

UCC approved minimum standards for a minor

Background: The UCC was asked by the Vice Provost for Undergraduate Affairs to establish minimum standards for all minors at NKU, as part of our SACS requirements. The UCC deliberated this in November and approved the following standards at our meeting on 12/1/16. This statement of minimum standards for a minor now goes to Faculty Senate for approval on January 23, 2017.

- a. All minors offered at NKU must contain a minimum of 18 credit hours.
- b. Students can complete a minor in addition to and as a complement to fulfilling a major. NKU does not award stand-alone minors.
- c. A minor can only be awarded in conjunction with an NKU undergraduate degree.
- d. All requirements of the minor(s) must be completed at the time of conferral of the degree.
- e. Students cannot pursue or be granted a minor in the same discipline as their major (e.g. a student earning a Math Major cannot earn a Math Minor.)
- f. Certain majors require a related minor as part of the program requirements.
- g. An earned or awarded minor appears on the student's final academic record transcript but not on the student's diploma.

Comments:

1. Only two current minors do not qualify based on a. (18 hours). The department housing those minors has been contacted.
2. Parts b-g were already in place.
3. The UCC will be re-examining these standards as well as minimum standards for majors over the next year but it was important to have something in place as soon as possible.

CONSTITUTION OF THE FACULTY SENATE NORTHERN KENTUCKY UNIVERSITY

(approved by the Faculty Senate on November 28, 2016)

all changes from current Faculty Senate Constitution are in red

ARTICLE I. FUNCTIONS AND PURPOSES

A. The Faculty Senate is the official representative body of the General Faculty of Northern Kentucky University.

B. The purposes of the Faculty Senate are to:

- 1) Provide a forum for the faculty to propose policy ~~and/or~~ to discuss all matters relating to the ~~wellbeing~~well-being of the University.
- 2) Allow the faculty to participate effectively in the enactment of university policies.

~~33) Provide efficient channels for the faculty to meet its obligations in implementing policies adopted by the Faculty Senate.~~

- 3) Conduct studies deemed essential to the progress of the University.

~~45)~~ Evaluate university policies, programs, and practices and recommend ~~such improvements as seem warranted.~~

C. As the representative of the General Faculty, the Senate ~~shall~~will be a counselor to the University president in ~~those~~ matters of ~~traditional~~ faculty concern. When the University president disagrees with a recommendation of the ~~S~~senate, he/she may request the ~~S~~senate to reconsider its decision at its next regular meeting or at a special meeting called for that purpose. The University president or his/her designee ~~shall~~will provide the Senate with the reasons for his/her disagreement. The ~~Senate shall~~senate will reconsider its decision, giving due weight to the University president's reasons. If the Senate and University president cannot agree, the University ~~P~~resident, at the request of the Senate, ~~shall~~will report the Senate's views to the Board of Regents.

ARTICLE II. POWERS

A. The General Faculty assembled in meeting ~~assembled~~ has all powers necessary to implement the functions enumerated in ARTICLE I.

B. All powers of the General Faculty are exercised through the Faculty Senate, except as

limited by ARTICLE VIII, B and H.

ARTICLE III. MEMBERSHIP

- A. The ~~General Faculty~~general faculty shall consist of all tenured, tenure-track, and "full-time, non-tenure track renewable faculty." ~~faculty members holding rank of lecturer or instructor or higher.~~
- B. For the purpose of election to, and service on, the Faculty Senate- Faculty is defined as ~~full time teaching and research members of the~~ General Faculty who spend 25% or less of their time in an administrative appointment and who have held a faculty appointment for at least one academic year before assuming a Senate seat.
- C. All questions of eligibility for the senate membership ~~shall~~will be resolved by the Executive Committee of the Faculty Senate.

ARTICLE IV. ~~SELECTION OF MEMBERS~~

- A. All members of the General Faculty are eligible to vote in Faculty Senate elections.
- B. Members of the Faculty Senate shall be elected as follows:
 - 1) The Senate consists of representatives from each department and at-large representatives of the colleges and schools. (In further descriptions, any reference to *college* shall also refer to *school*.) For election purposes, Learning PLUS Assistance University Programs, First Year Programs, and Honors shall~~which are in the office of the Provost or his/her designee, will~~ be considered a single department not affiliated with a college or school. The Steely Library faculty shall be given the same status as a college for voting purposes. The College of Law, including the Law Library, shall be considered an academic college. It ~~shall~~will be entitled to one Senator plus additional Senators as determined by the Executive Committee. Any Professional Colleges which may be added to the University in the future shall be treated in a similar fashion. Graduate Programs shall be entitled to one Senator, chosen by a vote of the graduate faculty in an election conducted by the Graduate Council. Only full-time faculty who have taught at least one graduate course in the preceding two semesters are eligible to serve as the Graduate Programs representative.~~will be treated in a similar fashion.~~
 - 2) The number of at-large Senators from each college shall be proportional to the total faculty as determined by the Executive Committee by September 15th of each year based on the Fall Semester faculty roster. For purposes of calculating numbers of Senators, only faculty eligible to vote for Senators shall be counted. Department Senators ~~shall~~will make up 2/3 of the Senate and ~~shall~~will be seated immediately upon the formation of a new academic department for their specified term of office. The total number of at-large Senators ~~shall~~will be adjusted to make-up 1/3 of the Senate and ~~shall~~will be elected in the normal elections cycle.

Deviations from the 2/3 department, 1/3 at-large representational ratio ~~shall will~~ be corrected through the normal elections cycle.

-3) Within each college, every department elects one Senator. Eligible colleges elect additional Senators to fill out their allocations of at-large Senators. ~~University Programs collectively elects one Senator.~~

4) All Senators shall serve for two-year terms, with approximately one-half being elected each year. The term of office shall run from July 1st through June 30th.

5) Election of faculty Senators other than those elected by departments shall be presided over by the Elections Committee of the Faculty Senate.

6) By no later than the tenth week of the Fall semester, those departments whose Senator's term ~~shall will~~ expire on June 30th of the next calendar year shall elect, from those not already elected to the Faculty Senate, a representative from among their faculty. One may not serve concurrently as both an at-large Senator and as a departmental Senator.

7) By no later than the twelfth week of the Fall semester, the Elections Committee shall provide all eligible faculty members with ballots listing those faculty members within their college who, in writing, have consented to stand for election to the Faculty Senate as an at-large Senator. Each eligible faculty member may vote for as many candidates as there are available seats in his/her college. The Elections Committee shall tabulate the ballots and submit the results to the Faculty Senate by the December meeting of the Faculty Senate.

8) All newly elected ~~senators~~representatives shall assume office on July 1st.

a) Vacancies in departments shall be filled by a vote of their respective faculty. Notification of the results shall be made in writing to the president of the Faculty Senate.

b) Vacancies in at-large positions shall be filled from the election results of the most recent election in that respective college. In case of a tie the selection shall be by a coin flip conducted by the Chair of the Elections Committee in the presence of the tied candidates. If no candidates are available from that college then the position shall remain vacant until the next election.

c) Vacancies of less than one semester shall be filled by the absent Senator appointing an alternate. This alternate must be a full-time faculty member from the same constituency the absent Senator was elected to represent.

d) Vacancies of one semester or more shall be filled through a special election.

~~e) Temporary vacancies shall be filled by alternates.~~

ARTICLE V. OFFICERS

A. The Officers of the Faculty Senate shall be President, Vice President, Secretary, Faculty Advocate~~Parliamentarian~~, and the Chairpersons of all standing committees elected as ~~hereinafter~~ provided herein. The Vice President shall serve as presiding officer in the absence of the President.

B. Ex Officio, non-voting Officers of the Faculty Senate shall be the Faculty Regent, Parliamentarian, and Chairperson of the Graduate Council.

~~B.C.~~ -The Officers of the Faculty Senate shall serve in their respective positions as the officers of the General Faculty.

~~C.D.~~ Officers serve at the pleasure of the Faculty Senate. An officer may be removed by a two-thirds vote of Senators present and voting. Any vacancy created by the removal or resignation of an officer should be filled by special election of the Faculty Senate.

~~D.E.~~ The President of the Faculty Senate shall serve as the Grand Marshall of the University. The Chase College of Law selects its own Grand Marshall.

~~E.F.~~ The President of the Faculty Senate, upon assumption of office, shall serve as representative of the General Faculty to the Senate. The departmental, independent program, or college membership vacancy created shall be filled in accordance with Article IV, B. 14.

ARTICLE VI. ~~SELECTION OF OFFICERS~~

A. Before~~During~~ the first ~~meeting~~two weeks of the Spring ~~S~~semester the incumbent President of the Faculty Senate shall call and preside at a special session of the newly elected senators and senators whose terms do not expire at the end of the current Senate session. ~~These newly elected senators and continuing senators compose the membership of the next Senate session.~~ The purpose of this special meeting is to elect Faculty Senate officers for the next session. Nominations may be submitted to the incumbent President of the Faculty Senate prior to the special meeting or may be made from the floor during the meeting. Terms of office shall be for one year. A session for the Faculty Senate and its officers begins on July 1st.

B. Before the final meeting of the Spring Semester, the Elections Committee shall conduct an election to choose the Faculty Advocate for the following year. The Elections Committee shall issue a call for nominations at least one month before the election. All full-time, tenured faculty are eligible to run for the position of Faculty Advocate.

ARTICLE VII. COMMITTEES

There shall be ~~eight~~^{five} standing committees of the Faculty Senate: the Executive Committee; the Budget ~~& Commonwealth Affairs~~ Committee; the University Curriculum Committee; the Faculty Benefits Committee; ~~the Faculty Evaluation Committee;~~^{and} the Professional Concerns Committee; ~~the General Education Committee; and the Teaching and Student Affairs Committee.~~ Departments and Colleges shall determine which faculty serve on these standing committees. ~~Every senator shall be assigned to at least one committee. If necessary, assignments shall be made by the Executive Committee.~~

A. ~~, where possible, based upon preferential lists submitted by each senator. The Budget Committee, University Curriculum Committee, Faculty Benefits Committee, and Professional Concerns Committee may include one~~^{remainder of each committee shall be composed of} elected representatives from ~~each academic department, those departments or independent programs~~ not already represented by a senator.

B. The General Education, and Teaching and Student Affairs Committees shall consist of at least one member from each College. Representatives to these committees shall be chosen by the Faculty Senate President in consultation with the Senate Executive Committee.

~~B.C.~~ C. The Executive Committee shall consist of the officers of the Faculty Senate and it shall be chaired by the President of Faculty Senate.

~~C.D.~~ D. Reassigned time or stipends shall be allotted to the following members of the Executive Committee:

President – 50% reassigned time

Curriculum Chair – 25% reassigned time

Faculty Benefits Chair – 25% reassigned time ~~for Fall Semester~~

Professional Concerns Chair – 25% reassigned time

Budget Committee Chair – 25% reassigned time

General Education Committee Chair – 25% reassigned time

Teaching Enhancement and Effectiveness Committee Chair – 25% reassigned time

Faculty Advocate – 25% reassigned time

Vice President – stipend (amount set by Provost)

Secretary – stipend (amount set by Provost)

Parliamentarian – stipend (amount set by Provost)

~~D.E.~~ E. The following duties shall be the specific responsibilities of the Executive Committee:

- 1) It shall function as the official representative body of the faculty when the Faculty Senate is not in session and may take whatever emergency action it deems necessary. Such action shall be presented for approval to the Faculty

Senate at its next regular meeting.

- 2) It shall cause matters approved by the Faculty Senate to be conveyed to the president of the University for appropriate action, and shall report the action taken to the Faculty Senate.
- 3) It shall serve as a committee on committees to work with the administration in forming university committees and in appointing their membership when appropriate.
- 4) It shall receive the written reports of the committees of the Faculty Senate.
- 5) It shall refer such matters as are designated by the Faculty Senate for action by the appropriate committee.
- 6) It shall prepare the agenda for meetings of the Faculty Senate. Committee recommendations intended for Senate action shall be so designated on the agenda.
- 7) It shall insure that nominations and elections are carried out as specified in the Constitution.

~~— It shall make committee assignments, taking into account preference of Senators, by the regular August meeting, and notify those departments and independent programs, which still require representation on the standing committees.~~

F. ~~E.~~ The following duties shall be the specific responsibility of the Budget ~~and Commonwealth Affairs~~ Committee:

- 1) It shall review, analyze, receive updates on, recommend and report to the Faculty Senate on all matters pertaining to the budget, including the following:
 - a) The Council on Postsecondary Education's (CPE) biennial budget development process and the University's input into it, including the CPE's capital and operating recommendations for funding NKU and each of the public institutions.
 - ~~a) The University's biennial budget proposal.~~
 - b) The University's annual operating budget in at least the preliminary, intermediate and final stages of its development.
 - c) Salary data relating to the university salary policy and appointment.
 - d) Major capital expenditure proposals submitted by the administration.
- 2) ~~— It shall keep the Faculty Senate informed of the actions and proposals of the Legislature, Governor's Office, Council on Higher Education, and other agencies, public and private, which might affect aspects of the university programs and governance for which the Faculty Senate has responsibility~~
- 3) ~~2)~~ It shall serve as an advisory board to the Executive Committee and our

representative to the Coalition of Faculty Senate Leadership (COSFL) to ensure that faculty~~our~~ interests are represented by COSFL at the state level.

GF. The following duties shall be the specific responsibility of the University Curriculum committee.

- 1) It shall make recommendations to the Faculty Senate, and through it to the University administration, in all areas of curriculum policies and procedures and curriculum-related definitions with the exception of those policies and procedures that fall under the purview of the Chase College of Law.
- 2) It shall periodically review, evaluate, and make recommendations concerning such policies and procedures. In examining proposals it shall apply criteria including pedagogy, academic quality, staffing, and available resources.
- 3) Recommendations~~All recommendations~~ of the University Curriculum Committee do not require full Faculty Senate ~~are subject to the approval of the Faculty Senate~~ except for changes to the general education program (including new general education courses), new programs, substantive program changes and changes~~those matters specifically delegated to that committee by the UCC bylaws. Senate.~~ No curriculum changes may be made without approval by the regular curriculum process.

HG. The following duties shall be the specific responsibility of the Faculty Benefits Committee:

- 1) ~~If The Faculty Benefits Committee~~ shall review, evaluate, and make recommendations concerning those policies, procedures, and programs related to faculty benefits; such as in particular those policies dealing with insurance, retirement, salary schedules, academic leaves, summer fellowships, institutional project grants, deferred compensation, the credit union, travel allowance, and reassigned time.
- 2) It shall process applications of and make recommendation on candidates for Faculty Sabbatical Leaves, Faculty Project Grants, Faculty Summer Fellowships and other programs assigned by the Faculty Senate.

IJ. The following duties shall be the specific responsibility of the General Education Committee:

- 1) It shall review, evaluate, and make recommendations concerning policies relating to matters pertaining to General Education, including revisions to and assessment of General Education.

JKH. The following duties shall be the specific responsibility of the Professional Concerns Committee:

- 1) It shall provide a forum for the faculty to propose policy and to discuss all

matters relating to the wellbeing of the University.

~~4)2)~~ It shall review, evaluate, and make recommendations concerning policies relating to the general academic and professional concerns of the faculty, both full and part-time.

3) It shall review, evaluate, and make recommendations regarding all ~~concerning~~ the various university policies procedures and practices related to governance of the university.

K.L. The following duties shall be the specific responsibility of the Teaching Enhancement and Effectiveness Committee:

1) It shall review, evaluate, and recommend policies regarding the evaluation and enhancement of teaching.

~~2)~~ 2) It shall review, evaluate, and recommend student policies regarding all matters of ~~professional~~ concern to the faculty.

L.M. The following duties~~st~~ shall be the specific responsibility of the Faculty Advocate:

1) He or she shall provide assistance in resolving faculty complaints~~review,~~ evaluate, and concerns.

2) He or she shall consult with faculty from each department and school on campus throughout the year in order to better understand faculty concerns. These consultations shall remain confidential unless faculty agree to waive confidentiality.

3) He or she shall make policy recommendations to the Executive Committee as appropriate, while ~~at~~ regarding all times maintaining the confidentiality of his or her interactions with individual faculty, unless faculty agree to waive confidentiality.~~policies and procedures related to governance of the university.~~

4) He or she shall meet with appropriate administrators as needed.

~~— It shall periodically review and make recommendations concerning the Faculty Policies and Procedures Manual, Part time Faculty Handbook, Student Handbook, Handbook for Department Chairpersons, and other policies and procedures documents relevant to professional concerns of the faculty.~~

N.I. No later than September 20 of each year, the president of the Faculty Senate shall appoint a member of the general faculty from each college offering degrees to constitute an Elections Committee. Members of the Election Committee may not be candidates for election to the Faculty Senate. This committee shall preside over all elections sponsored by the Faculty Senate.

ARTICLE VIII. MEETINGS

- A. The general faculty shall meet as appropriate, the meeting to be convened by the President of the Faculty Senate, the President of the University, the Provost, or the Executive Committee of the Faculty Senate.
- B. Should a petition, signed by at least 10 percent of the General Faculty as exhibited on the official roster, requesting a meeting of the General Faculty and indicating proposed items of business be filed with the President of the Faculty Senate, the Executive Committee shall call a meeting of the General Faculty to consider those matters. Such a meeting shall be held not later than fourteen calendar days, exclusive of holidays, from the filing date of the petition. The filing of a petition challenging Senate action shall be interpreted as a declaration that the General Faculty is asserting its jurisdiction.
- C. No meeting of the General Faculty called by the Executive Committee shall be held unless an agenda prepared by that committee is distributed to all members of the General Faculty at least five business days~~one week~~ prior to the meeting date.
- D. The Faculty Senate shall meet at least once each month during the academic year, unless deemed unnecessary by the Executive Committee, ~~during both semesters and the summer sessions~~. Special meetings may be called at any time during the course of the year, including the summer, by the President of the Faculty Senate or its Executive Committee. Regular meetings shall ordinarily be on the fourth~~third~~ Monday of each month; emergency changes of date may be made by the Executive Committee.
- E. The Executive Committee shall appoint a temporary chairperson should neither the President nor the Vice-president be in attendance.
- F. All meetings of the Faculty Senate shall be open to the University community. Any member of the General Faculty present shall receive floor privileges upon request; however, these privileges ~~shall~~will not include the right to introduce or second motions or to vote. Other members of the academic community may be granted floor privileges with the same restrictions by a majority vote of the Senate. Only duly elected senators or their designated alternates in attendance may introduce or second motions or vote.
- G. Agenda items and supporting information shall be submitted to the Executive Committee at least fourteen calendar days prior to the scheduled Senate meeting. Items may also be placed on the agenda by the Executive Committee on its own motion of any member of the ~~S~~enate, or by petition signed by at least ten members of the general faculty at least five business~~seven calendar~~ days in advance of the Faculty Senate meetings.

- H. Minutes of the previous meeting of the Faculty Senate and an agenda for the next meeting shall be distributed to all members of the Faculty Senate at least five ~~businessseven calendar~~ days prior to the subsequent Senate meeting. A second copy shall be sent to each senator for posting and review by all faculty. Actions of the Faculty Senate shall become final fourteen calendar days, exclusive of holidays, following the official distribution of said minutes, unless the General Faculty asserts its jurisdiction.

ARTICLE IX. FACULTY REGENT

The Faculty Regent shall report regularly to the Faculty Senate, and through it to the General Faculty, on those matters, which are coming before the Board of Regents and shall report action taken on such matters.

ARTICLE X. RULES OF ORDER

A majority vote is defined as a majority of those present and voting. An abstention shall not count as a vote. In the absence of any other special rules of order, which the General Faculty or the Faculty Senate may adopt, Robert's Rules of Order Newly Revised (latest edition) shall govern the conduct of the meetings.

ARTICLE XI. QUORUM

A quorum for a Faculty Senate meeting shall be 50 percent of its members.

ARTICLE XII. STANDING COMMITTEE'S BYLAWS

Each standing committee shall maintain its own bylaws. All amendments are subject to the approval of Faculty Senate.

ARTICLE XIII. SEVERABILITY

The invalidation of any portion of this constitution shall not affect the validity of any other portion of the constitution.

ARTICLE XIV. EFFECTIVE DATE

This constitution becomes effective upon approval by the Board of Regents and becomes part of the Faculty Policies and Procedures Manual.

ARTICLE XV. AMENDMENTS

This constitution may be amended at any meeting of the General Faculty by a two-thirds majority of those present and voting, provided the proposed amendment was included in the agenda and was available to the members of the General Faculty for one week prior to the meeting. The approved amendment becomes operative upon ratification by the Board of Regents.

ARTICLE XVI. FACULTY SENATE STANDING RULES

1. The vote required in the Faculty Senate to adopt curriculum-based programs is a two-thirds vote of those present and voting. ~~(Adopted by 2/3 vote of those present and voting at the November 22, 1999 Faculty Senate Meeting.)~~

~~2.~~ 2. The vote required in the Faculty Senate to adopt amendments and revisions to the General ~~Education~~Studies Program is a two-thirds vote of those present and voting. ~~(Adopted by 2/3 vote of those present and voting at the November 22, 1999 Faculty Senate Meeting.)~~

* These rules may be amended or rescinded with previous notice and 2/3 vote (present and voting), or without notice, a vote of a majority of the entire membership of the Faculty Senate. ~~-(see Roberts Rules p. 301)~~

~~REVISED JANUARY 1985 AMENDED APRIL 1987~~

~~AMENDED JULY 26, 1995:~~

- ~~* Article IV. Selection of Members B.5, B.7, B.8 & B.9.~~
- ~~* Article VI. Selection of Officers~~

~~AMENDED NOVEMBER 20, 1996~~

- ~~* Article IV. Selection of Members B.5, B.10.b.~~
- ~~* Article VI. Selection of Officers~~

~~AMENDED NOVEMBER 22, 1999~~

- ~~* Article XVI Adopted by 2/3 vote of those present and voting at the November 22, 1999 Faculty Senate Meeting.~~

~~AMENDED OCTOBER 30, 2001~~

- ~~▪ Article IV. Selection of members B.1, B.2.~~
- ~~▪ Article VII. C. Reassigned time for Professional Concerns Chair~~
- ~~▪ Article X. Rules of Order~~
- ~~▪ Article XVI. Faculty Senate Standing Rules~~

~~**AMENDED JANUARY 24, 2005**~~

- ~~▪ Article IV. B. Selection of members B.2., B.3.~~

~~**AMENDED OCTOBER 24, 2005**~~

- ~~▪ Article III. B. Membership, A~~
- ~~▪ Article IV. Selection of Members~~

~~**AMENDED APRIL 27, 2015**~~

- ~~▪ Article VII. C. Committees (Ratified by Board of Regents 09-09-2015)~~

PROPOSED AMENDMENTS TO THE FACULTY SENATE CONSTITUTION

Faculty Senate Meeting Item:

January 23, 2017

#1 Senate Committee Chairs not required to be Senators

Add the following sentence to the end of ARTICLE VI. Section A:

Officers must meet the Senate membership requirements as specified in ARTICLE III, but do not have to be Senators.

#2 Specifying an oversight role for the General Education Committee.

Revise ARTICLE VII, I, 1) to read as follows:

It shall review, evaluate, and recommend General Education policies, including oversight, revisions to, and assessment of the General Education Program.

#3 Delete ARTICLE XVI. (FACULTY SENATE STANDING RULES)

RESOLUTION

To: Faculty Senate
From: PCC
Date: Nov 3, 2016
Senate Discussion Item: Jan 23, 2017
Re: Recommended Resolution of Faculty Disagreement with NKU's Decision To Seek Judicial Gag Order Against NKU Student

The Professional Concerns Committee recommends that the NKU Faculty Senate adopt the following resolution:

Be it resolved that the Faculty Senate of Northern Kentucky University respectfully disagrees with the University's efforts to obtain a gag order to prohibit our student Jane Doe from talking with reporters about the university's response to her campus sexual assault and recommends that the University, in the future, not seek to prohibit students from talking with the media about matters having to do with the University and its policies.

BACKGROUND:

(Included for explanatory purposes, not to be voted by Faculty Senate).

On August 26, 2016, NKU asked a federal district court to enter a "gag order" against one of our students. During her first semester at NKU in Fall 2013, this student—known pseudonymously as "Jane Doe"—was sexually assaulted by another NKU student. She reported the incident to the university, which investigated her claim. Following a hearing that was conducted pursuant to established university policies, a three-person panel consisting of one faculty member, one staff member, and one student determined by a preponderance of the evidence that the male student had performed "nonconsensual sexual intercourse" on Jane Doe. At the panel's recommendation, the male student was suspended for one semester and ordered to stay away from Jane Doe. Jane Doe alleges that the male student did not subsequently stay away from Jane Doe, though the University denies this allegation.

Eventually, Jane Doe sued the university under Title IX of the Civil Rights Act of 1964, as amended. Jane Doe's lawsuit is currently pending in United States District Court. Before and since filing this lawsuit, both on-campus and off, Jane Doe and her attorney have talked about this lawsuit and the underlying events that led to it, and seemingly have sought to generate

news coverage of the case. The case has been covered by the Cincinnati Enquirer, the Northern Kentucky Tribune, and The Northerner.

On August 26, 2016, in response to Jane Doe's lawsuit, NKU asked the federal district court presiding over the case "to grant a gag order prohibiting [Jane Doe] from any further communication with the press regarding the merits or allegations of this case. . . ." The University told the court that without such a gag order, news coverage of Jane Doe's statements would make it difficult to seat an unbiased jury in the case. The University also told the Court that it would be unfair to allow the plaintiff to talk about the case with reporters while the University believes that its own obligation to protect student privacy precludes it from doing so. On October 18, 2016, U.S. District Judge William O. Bertelsman denied the University's request for a gag order against Jane Doe and her attorney, and also denied the University's related motion to "seal" (i.e. keep secret) transcripts of depositions in the case. Judge Bertelsman's decision was published in a written Order on October 24, 2016.

The Faculty Senate takes no view on the legal issues in the case or on the underlying facts, except to the extent those facts are summarized above. However, the Faculty Senate is gravely concerned that the University's decision to seek a gag order against one of our students cannot be reconciled with some of the basic values of our university community.

Freedom of Speech

As amended by the Board of Regents in May 2016 following a long and inclusive vetting process, the [NKU Values & Ethical Responsibilities Statement](#) identifies the promotion of freedom of speech as one of our core ethical values. It provides:

University community members are expected to . . . [p]romote academic freedom, including the freedom to discuss relevant matters in the classroom, with fellow NKU community members, and with the public. . . . The freedom of speech of community members includes the freedom to express their views on matters having to do with their institution and its policies. This freedom should be accorded – and rights to it protected – because grounds for thinking an institutional policy desirable or undesirable must be heard and assessed if the community is to have confidence that its policies are appropriate.

In filing its request for this gag order, the university has sought to prevent Jane Doe from expressing her views on matters having to do with NKU and its policies. The Faculty Senate has grave concern that this action contravenes our ethical obligation to promote the individual freedom of NKU community members to discuss such relevant matters, both with fellow NKU community members and with the public.

Relatedly, the NKU [Code of Student Rights and Responsibilities](#) also recognizes NKU's obligation to ensure that our students enjoy the freedom of speech, both on and off campus.

As approved by the NKU Board of Regents on November 21, 2012, the Code's Preamble provides:

The Code of Student Rights and Responsibilities is designed to ensure that Northern Kentucky University students shall enjoy intellectual freedom, fair and legal treatment, the freedom of speech both on and off campus, freedom of press, the right of peaceable assembly, the right to petition for redress of grievances, the right to a fair hearing of charges made against one, and the right to responsible participation in the university community. Rights imply responsibilities; therefore members of the University community must show both initiative and restraint. The Code is designed neither to be exhaustive nor to encompass all possible relationships between students and the institution. This document is endorsed by the Student Government Association, Faculty Senate, Staff Congress and University Administration, and approved by the Northern Kentucky University Board of Regents. The Code is not rigid or unchangeable. As the relationship between students and the University continues to grow, it may be necessary to modify the Code.

The Faculty Senate believes that the university's decision to seek a judicial gag order is intended improperly to interfere with the right of an NKU student, Jane Doe, to enjoy "the freedom of speech both on and off campus."

Transparency and Accountability

NKU's Mission Statement identifies transparency and accountability as key components of "institutional excellence," which is another of our community's core values. Like the [NKU Values & Ethical Responsibilities Statement](#), the University's Mission Statement is the product of a long and inclusive vetting process that involved every campus constituency. The Mission Statement is included within the university publication entitled "[Fuel The Flame](#)," which further elaborates on the University's aspirations and values. One of NKU's goals and values is "Institutional Excellence." In [Fuel The Flame](#), "Institutional Excellence" is defined as follows:

Institutional excellence lays the foundation for student success. Our ability to achieve our vision rests with faculty who are passionate about **student-centered learning** and staff and administrators who are dedicated to providing outstanding service and leadership. In order to sustain and nurture this valuable resource, we will take aggressive steps to secure our financial future, improve effectiveness across all dimensions of our work, and **hold ourselves accountable to the public and others who invest in our future.**

The Faculty Senate questions whether the university's effort to suppress public discussion of our response to a campus sexual assault properly holds ourselves accountable to

the public and others who invest in our future. Moreover, the Faculty Senate also questions whether the effort to silence Jane Doe reflects the passion for student-centered learning that is extolled in our Mission Statement.

Faculty Senate Gag Order Resolution: Q&A

Q: What is going on?

A: In Fall 2013, a female first-year student known pseudonymously as Jane Doe reported having been sexually assaulted by a fellow NKU student. Following an investigation and a hearing conducted pursuant to established university policies, a three-person panel consisting of one faculty member, one staff member, and one student determined by a preponderance of the evidence that the male student had performed “nonconsensual sexual intercourse” on Jane Doe. Dissatisfied with NKU’s subsequent follow-up to this finding, in January 2016 Jane Doe sued the university.

Jane Doe’s lawsuit, which remains pending, has been covered in the local press. On August 26, 2016, NKU asked the court “to grant a gag order prohibiting [Jane Doe] from any further communication with the press regarding the merits or allegations of this case. . . .” On October 18, 2016, U.S. District Judge William O. Bertelsman denied the University’s request for a gag order. The PCC believes that the University’s decision to seek a gag order against Jane Doe cannot be reconciled with some of the basic values of our university community.

Q: Does the Faculty Senate have jurisdiction to take up this issue?

A: Yes, the Faculty Senate Constitution authorizes us “to discuss all matters relating to the well being of the University” and to “evaluate university . . . practices and recommend such improvements as seem warranted.” In his remarks to PCC on Oct 20, 2016, President Mearns acknowledged the Senate’s right to comment on this matter, either through a formal resolution or through candid conversations.

Q: Why should the Senate care about this issue?

A: The Statement on Collegial Governance at NKU (set forth in Appendix C of the NKU Faculty Handbook) provides that “[a]ll colleagues in the system, regardless of their respective roles as faculty or administrators, have an obligation to honor and support the decisions reached through the collegial process.” The Faculty Senate thus has a responsibility to honor and support decisions that have been reached through the collegial process, and to insist that administrators do so, as well. On Oct 20, 2016, President Mearns told the PCC that he respects the role of the faculty in upholding the values and guiding principles of the university.

Q: What “decisions made through the collegial process” are we talking about?

A: In the PCC’s view, the University’s decision to seek a gag order against a student contravenes provisions of: (1) The [NKU Values & Ethical Responsibilities Statement](#), (2) the NKU [Code of Student Rights and Responsibilities](#), and (3) the University’s Mission Statement set forth in the publication entitled “[Fuel The Flame](#).” All three of these documents memorialize decisions that were reached by the faculty and the administration through the collegial process.

Q: Do those documents really say that the university should not seek a gag order against a student?

A: The above-mentioned documents identify NKU’s ethical and institutional values as follows:

- **Freedom of Speech:** The [NKU Values & Ethical Responsibilities Statement](#) states that university community members must promote the freedom to express one’s views on matters having to do with our institution and its policies, both with fellow NKU community members and with the public. The NKU [Code of Student Rights and Responsibilities](#) likewise recognizes NKU’s obligation to ensure that our students enjoy the freedom of speech, both on and off campus.
- **Transparency and Accountability:** NKU’s Mission Statement identifies transparency and accountability as key components of “institutional excellence,” which is another of our community’s core values. The [Fuel The Flame](#) document promises that in order to achieve institutional excellence, “we will take aggressive steps to . . . hold ourselves accountable to the public and others who invest in our future.”

After due deliberation, the PCC concluded that the university’s decision to seek a gag order was inconsistent with the statements of principle set forth in these documents.

Q: Isn’t a gag order needed to preserve the integrity of the judicial process in this case?

A: United States District Judge William Bertelsman ruled that a gag order is not needed to preserve the integrity of the judicial process in this case. Instead, Judge Bertelsman noted that “[t]he Court draws its jurors from twenty counties having a collective population of over 300,000. If a panel of forty jurors is called, in the Court’s experience, fewer than ten would have encountered any publicity concerning this case.”

Q: Isn't a gag order needed to protect the university against an adverse money judgment in the case?

A: NKU's insurance policy will cover the cost of any adverse money judgment in this case. But even if it wouldn't: in ruling that a gag order is not needed to preserve the integrity of the judicial process in this case, Judge Bertelsman found that the court was capable of ensuring that the outcome of the case would not be affected by media coverage.

Q: Isn't a gag order needed to protect the federal privacy rights of other students?

A: Judge Bertelsman ruled that a gag order is not needed to protect the federal privacy rights of other students. In fact, a university official also invoked the need to protect the federal privacy rights of our students when he refused to answer questions posed to him in a deposition. Judge Bertelsman ruled that that the claim of need was exaggerated and the refusal to answer was improper. He therefore ordered the university to pay the student's lawyer for time spent dealing with this claim.

Q: Does this mean that the names of NKU students (including innocent bystanders) will be published in the press in connection with reports of a campus sexual assault?

A: While denying the gag order, Judge Bertelsman reaffirmed that NKU's records that might be pertinent to the litigation "may be redacted to remove student's name and other identifying information." He also directed the parties to reach an agreement that will govern (and generally prohibit) disclosure of such information. Meanwhile, although this litigation has received some media attention, no NKU students have been identified in any of the press coverage—even though no gag order has ever been imposed.

Q: Isn't a gag order needed to protect the reputation of the university?

A: Holding ourselves accountable and transparent to the public is one of our core values. The university should protect its reputation by responding to public criticism, not by seeking to censor or suppress it.

Q: The Faculty Senate does not know the facts of this case. How can we comment on it?

A: Judge Bertelsman does know the facts of the case relevant to the university's request for a gag order. He found that those facts do not justify a gag order. In light of NKU's stated ethical values, it is difficult to imagine any set of facts that could fall short of meeting the legal standard for a gag order, but nonetheless justify suppressing a student's right to speak publicly about the university's response to her campus sexual assault under our own standards.

Q: The Faculty Senate is not a body of lawyers. How can we second-guess legal judgments that have been made by the university's lawyers?

A: The proposed Faculty Senate Resolution takes no view on any legal issues in the case. It simply expresses Senate's concern that the University's decision to seek a gag order against one of our students cannot be reconciled with some of the basic values of our university community. The Faculty Senate is fully competent to interpret the NKU policy documents that set forth our own community's basic values.

Q: But what if our ethical values conflict with the university's legal responsibilities?

A: Judge Bertelsman has ruled that NKU did not have any legal responsibility to seek a gag order against Jane Doe, or any legal right to obtain one.

Q: Is Jane Doe still a student at NKU?

A: Yes.

Q: Judge Bertelsman has already denied NKU's request for a gag order. He has also ordered NKU to pay some of the plaintiff's legal bills. Media coverage of NKU's request for a gag order has been uniformly negative. NKU has achieved no benefit from seeking a gag order. The University has probably learned its lesson. What does Faculty Senate hope to gain by adopting this resolution?

A: The Faculty Senate is the official representative body of the General Faculty of Northern Kentucky University. By issuing this resolution, the Faculty Senate hopes:

- to formally express the sense of the faculty that the university committed a serious wrong by seeking to prevent a student from speaking publicly about the university's response to her campus sexual assault;
- to fulfill the faculty's responsibility to promote and interpret the values set forth in the NKU Values & Ethical Responsibilities Statement and other campus policy documents promulgated through shared governance processes;
- to fulfill the special role of the faculty in protecting and promoting freedom of speech (and academic freedom) on campus, which includes an obligation to speak out against censorship;
- to defend students' rights;
- to avoid communicating through silence that the faculty condones the University's efforts to censor a student;
- to reduce the chances that the university will seek to censor the speech of students or faculty members in the future.

DOCUMENTS APPENDIX

The full text of the [NKU Values & Ethical Responsibilities Statement](http://policy.nku.edu/content/dam/policy/docs/a-through-z-policy-finder/ValuesandEthicalResponsibilities.pdf) is online at:
<<http://policy.nku.edu/content/dam/policy/docs/a-through-z-policy-finder/ValuesandEthicalResponsibilities.pdf>>.

The full text of the NKU [Code of Student Rights and Responsibilities](http://scra.nku.edu/Infostudents/Infostudents.html) is online at:
<<http://scra.nku.edu/Infostudents/Infostudents.html>>.

The full text of the “[Fuel the Flame](http://fueltheflame.nku.edu/goals.html)” document is online at:
<<http://fueltheflame.nku.edu/goals.html>>.

The full-text of NKU’s “**Motion To Enter Gag Order**,” which was filed in United States District Court on Aug 26, 2016 is online at:
<<http://www.nkytribune.com/wp-content/uploads/2016/08/08-26-16-Doc.-53-Motion-to-Enter-Gag-Order-and-to-Seal.pdf>>.

The full-text of Judge Bertelsman’s Order **denying** NKU’s “**Motion To Enter Gag Order**,” which was published on Oct 24, 2016 is online at:
< <https://www.scribd.com/document/328764045/Eng-NKU-2016-10-24-Memorandum-Opinion-and-Order>>.

The plaintiff’s original complaint that initiated the underlying Title IX lawsuit—and NKU’s response—both are available online at:

<<http://www.nkytribune.com/wp-content/uploads/2016/02/Doe-NKU-Complaint.pdf>>.

<<http://www.nkytribune.com/wp-content/uploads/2016/02/NKU-Doe-Response.pdf>>.

Judge Bertelsman’s Order to NKU to turn over documents about sexual assaults (dated Oct 27, 2016):
< <http://www.nkytribune.com/wp-content/uploads/2016/10/10-27-16-Doc.-112-Order.pdf>>.

Judge Bertelsman’s Order dismissing some of Jane Doe’s claims (dated Nov 3, 2016) is available online at:
<http://www.nkytribune.com/wp-content/uploads/2016/11/D.E.-115-Order-Granting-Motion-for-Partial-Dismissal-00754828xA9D25.pdf>

The following news articles report on NKU's request for a gag order, which was filed in United States District Court on Aug 26, 2016:

The Northerner:

<<http://www.thenortherner.com/news/2016/08/26/nku-seeks-gag-order-sexual-assault-lawsuit/>>.

<<http://www.thenortherner.com/feature-on-homepage/2016/10/19/judge-denies-gag-order-sexual-assault-lawsuit/>>.

The Cincinnati/Kentucky Enquirer:

<<http://www.cincinnati.com/story/news/your-watchdog/2016/08/26/nku-asks-gag-order-sex-assault-lawsuit/89425004/>>.

<<http://www.cincinnati.com/story/news/your-watchdog/2016/10/24/nku-gag-order-sexual-assault-lawsuit-denied-lawyers-sanctioned/92694368/>>

Northern Kentucky Tribune:

<<http://www.nkytribune.com/2016/08/northern-kentucky-university-files-motion-for-gag-order-in-doe-rape-case-cites-possible-juror-bias/>>.

<<http://www.nkytribune.com/2016/10/judge-sanctions-nku-awards-fees-for-issues-related-to-bothoffs-deposition-in-jane-doe-case/>>.

<<http://www.nkytribune.com/2016/10/judges-order-in-doe-vs-nku-court-tells-university-to-turn-over-all-documents-about-sexual-assaults-on-campus/>>.

<<http://www.nkytribune.com/2016/11/bertlesman-rules-for-dismissal-of-jane-does-suit-relative-to-current-nku-officials-as-individuals/>>.