Volume VII

Agenda and Minutes of the Meeting of March 07, 1994

Additional information: Digitized by University Libraries Technical Services and archived in SOAR: Shocker Open Access Repository at: http://soar.wichita.edu/handle/10057/14179
WICHITA STATE UNIVERSITY
FACULTY SENATE
AGENDA

Room 126 CH

Meeting Notice: Monday, March 7, 1994
Order of Business:
I. Calling of the Meeting to Order
II. Informal Statements and Proposals
III. Approval of Minutes
IV. Presidents Report
V. Committee Reports
VI. Old Business
   Tenure and Promotion Policy Revisions
VII. New Business
   A. Allocation of Salary Increase Funds from
      "Partnership for Excellence" Proposal
   B. Draft Policy on Sexual Harassment
VIII. As May Arise

EXECUTIVE COMMITTEE
James Clark, President
Dwight Murphey, Vice President
Gayle Davis, Secretary
Joyce Cavarozzi, President-Elect
Walter Horn, Elected by Senate
Jolynne Campbell, Elected by Senate
Sue Bair, Appt’d by Senate Pres.
POLICY STATEMENT ON SEXUAL HARASSMENT

Introduction: Statement of Policy. Sexual harassment is a form of misconduct that undermines the integrity of the working and learning experience. Accordingly, no member of the Wichita State University community (students, faculty, staff, administrators) shall sexually harass another. The University community will vigorously respond to such acts in due proportion to their seriousness. Civil Rights enforcement agencies also consider sexual harassment to be a special form of sex discrimination in violation of state and federal civil rights laws.

The University seeks to protect the rights of any member of its academic community by recognizing:

a. the right of a complainant to seek redress and end any sexually harassing behavior; and

b. the right of the party targeted by the complaint not to be subjected to false or malicious charges of sexual harassment.

[Source: The Davis/Daugherty draft.]

Wichita State University therefore establishes the procedure stated in this document to investigate and resolve complaints of sexual harassment.

Definition. Sexual advances, requests for sexual favors, and any other behavior of a sexual nature constitute sexual harassment when any one or more of the following criteria is met:

(1) Submission to such conduct is made either explicitly or implicitly a term or condition of the individual’s academic status or progress or of the individual's employment;

(2) Submission to or rejection of such conduct by an individual is used as a basis for one or more academic or employment decisions affecting that individual;
(3) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or of creating an intimidating, hostile, or offensive environment.

**Special Responsibilities**

1. All members of the University community are responsible for promoting a positive working and learning environment where all persons may discuss problems or questions they may have concerning sexual harassment at the University, without fear, intimidation or reprisal. To that end, the University administration shall widely disseminate these procedures and the policy prohibiting sexual harassment so that all members of the University community are fully informed of their rights and responsibilities. University officials should strive first and foremost to prevent any recurrence of prohibited activities or retaliation against complainants.

2. An aggrieved party should communicate to the offender that his or her behavior is unwelcome, harmful or offensive to the aggrieved party. (Some may be genuinely oblivious to the effect of their words or conduct on other people and would be willing to change if they knew that they were hurting or offending someone.) Such communication between the aggrieved party and the aggressor will often result in the resolution of the complaint prior to resorting to the University's official complaint procedure.

*Explanation:* These two paragraphs on "special responsibilities" are taken from the Davis/Daugherty draft. A paragraph is deleted from their draft, however, that points to a central role for the Affirmative Action Officer.

**Caution Against Certain Romantic Relationships**. A faculty member is cautioned against entering romantic or sexual relationships with any of his or her current students. Supervisors are cautioned against entering such a relationship with a subordinate. Sexual relationships between parties who have a superior/subordinate relationship establish a prima facie case of sexual harassment; i.e., the superior has the burden of disproving sexual harassment if charged by the subordinate.

*Explanation:* The final sentence is taken from the S.E. Miss. State Univ. document, and seems an appropriate strengthening of the 'caution' voiced in the prior sentences.

**No Retaliation.** No person lodging a complaint of sexual harassment shall be subjected to retaliation. Any retaliation shall result in appropriate disciplinary action following University policy. It will not be considered retaliation, however, for the University to take appropriate disciplinary
action against a person who is found knowingly to have brought a false charge or to have given false witness.

[Explanation: The third sentence is added to the May 8 draft so that the prohibition against "retaliation" is not thought to bar appropriate action if the process is abused by a false charge. Unless otherwise indicated, the provisions in the remainder of the document are based on the May 8 draft.]

Presumption of Innocence: Due Process. A respondent to a charge of sexual harassment is presumed innocent until the violation is supported by clear and convincing evidence, and is to be accorded those rights that are generally accepted as a part of due process of law. In cases that involve one person’s word against another’s, without other proof, clear and convincing evidence will be demonstrated if the hearing panel is substantially persuaded that the complainant’s testimony is true. ("Due process" means fairness procedurally and substantively, involving the right to know the charges, to be heard, to offer argument and evidence, and to be judged on the basis of that record by an impartial third party.)

Defining Hostile-environment Harassment. In determining whether conduct created an intimidating, hostile, or offensive environment, a hearing panel of any kind will consider two questions:

. First, would a reasonable person of ordinary sensitivity in the context of the behavior consider it such?

. If the first question is not answered in the affirmative, then, second, did the complainant personally take the behavior to be such, AND did the respondent, when he/she acted, know or have reason to know that the behavior would be unwelcome?

Appropriate Penalties. In making its recommendations in a case where it finds sexual harassment to have occurred, any review committee is to recognize that violations of sexual harassment policy can vary greatly as to their nature, effects and extenuating circumstances. All of these will be given due weight in the disposition of the case.

Relevance of Prior Complaints. The history of other complaints of sexual harassment against the respondent may be considered in the course of the proceedings, unless the records thereof have been deleted in keeping with this document. A formal hearing committee shall be informed of such earlier complaints in the following manner: the Affirmative Action Officer will provide summaries of the complaint and of the respondent’s answer, each approved by the respective party at or near the time the complaint was made. If a party did not approve a summary, the Affirmative Action Officer may provide one based on his or her best understanding of
that party's position. Since approved summaries probably don't exist for complaints made prior to the enactment of these procedures, the Affirmative Action Officer may prepare summaries for submission without having them approved by the individuals if they are no longer available. All of the summaries will each be a page or less in length. No conclusion or other comment about the merits of the complaint will be forwarded to the hearing committee, except that the findings of a formal hearing committee and any ruling on an appeal will be conveyed.

[Explanation: This addresses an important issue that is spoken to by the S.E. Miss. State Univ. document, but provides more due-process protection to the respondent than that document provides.]

Right to Pursue Legal Remedies. The right of complainants to pursue legal remedies for sexual harassment is not abridged by the above policy nor the procedure to follow. If the law requires an "exhaustion of remedies within the university" prior to the taking of legal action outside the university, this document shall be taken as establishing the University's procedures and remedies.

[Explanation: The last sentence is added so that the reference to other legal remedies ties in with a frequent requirement by the courts of 'exhaustion of internal remedies'.]

All Participants' Commitment to Confidentiality. In recognition of the fact that the matters involved in a sexual harassment complaint are highly personal and sensitive, all persons involved in these procedures are to consider themselves professionally committed to confidentiality, unless an open hearing is provided for in compliance with this procedure.

[Explanation: This is added pursuant to a suggestion in the Senate Executive Committee.]

Records. A written record of a complaint made through the official informal procedures shall be maintained by the Affirmative Action Officer. This record shall include the name of the complainant, the name of the respondent, and the result of the official informal procedures. This record shall be confidential and shall be maintained for a period of five years. If no further complaint is processed through official informal procedures against the respondent, it will be deleted.

If the case proceeds through formal complaint procedures, or through dismissal-for-cause procedures, a written record of the complaint, any response to the complaint, the report of Affirmative Action Officer, as well as the report(s) regarding any hearing findings and/or any appeals taken will be filed in the University Affirmative Action office for a period of five years. If no further complaint is processed through official
informal procedures against the respondent within that time, the records will be deleted by the Affirmative Action Officer.

[Explanation: These paragraphs are taken, with some modification, from the S.E. Miss. State Univ. document, and appear in substantially the same form in the Davis/Daughterty draft. The retention of records is an important issue.]

Training. The Affirmative Action Officer is responsible for providing training to all University employees concerning sexual harassment issues and procedures. The training program should be designed to: (1) sensitize employees to the rights and responsibilities of all concerned parties; (2) provide supervisors and administrators with current information on applicable laws, rules, regulations and procedures; and (3) demonstrate appropriate techniques for the careful investigation and mediation of sexual harassment allegations.

[Explanation: This is picked up verbatim from the S.E. Miss. St. Univ. document, and also appears in the Davis/Daugherty draft. It speaks of "University employees" in general rather than just about faculty, but that seems appropriate to the subject of training.]

PROCEDURE FOR CASES INVOLVING FACULTY

If any member of the faculty of Wichita State University is either the complainant or the respondent in a case of sexual harassment, the following procedure will apply.

[Explanation: This limits this part of the document to complaints against faculty, but it is anticipated that the first few pages here can serve as part of a campus-wide policy, and that procedures appropriate to non-faculty cases can be placed in the document as separate parts, thus making the document suitable for the entire University. The reason for a separate procedure for faculty cases is that the academic freedom of faculty requires certain faculty-review protections as to them which shouldn't be lost sight of in a campus-wide policy.]

Filing and Initial Processing of a Complaint. Any individual who wishes to complain of sexual harassment should discuss the allegation with a university employee having supervisory responsibilities, such assistant to the chief academic officer as shall have authority to deal with faculty personnel matters, the Director of Employee Relations, or the Affirmative Action Officer in the Student Life and Services Division. The complaint shall be placed in writing and will be forwarded to the chair of the Faculty Senate Rules Committee, who will, at the complainant's
option, assign the complaint to (a) the respondent's faculty supervisor (department chair, director, or dean of that college if the respondent is a chair or director), to act as a mediator; or (b) a mediator drawn from the pool of convenors to be used in cases of grievances. If the latter is selected, the respondent's supervisor will be notified of the complaint. In addition to assigning the complaint as just specified, the chair of the Rules Committee shall forward a copy of the complaint to the University Affirmative Action Officer, who will then decide, after talking with the complainant and respondent and gathering such information as seems pertinent, whether to assume an active role on behalf of the University in support of the complaint. If a decision to assume such a role is made, the Affirmative Action Officer will then work with the complainant to put the written complaint into final form. The Affirmative Action Officer may become active at a later stage in support of the complaint. All subsequent inclusion of the Affirmative Action Officer in these procedures presupposes that, at a given point, said Officer shall have notified the chair of the Rules Committee that the Officer is active in support of the complaint. During the informal mediation, the complainant and respondent may use any university employee, other than a licensed attorney, as an advisor in answering questions or requests for information, and as a participant in any contact with any person involved in the procedures. If the complaint goes to formal hearing, any advisor may be used.

[Explanation: The effort here is two-fold: to shorten the procedure called for by the May 8 draft (and the S.E. Miss. State statement) by having only one informal mediation, rather than an informal mediation followed by a second one conducted by the Affirmative Action officer; and, second, to recognize that the University must, where appropriate, perform a 'prosecutorial function.' The Affirmative Action Officer is brought in for that function, if that officer determines it is warranted. Provision is also made for the complainant and respondent to have counsel of their choosing in any contact with the Affirmative Action Officer or other person.]

Informally Mediated Resolution of Complaints. The individual to whom the complaint is assigned will serve as a mediator and will discuss the allegation with the complainant, the Affirmative Action Officer, and the respondent. If a resolution acceptable to the complainant, the respondent, and the Affirmative Action Officer is reached and abided by, no further action will occur. A written statement of settlement, signed by the complainant, the respondent, the respondent's supervisor, the Affirmative Action Officer, and the mediator, will be supplied to each individual. If the mediator finds the allegation to be without merit or insufficiently supported by the evidence, the mediator shall so
rule. All individuals as just listed and the respondent’s supervisor will be notified of this finding in writing. The complainant and/or the Affirmative Action Officer will be informed of the right to appeal that ruling by requesting a formal hearing. The Affirmative Action Officer may appeal on behalf of the University even if the complainant does not wish to do so. If the mediator determines that the evidence may justify the complaint, but no mutually agreeable resolution is achieved, all parties and the respondent’s supervisor will be notified in writing that the complaint will proceed to formal hearing. The chair of the Rules Committee, the Affirmative Action Officer, and the chief academic officer will also be notified that the case is ready for a formal hearing.

[Explanation: Instead of having the complainant solely responsible for carrying the case further, the Affirmative Action Officer is given the right to continue it to the next stage. This is in response to the criticism of the May 8 draft that the pressing of the case was always the responsibility of the complainant.]

**Decision About Procedure to be Invoked.** Within two weeks of notification by the mediator that the complaint should proceed to a formal hearing, the Affirmative Action Officer and the chief academic officer will notify the chair of the Rules Committee in writing whether to pursue dismissal-for-cause or to continue the formal complaint using the grievance process. The Rules Committee chair will then see to the processing of the case through the process indicated. Unless the dismissal-for-cause procedure is chosen at this point or the matter is referred to the dismissal-for-cause procedures at a later time as provided for expressly in the next paragraph, the respondent will not thereafter be in jeopardy of dismissal for cause based on the allegations contained in the complaint.

[Explanation: This creates a shortening of the procedure set out in the May 8 document, in that a highly serious case can go directly into dismissal-for-cause procedures without having to go through a sexual harassment hearing first (which was a process that involved two hearings covering the same subjects). Notice that the chief academic officer, presently called the Vice President for Academic Affairs, is brought into the decision process about whether to treat a case as the basis for dismissal-for-cause.]

**Later Referral from One Procedure to the Other.** If the Informal Review Committee that is called for by the dismissal-for-cause procedures decides that the case should not proceed to a formal hearing for dismissal-for-cause, the Informal Review Committee will inform the Chair of the Senate Rules Committee, who will cause the matter to proceed to a hearing through the grievance
process, as provided for in the ensuing paragraphs here. In addition, the panel hearing the case pursuant to the grievance procedures as a non-dismissal-for-cause matter may refer the case for dismissal-for-cause proceedings if it finds that there is substantial new evidence possibly justifying dismissal that could not have been offered at the time of the informal mediation. To do so, the panel will inform the chair of the Rules Committee of its finding and referral. This can be done at any time prior to the final decision of the case on behalf of the University.

[Explanation: This provides a remanding of the case for hearing under the sexual harassment document if the dismissal-for-cause hearing is denied by the Informal Review Committee.]

Use of Grievance Procedure for Non-dismissal-for-cause Cases. If the matter is to proceed, but not through the dismissal-for-cause procedures, the University grievance procedures shall be used for the hearing and further disposition of the case. Accordingly, the Rules Committee chair will, upon notification, appoint a Convener and a Review Committee. Thereafter, sections V. through IX., inclusive, of the "Policies and Procedures for Processing Grievances of Unclassified Personnel of The Wichita State University" (which is Appendix F of the current Faculty Handbook) shall apply. References therein to "grievant" will be taken as referring to the complainant, and those to "the other party" as referring to the respondent.
Minutes of the meeting of Monday, March 7, 1994

MEMBERS PRESENT: Allen, Bair, Bajaj, Benson, Brady, Campbell, Carroll, Cavarozzi, Chambers, Ciboski, Clark, Daugherty, G. Davis, L. Davis, DeSilva, Dreifort, Duell, Gythiel, Hanrahan, Horn, Houts, Hoyer, Hundley, Kelly, Koppenhaver, Kraft, Kuchment, Lancaster, Mandt, Matson, Murphey, Paske, Romig, Sharp, thomson, Williamson, Yeager

MEMBERS ABSENT: Ackerman, Burk, Chopra, Combs, Flentje, Furtwengler, Greywall, Hawley, Hay, Hughes, Lansing, May, Merriman, Parkhurst, Pitetti, Shanahan, Terrell, Teshome, Wahlbeck, Zandler

GUESTS: Brunner, J. Eaglesfield

Summary of Action Taken:
1. Passed the Tenure and Promotion Document

I. MEETING CALLED TO ORDER by President Clark at 3:30 p.m.

II. INFORMAL STATEMENTS AND PROPOSALS
None.

III. APPROVAL OF MINUTES The minutes of 2/14/94 were approved as distributed.

IV. PRESIDENT'S REPORT
There was nothing new to report, but President Clark reminded the Senate of the General Faculty meeting this week.

Questions:
Senator Hoyer asked when the new VPAA will be announced. Some thought maybe the announcement would come at this general faculty meeting, but no one knew definitely. Senator Bajaj referred to the article in the Eagle about the Ft. Hays State University announcement of 14 scholarships specifically designated for African American students and asked if WSU has any scholarships just for minorities. President Clark will check into this and report back. Senator Paske asked if it is legal to structure such scholarships as they have at FHSU, requiring that the students be members of a particular church and be selected by the minister.

V. COMMITTEE REPORTS
Senator Cavarozzi reported appointments for several committees:
Court of Academic Appeals: Bertil VanBoer, Full Prem Bajaj, Alt.

Exceptions: Margaret Minneman, Full Han-Kun Wang, Alt.

Faculty Support: Dorothy Billings
University Curriculum: Jharna Chaudhuri
VI. OLD BUSINESS

Tenure and Promotion Policy Revisions - all discussion had to do with page 14 of the document, THE USE OF EXTERNAL EVALUATION.

Concerning the additional language in paragraph 1, Senator Horn asked if it is clear enough that the use of external reviews is the candidate’s option and not the college’s option. He doesn’t want external reviews to come to be a rule in practice and amount to a waste of time for some candidates who don’t need external opinions in their dossiers. Senator Mandt cautioned that the use of external reviews isn’t a free choice if the candidate’s department lacks sufficient senior members to evaluate the case or if he/she does non-standard work in his/her field. He said the tenure and promotion process is different in different cases and in different colleges, depending on the prevailing norm. He said that this change should alert the candidate to think his/her case through and seek advice about the use of external review. Senator Lancaster reiterated that external review is very valuable and that he is concerned that the change leads some candidates to omit such reviews and to consequently hurt their cases. IVPAA Dreifort thinks it’s a good thing to have external review, not as a mandatory process, but one that is encouraged. He thinks there are cases that are unique even within a discipline, and he expects accurate evaluation to be a growing problem in the future. He believes that "optional" language doesn’t go far enough toward the encouragement of free use of external reviews. A vote was taken on this amendment, and the approval was unanimous.

Concerning #3 under the external evaluation policy:
President Clark said this change came from the deans’ council. Senator Williamson asked if this means the dean or the college would make decisions about process? President Clark said the intent was that the dean would consult with faculty in defining procedures. Senator Horn asked if we can interpret that whenever the document says the "college" would do something, that means faculty would be involved. President Clark said not officially, but the hope is that the deans wouldn’t make such decisions unilaterally. Senator Mandt suggested attaching a rider to the document that states "colleges shall execute their responsibility in this document in accordance with existing college governance". The vote was unanimous in approval of this change.

Senator Mandt offered his amendment to the resolution of adoption, and it was seconded by Senator Murphey. Senator Hoyer suggested adding "faculty consultation" to the language because of a concern that in some college governance consultation with the faculty is not always included. Senator Murphey said that is a substantive difference and not a small change. Senator Williamson asked Mandt to restate his resolution. He stated "Colleges shall execute their responsibilities of implementing this document in accordance with existing college governance". He also suggested we should perhaps add the "affirmative vote of faculty is required." The amendment vote passed unanimously.
VII. NEW BUSINESS

A. Allocation of Salary Increase Funds from Partnership for Excellence Proposal

The Executive Committee put this item on the agenda so the Senators could start thinking about the processes involved in this plan, if it is approved by the State. How should the money be divided and how should one define the "teaching faculty"?

Concerning the distribution of the money, the intention is to bring our average salaries up to the level of our peers. There are many ways to interpret and implement this intent. At Pittsburgh State they are planning to spread it evenly, since the total amount is negligible and will not significantly affect anyone's salary. The three regional universities are getting less than the three major ones because the regional institutions' salaries are already nearly equitable to those of their peer institutions. KSU has defined a complex formula to bring the average up according to rank across the university. There are also ideas that one should reach at least a minimum wage of what a faculty salary should be; that the distribution should be based wholly on merit, and so on.

Discussion - Senator Hoyer said that it is a different matter at Pittsburgh State University because the school is unionized, and the Regents would be forced to cooperate with a negotiated plan. He reminded the Senate that the Margin of Excellence money was used differently here from elsewhere and suggested that maybe the Partnership process could fulfill some of the Margin's unkept promises. President Clark said that the Margin taught us there may not be a "next year" in the Partnership plan. Senator Horn asked if the 3rd year Margin victims are well defined. President Clark said we could find out the specifics of VPAA Scott's plan. Senator Mandt said Ben Rogers had been working with Scott using NASULGC numbers in some way. Senator Paske said that since we've been distributing salaries for years, we should continue in the same way. President Clark said that in the past, colleges have gotten some standard amounts for salaries. Senator Paske said to correct those amounts then. President Clark said the deans expressed their view that the Partnership money not be used in the usual way. Senator Kraft asked if any of the Partnership money will be used to deal with salary inversion. President Clark said it needs to be partly based on merit, but it may also address inversion. The Planning and Budget Committee has been looking at this issue and a representative of that committee is on President Hughes' committee, so the Senate can give its input. IVPAA Dreifort said he is working to get input from many constituencies on campus. The deans have suggested 2.5% should be distributed along usual lines and then the other money would be held at the college or VPAA level to deal with equity, market, margin of excellence problems, and so on. He wants the Senate to make recommendations. He hopes for some flexibility on campus, but the Regents may decide all this for us. Senator Horn asked what the timing will be on this issue. President Clark said salaries are usually decided by June but that the process ideas need to be developed before then. Senator Hoyer said that IVPAA Dreifort mentioned unclassified professionals, and he hopes that Partnership
money would only be for those who are teaching members of that category. Senator Matson said he remembered that the Margin of Excellence had a depressing effect on morale on campus and suggested that we may need some kind of equitable distribution to maintain good morale. IVPAA Dreifort also noted that the Margin of Excellence data is old, and may not mean much today. Senator DeSilva said morale is a serious problem and one that must be managed. People who didn’t get anything from the Margin should not be ignored now, and we need to understand the details concerning how the Margin money was spent. Senator Hoyer said he wasn’t suggesting living by the rules of the Margin, but that we find out what happened then and correct any problems. Senator Paske asked what degree should depend on merit and what on other grounds? He thinks we should focus on defining "merit" and "equity" first. Senator Murphey suggested that no one be promised money in future years of the Partnership in case there is only one year. He wonders if we can really evaluate merit with any accuracy. He favors a mix of merit and equity. Senator Lancaster asked if there is any due process at KSU, assuring the faculty that the dean will really follow their process. President Clark said it will be public eventually, so there is pressure for him to follow their plan. Senator Duell said the other side of even distribution is that bad morale is caused when there are faculty who do less than others, and might receive the same as those who work hard. IVPAA Dreifort said the Senate Ways and Means committee meeting recommended only 6.4% for WSU instead of the governor’s recommended 11%. The formula used in the committee didn’t take into account that the tuition process here is different from the process at KSU and KU, so we should have the full 11%. There is some possibility that $1 million of ours may go to KSU and KU. He believes that we will receive a minimum of 6.4% and that the actual amount we will receive may be somewhere in between the two figures.

Senator Paske said he knows of several places in the university where unjust inequities exist based on gender and race discrimination over the years. He wants our new administration to take a look at those cases when making the distribution decisions. Senator Murphey said we should not be "pc" for the sake of being pc, and that he can’t believe that after all these years we have such inequities. Senator Paske said he can document this issue and that it’s not "pc."

B. Sexual harassment policy

Senator Murphey gave the background of work on this policy. It was decided that the new policy should make use of the existing policies for grievance and dismissal for cause, and he pointed out in the new policy how sexual harassment cases fit into these existing policies. Senator Duell said the committee did a good job with the revision, but asked if there is a contradiction on page 3 with the Presumption of innocence: and due process, and the caution against romantic relationships on page 2. Senator Murphey responded that the intention is that the plaintiff has the burden of proof on page 3 but that when a romantic relationship is involved, there is a shift in the burden of proof. She suggested adding something on
page 3 to indicate the exception of romantic relationship situations. Senator Murphey said we could also add on page 2 that the burden of proof is shifted to the accused if a romantic relationship had been established before the complaint was filed. Senator Lancaster questioned the presumption of innocence in section 3 and asked if it shouldn’t last until a verdict was reached. He also asked whether the section on p. 2 concerning "genuinely oblivious" people is to have any bearing on the future proceedings of the case. On p. 4, he asked if confidentiality rules allow a person call in a lawyer. Senator Murphey said if a court says a prima facia case is established, then the burden of proof shifts to the defendant in a standard civil case, so this policy follows the usual process. Senator Lancaster wants the presumption of innocence to last until a final decision is made. He worries about someone losing pay or suffering other losses if the presumption is changed in mid case. Senator Benson said the ultimate burden of proof is what is important. President Clark asked if a department chair who sees clear and convincing evidence can stop treating the person as if the accused is innocent. Senator Paske sees the existing dismissal for cause and grievance policies as sufficient to address these cases. He questioned p. 2 concerning the difficulty of proving innocence when a romantic relationship had been established. Senator Murphey said there are cases in American law that do this, though, when there is an "undue influence situation." Concerning the clear and convincing evidence, he said this is a directive in any hearing. Senator Mandt questioned the idea that administrators who have decided on the evidence act as mediators later on in process. He sees this as a conflict if an administrator already thinks the person is guilty. Senator Lancaster asked, concerning p. 2 paragraph 2, whether, if there is no communication that a person is causing an offense, there will be any effect on the process. Senator Murphey said this is not a mandatory communication of the offense. Senator Larry Davis commented that this section has to be included for hostile environment situations. If no informing is done, the complainant’s case will probably fail. Senator Campbell asked if there is a moment when the case could be resolved informally in a good faith effort. She would like to see such a process added.

Further discussion of the new policy will take place at the next Senate meeting.

The meeting was adjourned at 5:04.

Respectfully submitted,

Gayle Davis, secretary