

Minutes of  
THE FACULTY SENATE  
OF  
ARKANSAS TECH UNIVERSITY

The Faculty Senate met Tuesday, May 2, 2006, at 4 p.m. in Room 300 south of the Ross Pendergraft Library and Technology Center. The following members were present:

Ms. Peggy Lee	Dr. Richard Knight
Dr. Carey Roberts	Mr. Rick Ihde
Dr. Jeff Robertson	Dr. Sid Womack
Dr. Jeff Mitchell	Dr. Trey Philpotts
Dr. Carl Greco	Ms. Marti Wilkerson
Dr. Scott Kirkconnell	Ms. Sarah Robison
Dr. Brenda Montgomery	Dr. Joe Moore
Dr. Shelia Jackson	

Dr. Robert Fithen was absent. Dr. Robert Brown, Dr. Jack Hamm, Dr. Glen Bishop, Ms. Tammy Rhodes, Dr. Robert Schwartz, Dr. Jeff Woods, Dr. Eric Lovely, Dr. Bob Allen, Dr. Robin Lasey, Dr. Pat Buford, Dr. Linda Kondrick, Dr. Tom Nupp, and Dr. Cheryl Smith were visitors.

CALL TO ORDER  
APPROVAL OF  
MINUTES

President Wilkerson called the meeting to order and asked for action on the April 11, 2006, minutes. Motion by Dr. Jackson, seconded by Dr. Womack, to dispense with the reading of the minutes. Motion carried. Dr. Kirkconnell asked that two paragraphs containing statements he had made be modified as per an email he sent to Dr. Roberts and read those amendments aloud. There being no other amendments or corrections, motion by Dr. Robertson, seconded by Dr. Jackson, to approve the minutes as amended. Motion carried.

OLD BUSINESS:  
REPORT FROM  
DR. BROWN ON  
FREE SPEECH  
AREA

President Wilkerson welcomed Dr. Brown, Dr. Hamm, and the guests to the meeting. She noted that many of the guests represented standing committees and were present to give reports. Dr. Brown expressed his appreciation to the Senate for their good work during this academic year.

Dr. Brown noted that the free speech area policy is designed to protect the environment of the university for both students and faculty with a uniform set of rules for both internal and external groups. The policy allows individuals to express their views concerning any topic in a specific area on campus which then prevents disruption of classes or other student-related activities such as artistic performances. Dr. Brown emphasized that this policy allows instructors to conduct their classes without harassment and protects the university from "certain commercial interests" being set up across campus. He indicated that the previous area designated as the free speech area was on the lawn in front of Williamson Hall. Recently, due to construction around the stadium, the free speech area had been relocated to the courtyard of the Doc Bryan Student Services Center. Dr. Brown asked for the Senate's help in understanding and disseminating this information to their colleagues. Dr. Brown excused himself from the meeting.

REPORT FROM  
DR. HAMM ON  
FACULTY  
WORKLOADS

Dr. Hamm noted the previous discussion in the Senate concerning faculty workloads; he distributed information from the *Faculty Handbook* (pg. 64 of the 2005-06 *Faculty Handbook*) which states that the normal teaching load for faculty is twelve credit hours per semester. Dr. Hamm then distributed a list of exceptions to the 12 semester-hour teaching

assignment and briefly outlined each item (i.e., release time in the School of Business and the engineering departments due to accreditation, national guidelines for art instructors, graduate faculty teaching only graduate courses, graduate faculty in fish and wildlife with research obligations, nursing faculty loads calculated on contact hours, department heads and some faculty with reduced loads due to administrative assignments.) Dr. Hamm stated that this list was not meant to be all inclusive and commented that he did not see as a possibility reducing teaching loads on a broad scale across campus. Dr. Montgomery questioned whether Dr. Hamm had reviewed a faculty workload survey sent to President Wilkerson; he replied that he had not seen the survey but would be happy to look at it. Dr. Greco asked if a reduction in overloads had occurred due to the increase in full-time faculty positions. Dr. Hamm stated that a reduction has not yet occurred; however, he noted that several of the new positions were not filled for this academic year and stated his hope that once all of these positions are filled that the “pressure for overloads will decrease.”

Dr. Hamm mentioned that individuals granted sabbaticals receive 100 percent reduction in teaching loads in most instances. Dr. Roberts questioned whether a benefit similar to a sabbatical for tenure track faculty could be possible. Dr. Hamm noted that the Sabbatical Committee had recommended restricting sabbatical awards to tenured faculty only. Dr. Jackson questioned whether a research or faculty development project could include funding for a three-hour release. Dr. Hamm stated that he had no objection to this type of funding being included in a Professional Development grant, but that the committee would need to consider this issue. Dr. Kirkconnell questioned how sabbaticals were funded; Dr. Hamm stated that funds are now budgeted each year to fund replacement faculty (i.e., adjuncts or overloads only) for tenured faculty on sabbatical. Dr. Hamm excused himself from the meeting.

**NEW BUSINESS:  
REPORTS FROM  
ELECTED  
STANDING  
COMMITTEE  
CHAIRS**

President Wilkerson noted that the order of the agenda would be suspended to allow the additional guests to speak as per previous Faculty Senate action. Dr. Woods, chair of the Faculty Salary, Benefits, and Awards Committee, stated that his committee had reviewed and funded research grant applications and that part of his committee had also functioned as part of the Sabbatical Committee. Dr. Wood reported that four sabbaticals and a total of nine research grants had been awarded. He noted that he had encountered faculty confusion as no uniform site exists on the Tech website for faculty to review all the possible award programs available. Dr. Woods also reported that part of this committee serves on the university insurance committee.

Dr. Bishop reported as chair of the Curriculum Committee. He stated that most of the curricular items were dispatched in the fall semester and that the committee had primarily worked on review of the general education goals this spring. Dr. Bishop indicated that a subcommittee is compiling a report and that he does not anticipate a lot of change as most faculty appeared to be comfortable with the present goals.

Ms. Rhodes reported for the Admissions, Academic Standards, and Student Honors Committee. She stated that the committee only had one meeting at which the CLEP policy and accepted entrance exams had been amended. She noted that this committee only meets as needed.

Dr. Lasey reported for the Library, Instructional Materials, and Equipment Committee. She distributed information concerning book budget allocations for 2005-06 and indicated that the committee had approved a new method of dividing funds for the future based upon student semester credit hours and usage.

Dr. Kondrick, chair of the Faculty Welfare Committee, reported that the committee had reviewed a grievance application during the spring semester.

Dr. Buford, chair of the Convocations and Programs Committee, reported that the committee had one meeting at which the functions of the committee were reviewed. She distributed minutes of the meeting and indicated there was a recommendation that the committee be disbanded. President Wilkerson opened the floor for any discussion on this issue. Motion by Dr. Robertson, seconded by Dr. Philpotts, to accept the committee's recommendation. Motion carried. President Wilkerson stated that she would forward the recommendation that this committee be disbanded to Dr. Hamm.

OLD BUSINESS:  
(resumed) ELECTED  
STANDING  
COMMITTEES  
ELECTIONS  
REPORT

Dr. Robertson reported that as of 3 p.m. today 115 faculty had voted in the Elected Standing Committees elections per the electronic ballot. He stated that he had sent out a reminder earlier today concerning the elections and noted that only three faculty had problems with the ballot so far. As voting will officially cease on Wednesday, May 3, it was determined that Ms. Robison, Dr. Robertson, Dr. Greco, and Dr. Philpotts will verify the results of the elections on Thursday, May 4, and send those to Academic Affairs for dissemination campuswide.

REPORT FROM  
SUB-COMMITTEE  
REVIEWING  
SEXUAL  
HARASSMENT AND  
SENSUAL  
RELATIONS  
POLICIES

Dr. Jackson reported that the draft policies on consensual relations and gender and sexual harassment had been sent campuswide after the April meeting and stated that the sub-committee had met on April 20 to review comments received from faculty. She stated that she had emailed revised drafts to the Senators. Dr. Kirkconnell expressed his opinion that the consensual relations policy as currently drafted is not "in the spirit of the fourth amendment" as it relates to self-incrimination. He read suggested changes to the wording to the draft and stated that he would send those by email to Dr. Jackson. Dr. Kirkconnell stated that the intent of the policy should be to discourage faculty and other employees from engaging in relationships with students, supervisors, or employees; however, he stated that the policy must address what happens if and when such a relationship does occur. Dr. Greco distributed an excerpt from the University of Arkansas's faculty handbook and noted that their policy states that instances of conflicts of interest due to a consensual relationship between a student and a faculty member should be reported to the faculty member's supervisor. Motion by Dr. Robertson, seconded by Dr. Jackson, to amend the consensual relations policy draft to include Dr. Kirkconnell's wording. Dr. Philpotts pointed out the sentence in the draft which reads "An employee, whether faculty or staff, should not develop a dating or sexual relationship with a student. . ." and stated his preference for changing this to read "shall not" as opposed to "should not." After further discussion, Dr. Roberts called for the question on amending the draft to include Dr. Kirkconnell's wording. Motion carried.

President Wilkerson asked for discussion on the gender and sexual harassment policy draft. Dr. Mitchell questioned whether the affirmative action officer is the appropriate individual to review sexual harassment cases. Dr. Jackson stated that Dr. Brown had indicated to her he had no objection to taking this step out of the process and having all cases reported directly to the Vice President. This step had been meant as a buffer and a means to resolve some issues prior to their being reported to the Vice President. Dr. Mitchell suggested that a senior, tenured faculty ombudsman could be appointed instead. Another suggestion was that the chair of the Faculty Welfare Committee could serve in this capacity but only if they were tenured. Motion by Dr. Jackson, seconded by Dr. Greco, to require the chair of the Faculty Welfare Committee to be tenured. After discussion, Dr. Jackson withdrew her motion; Dr. Greco concurred. Motion by Dr. Mitchell, seconded by Dr. Philpotts, to amend the gender and sexual harassment policy draft by deleting the affirmative action officer and

inserting in their place a tenured faculty ombudsman chosen by the Faculty Welfare Committee from their membership. Dr. Kirkconnell stated his opinion that the Vice President would be better in this role than a different faculty member chosen each year. Dr. Jackson stated that it was more a matter of establishing a buffer and called for the question. Motion carried.

Motion by Dr. Robertson, seconded by Dr. Roberts, to recommend both policies as now amended (see attachments) to Dr. Brown as the Senate's report. Motion carried.

President Wilkerson suggested that the Senate review the policies in two or three years. Motion by Dr. Roberts, seconded by Dr. Greco, that the policies be reviewed by the Faculty Senate two years from now. Motion carried. President Wilkerson thanked the sub-committee and all of the Senators for their work.

NEW BUSINESS:  
REPORT FROM  
SENATE  
REPRESENTATIVE  
ON ASSESSMENT  
COMMITTEE

President Wilkerson asked Dr. Montgomery for a report. Dr. Montgomery distributed a list of assessment goals for 2005-07 and noted that there will be a workshop for department heads on assessment prior to faculty returning in August. She stated that a group of the Assessment Committee members will be attending a workshop this summer sponsored through The Higher Learning Commission and she will be part of that group. Dr. Roberts, who serves as Assessment Committee chair, announced that the amount for an assessment grant is \$5,000 and that the committee has established a new award program for exemplary or outstanding assessment programs of \$500 which could be transferred to departmental supplies/services budgets. He reported that four assessment grants have been awarded during this academic year.

OPEN FORUM

No items were presented at this time.

ANNOUNCEMENTS/  
INFORMATION  
ITEMS

President Wilkerson commented that the Student Government Association had sent a note of appreciation for the luncheon on April 18. She reported that 15 students, three Senators, and Dr. Hamm had attended. President Wilkerson stated that this will be an annual event.

President Wilkerson indicated that Dr. Hamm and Dr. Brown had met with the Retention Taskforce on April 25 and outlined efforts to be undertaken related to retention.

ADJOURNMENT

The meeting adjourned at 6:10 p.m.

Respectfully submitted,



Marti Wilkerson, M.R.C., President



Carey Roberts, Ph.D., Secretary

Note: Results of Standing Committee Elections also attached.

## Consensual Relations

### American Association for University Professor (AAUP) Position Statement

Sexual relations between students and faculty members with whom they also have an academic or evaluative relationship are fraught with the potential for exploitation. The respect and trust accorded a professor by a student, as well as the power exercised by the professor in an academic or evaluative role, make voluntary consent by the student suspect. Even when both parties initially have consented, the development of a sexual relationship renders both the faculty member and the institution vulnerable to possible later allegations of sexual harassment in light of the significant power differential that exists between faculty members and students.

In their relationships with students, members of the faculty are expected to be aware of their professional responsibilities and to avoid apparent or actual conflict of interest, favoritism, or bias. When a sexual relationship exists, effective steps should be taken to ensure unbiased evaluation or supervision of the student.

Arkansas Tech University agrees with the statement provided by the AAUP and therefore has established the following policy:

An employee, whether faculty or staff, should not develop a dating or sexual relationship with a student whenever the employee is in a "position of authority" over that student. An employee is certainly in a "position of authority" whenever he or she is that student's teacher, or when the employee is either evaluating or supervising the student. The "position of authority" may also include formally advising the student or when that student is a major in the employee's department. A supervisor, whether faculty or staff, should also not develop a dating or sexual relationship with an employee when the supervisor has a "position of authority" with respect to the employee. Should a consensual relationship develop or exist that is even questionable, the person with the greater position of authority must consult with an appropriate supervisor to develop a mechanism to ensure that objective evaluation is achieved, that conflicts of interest are avoided, and that the interests of the other individual and University are fully protected. If this policy is violated, any discipline, if necessary, shall be reviewed on a case by case basis.

# ATTACHMENT

## POLICY ON SEXUAL AND GENDER HARASSMENT

As teachers, professors encourage the free pursuit of learning by their students. They hold before them the best scholarly standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to assure that their evaluations of students reflects each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom. (AAUP Statement, 1966; Revised, 1987)

It is the policy of Arkansas Tech University to maintain the University community as a place of work and study for staff, faculty, and students free of harassment, including sexual and gender harassment and all forms of sexual intimidation and exploitation. All students, staff, and faculty should be aware both that the University is concerned and prepared to take action to prevent and correct such behavior.

The determination of what constitutes sexual harassment will vary with the particular circumstances, but it may be described generally as repeated and unwanted sexual behavior, such as physical contact and verbal comments or suggestions that adversely affect the working or learning environments of others.

Works of art and literature, readings, and other written, auditory, or visual course materials which are used in an educational context, including classrooms, academic offices, and all other learning environments, or which are part of academic or cultural programs, do not constitute sexual harassment, regardless of their sexual, erotic, suggestive, or vulgar content and regardless of whether they may be offensive to some individuals.

### Resolution Options

The University provides two options for reporting and resolving matters involving sexual harassment: an informal resolution process and a formal complaint process. An individual who believes that he or she has been subjected to sexual harassment and seeks to take action may use the informal resolution process, the formal complaint process, or both. First use of the informal resolution process will, in most cases, be consistent with fairness and correcting an undesired circumstance with a minimum of emotional and professional damage. The informal resolution process and formal complaint resolution process are not mutually exclusive and neither is required as a pre-condition for choosing the other; however, they cannot both be used at the same time.

### Informal Resolution

An individual who believes that she or he has been subjected to sexual harassment should contact a tenured member of the Faculty Welfare Committee (selected by the committee) who will review the facts presented. No person shall be subject to restraints, interference or reprisal for action taken in good faith to report or to seek advice in matters of sexual harassment.

Informal resolution may be appropriate when the conduct complained of is not of a serious or repetitive nature and disciplinary action is not required to remedy the situation. As there is no formal investigation involved in the informal resolution process, there is no imposition of discipline. University methods for resolving complaint informally include, but are not limited to:

- Mediating between the victim and the individual who is allegedly engaging in the offensive conduct;
- Aiding in the modification of the situation in which the offensive conduct occurred;
- Assisting a department or division with the resolution of a real or perceived problem; or

- Arranging for a documented meeting between the person allegedly engaged in the offensive conduct and a University official that involves, at minimum, a discussion of the requirements of the Sexual Harassment policy.

The University will document any informal resolution. The documentation will be retained by the Faculty Welfare Committee representative and will be kept confidential to the extent permitted by law. If a complaint is filed in a faculty or staff's permanent record, the faculty or staff member must be notified. An informal resolution meeting is not a precondition for filing a formal written complaint.

### **Formal Complaint**

An individual who believes that he or she has been subjected to sexual harassment may submit a written formal complaint setting forth all pertinent facts to the Faculty Welfare Committee representative who will review and investigate the facts presented. No person shall be subject to restraints, interference or reprisal for action taken in good faith to report or to seek advice in matters of sexual harassment.

### **Investigation**

A formal investigation will be initiated if the complaint articulates sufficient specific facts which, if determined to be true, would support a finding that the University's policy was violated. The Faculty Welfare Committee representative will give the alleged offender a copy of the complaint. The alleged offender is also provided with an opportunity to respond to it within five (5) class days of receipt by the alleged offender. The letter will include a statement advising the alleged offender that retaliation against the individual who filed the complaint is prohibited and will subject the alleged offender to appropriate disciplinary action if retaliation occurs.

Both the individual submitting the complaint and the alleged offender will be individually interviewed as a part of the official investigation as will any witnesses or persons who have information related to the complaint. Documents relevant to the complaint will also be examined. Facts will be considered on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual. In the course of a complaint investigation, the University will attempt to maintain confidentiality for all parties involved. However, there can be no guarantee of confidentiality and anonymity based upon the course and scope of the complaint investigation.

Findings will be based on the totality of the circumstances surrounding the conduct complained of, including, but not limited to:

- the context of the conduct;
- the severity;
- the frequency; or
- whether the conduct was physically threatening, humiliating, or was only offensive in nature.

### **Representation**

During the complaint process, the individual making the complaint and the alleged offender may designate and thereafter be accompanied by an advisor of her or his choosing at meetings and interviews at which he or she is present; however, no representative may examine witnesses or otherwise actively participate in a meeting or interview.

#### **1. Report of Findings and Recommendation – Complaints Against Faculty and Staff**

The Faculty Welfare Committee representative will provide a proposed statement of findings, copies of relevant documents, and any physical evidence considered to the appropriate vice-president within ten (10) class days of receipt of the statement from the person whose conduct was complained about.

The appropriate vice-president will promptly notify the individual bringing the complaint and the alleged offender that the investigation has been completed and attach a copy of the proposed statement of findings. A student's identifiable information, if any, which is confidential by law, will be redacted. Within five (5) class days from the date of notification, the individual bringing the complaint and the alleged offender may each submit, for consideration by the appropriate vice president, such comments and corrections as they may have. Within ten (10) class days from the date of notification, the Vice President shall take one of the following actions:

- Dismiss the complaint if the result of the completed investigation is inconclusive or there is insufficient reasonable, credible evidence to support the allegation(s); or
- Find that the Sexual Harassment policy was violated.

If the Vice President determines that this policy was violated, she or he shall determine a disciplinary action that is appropriate for the severity of the conduct. The Vice President shall inform the individual bringing the complaint, accused individual and appropriate dean or department head of his or her decision, and shall attach a copy of the final statement of findings. Copies of the Vice President's letter, the attached statement of findings, and relevant documents shall also be sent to the Faculty Welfare Committee representative.

Disciplinary action may be appealed by the employee who is disciplined. Appeals for faculty shall be made, pursuant to the Faculty Handbook, to the Faculty Welfare Committee. Appeals for non-faculty shall be made, pursuant to Classified Employee Handbook, in the form of a formal grievance hearing.

## **2. Report of Findings and Recommendation – Complaints Against Students**

The Faculty Welfare Committee representative will provide a proposed statement of findings, copies of relevant documents, and any physical evidence considered to the Vice President for Student Services for a determination pursuant to Article IV of the Arkansas Tech University Student Code of Conduct.

### **Filing of a False or Malicious Complaint**

An individual whose complaint is found to be either false or to have been made with malicious intent will be subject to disciplinary action, which may include, but is not limited to, demotion, transfer, suspension, expulsion or termination of employment.

**MEMORANDUM**

2006 May 5

TO: Marti Wilkerson, Pat Chronister  
FROM: The Elections Gang, c/o Jeff Robertson  
SUBJECT: Faculty Elections Results

Here are the results of the faculty elections to university standing committees for 2006-7. The front page of attachments of results includes the tally of one paper ballot that the pretty graphs from WebSurveyor exclude.

<u>Elected</u>	<u>Committee</u>
Deborah Barber	Admissions
Daniel Bullock	Athletics
Wilson Gonzalez-Espada	Athletics
Terri Earnest	Athletics
Jeff Robertson	Curriculum
Tim Howe	Salary/Benefits
Stan Lombardo	Welfare-tenured
Johnette Moody	Welfare-untentured
Eric Lovely	Welfare-untentured
Marcel Finan	Library
Jim Collins	Student Affairs
Susan Poznar	Student Affairs

Thank you,

Jeff Robertson  
Carl Greco  
Sarah Robison