF" spelled out in their entirety on our Bearkat One cards.

Format for required IT/HR training

The provost has had Julie Schwab send e-mail to Human Resources to ask if this would be possible.

Chair-elect course load reduction

The provost thinks that this would be possible as of January 2015. He will talk to the Council of Chairs about what date they would need to know by (in the future) in order to avoid major scheduling problems.

Domestic Partner Benefits

The provost is exploring the possibility of instituting some domestic partner benefits, specifically pertaining to the use of the HKC and being listed as a faculty spouse for access to athletic tickets and events. The provost cautioned that he is constrained by what is legally allowed by the state of Texas, but that he believes such benefits are in place at other state schools in Texas.

SHSU Sexual Assault Information
Submitted by University Affairs. November 20, 2014

TSUS Sexual Misconduct Policy

Consent is an informed and freely and affirmatively communicated willingness to participate in a particular sexual activity. Consent can be expressed either by words or by clear and unambiguous actions, as long as those words or actions create mutually understandable permission regarding the conditions of each instance of sexual activity. It is the responsibility of the person who wants to engage in the sexual activity to ensure that s/he has the consent of the other to engage in each instance of sexual activity. (The definition of consent for the crime of sexual assault in Texas can be found at Texas Penal Code Section 22.011)

<http://www.statutes.legis.state.tx.us/Docs/PE/htm/PE.22.htm#22.011>

2.51 The Component will consider the following factors in determining whether consent was provided:

2.511 consent is a voluntary agreement or assent to engage in sexual activity;

2.512 someone who is incapacitated cannot consent;

2.513 consent can be withdrawn at any time;

2.514 past consent does not imply future consent;

2.515 silence or an absence of resistance does not imply consent;

2.516 consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;

2.517 coercion, force, or threat invalidates consent; and,

2.518 being intoxicated or under the influence of alcohol, drugs, or any other substance is never an excuse for engaging in sexual misconduct.

Q&A) Mr. Wayne Bennett of Residence Life (RL). He is in charge of Student discipline and risk management.

Residence Life (RL) usually receives notification of sexual assault in two ways:

(1) RL gets a notification from UPD or from the Dean of Student's office or

(2) in some cases, the initial notification to RL has come directly from the student – usually reporting it to the RL staff.

At that point, the RL staff will ask if they want the assault reported to UPD. If the answer is yes, RL will do that. They'll also ask if they can call the sexual assault crisis team. He stressed that the choice in contacting UPD or the crisis team is up to the student. Even if the student does not want UPD contacted, RL will at least try to get the crisis team involved.

RL will also work with the student to move them to another location, especially if the perpetrator lives in the same building. Some dorms have extra security or video monitoring. Sometimes students may be moved from a large hall-type dorm to one with smaller rooms (or vice versa). SHSU also has all-female dorms versus co-ed dorms.

I tried to keep my questions focused on how victims/perpetrators of sexual assault impact what RL does. It occurred to me as I was writing up my notes that if someone has been accused of sexual assault, but no action has been taken as yet, then that person can still remain in the residence hall. I've called and left Mr. Bennett a message with that question. I haven't heard back.

The following Health Clinic protocol was provided by Sarah Hanel, MHA, Director, Student Health Center

Policies of the University Health Clinic: Sexual Assault Protocol

I. Policy: The staff members of the SHC shall address reports of sexual assaults in a manner that empowers the patient to make informed decisions. Disclosure of information related to sexual assaults will take place in accordance with applicable laws, rules, and practice. These policies and procedures serve as a general guide for SHC staff and allow for prudent professionals to act in accordance with established professional standards while ensuring that applicable laws, policies, and procedures are followed.

II. Procedures: The following procedures will be followed when receiving a report of a sexual assault:

A. The staff member will educate the student of their options by offering:

1. Medical care as appropriate

- a.) A referral to HMH-ER for evidence collection (rape kit)
- b.) Pregnancy screening and emergency contraception as appropriate
- c.) STD screening and treatment as appropriate

2. Contact:

- a. Dean of Students Office
- b. Title IX Coordinator
- c. Counseling services
- d. SAAFE House
- e. UPD for assaults occurring on campus and HPD for those occurring off-campus.

3. Assistance in contacting friends or family

- a. The staff member will act in accordance with the student's wishes only contacting others with the student's consent except in the case of a serious threat to the health or safety of a person, public, or to the target of the threat.

B. The staff member will make a generic notification to the Director indicating whether the incident occurred on or off campus and whether the alleged perpetrator poses an immediate threat on campus or in the local community*. If the Director is not available, the staff member will make a notification of same to the Executive Director of Counseling and Health Services and Dean of Students.

D. The Director will make a generic notification to the Executive Director of Counseling and Health Services and Dean of Students indicating whether the event occurred on or off campus and classifying the alleged perpetrator as either a threat or non-threat to campus safety.

III. Checklist

1. Offer referral to HMH-ER for evidence collection.
2. Offer pregnancy screening and emergency contraception as appropriate.
3. Offer STD screening and treatment as appropriate.
4. Offer Counseling services.
5. Offer notification of UPD / HPD as appropriate.
6. Offer assistance contacting friends and family.
7. Notify Director or Executive Director of Health & Counseling in absence of Director.
8. Fill out non-identifying information on UPD Assault Form and give to Director.

Note:

Ms. Hanel said most of victims of sexual assault that the clinic sees don't want to report the incident, they just want it to go away. Whether the student wants to press charges or not, the Health Center reports an assault to UPD. Because the clinic is protected (Cleary Act) they maintain patient confidentiality. In that case, they file a very generic report to UPD that no identifiers and it serves as a "tally mark" in order for the UPD to have a record of how many reported cases of assault are perpetrated on campus.

Ms. Hanel also conveyed that most assaults did not occur on campus, but off campus.

Q&A) UPD Officer Joe Thornton

Discussion of Sexual Assault/Dating Violence with UPD.

Chief Morris directed us to Officer Joe Thornton as the person who deals most with sexual assault cases and serves on the Sexual Assault Response Team in Walker County as the university representative.

Q) What happens to student victims when they contact UPD?

A) Officer Thornton told me that the policy of the UPD is to provide support and information to the victim. Not only do they provide verbal information about the options available to the victim, but a handout is provided that has been produced by the UPD, Counseling Center, and Dean of Students Office about resources available in Walker County and surrounding areas. The victim is the person who decides what other action will be taken, but in general UPD will report information about a sexual assault to the Huntsville Police Department and to the Dean of Student's Office. UPD makes the student aware of the resources available through the Dean of Students office such as a non-contact order, changes in class schedule and living arrangements. They refer students to SAAFE House in general, but also to help them get an emergency protective order. They also refer victims to the Pregnancy Care Center which will do testing for STDs for free.

Q) What happens to student perpetrators?

A) Based on evidence provided by the victim, the UPD will look for a perpetrator and will investigate the crime. If enough evidence is found they will ask for a warrant for arrests. He stated that a civil investigation can sometimes impede a criminal investigation, so they do not release a perpetrator's name to the Title IX officer until UPD has interviewed the suspect and collected evidence necessary for criminal investigation. This also means they have some evidence before turning the suspect's name over. Their policy is to withhold information that could jeopardize the criminal proceeding.

Q) What do the various categories of sexual violence which are reported mean?

A) There are some discrepancies between Texas law and federal laws and definitions. Texas does not have a separate criminal offense called "dating violence"; however the university must report this according to federal guidelines. Officers must interpret the situation and if dating violence is the appropriate category of the crime based on information provided by the victim.

Domestic violence in the state of Texas can include roommates. Penalties and definitions can vary between Texas law, federal law, and federal mandates for sexual assault, dating violence, and domestic violence. In general, sexual assault, forcible is federally defined and requires reporting to be in Title IX compliance. In Texas acts of sexual assault, forcible can range from a felony offense to a Class C misdemeanor.

Q) How does UPD contribute to awareness of the issue of sexual assault?

A) Officers receive constant retraining on issues related to sexual assault, dating violence, and domestic violence. Officers of UPD presented over 143 programs to SHSU students 2013-2014 AY on sexual

assault, alcohol, and drugs. The presentations are based on situations and research over Sam Houston State University. Most of these programs are done as voluntary overtime on the part of the officers.

LGBTQ students often have problems reporting assaults and being accorded dignity by the Huntsville/Walker County community. Faculty need to do a better job being sensitive to the needs to this group of students.

Note:

UPD breaks down sexual assault-forcible and sexual assault-non-forcible and dating violence.

**Q&A) Jeanine Bias
Associate Dean of Students
Title IX Coordinator**

Q) How does the Dean of Students Office deal with the victim of sexual assault?

A) The university has a Sexual Misconduct Policy which was created across the Texas State University System and is consistent across all the campuses in the system.

Sexual misconduct can range from harassment to forcible assault. As the Dean of Students office has done more programs and more outreach on the topic of sexual misconduct, they have been receiving more notifications about sexual assault and sexual misconduct directly from the student or the RA. Right now about 60% of the notifications that lead to an investigation come directly from the student and the other 40% are referrals from UPD or the Counseling Center or the Health Center or faculty and staff.

When students come directly to the Dean of Students Office, they are presented with resources available to them. The major question asked by the Dean of Students' Office is what does the student need in the way of help or support. They tell a victim about resources available between UPD, the Counseling Center, their office on campus, as well as resources available in Huntsville, Walker County, and Montgomery County. They are encouraged to report sexual assault to the police. The victim can file a formal complaint.

The Dean of Students Office can change a student's class schedule and living space, if it is on campus. They can provide excused absences for students and notify faculty members.

Q) What is the process when a student makes a complaint of sexual misconduct or sexual assault?

A) An intake interview is done with the complainant. The university has 3 investigators for sexual misconduct complaints: one person in the Dean of Students office and two people in Human Resources. These people conduct an investigation, interviewing the complainant, the perpetrator, witnesses and write a report. This report goes to the Title IX coordinator, who reads it, and makes a recommendation for appropriate disciplinary sanctions. The report and the recommendation are sent to the sanctioning officer; in the case of a student that is the Dean of Students, in the case of a faculty member that is the Dean of the college. The sanctioning officer makes a decision about appropriate sanctions and provides the perpetrator and the victim with a notice of outcomes. The appeals process is the same as the appeals process for any other grievance.

So far no student has been expelled for sexual misconduct, because most of those who might be withdraw from the university before it gets to the sanctioning process. A hold is placed on their transcript which would prevent them being able to re-enroll.

**Q&A) Jeanine Bias
Associate Dean of Students
Title IX Coordinator**

Q) Could you please tell me what SHSU's official sexual assault policy is? In other words, if a student has been assaulted and wants to do something about it, who is s/he encouraged or expected to contact? How is the situation handled?

A) The policy applies to students, faculty, and staff. If any member of the University community is a victim of sexual assault (or any sexual misconduct), they can report the incident to me as the Title IX Coordinator, the Deputy Title IX Coordinators, or any responsible employee (which then needs to report to me). Responsible employees include most University staff and faculty. Victims are also encouraged to report sexual assault (or any sexual misconduct) to the University Police Department.

After a report is received, our first step is to ensure the safety and well-being of the individual and provide interim accommodations or remedies to the situation. Following this, the individual can decide, in most cases, if they only want to report the incident informally or file a formal complaint which would lead to an investigation. If the investigation finds someone responsible for violating Title IX or our Sexual Misconduct Policy, there are sanctions put in place. If someone is found responsible for sexual assault, the sanction imposed would be suspension, dismissal, or expulsion (for students) and termination (for employees).

Q) Also, is there any data on how often there are sexual assaults on campus and what the consequences are?

A) As far as data for sexual assault occurring on campus, that is published by UPD in their Annual Security Report. Here is a link to UPD Crime Statistics, <http://www.shsu.edu/dept/public-safety/upd/SHSU-main-campus-crime-statistics.html> . It reports that in 2012 and 2013, there were 4 on-campus sexual assaults (in each year).

Q) Can you explain for me the difference between dismissal and expulsion?

A) Dismissal is a suspension from the university for an undetermined time period. Students who are dismissed do have the opportunity to return to SHSU at some point. Students typically have to petition to the DOSO for a possible return and the Dean of Students determines if they can return to the University. This is usually after a period of 2 – 3 years.

Expulsion means that the student can no longer attend SHSU or any other Texas State University System institutions.

Q) What does "dating violence" mean, and how is this different from sexual assault?

A) Dating violence is between 2 individuals who have been in a relationship of a "romantic" or intimate nature. If violence or harassment occurs during the time of the relationship or after the relationship has concluded it would be considered "dating violence". This can include sexual assault but also may include other physical assault, emotional abuse, etc. (much like domestic/ family violence)

Q) Also, for the 8 cases (total) of sexual assault that occurred from 2012-2013, can you tell me what the outcome was? If you are not the correct person to ask, can you tell me whom I should contact? (Would the UPD be appropriate?) Specifically, I would like to know how many of the 8 cases reported included a formal complaint, an investigation, and the investigation's outcome.

A) Some of these cases are reports that wanted to file criminal charges only, some may be Dean of Students Office only, and some may be confidential reports from the Counseling or Health Center. Keep in mind we also deal with reports for assaults that occur off-campus. Those statistics may also include sexual assault that may have occurred on campus but the individual accused is not a student. That being said, any student case that we have heard and found a student responsible, they have been suspended, dismissed or expelled. Students may also resign from the University before a case is heard.

Q&A) Dr. Andrew (Drew) Miller, Executive Director of Counseling and Health Services on

Q) Does the Counseling Center get reports of sexual assault?

A) Yes, but these reports usually arise in a clinical setting. That is, they arise during the course of therapy sessions. Dr. Miller stated that he believes they probably get more reports of sexual assault than appear in the official Cleary Act reports issued by the University. Students are probably reporting and discussing more assaults with counselors than they officially report to the police. Counseling Center does provide de-identified aggregate information to UPD to aid in the Cleary Act reporting process.

Q) What happens if a student contacts your office and reports being a victim of a sexual assault?

A) Since reports of sexual assault usually arise in a clinical setting, privacy laws regarding medical records prevail. Many of these reports are not about recent events, but about events that happened some time ago. When a report of sexual assault arises in a therapy session, the therapist will do a minor investigation to determine if the event was recent or not.

If the report is of a more recent event, therapists have been trained in how to respond. That is, they have training in trauma response and handling of sexual assault cases. In addition, appropriate referrals to campus and community organizations (see below) are made in the event of a recent assault.

Q) Does the Counseling Center encourage those who report sexual assault to make a formal complaint?

A) Not necessarily. The Counseling Center is concerned primarily with the well-being of their patients. Because making such a report might impede clinical/treatment goals, or in some instances could put the client at greater risk of harm, therapists may not encourage reporting. When encouraging a student to make a formal complaint would not harm the patient or hinder therapeutic goals, then the therapist is more likely to encourage reporting.

Q) To what campus/community organizations are victims of sexual assault referred?

A) If the reported assault is recent, the Counseling Center refers students to the University Police Department, Huntsville Hospital, the office of Student Services (including Student Legal Services & Dean of Students Office), and SAAFE House as appropriate. In addition, with the student's permission (written consent), the counseling center will work with Residential Life to relocate the student to assure his/her safety.

Huntsville Hospital has nurses trained in handling sexual assault cases. According to the Texas Attorney General's website (<https://www.texasattorneygeneral.gov/victims/sane.shtml#2>), these SANE (Sexual Assault Nurse Examiner) nurses are trained to: provide comprehensive care to sexual assault patients; demonstrate competency in conducting a medical forensic exam to include evaluation for evidence collection; have the expertise to provide effective courtroom testimony; and show compassion and sensitivity to survivors of sexual assault. While the university does not currently employ any SANE nurses, the campus clinic does have an OB/GYN on staff.

Q) What happens if a student leaves the university following a reported sexual assault? Is there a mechanism for making sure a student who withdraws from the university still has access to care?

A) Counselors in the Center are bound by professional ethics to continue to care for patients if they cease to be official university students. If a student who is seeing a Counseling Center therapist leaves the university, the Center has the ability to provide services to this person at least until the end of the semester.

The Counseling Center also makes appropriate referrals to qualified therapists as appropriate to those leaving the university. The Center helps those leaving the university get a referral to ensure a continuity of care. To this end, the Counseling Center is hiring a new Case Manager who will be a licensed social

worker. This person will be able to help with aftercare issues for students who leave the university Counseling Center's care.

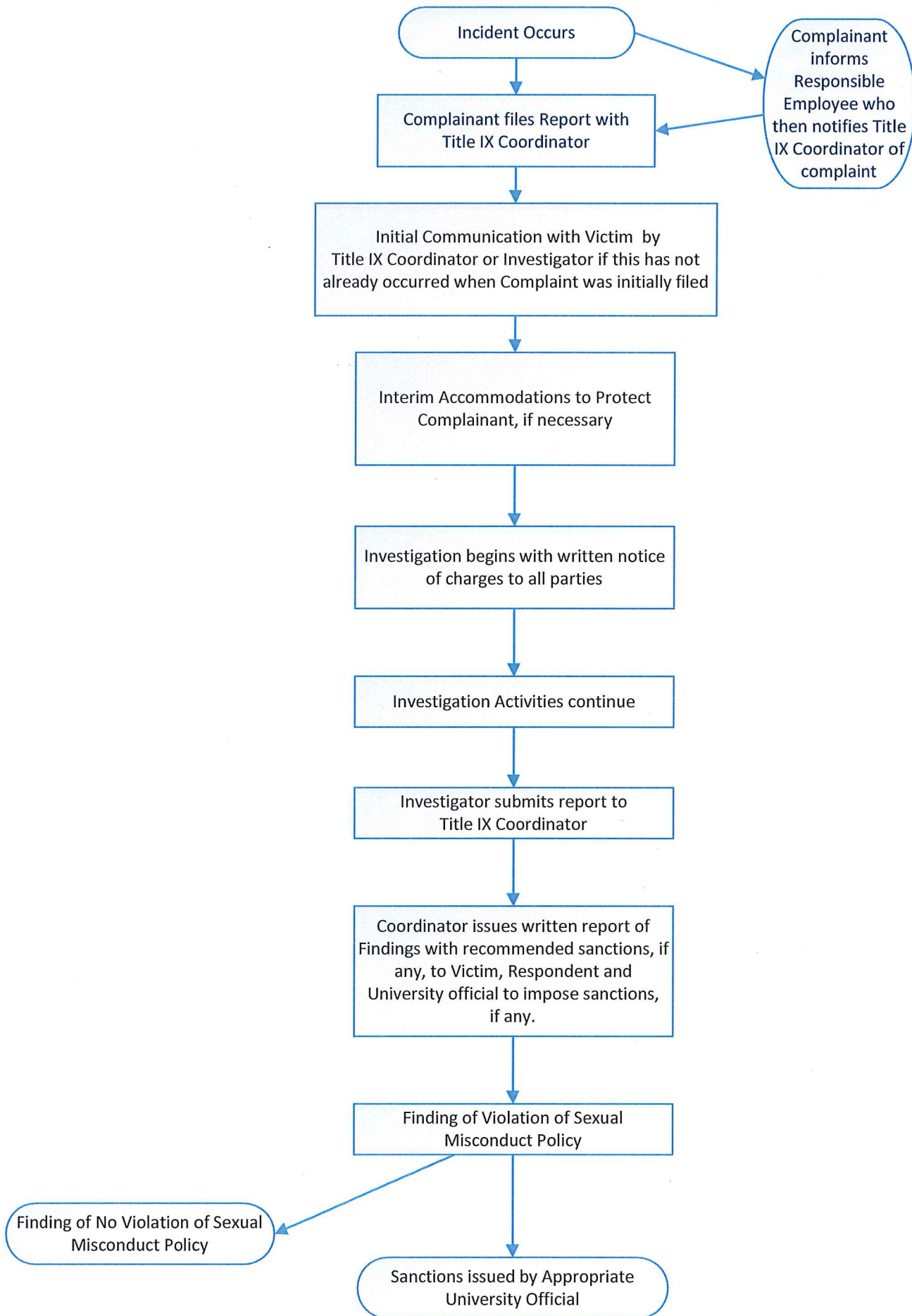
Q) What happens to the person accused of committing a sexual assault?

A) As with victims of sexual assault, the Counseling Center is only involved in a clinical way. Sometimes patients come to the Center because they have been accused of sexual assault and are dealing with this. Other times, patients acknowledge their actions. In either case, reports of committing sexual assault do not necessarily trigger mandated reporting requirements (examples include, but are not limited to, situations involving a minor, an elderly person, or someone who is disabled).

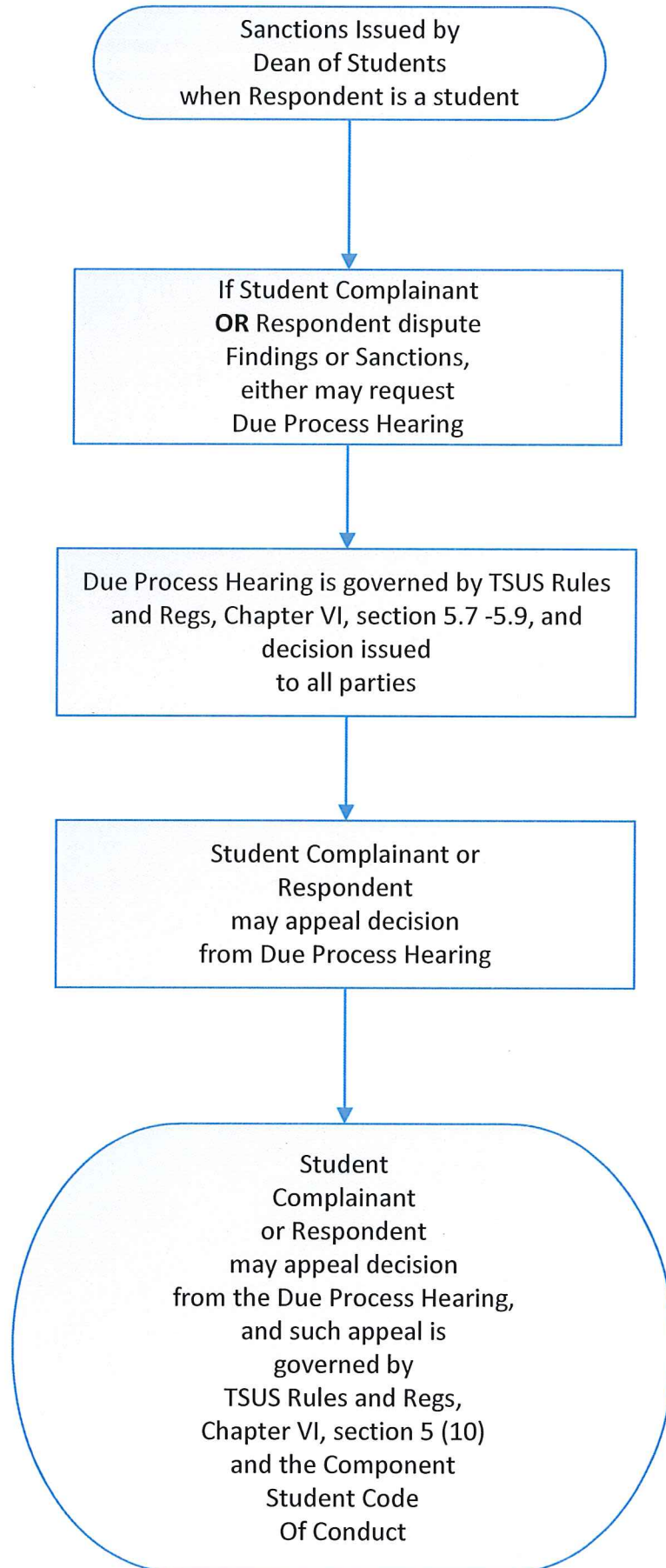
Q) What efforts does the Counseling Center make to address the problem of sexual assault on campus?

A) On campus, the Counseling Center works with other campus organizations to do preventative programming. Further, the SHSU Counseling Center is listed as a resource with other campus/ community organizations who are likely to receive reports of sexual assault. In addition, a Walker County Sexual Assault Response team is developing and the Center is listed as a resource for this response team.

Title IX Complaint and Investigation Process Overview



Student Due Process Hearing and Appeal Process Overview



Staff Appeal Process Overview

Sanctions Issued by Supervisor in consultation with Human Resources when Respondent is a staff employee

Staff are *not* provided a due process hearing

Staff may appeal Findings and Sanctions and such appeal is governed by Chapter 5, section 2.15 and Component Staff/Employee Grievance Procedures

Faculty (Tenure or Non-Tenured) Due Process Hearing and Appeal Process Overview

Sanctions Issued under Authority of Provost when Respondent is faculty (tenured or non-tenured)

Faculty employee may dispute Findings or Sanctions and request Due Process Hearing if:

In the case of **Tenured** faculty, the sanction:
 a. impacts continuing employment,
 b. results in a salary reduction; or,
 c. results in demotion in rank,

In the case of **Non-Tenured** faculty, the sanction involves:
 a. non-reappointment, or
 b. termination during the contract period,

Due process hearing decision issued to all parties

Faculty Respondent may appeal Findings or Sanctions or the decision from Due Process Hearing, if any, as follows:

Appeal by **Tenured** faculty who **did** have Due Process Hearing, and provided the sanction **did**:

a. impact continuing employment,
 b. result in a salary reduction; or,
 c. result in demotion in rank,

then appeal is governed by TSUS Rules and Regs, Chapter V, §4.5.

Appeal by **Non-Tenured** faculty who **did** have a Due Process Hearing, and provided the sanction resulted in:

a. non-reappointment, or
 b. termination,

during the contract period, then such appeal is governed by TSUS Rules and Regs, Chapter V, §4.5

Appeal by **Tenured** faculty in which sanction did **not**:

a. impact continuing employment,
 b. result in a salary reduction; or,
 c. result in demotion in rank,

then appeal is governed by TSUS Rules and Regs, Chapter V, §2.15 and the Component staff/employee grievance policy.

Appeal by **Non-Tenured** faculty in which sanction did **not**:

a. impact continuing employment,
 b. result in salary reduction, or
 c. result in demotion in rank,

during the contract period, then appeal is governed by TSUS Rules and Regs, Chapter V, §2.15 and the Component Staff/Employee Grievance Procedures.

Appeal by **Non-Tenured** faculty in which sanction resulted in:

a. non-reappointment, or
 b. termination,

at the end of the contract period, then such appeal is governed by TSUS Rules and Regs, Chapter V, §4.4

Texas State University System (TSUS) Meeting

October 24, 2014

- TSUS will focus on 3 areas of funding in the upcoming legislative session
 - Tuition Revenue Bonds (**TRB**) – 2 million sq. ft. of space shortage across system universities
 - Higher Education Assistance Fund (**HEAF**) – once-a-decade review
 - **Hazlewood** Exemptions
- Other notable legislative issues
 - Outcome-based funding – TSUS is requesting \$265 million (an extra 10% of the budget) to support this initiative.
 - Requests from community colleges to provide baccalaureate degrees
 - Changes in the legislative body – The upcoming Senate is the most fiscally conservative group in recent history. There are also 11 new chairmanships in the House.
- Dr. Perry Moore, the Vice Chancellor of Academic Affairs, stated that TSUS will **not** ask system universities to **publish student comments** on teaching evaluations.
- Dr. Baker expressed the SHSU Senate’s interest in offering the same benefits for spouses of employees in same-sex marriages as spouses of employees in different-sex marriages, and shared related supporting documents prepared by an SHSU alumni with Dr. Sean Cunningham, the Vice Chancellor of Governmental Relations.

Texas Council of Faculty Senate (TCFS) Meeting

October 24-25, 2014

Notable Topics

- A number of institutions are reviewing their tenure and promotion policies, and the treatment of **collegiality** has emerged as a shared topic of concern. Consequently, TCFS will hold a panel discussion on the definition and assessment of collegiality at the February 2015 meeting.
- A resolution was passed to “oppose any legislation or initiatives that will overturn the present prohibition on carrying **concealed weapons** on university campuses.”
- TCFS also passed resolutions to recommend the Legislature to increase funding for higher education (by 25%), Hazlewood (full coverage), and the Texas Education Opportunity Grant Program.

The Professoriate of the Future

(Presentation by Julie Schmidt from AAUP – the American Association of University Professions)

- Recent AAUP survey indicated that 70% of all faculty appointments are contingent nationwide.
- There is no “adjunct crisis,” but rather a system-wide crisis. As the lacking of economic security leads to a fraying of academic freedom, faculty governance, and academic citizenship.
- AAUP has updated its mission to include the promotion of “economic security” of “all those engaged in teaching and research in higher education” (<http://www.aaup.org/get-involved/issue-campaigns/one-faculty>).

Respectfully submitted,
Lisa Shen