Minutes of Senate Faculty Affairs Committee Meeting

January 2020

Date and time:	January 28, 2020, 10:30 am - Noon
Location:	Cathedral 156
Committee members present:	Helen Cahalane, Lorraine Denman, Irene Frieze, Suzanna Gribble, Sandra Guzman, Robin Kear, Laurie Kirsch, Marty Levine, Patrick Loughlin, Tom Songer, Jay Sukits, and Frank Wilson
Invited guests:	Angela Bedford-Jack, Vicki Gamble, Thomas Hitter, Anthony Infanti, Carol Mullen, Katie Pope, Tyler Tenney, and Frances Yarger
Absent:	Yodit Betru, Scott Glaser, Morgan Pierce, Juleen Rodakowski, Amy Tuttle, and Seth Weinberg

Call to Order – The meeting was called to order by L. Denman at 10:34 am. Introductions were made.

1. Future meeting dates are scheduled for:
    a. Tuesday, February 18, 2020 – 10:30-Noon (location TBD)
    b. Tuesday, March 24, 2020 – 10:30- Noon (location TBD)

2. Reflections on the revised Non-Discrimination (ND) Policy
    a. L. Denman stated that the revisions to the ND policy were small and noted the following changes recognized by the committee
        i.   Other policies, not yet identified, are referenced now as "refer to…" in multiple sections
        ii. A link with information on reporting has not yet been created.
        iii. Procedural safeguards are not listed in Part C
        iv. In Part E, a new sentence has been added referencing the 1st amendment, but still no reference to academic freedom
        v.   Section 5 includes that ODI will provide additional educational resources.
    b. J. Sukits inquired why section 5 (non-discrimination education) does not include students? Multiple committee members responded in support of the question. Title IX materials are inclusive of students and since mandatory reporting is part of the policy then the ND policy should also include student education.
3. Policy histories
    a. I. Frieze gave a brief ND policy history back to August 2019 when policies were rolled out and available for public comment, through late Fall 2019 when FASC representatives communicated with the Policy office regarding the committees concerns and the committee (led by S. Weinberg and I. Frieze) drafted a document full of comments and

concerns that was sent to the policy office. January 2020 revised policies were made available to the FASC.

    b.   L. Denman gave a brief history of the Electronic Information and Technology Accessibility Policy (EIT) policy. Similar rollout as the ND policy, the policy went before faculty assembly in Fall 2019. At assembly, faculty voiced concerns over how faculty would be supported and provided resources as access is improved. Also, it was unclear how monitoring would take place and what potential sanctions for non-compliance would be. The FASC sent a document (led by L. Denman) to the policy office addressing these concerns. A revised EIT policy has also come out in January 2020 and it appears that there is less focus on faculty and departments and more on "areas" but who/what areas are remains bit unclear.

4.   Policy office representatives – at 10:57 am, representatives from the policy drafting committee (Angela Bedford-Jack, Thomas Hitter, Anthony Infanti, Katie Pope, Tyler Tenney, and Frances Yarger) joined the FASC meeting to discuss our concerns and review the revised policies. Introductions were made.

    a.   L. Denman began this phase of the meeting, acknowledging that there is no set agenda for this discussion that T. Tenney and T. Hitter reached out to L. Denman and I. Frieze asking to join us.

    b.   The first item discussed was the EIT policy and T. Hitter explained the revisions

         i.   The non-compliance section language was softened

        ii.   Governance and responsibility section stresses support given by the University

    c.   T. Songer and L. Denman addressed the concern of burden on faculty and asked what specific support structure might be presented to faculty seeking to improve the digital accessibility of their courses

    d.   A. Bedford-Jack addressed multiple areas related to support structure

         i.   Faculty must be involved as they are the content experts

        ii.   A website will be available with documentation on digital accessibility

       iii.   Currently, two pilot programs are underway using "Siteimprove" software and Ally (presently in Bb but will transition to Canvas soon). These tools can be scaled up as demand increases

       iv.   Workshops will be available to discuss, for example, accessibility in MS Office or PDF documents

        v.   Checklists will be created

       vi.   On-demand consultations will be available

    e.   A. Bedford-Jack also spoke to the implementation plan for the EIT policy

         i.   Schools or units will be tasked with reviewing their needs and developing an implementation plan for their school or unit. Part of the review will include determining if resources are available internal (to school or unit) or if support is needed from the University

        ii.   L. Denman inquired about a proposed timeline as it would be advantageous to have support mechanisms (e.g, workshops) available through the summer as faculty create their courses in Canvas for the first time. Could be a missed opportunity to streamline effort if support were not available during the large-

scale Canvas transition. A. Bedford-Jack commented that there isn't a concrete timeline but she works closely with the CTL and LMS staff.

    iii.   T. Songer asked about expectation for compliance. A Bedford-Jack replied that no timeline is stated in the policy. Ideally, public facing materials would be compliant in 2 years and course materials in 4 years. However, Penn State University has been working on accessibility for 10 years and still not compliant.

    iv.   I. Frieze inquired about supporting regional campuses. A. Bedford-Jack is in contact with regional campuses and same support structures will be available there.

    v.   L. Denman addressed the oversight, monitoring, and evaluation of progress. A. Bedford-Jack responded that oversight would be through school or unit self-reporting based on the individual school/unit implementation plans. ODI has the ability through software programs, like Ally, have report generating tools where high-level continuous monitoring can take place. Any reviews would be done to offer support and not sanctions. As a potential deadline approaches it would make sense to determine if non-compliance remains, and, if so, to address specific concerns.

    vi.   R. Kear asked about 3rd party digital content that cannot be changed. A. Bedford-Jack said the University is responsible for all content given to students, faculty and staff. There is an exception process that exists and this is contained in the EIT policy. If a student requires a specific "in the moment" type of support for a material that is not compliant, the student should be working with DRS to find the support mechanisms that exist outside the scope of this policy.

    vii.   L. Denman asked what the next steps are for the EIT policy. T. Hitter stated that it will be brought back to Faculty Assembly at the February 5, 2020 meeting.

f.   L. Denman turned the conversation toward the ND policy.

    i.   T. Hitter walked through the revisions beginning with the Purpose section which now includes ethnicity as a protected group. I. Frieze asked where the definitions of protected groups originate from? K. Pope stated that they outlined in Federal, state, and local laws and that those listed in the policy are pretty standard set of protected classes. I. Frieze requested more information, specifically a list of the statutes and laws outlining protected classes. K. Pope agreed to gather and provide the information to the committee.

    ii.   L. Denman asked if students have been approached to see if they have suggestions for other marginalized groups that may not be included in the revised ND policy. T. Hitter stated that SGB has a representative on the policy drafting committee and that the policy office is working with the SGB for other thoughts. Additionally, the EIADAC committee also has a student representative.

    iii.   T. Hitter continued to explain the revisions

        1.   An edit in the Scope section where the "start date" is redefined as date of hire and not date of offered made

        2.   Section IVc includes language regarding procedural safeguards that the TAFC requested be added

3. Section IVe, second sentence now includes "academic materials even if outside the classroom"
4. Section V states that ODI will provide additional educational materials
5. Section VI addresses personnel records.

iv. L. Denman asked about the link that will be created for "more information regarding reportable violations. K. Pope indicated it will walk through some if→then scenarios, though it won't be able to encompass all areas. Also, ODI will be a resource to address what is/is not a violation.

v. I. Frieze asked if the scope of ODIO will increase? K. Pope said there is a 3 year ODI staffing plan and 1 additional investigator is starting soon and 4 additional staff possibly added by summer. Every quarter, internal audits are conducted in ODI to review response processes, time to respond, and outcomes.

vi. P. Loughlin discussed the mandatory reporting, is it correct for non-discrimination that it is not a federal regulation? Also, given that mandatory reporting is still in the policy, does this indicate that revisions are complete? T. Hitter indicated that the policy drafting committee is still reviewing comments.

vii. L. Denman asked if through Title IX is there data to demonstrate that mandatory reporting is effective? How does that data information ND policy? K. Pope explained that there are levels of mandatory reporting outlined by Federal guidelines and Pitt has chosen the level which makes all on campus, relating to Title IX, mandatory reporters. It was acknowledged that hearsay is a difficult situation to address, but connecting a student or other party with services is an important function of the reporting process. K. Pope stated that Title VII is the closest Federal guideline for designating a reporter related to discrimination. A. Infanti mentioned that it was a lively discussion among the policy drafting committee as to who mandatory reporters are. In the end, it was decided that best practice would be to match ND policy with Title IX guidelines.

viii. L. Denman asked if there is compelling evidence that responsible reporter procedures is effective. K. Pope indicated that yes, since 2016 when the updated sexual misconduct policy was implemented there have been an increase in the number of reports coming into ODI (this is good as sexual misconducted is significantly underreported) and that 30-40% of the reports come from mandatory reporters.

ix. Multiple FASC and policy committee members commented on the important other focus of education, including students (not presently mentioned in the revised policy), is necessary for the entire campus.

g. P. Loughlin asked if a written response from the policy drafting committee addressing the FASC document would occur. T. Hitter is not sure at this point.

h. T. Songer addressed the retention of records and availability beyond ODI when faculty are going for a promotion or tenure. Is there an opportunity to limit record distribution? A. Infanti replied that the records are kept in ODI, they could be used to see if a pattern for an individual may develop with time. K. Pope said that a warning, if issued, would be placed in the faculty records.

i. I. Frieze brought up that as a witness in an investigation you are not informed of an outcome and that could promote ill-feelings, tension, and bias in relationships with a respondent. K. Pope stated that it is not possible to inform witnesses of outcomes, that, for privacy reasons only the complainant and respondent are informed of outcomes. There is the ability to monitor the vulnerability of an individual (e.g., delay the start of an investigation until after an important event/date has passed). Also there is an ODI effort to assist departmental leadership when two people in the same department are parties in an investigation. What mechanisms can be used to explain investigation process, and alleviate gossip.

j. L. Denman asked what next steps are for the ND policy? T. Hitter said the policy drafting committee needs to meet with TAFC and SGB. After that he will follow up with the FASC regarding a timeline.

Meeting adjourned at 12:02.