

THE UNIVERSITY OF TOLEDO
Minutes of the Faculty Senate Meeting of September 30, 2014
FACULTY SENATE

<http://www.utoledo.edu/facsenate>

Approved @FS meeting on 1/20/2015

Summary of Senate Business

Presentations By:

Mr. Ali Eltawy

Vice Provost Kelly Moore

Ms. Angela Daigneault

Discussion: Appointment Issues, update on Committee on Committees

Note: The remarks of the Senators and others are summarized and not verbatim. The taped recording of this meeting is available in the Faculty Senate office or in the University Archives.

President Hoblet: I call this meeting to order. Welcome to the third Faculty Senate meeting of AY 2014-2015. **Lucy Duhon**, Executive Secretary, called the roll.

I. Roll Call: 2014-2015 Senators:

Present: Present: Bailey, Black, Barnes, Brakel, Brickman, Burnett, Cappelletty, Caruso, Compora, Denyer, Devabhaktuni, Dowd, Duhon, Edinger, Edwards, Ellis, Farrell, Federman, Giovannucci, Gohara, Gray, Gunning, Harmych, Hasaan-Elnaby, Hoblet, Keith, Kennedy, Kistner, Krantz, Lee, Lundquist, Malhotra, McAfee, Molitor, Monsos, Nathan, Nigem, Ohlinger, Plenefisch, Porter, Prior, Quinn (Anderson), Randolph, Relue, Rouillard, Sheldon, Skeel, Springman, Srinivasan, Teclehaimanot, A. Thompson, Thompson-Casado, Van Hoy, Weck-Schwarz, Wedding, Den White, Williams

Excused absences: Boardley, Duggan, Elmer, Humphrys

Unexcused absences: Crist, Hammersley, Quinlan, Schafer, Slantcheva-Durst, G. Thompson, Don White

III. Approval of Minutes: Minutes are not ready for approval.

President-Elect Keith: Your Executive Committee has been busy over the past two weeks. Besides our regular EC meetings, we met with the Provost and I attended September's University Council meeting.

The highlight was a presentation on The University of Toledo's Digital Repository by Mr. Arjun Sabharwal, who is a faculty member in General Libraries. The repository is an initiative of UT Libraries and is meant to contain research data, scholarly output, including theses and dissertations, institutional records, etc. Although Mr. Sabharwal and his colleagues have made a good start on this project, the next step might be for FS to form an ad hoc committee of faculty from a wide range of disciplines to investigate issues such as quality control, academic freedom, intellectual property, all the things that need to be considered before the repository goes live. Once the committee is formed and has made good progress on its charge, we would ask for an update to be presented to Faculty Senate.

Another topic of discussion was the ongoing saga of working through the Provost's Office to receive OTM approval for specific courses – it is truly a work in progress. Just an FYI - we are coming up on the October 10th deadline for new OTM submissions.

We told the Provost that we were going to start the conversation on how to define a college for apportionment purposes and then asked for his thoughts on this matter. Asking a Provost for his or her thoughts on Faculty Senate's constitution is not the usual practice but our Provost is a former UT Faculty Senate President and wrote our current constitution. Wearing his law professor hat, he listed the pros and cons of both the amendment and interpretation articles. All of this will be discussed later in today's meeting.

FSEC had a long discussion about the Honors College. The main issue of concern this week is whether the plan to revise the Honors College criteria will result in limited academic oversight, issues with quality control and divergent Honors requirements across colleges. The Provost suggested that he hold a meeting with the Honors College Dean and Associate Dean, the colleges' Honors Directors and Faculty Senate officers to discuss these issues. We will report back to Faculty Senate once that meeting has been held.

University Council's agenda contained two informational reports and one hold-over report from last year's session. The first informational report was by Dr. Cam Cruickshank, Vice President for Enrollment and Online Education, who discussed the effectiveness of last year's enrollment strategies and what they have planned for this year. The EC is waiting for President Hoblet's return to see if she wants to invite Dr. Cruickshank to share this report at a future Faculty Senate meeting. Dr. Dennis Lettman, Dean of the College of Adult and Lifelong Learning, explained how UT is complying with Valuing Ohio Veterans (Executive Order 2013-05K) and H.B. 488, both of which are designed to set up policies that provide support and assistance to veterans and service members. According to Dr. Lettman, UT is well positioned to comply with this legislation.

Finally, Dr. Ray Marchionni, last year's chair of UC's Undergraduate Academic Programs Committee, gave a report on the Associate Degree programs. As you may recall, last year the UG Academic Programs committee was charged with exploring with deans, department chairs, and Faculty Senate the best approach to address changes in SSI funding as it related to Associate Degrees. Since the new funding model focused on degree completion instead of course completion, it was hypothesized that UT might be able to 'bank' SSI funding by awarding Associate Degrees midway through the Bachelor's degree track.

Dr. Marchionni's report recommended referring this issue to Faculty Senate. It was decided that in addition to kicking it to FS, the student government would conduct a survey to determine if students are interested in earning associate degrees as part of the path to a Bachelor's, and...will conduct a market survey to determine the demand for associate degrees. President Naganathan said if there is a market need and if faculty are interested, it may be the right thing to do. President Naganathan added that we must not implement these degrees for the sole purpose of receiving greater SSI funding, especially given that funding models change all the time.

Those are some of the issues that FSEC has been involved with. As for our meeting today, we have an update on the Committee on Committees. Mr. Ali Elatawy, Student Government Vice President, is here to inform us of their plans for the upcoming year. We wanted to bring in someone from UT General Counsel to answer our questions about "Flashnotes" and how its arrangement with Student Disabilities Services

could impact faculty's intellectual property rights. However, the Provost suggested we ask Vice Provost Moore to initiate a conversation with UT General Counsel, and he is here today to tell us where we are. Ms. Angela Daigneault will give a presentation on UT's response to the White House's Initiative on Sexual Assault. She is a replacement for Dr. Stan Edwards, Director of the Counseling Center, who apparently cannot be in two places at once. Lastly, we want to start the discussion of how best to resolve the issues of pooling the Library and Honors College and defining who is a faculty member for apportionment purposes. And that concludes the Executive Committee report. Are there any questions?

Okay, we have four reports today and I am giving the first report, Committee on Committees. So here is that report: The Committee on Committees has a quorum, as there is a representative from all colleges but Social Justice and Human Service. If any Senator from SJHS is interested in serving on Committee on Committees, please let me know.

Following tradition, we asked the President and Vice President of Student Government to participate on the committee so we could appoint an undergraduate student to each standing committee. I've been told they will address this issue at their meeting tonight, and will have a list of willing participants to me later this week.

Other than that, most of the work is done – the committee needs to meet to finalize the committee assignments and then President Hoblet names the committees' chairs.

I'd like to thank all the volunteers for their willingness to serve. Hopefully, the appointment letters will go out by the end of next week. Are there any questions? Okay, then I would like to invite the Vice President of Student Government to come stand at the podium. I think he brought somebody with him.

Student Government Vice-President Ali: Thank you very much. As Dr. Keith said, I am Student Government Vice President. My name is Ali Elatawy. I am a double major in Biology and Chemistry at the university. I am currently in a UTMC program. With me is Eric, he is the head of our Student Affairs and Academic Affairs for the student body Senate.

Vice Chairman of Student Affairs, Eric: Hello. My name is Eric. I am a third year double major in Sales and Marketing. I think Ali pretty much covered it; I am the student vice chairman of the Student Affairs Committee.

Student Government Vice-President Ali: I brought Eric with me today so he can meet the faculty to get an idea who is the main person I will be working with. Basically, at the moment, Student Government is working on multiple initiatives on campus. The main thing that we want to do is to be able to create continuity within Student Government. The student body representation needs to be ongoing and it needs to be continuous. With different leadership every year and with different people coming in and out every four years and even less than that sometimes, we are losing the continuity in leadership. One of the main initiatives we are trying to work on is keeping a sustainable Student Government and student body representation that you can work with and we can plug students in to speak and various committees as well. The main things that we are working on right now involving student affairs are: student evaluations of teaching, A.L.I.C.E. (Alert Lockdown Inform Counter Evacuate) training, video and audio resolutions, and credits for students' experiential learning.

I apologize that I had to write the whole thing down because it was a lot to think of. I'm usually good at speaking, but off the cuff all of this is a bit much. The following is going to sound a little scripted and I do apologize, but I think all of this needs to be said.

Student Evaluations of Teaching or SETS are quickly and half-heartedly filled out at the end of every semester by students more interested in getting to the exam review than they are in producing coherent and well thought-out reviews of the professor who will be dealing out the dreaded final exam. In such conditions do we really expect to receive reviews that are good indicators of your effectiveness as an educator? No. But the same evaluations can still hold weight and be used as supplementation to reflect your performance. Currently the student government, the student body representation on campus, is taking the initiative to research more innovative systems of evaluation that have shown promising precedence in multiple universities across the country. We aim to collaborate with faculty and staff to develop user-friendly, customized, and intuitive student evaluations that take into account the dynamics of teaching and learning styles of individuals. As an educator you are forced to deal with a variety of students who may be careless, overly ambitious, or even stagnant. Wouldn't it be more rewarding to teach individuals who are more receptive to your personal teaching style? UT prides itself on a customizable education and I feel like there is more we can do in that arena.

SETs were originally intended to help educators develop their practice by creating a continuous improvement and feedback loop. However the current evaluations do not provide much usable feedback and I think we can all agree when I say that they are terrible indicators of teaching performance. Yet they are still being used in consideration for awards, promotion, tenure packets, and administrative performance evaluation. In the past the information has always been regulated by the institution but there are recent migrations of said information to unreliable outside vendors such as "Rate My Professor." For those of you that don't know, "Rate My Professor" is a website utilized by a significant amount of our student population to discuss and evaluate educators' performance. The website is unregulated so literally anyone can post for a given professor and the remarks are usually given by students who either loved or hated a professor, making the reviews susceptible to bias and inflammatory remarks. Sure, students are going to exaggerate but the issue is that they are using these sites to schedule their classes. So you can imagine how this affects your classrooms when students are filling certain classes and emptying others based solely on unregulated and random reviews. These reviews are invalid, do not hold context and create competing sets of information for students. You wouldn't expect your Physical Chemistry reviews to be on the same par as a 101 class, so the information lacks the context to interpret with integrity. If and when these reviews reflect back on you, they will be inaccurate but virtually impossible to argue.

We have to be to some degree proactive in addressing this issue, instead of reactionary. We are heading towards a time of widely distributed, unregulated information utilized by an entirely new generation. On one hand professors have a right to privacy and keeping that information confidential, on the other hand we have students wanting information for an experience for which they are paying a significant amount of money. Students will get the information they want regardless of how inaccurate it may be. So we must find a balance.

Teaching effectiveness and student learning are parallel ideas regardless of how convoluted their subjects may be. The task of creating an effective evaluation of the teaching-learning relationship must be a joint endeavor of both students and faculty. There are similar endeavors being undertaken by various

universities that have set precedents for transparent student evaluations. Their mistakes and successes should be used as supplementation in creating a system tailored to our University. I propose to you a collaboration between our Faculty Senate and Student body Senate and the creation of a committee to formally research and discuss the merits of a new system of evaluations. This committee would answer such questions as who should have access to the evaluation data, would the data be an ongoing performance evaluation of faculty, perhaps even post-tenure. This committee would also need to work with other entities on campus such as the new University Teaching Center to discuss the support voluntarily available to instructors with negative ratings. We can also discuss forming a group that distills the observations and reviews of the classroom into practical improvements within colleges. Student Government brings this to you today to start this conversation with the people that it will most affect. That's you. Please join us in this endeavor. I have more information that I can send on request for any of you who are personally interested in the research we have already done. Does anyone have any questions before we move on to other Student Government business? All right.

Secondly, we are working on an initiative for class credits for experiential learning. As a student I learned more this past year being Vice President dealing with everything that I had to deal with, and I am sure you can imagine –dipping my toes into administration and university faculty, and Faculty Senate. I think this kind of experience is what makes you an individual; it's what carries you on into your career. I'm sure you can all agree with me when I say there is nothing that can replace that experiential learning. We have initiatives for students that they can get credit for in Engineering to go get additional training, co-ops. I believe we can extend that to other colleges so students can gain that extra credit. Another initiative that we are working on is the A.L.I.C.E. Training. As you may know we've had an increase during the past couple of years with school violence with guns on campuses. That is really sad that we are still not teaching people how to respond to those threats because those threats are becoming more apparent. So, A.L.I.C.E. Training is this training held by the Police Department at the University of Toledo and what they are doing is showing everyone from students to administration to faculty how to basically respond to those situations because at the end of the day, if something goes wrong in the classroom, who are our students going to look to? They are going to look to the person standing in front of the class and they are going to ask, what can we do? For instance, with A.L.I.C.E. Training, we find that when an individual enters a university or a classroom setting, they are attacking opportunity- so if a door is open and if anything is present that they can use to their advantage they are going to. So something as simple as putting a chair in front of a door could mean the difference between life and death for you and your entire classroom. Stuff like this is very important for us to know so I would encourage all of you to at least look into it. We have a plan of action. We are working with Jeff Newton, the head of UT Police Department, with seminars that are about an hour to one hour and a half depending on how big the groups are. They can teach ten people up to fifty people at one time. We will be setting these up throughout the next couple of months. We understand that you are all pretty busy but we want to start moving through the deans and the colleges first to encourage students and faculty to be a part of these training sessions. I know I would feel safer if we had that. I will present that hopefully at the next Faculty Senate meeting.

President Hoblet: Remind people that any college can schedule training themselves to meet the needs.

Student Government Vice-President Ali: Yes.

President Hoblet: You can work directly with Chief Newton and schedule these meetings and they are very beneficial. And what it talks about is fighting back instead of huddling for safety because the gunman in most attacks has sought out students and faculty because they are hiding, they've been able to kill and injure more students and faculty. So A.L.I.C.E. Training is about alerting everyone and having people know how to use equipment in the classrooms, to create barriers for entry, and to fight back. People who have fought back the research has shown less injuries and fatalities occur. That is what the whole crux of what A.L.I.C.E. Training is about.

Student Government Vice-President Ali: That's all a great point. I don't have to say much more. I will get that information to you. Please at least sign up so we can send you email on dates that we will have those training sessions on and if you want to schedule that would be great; we would love to be able to do that for you. On the last note, audio and video resolution-I know that we are getting to a round of academic freedoms and academic property as a professor, educator, and instructor when you talk about having video and audio in a classroom. We can go around it and around it and around it, but the one thing I feel this consensus is about, it's yours. It's your classroom and your teaching style, it's yours basically and so that is something we will have to work on. We are now at a point at this university where things are changing- our voices are being heard. The students are in almost every committee on campus, plus our faculty voice is being loud and heard well (I'm guessing). We are at this point where we can make changes and so if there are ways that we can work through some of these differences and we can make you feel more comfortable as students – because at the end of the day, we are paying this money because we want to learn and we are here to better ourselves to get somewhere in the future – like maybe change the world to make it a better place for our kids in some way or another. If we can do that together, if we can work together and collaborate and create this coalition of the willing and work towards bettering for everyone, please come to us, we would love to work with you. That is all I have for today. There are much more initiatives we have with Student Government, but I think we are a little bit out of time. If anyone has questions or if there's anything you would like to know more about our research, I am going to leave a stack of my personal cards up here so afterwards whenever you get a chance come grab one.

President Hoblet: Ali, I want to be clear, what you are really looking at is working on a possible task force to look at the ability to audio or to audio and video in classrooms that are outfitted for it so that class content is available for student use, correct?

Student Government Vice-President Ali: Yes, that is what we are looking for.

President Hoblet: And you are understanding the issues with intellectual property, faculty owning rights to their work and their thoughts, and so you're proposing that we work together to advance some type of platform?

Student Government Vice-President Ali: You say it so much better than me that I just want to speak into your head and have you say it <laughter>.

President Hoblet: I just want to make sure I am clear on Faculty Senate initiatives.

Student Government Vice-President Ali: I am not saying every classroom on campus. I am not saying every individual needs to have this. What I am saying is, where it's possible, where there are large scales, where we can make exceptions to help students who might not be getting that personal attention etc. If a

student is in a large classroom and they want to raise their hand and they can't because of fear of somebody laughing at them- I know I ask questions all the time and by the end of my class people "hate" me, and I know that most students wouldn't like that. So yeah, I think there's a way that we can come to terms and maybe work through some of these issues.

Senator Dowd: Have you looked at other universities that have video and audio recordings of instruction in order to determine the impact on class attendance?

Student Government Vice-President Ali: Not necessarily. I think the studies we looked at – specifically MNU – they were working on a structure board such as, how many times you can view a video and audio. Obviously, if you have students not showing up to class it doesn't work out so well. But if you get "x" amount of time on a video that you are allowed to spend and you get to go through key points, I think that that might remedy some of those issues. But again, having some sort of ad hoc committee to work through those issues or at least start the conversation – I think that would be beneficial to everyone.

Senator Barnes: I appreciate your comments about the A.L.I.C.E. Training and I would just like to encourage Student Government to consider the other kinds of violence that happen on campus. If you are going to stick around, you are going to hear some reports about sexual assaults on campus- 1 in 5 women will experience sexual assault, approximately 350 a year on a campus of our size. I would love to see Student Government respond to this with as strong of a commitment to ending sexual assault.

Student Government Vice-President Ali: I am very glad you brought that up. Right now there's a nationwide campaign called, *It's On Us*. It is basically done by student org leaders on campus and we are starting it here on The University of Toledo Campus and it's going to be huge. I have so much to explain. We are going to have promotional events. We are going to have T-shirts. We are going to have weekly events throughout this month and then we are going to come back in the Spring and do it again because I feel like so many times something like this becomes a "hot topic" and everybody jumps on it and then nobody follows up. It's like it's a "fad" or something, but this cannot be a fad.

Senator Barnes: *It's On Us* is actually sponsored by the White House.

Student Government Vice-President Ali: Yes, it is a White House initiative. They sent it to us and we are actually going through with that entire campaign with the support of Student Affairs and the Provost Office, so that is definitely on our list. We are working with so many different organizations; I believe we are collaborating with around five or six other student organizations on campus with their own programming needs to help with the *It's On Us* campaign and awareness of abusive relationships – or just abuse in general such as rape and sexual assault. I apologize for using such vulgar terms, but yes, I think it should be used, that word, "rape," because that is what it is. Rape is not just of the body but it is of the mind as well and we need to address that and make that aware to everyone continuously, not just this semester or next semester, but throughout the years to come and that is why we are also trying to keep that continuity throughout the Student Government.

President-Elect Keith: Are there any other questions?

Student Government Vice-President Ali: Thank you very much and have a great day.

Vice Provost Moore: I was asked a question and I took it to the General Counsel's Office and they responded by looking into the question. The question was, "what is our relationship with Flashnotes and how does that impact professors' intellectual property rights and their lectures and lecturing material?" and that kind of thing.

Senator Dowd: For the benefit of the Senate's Minutes, would you summarize what Flashnotes are?

Vice Provost Moore: Well, that is actually coming up next. So to that question, what is this "mysterious" Flashnote that we are talking about? Flashnotes addresses a lot of initiatives and efforts by our Disabilities Office to figure out how can we get note-takers to comply with our accommodation of students with disabilities. I don't think anybody questions that intent to find a way to get note-takers for the students who need notes taken, as far as their disability accommodation. So Flashnotes are just a possible answer to satisfying that need that we have to comply with as a university. What Flashnotes is as a tactic? It is questionable as to whether it's working, but it raises a lot of questions without a lot of positives to justify and deal with questions. So what Flashnotes is, students who sit in your class can/should be taking notes, but if they choose to, they can take those notes and upload them to the Flashnote system and make them available to students with disabilities. Now, I haven't heard anybody question the use of the Flashnotes device. However, Flashnotes is like an "EBay" of student notes. So it's not just made available to students with disabilities, but those notes can be made available to anybody for a profit. It's a creative marketplace with student-generated notes. Now, I use the phrase "student-generated" - I am not very familiar with Flashnotes, but I am very familiar with a marketplace for notes. The nicest student email that I ever got about my class material was from a student from the University of Minnesota, who took the time to email me and tell me how good my notes were because some student had uploaded them on something called, www.outline.com. So, I am very familiar with this marketplace to the extent I have (and I believe I do have) intellectual property interest in my class for creating material. It is very unique, I am not saying it is great, but it is uniquely mine. However, I chose not to pursue. I didn't do anything with this email other than- I asked him to send me what he had, hoping whoever sold it had approved it, but it only remained good by my standard <laughter>. So that is the Flashnotes concern- it is a tactic adopted to satisfy an obligation. Flashnotes exists whether Toni Howard had enlisted their assistance or not. Flashnotes will exist. To the extent we have a relationship with Flashnotes, it terminates next May. I say "to the extent." Some of the information that I dug up remains kind of privileged from legal advice. This question of whether our intellectual property is the professors', the things we created are being made available in some marketplace whether it be Flashnotes.com, hotline email etc. - I was told that there are three or four more of these marketplaces that will exist. The intellectual property is at risk, meaning, a student will take them and sell them, that won't go away. This brings me full-circle back to, what can one do to protect and what should the university do? The University General Counsel tells me the same thing I was told by my own lawyer involving my University of Minnesota question: if I claim this is my intellectual property, I have to protect it myself. I can't ask someone else to protect it for me because it is not their property. Let's take tax, for instance. I teach tax and so tax is an incredibly intense body of law which is made more accessible to the mind by diagrams and outlines. Now, mine is unique, I haven't seen anyone do it the way I do it- what I could do is put at the bottom whatever Professor Gibbons' tagline he tells me I can put on every handout I give out in class. It would say "this is Kelly Moore's intellectual property. Do not repeat." Obviously, a fair use for disability accommodation, and that would be fine. It would be my responsibility to protect. So even if we kept our relationship with Flashnotes, that would be the problem in terms of protecting your intellectual

property – it is your property and you would have to protect it. Flashnotes does have a mechanism to do that, but having a mechanism to do that and it is your property to protect makes the question, “should we be using Flashnotes at all for disability purposes if it raises this...?” I can’t say exactly, but to the extent there is a relationship and I say that very “generally.” There is a relationship with Flashnotes that terminates next May, but this question won’t go away about students selling your notes. I was curious last night and I found other versions of my notes for sale on the Internet. I was thinking frankly of selling them myself because they are mine<laughter>. To the extent that mine were created at my former institution, they may say that they belong to them because mine had evolved since I’ve been at Toledo, but they were created initially at my former institution, which may not have the same policy about intellectual property. I don’t know if that’s the update, but that’s my “rambling” and my version of the report.

Interim Provost Barrett: I am going to add to the “rambling” a little bit and Senator Wedding who is a tax attorney may want to chime in as well, because I think a little bit of clarification about intellectual property is probably worthwhile. It is not my subject matter of expertise, but I know enough to be “dangerous.” We are essentially talking about copyright here. A copyright is an original expression, -fixed to a tangible medium. So when you are speaking in a class and if it’s not being recorded or written verbatim, you don’t own the intellectual property right to what you are saying, just because you are saying it. I don’t own the copyright to what I am saying right now, except it’s being recorded. When I put something up on a screen, “my diagram” as Vice Provost Moore described it, you have a fixed and an original expression to a tangible medium, thereby automatically by U.S. law creating a copyright interest. You don’t have to register in the U.S. and you don’t even have to put the tagline at the bottom. There are advantages to the tagline, but you still have a right and so they ought to be clear about what it is. If a student is merely taking notes- that’s actually *their words* -- to a fixed tangible expression because they are hearing it through their filter and changing it and that is changing it in some way. I don’t think you have the right to just notes *per se*. I think it is probably tied more to handouts and slides that are copied verbatim, things of that sort. We have another lawyer in the room who wants to speak up so maybe he will fill in where my knowledge has gaps.

Senator Kennedy: To the extent that the notes are written down on a page, they are copyrighted. If delivered as part of your speech, then the students’ notes are an unlawful derivative work.

Interim Provost Barrett: Because it’s derivative?

Senator Kennedy: Because the copyright grants are exclusive rights to the author. Section 106 of the Copyright Act, grants the author an exclusive right to prepare a derivative work and this is a derivative work that Flashnotes seeks to sell. Student notes are a derivative work of the lecturer’s original copyrighted work.

Interim Provost Barrett: Even if they are not verbatim?

Senator Kennedy: Yes, even if they are not verbatim. The lecturer gives an implied, limited license to his or her students to write down the words you speak, but when the students give their notes to Flashnotes to sell on their own account and for their own profit, that transfer to Flashnotes exceeds-the scope of the original license given to the students.

Vice Provost Moore: So when I say, “to the extent we have intellectual property interest,” that is the conversation I was hiding from- what is that extent?

Senator Lundquist: I just want to be clear that it is the students’ notes that are for sale and not notes you have written and provided?

Senator Kennedy: Yes.

Interim Provost Barrett: According to what Senator Kennedy is saying, derivative work is protected, correct?

Senator Kennedy: Correct.

Senator Lundquist: So legally speaking, all of us own our students’ notes?

Senator Kennedy: Well, no. We can sue them for infringement for use of our own copyrighted lecture notes, which is what Vice Provost Moore is saying.

Interim Provost Barrett: And perjury beyond a license.

Vice Provost Moore: We have given them a license – as I understand – to take notes, and infringe upon it if they do something beyond.

Senator Dowd: I have a follow-up question. I believe the intent of the individuals in Office of Student Disability Services was righteous in that they were just trying to find a solution to a significant problem. But what is the university’s liability and responsibility at this stage? The University of Toledo formed an agreement, a partnership with Flashnotes. Even if that agreement is only till May, the university shares responsibility of the effects of that agreement.

Vice Provost Moore: If I was here two weeks ago I would have a very definitive answer to that question. Currently, that answer is embedded in an email labeled with confidence. However, my belief is, as I read the background agreement, we have a partnership (in a sense) as a business entity moving forward, so, are we ever going to profit from this other than in the ethical way of taking notes for students? I can say this, the General Counsel says it is not our responsibility to protect these laws. We don’t have the type of agreement that has taken on that responsibility. If we own the Flashnotes per se, and if we open up this market, then I think certainly we will have an obligation to shut down the other part of the market to protect our intellectual property. As it is currently configured I would defend the General Counsel in the current time and instruct this agreement.

Senator Dowd: The university has granted faculty intellectual property rights over their course material and has now jeopardized the ownership of that property. Please let me rephrase that statement. Contractually, faculty own the faculty intellectual property rights over their instructional and research material. By working with Flashnotes, the university is at least endorsing the sale of such instructional material. So is it the case that while “one hand” of the university is granting such property rights, the “other hand” is giving them away? Does that question make sense, Vice Provost Moore?

Vice Provost Moore: I understand that question. When I use the phrase, “to the extent you have intellectual property rights,” that doesn’t relate to the question that contractually you have intellectual

property rights. My phrase was to the extent that I am not an intellectual property rights attorney. So, is having a note-taker relationship involving disability inconsistent with... intellectual property rights? I would say, no. Is the fact that there's a secondary market inconsistent? I would say that it is clearly quite uncomfortable. I'm one who applauds the fact that it ends no later than next May to the extent to characterize it as any relationship. However, the limited relationship right now I would say it is uncomfortable if not inconsistent.

President Hoblet: I think what it gets down to- One, we need to accommodate students who need notes. Two, how do we get quality notes without students having some incentive to sell notes? The impetus to post Flashnotes and sell their notes is monetary.

Vice Provost Moore: For the students?

President Hoblet: Correct, for our note-takers is monetary. So what we need to know is what amount do we need to pay students to be note-takers in a quality fashion and not post their notes, and have an understanding that this is intellectual property that is for utilization to enhance student learning, but not to earn money off of.

Student Government Vice-President Ali: I will do it for 25 meal swipes.

President Hoblet: This is what we need to determine. Currently we have weekly note-takers, \$100 per semester of notes. Now, they post on Flashnotes and if they earn \$125 on Flashnotes the university pays them nothing. If they earn \$10.00, then the university will pay them the remaining \$90.00. So, there is an incentive for these students to earn cash by posting. I think it behooves all of us, including the university, to start to investigate at what point can we form our own collaborative for serving our students to accommodate needs and have students agree to not be selling the product, our product.

Vice Provost Moore: I actually agree with that entirely. However, if we move Flashnotes off the horizon, the problem remains even with Flashnotes, we are not soliciting from the student body enough note-takers- so whether it be meal swipes etc., (I like that idea) but whatever it be, we need to investigate a better note-taker regime. However, I don't know – other than telling the students about these intellectual property issues – I don't know if there's a system that says, "I can prevent students from entering those types of places" other than, "I will have to be vigilant and compliant when they do and defend my rights."

Senator Krantz: All of this just kind of blew up in my department about three weeks ago. We invited Toni Howard, the director of SDS, to come talk with us. She is in fact facing a really difficult problem university-wide. To kind of get it down to the Reader's Digest version of all this: they have a very difficult time getting note-takers for all the ADA compliance and that is the first issue. In other words, the first choice is students within the class and if they can't do that, then they try to have paid note-takers who are paid at minimum wage. In either case the quality of the note-taking is not very good, and not all class sessions have notes taken which really gets into a problem with ADA compliance. They have even gone to having graduate students who you would expect to be really good at this and motivated, and even those students aren't very good. So, there is an issue of, as President Hoblet put it, how much do you have to have to have quality notes taken? When I solicit within my courses I try to target people who I view as mature and I take them aside and talk to them and explain why this is important and then I usually mediate it through me rather than only through SDS. So, there are number of other issues. Again, I've

seen both sides of this. Definitely from the faculty point of view there is an intellectual property issue, especially now that major publishers like Pearson are patrolling for our notes for free or cheap. I don't see why we can't somehow come up with a mechanism within the university – possibly by way of Blackboard or something equivalent – whereby students legitimately within our courses have access to notes if they wish. I have some really severe reservations about any student in my class posting notes for profit and I've seen some of the notes and as somebody brought up previously, it is nearly verbatim what I say. One of the issues that Flashnotes is a response to, some of our inquiries said was, “they patrol the notes that were posted” and my response to that was, “in near real time you check every set of notes from every class from every institution, right? And how can you tell that those notes aren't the same ones that I posted on Blackboard? As an outside entity, do you have access to Blackboard? Do you have access to the handouts I give out in class?” I hope not. One last thing, this is a big enough issue that I would advocate strongly that either the Faculty Senate, or the Faculty Senate along with Student Government, produce a task force to deal with this. I think it can be done internally. I think we can do this safely, fairly, and efficiently within The University of Toledo.

Interim Provost Barrett: I think there's an underlying problem here that anything we create and make available to our students is not going to address. There are a number of these vendors and there's probably going to be more of these sites arising. Without you or someone actively patrolling to see who's posting at any given time, somebody can post and make a profit on it. So how many people know about it may be a little different. If you have Flashnotes being deliberately made in a relationship does make it more...so actually being created. Students are taking your class every day and students are using notes every day and they put this stuff up. I'll be honest, I really don't worry what students write what I say because when I give instructions I get one-third of it wrong half the time anyway, so I figure my students' notes are just that good <laughter>. With that being said, if you are really concerned about your intellectual property, the best defense is to go on the offense. Create your own notes, post them up, and charge what you want; then the market will decide if it's worth buying. They will be correct. The students will know they are correct. They will have your names on it. I mean, talk about a superior product. Otherwise, it's going to be out there anyways as far as I know, so if you really do care, you are driving yourself crazy because it's going to happen.

Senator Kennedy: Two points in response to what the Interim Provost just said. First off, I don't think it is very difficult to police this. A take-down letter to an Internet information provider is a pretty easy form of self-help. It doesn't take much time and most of the online information providers listen to it, otherwise they get into “bigger” trouble. The second point, I don't think the answer is to create your own commercial product because the big problem is not that they are using your notes, it is that they are going to edit them, they are going to enrich them, and they are going to distort them and that is what will appear online. It's the process of distortion that is the greatest injury for the reputation of the faculty member.

Student Government Vice President Ali: I think that some of what you already talked about is kind of widely distributed among students by word of mouth. A lot of your major classes such as chemistry – there are usually a group of students that sit in front of class; they are usually close to the professor and they pass back the booklet of previous exams, quizzes, assignments and notes etc. I received two of these in my career here at The University of Toledo. They are already out there. I think that if we can plug into those and find a way to distribute them to only UT students. For instance, music-you can go to IT Music or Wifi and bootleg for nothing and that's why that field is exploding. If you have it available to students,

ADA or not, I think they are going to come to it and they are going to try and find it because they don't have to pay for it. Something that's underutilized here at the university is, Mobile UT App. Mobile UT App is specific to UT students, no one else will be touching it and something like that can be geared towards distributing notes among students. If you want to be able to distribute them only among the ADA accessible for ADA accessibility or whatever the case, I think there's a way to do that too. It just needs to be asked.

President-Elect Keith: We need to wrap this up. President Hoblet, Senator Dowd, and Senator Lundquist, is there anybody else that has a comment or question? Okay.

President Hoblet: I just think it's a big issue for all of us. I think that we need to form a task force. I can see that when we look at entrepreneurial efforts at The University of Toledo- every university in the world is struggling with the same types of issues. I think that this is an issue where we can look at. With several of you at the Flashnotes presentations and the issue was, having the right context, discussing the facts, what we present, the case studies or examples that we use as exemplars for students and having the accurate information. I think we are all very concerned that our students are getting what we want them to get and what they need to get to be successful in their careers or functioning human beings and that's the baseline, we want students to be accommodated when they need it. We want to get them the best informational educational tools we can, and we want to do it without sharing it with the entire world. I think this is another area we really need to develop as task force and I would love to do this, and I would call on a number of you who are passionate about this to step up and participate. We will be sending out an email asking for a task force to be considered and compiled to address this.

Senator Lundquist: I've been experimenting with note-taking in my classes. I assign two students per class to be the designated note-takers, and this is credit-bearing work (10% of their grade). They are required to type up their notes and send to me via email before the next class. I upload the notes to the class website to be available to other students. Then what we do at the next class is look at those notes together. We discuss them to determine if the notes covered what happened in class and what is missing that might be important. We talk over the things that didn't show up in the notes. I am concerned about our students losing the skill of note-taking. This is a crucial skill that we should be encouraging and teaching. It's a life skill: noticing what is happening and being said, and determining what is important enough to write down. If students don't take their own notes, they don't practice this skill. If they can buy other people's notes, they are taking other people's word for what is important rather than sorting this out on their own, and later reviewing and remembering what they have learned, and noticing what they may have missed, and still have questions about. Taking notes is active learning. Buying notes is at best passive learning.

President-Elect Keith: Well said. Thank you.

Senator Dowd: I have a comment. Perhaps Student Government would consider bringing an expert to Student Senate to discuss students' responsibilities with regard to intellectual property rights.

President-Elect Keith: Thank you, Vice Provost Moore. Our next speaker, Ms. Angela Daigneault is setting up. She is the coordinator of the sexual assault intervention program. While we are waiting for our next presentation we can discuss what to do with the Honors College.

In the constitution there is no such thing as a portal college and it was pretty clear what we meant when we talked about faculty and a college. We have put the Library and Honors together for three years now. I think we promised every single year that we will do it, we will allow them to separate and so maybe they should recombine. *Please read the following:*

CONSTITUTION OF THE FACULTY SENATE

Article XII. Interpretation

"In the event of an ambiguity in the interpretation of any provision of this Constitution, its Appendix or its Rules, the meaning of such provision shall be determined by a majority vote of the Faculty Senate."

Senator Dowd: May I make a suggestion?

President-Elect Keith: Yes.

Senator Dowd: Interim Provost Barrett, you wrote that article of the constitution years ago. Would you be willing to elaborate on the intent of that article?

President-Elect Keith: We have the constitution up here, do you need it?

Interim Provost Barrett: No. I know what it says conceptually well enough. Do you want me to do it now?

President-Elect Keith: Yes.

Interim Provost Barrett: As we were drafting the constitution it had become apparent to me based on problems in prior years of serving in Senate that there are times where something kind of comes up as a question that you haven't really fully thought through, and so the Senate Constitution didn't fully address the issue. It kind of brought in the framework, but it didn't necessarily drill down to the specific level of detail you needed for précising. The only way we can handle that would be to do a full Senate constitutional amendment which is reasonably cumbersome to do and not something you won't be doing all the time. It involves sending it all out to the entire faculty and it is a major voting process and so I thought, why don't we put a clause in here that allows us a kind of a soft correct mechanism for things that fit into that. So, I drafted a clause and put it in the constitution that basically says, if there's an ambiguity in the constitution, instead of having to go through that process the senators could vote to clarify the ambiguity. Actually, after the first year we had adopted the constitution we actually used it. The constitution has since then been amended and that's faded away because the...got folded in, but what happened is, there was a discussion, what types of administrative faculty can be elected to Senate and vote and participate etc. We haven't been specific in the constitution anywhere about that and so discussion was out on the Senate floor and it was decided that we're going to clarify the dean line: dean and above are not eligible, and associate dean and below are eligible, so that was the first time it got used, and that is the spirit of intent here. Here, I think it is a classic example of the same type of situation. When the constitution was created, we had no portal colleges and we really had not contemplated the notion of a proliferated of multiple colleges with zero, one, or two faculty members in them. The constitution has a minimum number of senators per college of "two." If we have those colleges get two senators we have a major proliferation of colleges, it's kind of an over-representation based on the number of faculty. It's

also a huge burden on those faculty because they will constantly always be senators. I know some of you are already in that same position by choice, but they wouldn't have a choice and so I think this is an appropriate place to use it. I do want to clarify it, this is meant really for clarification. If somebody wanted to say the Honors College should get one senator instead of two, well, that's not a clarification, that's a change in the constitution. Every college gets two senators. So you have to fit within the spirit of this and I think this is a body that will do that and that is why I was okay with putting this kind of language in it and you guys try to police things to make sure we follow the spirit and intent of what we created. But here we have a case where, are these really colleges in the sense contemplated by the constitution and how do we deal with them? But the other alternative would be to do a full amendment and part of it depends on the solution you want to provide. If you want to go to one senator for colleges that have fewer number of faculty, I think that requires an amendment. But if you want to say these are not colleges or some sort of hybridization model- these are collectively the equivalent of one's college, I think that fits into the spirit and intent of why I drafted it.

President-Elect Keith: So that is part of the background to the discussion we are going to have after our next speaker.

Ms. Daigneault: Well, thank you first of all for having me come out. As President-Elect Keith mentioned, Dr. Edwards has actually given this presentation, so some of you may have had the opportunity to see this already, but maybe at a different venue. My name is Angela Daigneault. I am actually a clinical social worker over at the Counseling Center where the SAEPP, sexual assault education prevention program is housed. I run the program. I do the coordination of the sexual assault program and I've been doing that a little over a year now. What I hope to do today is answer any questions that you have through the presentation of what UT's response is to the White House initiatives and then answer any questions as a follow-up after the presentation.

I am going to start with the mission of the sexual assault program –The sexual assault education prevention program, SAEPP is to create a campus community free from abuse and other forms of sexual or intimate partner violence of which students enjoy equitable, non-violent relationships. So basically, our program encompasses more than just sexual assault, we do provide educational prevention around stalking intimate partner violence and sexual harassment so it is not just sexual violence. SAEPP provides educational programs addressing the role that everyone can take in creating violence free- UT. And SAEPP is also dedicated in providing advocacy services for survivors of violence, including crisis intervention, assistance with medical, and legal, and academic and personal issues.

I am going to talk a little bit about what SAEPP does. Some of the principal components of the program- we do education awareness through trainings and presentations. We do trainings and presentations to a number of different areas on campus. We do them in the classrooms. We do them with different organizations. We do them with staff, faculty, students, just a variety of different educational programs. And actually, this year part of my goal is to increase the number of education and awareness projects that we are doing on campus. Through different sponsored events I don't know if anybody has seen the kinds of events that we hosted on campus throughout the semester. We did rain-day that just occurred last Thursday and also the poll sign project that happens each semester. Actually we have a fantastic response to it this semester and I was really excited about that. A lot of students were stopping by and coming to see the project and asking me a lot of questions. We had some media coverage about it and some real

interest about what's going on and just a really great response. Then we do survivor support through Advocacy. I will talk a little bit about the Advocacy, but we have a 24-hour, 7-day a week advocacy program. So any survivor of an assault or any sort of violence on this campus can contact this number and they can reach a person they can meet with immediately and get any supportive services and get connected to the right services they need, specifically, any sort of medical attention, any sort of police assistance, or anything else that they might need at that time. We are also a counseling center so one of the other things that we offer is counseling. We provide counseling whether it be crisis intervention, right at the moment, or counseling that they might need to outgrow and we do that through any of our senior staff or any of the interns that we have there who are trained to work with survivors.

There are three action steps the White House initiative is covering: (1) identify the problems that exist on campus. The White House is recommending all campuses look at creating a climate survey specifically to get a better grasp of the problem of sexual assaults on campuses. One of the things that's occurring is the sexual assault program is working to develop a climate survey that potentially will go out in Spring of 2015. This is something that is recommended by the task force, but not required at this point, although we are going to work to get this out in the Spring. We do have available "Haven" which is available as of this Fall. That is a program for students but also for faculty and staff. What "Haven" is, is an educational program that takes about 35 minutes or so for somebody to go through and it educates about what sexual assault is and what it looks like, and then reporting requirements for faculty and staff as well. Again, this is something that has come out of the White House initiative. It is a very important educational tool I think to have, it is a matter of getting it in place how to make it mandated. That's what a lot of discussion has been with the committee at this point, getting the requirements. Right now all first year students who come in are required to take this. They get this through their FYE class and so we are still working to have it out to all the rest of the students beyond FYE. And then, both of these things will be likely to be required in the year 2016. So the sexual assault programming committee is working hard to make sure that both the Haven process and the campus climate survey are in place so when that likely mandate comes out in 2016 it will already be for that. (2) Preventing sexual assault on campus. This one talks about the actual programming that's being done on campuses. There's been a lot of great programming I think that has gone on on the campus. I mentioned briefly the poll sign project. We also do the Silent Witness Program, you will see this in October. The Silent Witness Program has been a part of this campus for a number of years. We worked with bringing clarity in other areas with bringing speakers to campus; there's actually one who is going to be here in November. We have done a lot of activities around the sexual assault awareness one and so that is always something that has gone on and we continued to do last year and will continue to do this year. In addition, some of the things that came out of the report were talk about increasing bi-standard education. That is the area that I think that really needs a little work. It is not that I don't think students want to intervene and help, I think it's the matter of us helping to educate and train them on ways to do that. Some of the trainings we've done last and will continue to work on are called the male UT Training and we are working specifically as a male facilitated training that works with different groups of males. Last year it was provided to FYE and this year we are working with Athletics and ROTC etc. on a couple different areas to continue those trainings. We are also looking to do some research around best practices for bi-standard training. There are some tweaks we will be continuing to be doing as we've gotten some feedback already. We've distributed a thousand of them already this semester. We will be making a few alterations to that and we will continue to make it better and keep getting it out there. There are reviews going on right now to the sexual misconduct policy and

also to the process of the judicial hearings of sexual misconduct. So we are constantly making sure we are evaluating what we are doing with those as well. Training for the university, I mentioned, Haven, so that is something that is out there and available for faculty and staff. Partnerships with the community, currently right now we work with the YWCA H.O.P.E. Center which is the rape crisis center for Toledo and they provide 24-hr. advocacy to survivors in the community. The ones who have done the training for us will continue to do the training. We are actually in the process of recruiting. The final goal is to have eight trained advocates on this campus (minimum) by the Spring semester. We are working to have additional trained advocates this semester, I am hoping for six. They will go through 40 hrs. at the YWCA H.O.P.E. Center where they actually go there. Then they will work with us to do the UTMC portion of the advocacy training. So again, with the goal being around eight by the Spring semester. I think that is it. I would love to answer questions.

President Hoblet: I am just wondering because I did not review Chief Newton's disseminated report with violence on campus. My concern is that sexual assault is always a massively under-reported event on campuses; this is not unique to The University of Toledo. My concern is, are we doing anything and are we collecting data to see if women are becoming more comfortable and knowledgeable about reporting sexual assault on campus? Have we seen a change since implementation of data? The changes that we made two years ago in our sexual assault support programming – are we seeing increases in females reporting sexual assaults? Who has those types of data?

Ms. Daigneault: I do not have the data prior to me on what was reported, so I can't say whether or not there's been an increase in reporting. From my understanding – without the actual hard numbers which I really don't like talking without those numbers – but, my understanding is that the reporting has been about the same. But again, I don't have the numbers.

President Hoblet: From my understanding we are not reporting these crimes. Sexual assault is not being reported on this campus probably by men and women and that's the issue. We want to get it out there so people are understanding there is research that is documented. Young women think that it is a rite-of-passage in college to be sexually assaulted. That is not an appropriate mindset and that is my concern. Oftentimes they don't report it because they think everybody goes through this, and it is just not appropriate. There's lots of information out there. What I would like to see is the data; I would like to know it. I would like to know what are our sexual assault numbers prior to implementation of our new initiatives and what are they currently since we have that data available. And if it's the same, then we have gaps that exist and we need to do more and that's a faculty issue, student issue, staff issue, and administrative issue. I am not dumping this on you. I'm just saying, without good data, we don't know if our programming is effective or not and I think that's where we want to look at.

Senator Dowd: May I ask a follow-up question? You mentioned a climate survey is being conducted. Climate surveys have been conducted in the past, but the Faculty Senate Executive Committee has had significant difficulties trying to obtain the results from those surveys. The current interim administration may not be aware of that difficulty. Would you provide the Faculty Senate Executive Committee the results from the previous survey? I believe that is part of the data President Hoblet is requesting. Because previous results have not been released, I'm not sure we have established any benchmarks.

Ms. Daigneault: Do you know when that was done?

President Hoblet: Climate survey was completed...

Senator Gray: I can answer; I am a Culture Ambassador. That information is not available yet. It was completed in the Spring but due to the qualitative interviews and things like that, that took place afterwards it is not completely compiled yet. For all of the other years, the data is actually available on the dashboard or the Office of Equity, Diversity, and Community Engagement page. It's actually available to all of us, except for the one that was just completed because right now it is not available to any of us. It should be available to us by November – is the plan.

Senator Dowd: There is a very long history of significant delays in releasing this information.

Ms. Daigneault: Right.

President Hoblet: Because we would want to know.

Senator A. Thompson: I have a couple of questions and I want to comment on what you said, President Hoblet. I personally think that part of the reporting issue could be the fact that we have such a fragmented system. I mean, when you have all these different advocates and different folks as opposed to having one person that becomes the face of sexual assault prevention that students can develop a rapport with and know that they can go to that person and feel comfortable, I wonder if that actually play into that. And then my question is, who is actually the person that is delivering these educational sessions? Are those evaluated in any way? Do we know if they are making a difference in terms of things like self-advocacy or behavior change?

Ms. Daigneault: We actually have Ashley Leonard who is a Doc student who is working to do these trainings. She is the one who helped put it together and then worked with the different areas as far as holding the trainings. She helped to train facilitators for it. There has been limited training that's been done at this point, but there are some this semester that are set up (again Greek Life) and we are working with getting Athletics as far as the training. There were surveys that were completed at the end of the training sessions that were done that Ms. Leonard has. At this point, no, the numbers that she's evaluated haven't been.

Senator A. Thompson: So we don't have any real results for it. I guess my question is, and I am sorry that I am coming at this from a public health perspective.

Ms. Daigneault: No, that's fine.

Senator A. Thompson: I'm just wondering if the people that are actually doing education are actually trained in that area, that concerns me a little bit.

Ms. Daigneault: Do you mean those as far as facilitating? Yes, absolutely. Anybody that's done this has either gone through some sort of sexual assault training and the advocacy training. We have one male counselor who has experience with working with Ashley Leonard on sexual assault training that she put together. They've gone through a training to do it.

Senator A. Thompson: Is the training more based on what happens after the fact, versus from a prevention standpoint? Senator Barnes, I am not "picking" on you, but maybe you know something about this.

Senator Barnes: About the trainings?

Senator A. Thompson: Yes.

Senator Barnes: No, I don't know anything.

Senator A. Thompson: I am just curious. To me, there's a huge...between response to something which to me is more around mental health needs, social work, counseling etc. versus the prevention piece. I was just curious.

Senator Barnes: Anecdotally, I can tell you that the advocacy part of the training for counselors is excellent, but, I think if you have followed any of the story of the Title IX lawsuit, the kinds of findings in the reports that the institution is doing are not encouraging survivors to come forward because of the way they are being treated by the system. And of course that one person [who filed the lawsuit] could have been any number of students who have had similar experiences with the institution. I know this because of my work in Women's Studies where we tend to hear such stories.

Senator Bailey: I just want to know if the information that you just presented is available online?

Ms. Daigneault: If it's available online?

Senator Bailey: Yes. Can we access this information on the website?

Ms. Daigneault: Through www.notalone.gov which is where the White House initiative's information is, and it also talks about online---

Senator Bailey: I'm referring to the presentation that you just made.

Ms. Daigneault: Oh, I can email it to the Faculty Senate Office.

President Hoblet: Can you email it to our administrative support and she will post it with the Minutes?

Ms. Daigneault: Absolutely.

Senator Krantz: To emphasize the role of awareness in prevention – a key figure that's come out, a statistic- on college campuses: approximately 80% of the assaults are perpetrated by 4% of the assailants. So if we are going to have an improvement in prosecution of sexual predators and in making the campus safer, then we need to also make it aware to the student body that reporting is absolutely critical.

Senator Barnes: Can I follow up on that real quick? The second government initiative that's not alone.

Ms. Daigneault: *It's On Us?*

Senator Barnes: Yes, the *It's On Us* program really focuses on this to a high degree, and the number they reported in a webinar I attended recently was 90% committed by 6%. The campaign is about the other 94%. The other 94% think that most men think it's okay and this is why the rates of bystander intervention are so low, so the campaign is sort of an attempt to change this cultural norm with the 94% of men who are not committing sexual violence, getting them to be advocates.

President-Elect Keith: Let's make these two the last questions. Go ahead.

Senator Quinn: So my question is about the data on sexual assault on campus versus the student population, is it a higher percentage on the university campus?

Ms. Daigneault: Yes. It is a higher percentage on campus, 1 to 5 females. It's close to the national average outside of the college community. But, 1 in 4 or 1 in 5 – depending on where you get the statistic from – of college students will get assaulted and that is across-the-board.

Senator Krantz: But it is extremely similar in the military where you have concentrated groups of people of the same age.

Ms. Daigneault: One of the big differences is the involvement of alcohol; like 90% of cases on campus result in sexual assault due to alcohol. Can I just speak to something real quick?

President-Elect Keith: Yes.

Ms. Daigneault: I will say that there were changes in the program last year as far as the one person being the advocate and I had my own thoughts and concerns about the changes that occurred. Huge respect to the way that the program was being run before, and I worked very closely with Diane, but, I will say that I think with us having multiple advocates I've seen the success that has happened and again, not from necessary numbers that I can say that I know that this been reported etc.. But I've seen where we've been able to take calls in the middle of the day and in the middle of the night and that we were able to follow through and we all collaborated together to coordinate that; I've seen it work and because I've seen it work, that is where I say, "This has worked and I want it to work even better now," so we can have a number of people that can still be trained and be resources in the area of Athletics and in the area of Greek Life. So they are getting to know somebody, a face that maybe they are comfortable with as opposed to just one person. I think the advocacy for having multiple people is working.

Senator A. Thompson: I am asking because I don't know the answer to this. Is it "normal" for a university this size to not have a staff person that is solely devoted to that?

Ms. Daigneault: There's a number of ways that I've been finding and in fact, I just got a word today. The person that does this in OU's position was changed in the way that it was just one person who was kind of running the program from the different areas that I've seen in sexual assault programs on campuses that is comparable like this in size, there are not. I've not seen a consistent one person who is running the program doing the advocacy, doing the programming, and all that. There's a lot peer work that's being done at some universities or again, with multiple advocates.

Senator Edwards: I just have a question about information when you mentioned this "Haven" program, how do you get there? I mean, I just looked on your page and I can't find it.

Ms. Daigneault: I think it's through the MyUT portal section.

Senator Edwards: It needs to be very clear.

Ms. Daigneault: Yes, I would make sure of it. I would say that as far as faculty and staff being able to get to it, I recently was asked that and there's been an issue, but I think it's with the company because it's from the same company that does the "AlcoholEdu."

Senator Edwards: Is there any local information in this program about who to contact here or what to do?

Ms. Daigneault: Do you mean, our Title IX officer?

Senator Edwards: No. If a student comes to us with a faculty member and wants some help with a sexual assault, what should we do?

Ms. Daigneault: You should contact the sexual assault education prevention program, the 3431 number. I guess the reason why I say that is because we can help talk through whether or not what needs to be reported and how long ago this occurred and we can connect with that student as far as any reporting that needs to be done.

Senator Barnes: Ms. Daigneault, I think they want to know, is that information in the Haven training? So is the local information in the Haven training?

Senator Edwards: I'm just trying to figure out what we should do and if there's some training that we can avail ourselves of that will help us with what to do here.

Ms. Daigneault: Yes. The Haven training is supposed to be customized to the university, so it should have it in there, but on our website there is our information how to contact as well.

Senator Molitor: That has a 24-hr. hotline.

Ms. Daigneault: Yes, the 3431 number is for training and programming and anything else. The Haven program for faculty and staff has just been implemented and was just released by Haven faculty and staff. It wasn't available until just recently. Thank you.

President-Elect Keith: Okay, I think we have to wrap this up, but thank you so much for your time. Next, we have invited Paul Hewitt to come and give us background on what had happened last year when he was the chair of the Constitution and Rules Committee, but I think we forgot to tell him where this meeting was going to be held at <laughter>. Mike Caruso helped in the conversation and Mike Dowd was certainly involved in that conversation as he is in all conversations <laughter>, so I think we can probably wing it.

So we just got some background from the provost- I guess when we were talking, we thought that maybe a way around this problem would be to evoke...

Senator Devabhaktuni: Could you actually define the problem?

President Elect-Keith: The problem is that since 2011 for a fortune of purposes we have merged Honors and the Library because Honors is a portal college that has four or five faculty members.

Senator Sheldon: Five faculty and an associate dean now.

President Elect-Keith: The portal colleges were not considered when they wrote the constitution, and the constitution says that each college has a minimum of two faculty senators. So they merged the Library and Honors simply because that way they got a sufficient number of faculty to justify two senators. Honors and the Library has been splitting those two seats.

Senator Sheldon: Well, actually we were merged with that “little” fiasco called “COIL” and we were never un-coiled.

President Elect-Keith: When I went back and I was looking at Faculty Senate Minutes, apparently I didn’t go back far enough.

Senator Molitor: Just a general issue. Another part of the problem is that there is a limit of 64 senators. So if we add seats for somebody else that means that some other college loses representatives.

Senator Dowd: Another issue is that the Library was a college and then President Jacobs decided that it wasn’t. One problem is that Faculty Senate Constitution mandates one representative from the Libraries on, I believe, five of the eight standing Faculty Senate committees – not to mention the needed representation on the various ad hoc committees that need to be formed at various times of the year. If you want, Senator Molitor, you can turn to the person seated behind you and ask Senator Sheldon how many committees he typically served on over the last few years?

Senator Sheldon: Between six and eight per year typically, for Standing Committees, except for last year.

Senator Dowd: This is part of the problem. In some colleges, like the Honors College, we have the same one or two individuals serving on all of our committees. And to an extent, the same is true for librarians.

President-Elect Keith: But this is not going to solve that problem, this solution that we are suggesting, will it?

Senator Dowd: Not all at once.

President-Elect Keith: Because they still lack the numbers.

Senator Dowd: They will at least have two representatives.

President-Elect Keith: Right. So, there’s a “double-dip” representation. A solution was to basically pull all of the portal colleges of which Honors will probably have the most faculty, not till it is clear to us how many faculty that don’t have tenured homes are replaces are in the other portal colleges.

Senator Sheldon: I believe we are the only portal college with faculty, but we are not the only portal college with curriculum or degrees.

President-Elect Keith: I think we are primarily interested in faculty.

Interim Provost Barrett: I don’t know specifically how this is all sorting out in terms of how it would count in the Senate sense, but there is one faculty member who I believe is moving from the College of Education into Adult and Lifelong Learning, so we may end up with a second one is all I am saying.

Senator Sheldon: Okay.

Senator Dowd: The Honors College is a portal college which has faculty and that is their tenure home. The Graduate College is a portal college with 800 faculty, but the Graduate College is not their tenure home. So the Constitution and Rules Committee is going to have to construct a proposal that addresses these issues.

President-Elect Keith: Right.

Senator Sheldon: When Provost Barrett talked initially, I don't see how you cannot open the constitution since it clearly says the University Libraries has two representatives. So if you are going to change things, then the Constitution would have to be reopened. I volunteered to sit on Constitution and Rules because at the end of last semester – and I've been bringing this up for four-years – somebody said, "Glenn, well, why didn't you weigh in on what we could do?" Well, why wasn't I invited to sit on the committee?

President-Elect Keith: So I'm throwing it back to the EC, what else could we talk about in terms of this issue?

Senator Sheldon: How about talking to the faculty of Honors?

President-Elect Keith: Yes.

Senator Sheldon: Because discussions are going on between administration of the Honors College and the Executive Committee. Conversations go on between the Honors' Dean and the FSEC. Where are discussions between FSEC and the Honors faculty?

Senator Dowd: The point of this brief discussion today was that the Executive Committee wanted to bring it to Senate so that we could receive guidance on how to proceed. We will charge the Constitution and Rules Committee to come up with proposed solutions, but the purpose of the discussion today, Senator Sheldon, was to receive guidance from the Senate regarding what do we tell the Constitution and Rules Committee. If you have any other thoughts or suggestions please send an email to both President Hoblet and President-Elect Keith. The Executive Committee needs to be educated on the important and appropriate issues so we can move forward with charging the Constitution and Rules Committee.

Senator Sheldon: The only thing I would say to Faculty Senate is there are faculty in the Honors College, and to overlook them would be remiss. There are faculty whose lines reside there.

President-Elect Keith: Right. We are aware of that.

Senator Dowd: That is absolutely right.

Senator Sheldon: Well, for the senators who may not know, and hear all this "stuff" about the Jesup Scott Honors College, and this "poor" little "rescue dog" that it seems to be, there are real faculty who have been here for years, years, and years.

President-Elect Keith: Are there any thoughts or are there any ideas?

Senator Devabhaktuni: Actually, I have a question. Senator Molitor mentioned that there are 64 seats which is a cap on the number of senators. How many years ago was the proportionate representation

decided between the colleges? Has it ever been reviewed? If so, how frequently has it been reviewed? What are the colleges that have grown etc?

Senator Molitor: During elections we actually review a proportion based on the number of faculty in each college.

Senator Caruso: Well, the total number hasn't been because that's in the constitution.

Senator Devabhaktuni: No, the total number doesn't change, but what I meant is the division between colleges, does it automatically change because some colleges have been merged and some colleges have been split etc.?

Senator Caruso: The answer is, yes, it is reapportioned.

Senator Devabhaktuni: Which means it is very rare to redo the numbers to create some vacancies for the Honors College?

President-Elect Keith: Well, we had this discussion last year, didn't we?

Senator Caruso: Yes.

President-Elect Keith: In late February I think, so this is why we want to follow up on it because I think it was the sense that the Constitution and Rules Committee that you really couldn't do it. What was the issue?

Senator Caruso: You can't change the number.

Senator Barnes: You have to give them two representatives?

Senator Devabhaktuni: No, what I meant is if you do have a formula dividing the representation between different colleges and some numbers work out to be "6.25" and "5.43," can you shrink all those numbers and pull the portions etc.?

Senator Caruso: You can't create something.

President-Elect Keith: That was a proposal last year and it was voted down by a vote.

Senator Sheldon: Well, certainly Constitution and Rules can decide that a college with a certain number of faculty that perhaps falls under a certain number has only one senator, because whatever you do with the Honors College you are getting me again and again <laughter>.

Senator Dowd: Is that a "threat" <laughter>?

Senator Sheldon: It is kind of a "threat" <laughter>.

President-Elect Keith: They decided they cannot do that without a constitutional amendment.

Senator Sheldon: Exactly.

Senator Caruso: We didn't have time so we are trying to get on it early this year.

Senator Sheldon: This conversation started over four years ago.

Senator Caruso: Well, I know.

Senator Sheldon: So there was time in four years.

Senator Edwards: I just want to make the comment that perhaps if we involve the Faculty Senate in the creation of colleges we can address some of these issues before they come.

Group of Senators: Hear-hear.

[Applause]

President-Elect Keith: If there aren't any other comments, then I will ask if there are any items from the floor. If there aren't, may I have a motion to adjourn? If you have any comments please send them.
Meeting adjourned at 6:02 p.m.

V. Meeting adjourned at 6:02 p.m.

Respectfully submitted,
Lucy Duhon
Faculty Senate Executive Secretary

Tape summary: Quinetta Hubbard
Faculty Senate Office Administrative Secretary