

FACULTY SENATE MEETING
October 26, 2020

Members present: Jason Applegate, Janel Bloch, Robert Brice, Ronnie Chamberlain, Susannah Coaston, Amy Gillingham Cunningham, Christine Curran, Charlisa Daniels, Irene Encarnacion, John Farrar, Richard Fox, Kathleen Fuegen, Kebede Gemene, Lisa Holden, Stephen Johnson, JC Kim, Kajsa Larson, Christopher Lawrence, Caroline Macke, Phil McCartney, Chari Ramkumar, Dana Ripley, Denice Robertson, Sara Runge, Robert Salyer, Lynn Smith, Andrea Lambert South, Laura Sullivan, Duke Thompson, Lynn Warner, Kimberly Weir, Zach Wells, Darrin Wilson, Kim Yates

Members absent: Kalyani Ankem, Tracey Bonner, David Childs, Rhonda Davis, Jacqueline Emerine, Rich Gilson, Steven Gores, Brian Hackett, Ken Katkin, Jennifer Kinsley, Jitana Benton Lee, Marc Leone, Brittany Sorrell, Jose Saavedra Torres, Andrea Watkins, Justin Yates

Guests: Sue Ott Rowlands (Provost), Michael Baranowski (Faculty Regent), Mia Derks (SGA Representative), Grace Hiles (Faculty Senate Office), Darryl Peal (Chief Diversity, Equity, and Inclusion Officer & Title IX Coordinator), Angela Zippin (Title IX Investigator), Sara Kelley (Associate General Counsel), Emily Detmer-Goebel, Dolores White, Diana McGill, Amanda Laskowski, Erin Strome, Annie Spaulding, Suk-hee Kim, Melissa Hess, Erika Jay, Rhyanne McDade, Noelle Horn

Call to Order, Adoption of Agenda

The meeting was called to order by Senate President John Farrar at 3:05 pm with a quorum present. The agenda was adopted as distributed at the meeting.

Welcome and Introductions

Senate President Farrar welcomed everyone to the meeting.

Approval of Minutes

The minutes of the September 28, 2020 meeting were approved.

Guest Reports:

- **President (Ashish Vaidya):**
 - The Vice President for Student Affairs search is now complete; Dr. Eddie J. Howard, Jr., from Youngstown State University, will join NKU on January 1, 2021. The president thanked all members of the search committee for a successful search and Ken Bothof for his committee leadership.
 - Bonita Brown and Dale Stephenson, co-chairs for the Provost and Executive Vice President for Academic Affairs search, recently sent an email with an update on the search.
 - Carmen Hickerson will replace Adam Caswell as AVP for Economic Engagement and Government Relations. She comes to NKU from Metro United Way in Louisville.
 - The performance funding working group continues to meet, which includes all eight state university presidents, to see how the model can be adjusted and improved. Since there are so many other challenges currently, he wants to put this on pause considering there will be no new funding. However, there are still significant discrepancies with the

model not working in NKU's favor, considering NKU has outscored others in several metrics. He will keep us updated.

- Discussions continue on the pension. Campus received a recent message with pension options. A final recommendation to the Board of Regents (BOR) will be at a special BOR meeting on December 2.
 - Several reports will be made at the November BOR meeting including the annual enrollment report, annual financial report, and a final presentation of the master campus plan.
 - On October 28 there will be a presentation of the Campus Climate survey results.
 - The Fall Forum will be November 20 at 9:00 am. An email invitation is forthcoming.
 - A week from tomorrow is the election – a recent campus communication was sent out about voting and being actively engaged in the process.
 - It is not surprising that NKU is seeing some level of student disengagement, which brings concerns about retention and persistence. It is important to connect with students and helping them to stay engaged during this time.
- **Provost** (Sue Ott Rowlands):
 - At an earlier meeting of the coordinated care group, discussion focused on communication strategies with students. They are struggling to keep up with all the communication they receive, though emails from faculty/advisors seem to be getting through. It is important to continue with support and encouragement.
 - **Faculty Regent** (Michael Baranowski):
 - There will be a report after the next BOR meeting on November 11.
 - **SGA Representative** (Mia Derks):
 - Several good ideas resulted from the recent campus safety walk.
 - The electoral literacy Victor Talk was successful, and there are plans for a town hall on racial equity this semester or next.
 - Information on the SGA Book Grant Scholarship will be available on their website soon.
 - **Title IX/Sexual Misconduct policy** (Darryl Peal, Angela Zippin, Sara Kelly)
 - Darryl Peal (Chief Diversity, Equity, and Inclusion Officer & Title IX Coordinator), Angela Zippin (Title IX Investigator), and Sara Kelley (Associate General Counsel) gave a detailed presentation on the interim Title IX/Sexual Misconduct policy. They provided an overview of policy development, the Title IX training plan, policy dissemination, due process, how to make a report, and further steps to be taken. See attached for the PowerPoint slides.

Officer Reports:

- **Senate President** (John Farrar):
 - A full two days of interviews, with twelve candidates, will take place on November 5th and 6th for the provost search.
 - There will be a Campus Conversation on the Campus Climate survey on Wednesday, October 28 from 1:30 pm to 3:00 pm.
 - Annual open enrollment begins October 30 through November 13.
 - There is a drive-thru flu clinic in the University Garage on Thursday, October 29 from 8:00 am – 10:30 am. Getting a flu shot is especially important this year due to COVID.

- **Faculty Advocate** (Phil McCartney):
 - NKU is going back in the proper direction with the availability of merit scholarships that include substantial room and board. These were taken away a number of years ago.
 - The Final Exam policy is under review. It was last changed in 2012 without faculty consultation and now there is broad faculty consultation that reflects changes over the last eight years. Many groups are working hard to develop a common sense policy that will support student success.
 - Health and safety concerns have been reported by some faculty/staff working nights/weekends regarding mask/social distancing noncompliance in campus buildings.

Committee Reports:

- **University Curriculum Committee** (Richard Fox):
 - At their last meeting Mark Niekirk presented on the new course designator for service learning. Mark will put together a faculty committee to determine if a course will receive a designator or not.
 - The committee reviewed the new proposal process (CPE has changed the full program process and a pre-proposal is no longer required). The new process is simplified with a shorter timeline so that programs can move more quickly through the system.
 - The committee's next meeting on November 5 will most likely move to an email vote, which is how the previous meeting was handled.
- **Budget** (Janel Bloch):
 - A master list of revenue generators/cost saving ideas is in development, so the next committee will have ideas in place when needed.
 - At the next meeting, Syed Zaidi, Assistant Vice President/Facilities Management and Mary Paula Schuh, Senior Director/Planning, Design & Construction, will provide an update on the campus master plan.
 - The committee will continue to receive updates from Mike Hales, Chief Financial Officer (CFO) on NKU's and the state's budgets.
- **Benefits** (Charlisa Daniels):
 - At the committee's last meeting, Bruce Smith, Director of Benefits, and Lori Southwood, Chief Human Resources Officer, discussed annual open enrollment. This year there will be a video instead of a Benefits Fair. Details were sent via email late last week.
 - Faculty Development award submissions are due October 6.
 - Annual open enrollment begins October 30.
 - The Faculty Development Awards were received: Summer Fellowships (20 applications, funding for 16); Project Grants (9 applications, funding for 11); and Sabbaticals (17 applications, funding for 23).
- **Professional Concerns** (Kathleen Fuegen):
 - At the October 15 meeting, the committee discussed the importance of collegial governance and ways in which the campus can be made more aware of this. There is concern that faculty bodies have not been sufficiently involved in decision-making and good faith consultation. This is important for positive relationships between administration and faculty.
 - The committee is examining the annual performance review process in the School of the Arts (SOTA). The school, with its unique structure, has some faculty concerned about

how the review is done by the school director who oversees three areas, instead of the program heads of each of their areas. SOTA was established with limited input from faculty which may be why there are persistent concerns.

- **TEEC** (Chris Lawrence):
 - The committee is working with Ande Durojaiye, Vice Provost for Undergraduate Academic Affairs, on the review of new programs for course evaluations. These programs include IDEA and Explorance, which is used at the University of Kentucky, University of Louisville, and Eastern Kentucky University. The contract is year to year.
 - Another topic under consideration from last year is the possibility of adding a grade to identify students who have stopped participating during a semester. Other universities, like Xavier, have a separate grade for this.
 - The committee is planning spring workshops from the Academic Integrity Work Group and the Mental Health Advisory Group.
 - There is an upcoming survey on faculty well-being. Faculty are impacted as well by the pandemic (the Healthy Minds initiative is doing a similar survey with students). Both surveys will offer a more robust perspective on campus.

- **General Education Committee** (Kimberly Weir):
 - Emily Detmer-Goebel, Interim Faculty Director of General Education hosted an Open Forum via Zoom on Tuesday, October 6, to launch a call for proposals for possible innovations to the Gen Ed Program (e.g., what changes are needed, how can Gen Ed be reshaped to align with Success by Design). A link to submit a proposal can be found on the Gen Ed web page, <https://inside.nku.edu/gened.html>.
 - The committee is focusing on the recertification process and reviewing/revising the 2012 policy that was in place before the iteration of the current committee.

New Business:

- VOTING ITEM: UCC/GEC proposal to modify general education requirements for associate's degrees from 19 hours to 31 hours. This matches the requirements for NKU's only AA degree in integrated studies.
<https://nku.curriculog.com/proposal:4071/form>
APPROVED.

Adjournment

The meeting was adjourned at 4:50 pm.

Respectfully submitted,

Laura A. Sullivan
Secretary

OVERVIEW OF NEW TITLE IX REGULATIONS

Faculty Senate Meeting
October 26, 2020

Darryl Peal, Chief Diversity Officer & Title IX Coordinator

Sara Kelley, Deputy General Counsel

Angela Zippin, Title IX Investigator



AGENDA

1. Overview of Policy Development
2. Title IX Training Plan and Dissemination of Policy
3. Policy and Due Process
4. How to Report
5. Next Steps
6. Questions

Overview of Policy Development

- On May 6, 2020, the U.S. Department of Education released final regulations governing how institutions must respond to allegations of sexual harassment. The regulations detail a recipient's requirements for providing enhanced due process and improved documentation to both complainants and respondents.
- This policy is designed to provide Title IX regulation that impacts the entire campus community, including faculty, staff, administrators and students.
- Our goal is to foster a safe and inclusive educational and work environment that is free from sexual harassment and to ensure NKU's compliance with legal requirements.
 - Commitment beyond compliance (maintain NKU's values and ethic of care for all involved)
- The regulations became effective on August 14, 2020. NKU's Office of TIX utilized internal and external resources as well as an internal writing committee and implementation team to assemble this policy.

Implementation Team and Writing Group

The implementation team met three times for the review of draft policy

- André R. Ward, Regent
- Aude Durojaiye, Vice Provost for Undergraduate Academic Affairs
- Kimberly Clayton-Code, Teacher Education Faculty
- Nicole Dillard, Organizational Leadership Faculty
- Tracy Songer, Communication Faculty
- Sara Kelley*, Deputy General Counsel
- Darryl Peal*, Title IX Coordinator & Chief Diversity, Equity, & Inclusion Officer
- Gina Combs, Clery Compliance Coordinator
- Rachel Green, Director of EEO & Employee Relations
- Bob Alston, Assistant Dean of Students/Director of SCRA
- Angela Zippin*, Title IX Investigator

*Title IX writing group

Title IX Training Plan and Dissemination of Policy

Training Plan

- Ensure comprehensive training for those individuals facilitating the process
- Ensure comprehensive training for the campus community
 - Student specific training for all new and returning students
 - Employee focused training for faculty, staff and administrators
 - Specialized training for Greek Life and Athletics

Communication Plan

- Partnering with departments and colleges to disseminate policy and process

Good Faith Discussions with Governance

- Met with the leadership of the Faculty Senate, Professional Concerns Committee, Staff Congress, and Student Government Association

Policy and Due Process

- NKU has established, and continues to enhance, a cross-functional team of professionals with distinct Title IX-related responsibilities to respond to complex, sensitive matters in a timely and thorough manner.
- Regulations require a realignment of roles that has redefined traditional functions in the process. Those specific roles include, but are not limited to:
Title IX Coordinator, Investigator, Hearing Decision-maker, and Appeal Decision-maker
 - Regulations also mandate a new role of Advisor
- NKU retains its ethic of care for all those involved in the Title IX process while complying with enhanced due process requirements (we have a commitment beyond compliance)

Title IX Coordinator

Compliance authority tasked with effectively coordinating compliance efforts and responsibilities campus-wide:

- Ensures members of the Title IX Team have the appropriate knowledge, skills, training, and resources necessary to fulfill responsibilities
- Provides oversight of the intake, evaluation, and resolution of sex/gender-based discrimination, misconduct or retaliation
 - But does not have substantive influence on the final determination or appeal outcome (neutral decision-makers)
- Makes judgment calls and refines the Title IX process to ensure compliance while supporting the rights of all those involved
- Focuses on systemic policy, process, and prevention initiatives through education, training, conducting climate surveys, etc...

Title IX Investigator

- Conducts reliable, prompt, fair, and impartial investigations of sex/gender based discrimination and misconduct reports
- Facilitates Parties' review of evidence and draft report and incorporates feedback
- Produces a final investigative report that fairly summarizes relevant information
- Participates in hearing to respond to questions from Parties

Advisors

Advisor of Choice

- May be selected by the Parties without restriction (family, friend, lawyer, witness)
 - Must be eligible and willing to fulfill the role
- May be present at all stages of the process but only participates in the hearing
- Must conduct a thorough cross-examination of all witnesses/parties at live hearing
- Parties can change their Advisor at any point prior to the hearing

University–appointed Advisor

- Parties without a chosen Advisor must be provided a University-appointed Advisor at no cost and with potentially no notice
 - On-call Advisor ready to step-in as needed
 - Fully trained and prepared to fulfill role as requested by the Party within the bounds of decorum (Collective request for clarification to be filed with KY AG and KBA)

Support Person (advisor)

- Regulations limit NKU’s ability to permit support person’s attendance at hearing, however a support person will be permitted during breaks as desired by Party

Hearing Decision-maker

- Facilitates an orderly and truth-seeking live cross-examination hearing
 - A live cross-examination hearing is new under the Regulations but has been required by the 6th Circuit for almost two years
- Makes relevancy determinations before every question at the live cross-examination hearing can be answered
- Evaluates relevant evidence, makes credibility assessments, and uses the ‘preponderance of evidence’ standard to reach a determination regarding responsibility for each allegation (3-5 page written deliberation statement)

Joint RFP with other KY institutions led by Council on Postsecondary Ed

- Innovative solution with potential cost-savings and efficiencies
- Enhanced perception of neutrality and fairness
- Independent evaluation with oversight by TIX Coordinator to ensure adherence to NKU policies and values

Sanctioning Panel

Convened only if the Decision-maker determines that the Respondent is responsible for one or more allegations

- The composition of the Sanctioning Panel is determined by Respondent's role
 - The Sanctioning Panel for an enrolled student will consist of one faculty member, one staff member, and one student, in accordance with Kentucky law (KRS 164.370)
 - The Sanctioning Panel for University employees shall be convened as governed by existing policies
- Considers hearing record, Party impact statements, and relevant discipline history
- Determines the appropriate sanctions based on specified factors from a list of appropriate sanction options
- Provides written sanction decision with rationale to TIX Coordinator

Reporting Requirements

Staff & faculty in the following areas are Officials with Authority:

- Office of Title IX
- Student Conduct, Rights, and Advocacy
- Human Resources
- Athletics
- University Police
- Vice President of Student Affairs
- Legal Affairs
- Office of the Provost
- Board of Regents

How to Report

Online: inside.nku.edu/titleix

Office of Title IX

Darryl Peal, Title IX Coordinator

- AC 824
- 859-572-6630
- peald1@nku.edu

Angela Zippin, Title IX Investigator

- UC 330
- 859-572-7669
- zippina1@nku.edu

What Happens Next

OTIX will reach out to provide information about:

- Supportive measures
- Formal grievance process

Protection against retaliation

Next Steps

Policy Review Process

- Bi-annual review process by Implementation Team
 - Evaluation of Title IX outcomes and process facilitation
 - Assessment of roles and responsibilities (internal and external)
 - Benchmarking challenges and successes
 - Communication and dissemination of process
 - Updating the Title IX webpage - <https://inside.nku.edu/titleix.html>

Questions, Feedback and Suggestions

This is an information gathering process

- Policy will be reviewed in February
- Review process will include feedback, questions and suggestions from stakeholders
- Information gathering process and policy review will be facilitated by the Office of TIX in partnership with the implementation team.
- Please send all feedback, questions and suggestions to:
inclusiveexcellence@nku.edu

The image features a white background with decorative elements in the corners. In the top-left and bottom-right corners, there are overlapping yellow geometric shapes. Within these yellow areas, there are sections filled with a fine, dotted pattern. The word "QUESTIONS?" is centered in the middle of the page in a bold, black, sans-serif font.

QUESTIONS?