

Professional Concerns Committee Minutes for Feb 16, 2017

SU 109
3:15 pm

Members in Attendance: S. Alexander, K. Schwarz, K. Ankem, K. Katkin, J. Farrar, S. Weiss, , B. Buckley, M. Carrell, S. Nordheim, A. Miller, J. Hammons, T. Bonner, B. Zembrodt, B. Puente-Baldoceda

Members Not in Attendance: K. McErlane, G. Newell, L. Wermeling, D. Dreese, Y. Kim, A. Watkins, H. Ericksen, B. Mittal, K. Sander, M. Torres, K. Fuegen, S. Neely, J. Gilbert, S. Finke

Guests: Sue Ott Rowlands

1. Call to Order, Adoption of Agenda – Agenda was approved.
2. Approval of Minutes from PCC Meeting of Feb 2, 2016 – Minutes were approved.
3. Chair's Report and Announcements
 - President Mearns will continue to serve as President through Spring 2017 graduation (May 7, 2017). An interim President will soon be named. A Presidential search committee will be appointed by the end of this semester, and will work through the summer. Finalists for the Presidency will be brought to campus for public meetings early in the Fall 2017 semester.
 - WNKU will be sold for \$1.9 million to Bible Broadcasting Corporation, a religious broadcaster, pending FCC approval. The local media has reported that NKU accepted Bible Broadcasting's offer over competing offers from Cincinnati Public Radio (owners of WVXU-FM, Cincinnati) and Louisville Public Media (owners of WFPK-FM, Louisville) that would have enabled WNKU to preserve its current format. WNKU will maintain the WNKU call letters.
 - Also this week, the *Muncie IN Star-Press* reported that Ball State University (where President Mearns is headed) will *not* sell its public television station WIPB-49. Although "Ball State could have earned millions of dollars to take WIPB off the air," Ball State vice president Phil Repp told the *Star-Press* that "selling the spectrum at this time would not be in the best interest of the university."
 - Kentucky Senate Majority Leader Stivers has introduced S. 107, a bill that would empower the Governor to remove and replace NKU's entire Board

of Regents if the Board becomes “dysfunctional.” Kentucky Council on Postsecondary Education President Robert L. King has written to Sen. Stivers to express concerns about this bill. President Mearns wanted Faculty Senate to be aware of this bill.

- Budget meeting – NKU CFO Mike Hales reported to Senate Budget Committee that tuition rates will increase a little next year but that the University is projecting a continued 2-3% decline in overall enrollment. Most of the loss is in our juniors and seniors. We are holding steady in incoming freshmen for now, but projecting downward in the medium-run due to decreasing numbers of high school graduates. The loss of upper class students may be due to unmet financial need. We have changed the way we distribute aid by spreading it out across more students and giving more to low income students.
- Results from faculty survey on campus climate from last spring will be distributed soon, along with a report that will summarize the data.

4. New Business

- Voting Item: **Proposed correction to Q&A Document on Gag Order Resolution.**

On Nov 3, 2016, PCC recommended that Faculty Senate adopt a “Resolution of Disapproval of NKU’s Decision To Seek Judicial Gag Order Against NKU Student.” This Resolution was discussed at the January 2017 meeting of the Faculty Senate, and is scheduled to be voted on at the next meeting of the Faculty Senate, which will take place on Feb 27, 2017. In connection with its approval of the resolution on Nov 3, 2016, PCC also approved a “Q&A” document to address frequently-asked questions about the resolution.

On Feb 15, 2017 (after the Agenda for the present PCC meeting had been distributed), President Mearns expressed concern about the following colloquy set forth in the “Q&A” document approved by PCC:

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.

Commenting on this colloquy in the Q&A, President Mearns wrote:

[O]n page six, [the Q&A document states]: “Meanwhile, although this litigation has received some media attention, no NKU students have been identified in any of the press coverage.” That statement is false. As I told you at the PCC meeting and at a subsequent meeting of the executive committee, there were published media reports that identified several NKU basketball players who were alleged to have sexually assaulted a female NKU student. One media outlet included their photographs, showing that they were African American, and gratuitously mentioned that the alleged victim was a “young blonde.”

Because this item was not included on the Agenda for the present PCC Meeting, K. Katkin asked unanimous consent to take it up. There was no objection. K. Katkin then recommended that in order to address President Mearns’s concern, PCC should amend the document by adding the following words of clarification:

Meanwhile, although this litigation has received some media attention, no NKU students involved in the underlying incident or its investigation have been identified in any of the press coverage—even though no gag order has ever been imposed.

After brief discussion, K. Katkin then moved to amend the “Q&A” document *nunc pro tunc* to include this change. The motion was seconded and approved without dissent. K. Katkin said that he would distribute an amended version of the Q&A document to Faculty Senate with the Agenda for its Feb 27 meeting.

5. Old Business

- Voting Item: **Statement of Solidarity**

To reflect discussion at PCC’s Feb 2 meeting and additional feedback received by email, K. Katkin presented a revised draft of the statement. The PCC discussed the revised draft. The PCC engaged in extended discussion of the revised draft, and made several additional revisions. The PCC then voted unanimously to recommend that Faculty Senate approve the revised statement. The full text of the revised statement, as adopted, is appended at the end of these Minutes

6. New Business

- Discussion Item: **Guns on Campus**

In Kentucky, currently no permit is needed to purchase a firearm, and no person is required to register a firearm. Moreover, open carriage of firearms already is lawful except in restricted areas. Public universities, including NKU, are one such restricted area.

In its current session, the Kentucky Legislature is considering two proposals that would increase carriage of deadly weapons in public places. President Mearns informed the Faculty Senate Executive Committee that these proposals could impact NKU directly. In particular, Section 2 of H.B. 249 would amend existing KRS § 237.115(b) to provide that:

A publicly funded college, university, or postsecondary education facility shall not restrict the carrying or possession of a deadly weapon on any property owned or controlled by the institution by a person who holds a valid concealed deadly weapon license. . . .

At the same time, Section 1 of S.B. 7 would amend KRS § 527.020(2) to eliminate the current system of concealed-carry licensure, and instead would authorize every lawful owner of firearms to engage in concealed carriage of those firearms. In essence, this proposal would deem every lawful gun-owner to be a person who holds a valid concealed deadly weapon license.

Against the background of Kentucky's permissive existing law, the two current legislative proposals together would authorize almost anyone who has not been convicted of a serious crime to carry firearms—either openly or concealed—on our campus. Our university would be stripped of its existing legal authority to promulgate and enforce its own policy on deadly weapons. Neither our campus police nor anyone else would know who might be carrying firearms on campus. The two bills were distributed to PCC with the Agenda for this meeting.

In the interest of time, the Senate Executive Committee will consider bringing a draft resolution directly to Senate, without waiting for a Committee recommendation. However, in deciding how to proceed, the Executive Committee would like to receive input from members of relevant Committees, including PCC. K. Katkin thus solicited such input.

PCC Members unanimously opposed enactment of the proposed amendment to KRS § 237.115(b) set forth in Section 2 of H.B. 249. The following reasons were expressed by PCC Members:

(1) **NKU is our workplace.** Under the two proposed bills, all private-sector workplaces (including private universities) would remain free to set their own firearms policies. In addition, many public-sector workplaces (including police stations, sheriff's offices, detention facilities, prisons, jails, courthouses, local government offices, K-12 schools and pre-schools, airports, and the Kentucky Capitol building) would remain free to set their own firearms policies. As with other public and private employers, the governing authorities of Northern Kentucky University are best situated to set an appropriate firearms policy for our workplace.

(2) **Concealed-carry on campus is not needed to protect our campus from armed criminals.** NKU has its own campus police force which is capable of protecting our campus from crime. NKU has not experienced any problem with violent crime, and indeed has been recognized for its exemplary safety. Introducing more guns to our campus is not needed to prevent crime.

(3) **Concealed-carry on campus may increase the threat posed by community members.** College can be a stressful time in many students' lives. We acknowledge that gun-free campus rules have not always prevented campus shootings at universities throughout the nation. But we believe that campuses can most effectively prevent such tragedies if firearms regulation remains available as one tool, among many, that campus authorities can bring to bear on this problem. In our judgment, the present proposal introduces risks that outweigh the corresponding benefits.

(4) **Concealed-carry on campus may threaten our financial viability.** At NKU, we have an obligation to keep our students safe. Moreover, parents pay increasing attention to "safe campus" factors when deciding where to send their children to college. We are concerned that parents would question the safety of a campus with unregulated firearms carriage, and would choose to send their children elsewhere. Any corresponding impact on student enrollment numbers would reduce our operating budget and impair our ability to carry out our basic educational mission.

K. Katkin stated that he would communicate these concerns to Executive Committee, and would pass along PCC's recommendation that this issue be addressed at the Faculty Senate meeting on Feb 27, 2017.

Adjournment at 4:50 pm.

MEMORANDUM

To: Faculty Senate

From: PCC

Re: **Statement of Solidarity – We Are NKU** (Proposed by Profs Kirsten Schwarz, John Alberti, Sharmanthie Fernando, Yaw Frimpong-Mansoh, Miriam Kannan, Ihab Saad, Christopher Wilkey).

Date: February 16, 2017

The PCC unanimously recommends that Faculty Senate adopt the following resolution, which was presented to PCC by the NKU faculty members listed above:

On January 27, 2017, by Executive Order 13769, the US government sought to suspend entry into the United States by nationals of seven Muslim-majority nations, and to bar entry by Syrian refugees. This Executive Order would bar entry of students, faculty members, or visiting scholars and researchers from any of the eight named countries.

As a public institution committed to promoting the free and open expression of diverse perspectives and opinions, Northern Kentucky University ordinarily does not—and should not—adopt particular positions on contested political issues. However, as recently noted by [President Lee Bollinger of Columbia University](#), “it is also true that the University, as an institution in the society, must step forward to object when policies and state action conflict with its fundamental values, and especially when they bespeak purposes and a mentality that are at odds with our basic mission.” [Bard College President Leon Botstein](#) has similarly called upon “[t]he presidents of our colleges and universities [to] defend the principles that have enabled institutions of higher education to flourish. These are freedom and tolerance, and openness to individuals no matter their national origin or religion.”

On behalf of the General Faculty of Northern Kentucky University, the Faculty Senate resolves that the travel ban contemplated by Executive Order 13769 conflicts with our university’s institutional values and is at odds with our basic mission. The [NKU Fuel The Flame \(2013-18\)](#) document, which sets forth our mission and values, identifies a key component of our mission as “preparing outstanding graduates for a global society.” To achieve this objective, we “promote a culture that fosters and celebrates . . . inclusiveness, diversity, and global awareness in all dimensions of our work.” We believe that “[d]iversity, inclusion, and equity are key components to achieving excellence.” To attain our primary goal of Student Success, we employ the following means to promote inclusive excellence and global awareness:

- Infuse global and multicultural perspectives into the curriculum and co-curricular programs;
- Increase diversity among the students, faculty, and staff;
- Expand international educational experiences; and
- Grow international student enrollment.

The same themes of inclusion and non-discrimination are echoed in other policy documents at NKU. The [NKU Values & Ethical Responsibilities Statement \(2016\)](#), for example, reaffirms that “NKU is committed to tolerance, inclusion and respect for others, regardless of differences, [and] . . . seeks to foster positive campus change through greater diversity, equity, inclusion and accountability.” The same Statement also clarifies that “Northern Kentucky University does not discriminate based on national origin, race, color, age, gender, gender identity, gender expression, sexual orientation, religion, physical or mental disability, genetic information, pregnancy, and Uniform Service or veteran status. . . .” Similar statements appear in Section 16.11 of our [NKU FACULTY POLICIES AND PROCEDURES HANDBOOK](#); in the [NKU Harassment Avoidance Policy \(2012\)](#); and in the [NKU Affirmative Action/Equal Opportunity Policy \(PDF\)](#). On January 31, NKU President Geoffrey Mearns publicly reaffirmed our own university’s commitment to these long-held values and strategies.

Faculty bodies and administrators at many American universities have decried the travel ban for undermining the continuing commitment of American academia to remain open to the international exchange of people and ideas. Speaking on behalf of more than 600 universities, the [American Council on Education \(ACE\)](#) recently proclaimed that “[i]nternational exchange is a core value and strength of American higher education. Moreover, our nation’s welcoming stance to scholars and scientists has benefited the U.S. through goodwill and a long history of scientific and technological advances that have been essential to the economic growth our country has experienced for decades.” More pointedly, [the Association of American Universities \(AAU\)](#), on behalf of 62 leading research universities, recently “urged the Administration, as soon as possible, to make clear to the world that the United States continues to welcome the most talented individuals from all countries to study, teach, and carry out research and scholarship at our universities.”

In temporarily enjoining implementation of the travel ban, the US Court of Appeals noted that “the teaching and research missions of [public] universities are harmed by the Executive Order’s effect on their faculty and students who are nationals of the seven affected countries. These students and faculty cannot travel for research, academic collaboration, or for personal reasons, and their families abroad cannot visit. Some have been stranded outside the country, unable to return to the universities at all. The schools cannot consider attractive student candidates and cannot hire faculty from the seven affected countries, which they have done in the past. . . . [Public universities] have a mission of “global engagement” and rely on such visiting students, scholars, and faculty to advance their educational goals.”

RESOLUTION

Today, in accordance with Northern Kentucky University's core values of inclusiveness and nondiscrimination, NKU faculty [and staff] resolve to stand with all members of the NKU community, of all backgrounds, including: race, gender identity, sexual orientation, religion, immigration status, and national origin.

We are committed to providing all our students, faculty and staff with a safe and welcoming environment, and ensure their continued ability to thrive on our campus.

We condemn all acts of violence and bias against any religion, and stand in support of those of all faiths, belief systems, races, ethnicities, nationalities, political affiliations, gender expressions or sexual orientation. In so doing, we reaffirm our deep commitment to the freedom of speech of all community members, including the freedom to express political or religious opinions of all varieties. We also resolve, however, never to tolerate acts of discrimination, violence, bias, or hate against any individual member of our university community.

APPENDIX

Documents Cited in Draft Resolution

NKU Values & Ethical Responsibilities Statement (2016)

CORE VALUES

The NKU community is committed to these core values:

- Excellence
- Integrity
- Inclusiveness
- Innovation
- Collegiality

As a reflection of these core values, NKU Community Members strive to behave ethically, and with integrity and common sense, at all times. University community members seek to fulfill obligations towards students, co-workers and other members of the university community with honesty and transparency, and to behave according to the highest ethical and professional standards of conduct. NKU is committed to tolerance, inclusion and respect for others, regardless of differences. All members of the NKU community strive to treat others with professional courtesy and civility, regardless of position or status, and to work cooperatively with others. University community members seek to promote equality and collaboration among faculty, staff and administrators. NKU provides equal access to programs, facilities and employment; and seeks to foster positive campus change through greater diversity, equity, inclusion and accountability.

Preserve Academic Freedom and Meet Academic Responsibilities

Academic freedom is essential to NKU's mission. University community members are expected to: Promote academic freedom, including the freedom to discuss relevant matters in the classroom, with fellow NKU community members, and with the public. Academic freedom includes the freedom to explore all avenues of scholarship, research and creative expression, to participate in the shared governance of the University, and to speak and write as a public citizen without institutional restraint.

NON-DISCRIMINATION STATEMENT

Northern Kentucky University does not discriminate based on national origin, race, color, age, gender, gender identity, gender expression, sexual orientation, religion, physical or mental disability, genetic information, pregnancy, and Uniform Service or veteran status in its education programs, activities, employment, daily operations or admissions policies, in accordance with all

applicable federal, state and local laws. NKU will not tolerate retaliation against any individual who makes a good faith report of a violation.

[NKU FACULTY POLICIES AND PROCEDURES HANDBOOK](#) Sec 16.11.

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

Northern Kentucky University reaffirms its commitment to the principles of equal opportunity and affirmative action. In compliance with equal opportunity and affirmative action state and federal laws and as a matter of institutional policy, the University will not engage in or tolerate discrimination against individuals in any of its programs and activities on the bases of race, color, religion, gender, national origin, age, sexual orientation, disability, or veteran's status.

Further, where required by law, the University will take affirmative action in support of equal employment opportunity and to foster an intellectual and social atmosphere that reflects the broad range of human diversity.

[NKU Affirmative Action/Equal Opportunity Policy \(PDF\)](#)

A-2.1 Affirmative Action/Equal Opportunity

Northern Kentucky University is committed to building a diverse faculty and staff for employment and promotion to ensure the highest quality of work force and to foster an environment that embraces the broad range of human diversity.

The university is committed to equal employment opportunity, affirmative action, and eliminating discrimination. This commitment is consistent with an intellectual community that celebrates individual differences and diversity, as well as a matter of law.

Discrimination against any individual based upon protected status, which is defined as age, color, disability, gender, national origin, race, religion, sexual orientation, or veteran status, is prohibited. The university will provide equal opportunity to all employees in regard to salaries, promotions, benefits and working conditions and will monitor these areas to ensure that any differences which may exist are the result of bona fide policies and procedures and are not the result of illegal discrimination.

[NKU Harassment Avoidance Policy \(2012\)](#)

POLICY STATEMENT:

Definitions:

Harassment is defined as the act of or instances of harassing, tormenting, pestering, troubling repeatedly or persecuting.

Harassment conduct includes, but is not limited to:

1. Epithets, slurs, negative stereotyping, and threatening, intimidating or hostile acts relating to race, color, religion, gender, sexual orientation, national origin, age, disability or veteran status.
2. Written or graphic material circulated in the workplace by any means that creates a hostile or offensive work environment toward an individual or group of individuals because of their race, color, religion, gender, sexual orientation, national origin, age, disability or veteran status.

Policy Statement:

Northern Kentucky University (NKU) is committed to providing a work environment free from all forms of discrimination including harassment on the basis of race, color, religion, gender, sexual orientation, national origin, age, disability and veteran status. Such harassment is prohibited and will not be tolerated.

Threats or acts of violence against employees, students, vendors and customers will not be tolerated. Any person who threatens to commit or engages in a violent act on university property, against a university employee or at a university event or function, may be removed from the premises as quickly and safely as possible, and must remain off university premises pending the outcome of an investigation. The Office of Human Resources and University Police will be notified and will investigate any incidences as needed.



FROM THE DESK OF THE PRESIDENT

GEOFFREY S. MEARNS



Dear Colleagues:

Three years ago, we adopted a strategic plan, Fuel The Flame, which is guiding our University to our 50th anniversary in 2018.

The paramount goal of that plan is to achieve student success by providing a supportive, student-centered educational environment that promotes academic success, global awareness, and timely graduation.

Within that goal, we committed to promoting inclusive excellence and global awareness by:

- Infusing global and multicultural perspectives into the curriculum and into co-curricular programs;
- Increasing diversity among students, faculty, and staff;
- Expanding international educational experiences; and
- Growing international student enrollment.

Since adopting the plan, we have made progress towards achieving our collective goal.

Today, notwithstanding some recent developments regarding federal immigration policy, I send this message to reaffirm our commitment to this goal and these strategies. As an inclusive university community, we will continue to support all of our students, faculty, and staff, including those people who may feel particularly anxious at this time. We will continue to follow these developments, and we will provide appropriate support and assistance.

If you need such assistance, please contact Dr. Francois LeRoy, Executive Director of the Center for Global Engagement and International Affairs, at leroy@nku.edu.

Thank you for your commitment to inclusiveness, which is a core value of our University.

Sincerely,

Geoffrey S. Mearns
President

AAU URGES QUICK END TO ADMINISTRATION ORDER BARRING RETURNING STUDENTS AND FACULTY

Following is a statement by [Association of American Universities](#) President Mary Sue Coleman.

We recognize the importance of a strong visa process to our nation's security. However, the administration's new order barring the entry or return of individuals from certain countries is already causing damage and should end as quickly as possible. The order is stranding students who have been approved to study here and are trying to get back to campus, and threatens to disrupt the education and research of many others.

We also urge the Administration, as soon as possible, to make clear to the world that the United States continues to welcome the most talented individuals from all countries to study, teach, and carry out research and scholarship at our universities. It is vital to our economy and the national interest that we continue to attract the best students, scientists, engineers, and scholars. That is why we have worked closely with previous administrations, especially in the wake of 9/11, to ensure our visa system prevents entry by those who wish to harm us, while maintaining the inflow of talent that has contributed so much to our nation.

Other countries have set the goal of surpassing the United States as the global leader in higher education, research, and innovation. Allowing them to replace this country as the prime destination for the most talented students and researchers would cause irreparable damage, and help them to achieve their goal of global leadership

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Founded in 1900, the [Association of American Universities](#) comprises [62 distinguished institutions](#) that continually advance society through education, research, and discovery. Our universities earn the majority of competitively awarded funding for federal academic research, and are improving human life and wellbeing through research and by educating tomorrow's visionary leaders and global citizens. AAU members collectively help shape policy for higher education, science and innovation; promote best practices in undergraduate and graduate education; and strengthen the contributions of research universities to society.

ACE Letter to Homeland Security Secretary on Maintaining the United States as the Destination of Choice for Students, Scholars

January 31, 2017

The Honorable John F. Kelly
Secretary of Homeland Security
Washington, DC 20528

Dear Secretary Kelly,

I write on behalf of the undersigned higher education organizations to congratulate you on your confirmation as Secretary of the Department of Homeland Security (DHS) and to offer our assistance with challenges that the Department faces in connection with international students, faculty and scholars at U.S. institutions of higher education.

We support efforts to enhance the nation's security. We also believe that it is in our collective interest to ensure that the United States remains the destination of choice for the world's best and brightest students, faculty and scholars.

The roughly one million international students that attend U.S. colleges and universities add to this country's intellectual and cultural vibrancy, and they also yield an estimated economic impact of \$32.8 billion and support 400,000 U.S. jobs, according to recent estimates.

International students and scholars have served America well throughout our history. These individuals enrich our campuses and the country with their talents and skills. The overwhelming majority return home as ambassadors for American values, democracy and the free market.

Steps intended to protect national security may inadvertently hamper these exchanges. This would only deprive our nation of one of its best tools for global scientific and economic preeminence and extending democratic values and cultural understanding throughout the world, making us more susceptible to the distortions and myths of extremist organizations and movements.

Unfortunately, even temporary restrictions can be damaging. President Trump's executive order, "Protecting the Nation from Foreign Terrorist Entry into the United States," has created uncertainty and fear across the country and on our campuses,

particularly among students, faculty and scholars from the affected countries, as well as others who worry the restrictions may expand to other countries.

We are concerned about the problematic implementation of the 90-day freeze on visas, such as cases of people with valid visas being turned away. We fear the chilling effect this will have on the ability of international students and scholars to continue to see the U.S. as a welcoming place for study and research.

The executive order contains language indicating that DHS has some flexibility in implementing it. We thank you for exercising that authority in the case of lawful permanent residents (“green card” holders). We urge you to continue to use this discretion whenever possible for students and scholars who clearly pose no threat.

We are eager to meet with you and your staff at your earliest convenience to discuss our specific concerns and to help you and the Department as you carry out your important duties.

We are confident that it is possible to create policies that secure our nation from those who wish to harm us, while also welcoming those who seek to study, conduct research and scholarship, and contribute their knowledge and talents to our nation’s higher education institutions, economy and overall security. And that will be our goal in working with you and your team on this issue.

Sincerely,
Molly Corbett Broad
President, American Council on Education (ACE)