

**University of Denver**  
**Faculty Senate**  
**Minutes**  
**October 23, 2015**  
**Room 290, Anderson Academic Commons**

**Senators (or proxies) present:**

Anneliese Amschler Andrews, Victor Castellani, Fred Cheever, Frédérique Chevillot, Kate Crowe, Terri Davis, Jared Del Rosso, Ron DeLyser, Claude d'Estree, Elizabeth Drogin, Maha Foster, Tony Gault, Jim Gilroy, Eric Gould, Jennifer Greenfield, Cynthia Hazel, John Hill, Scott Johns, Art Jones, Megan Kelly, Judy Kiyama, Paul Kosempel, Michelle Kruse-Crocker, Rick Leaman, Luis León, Eleanor McNeese, Laleh Mehran, Erin Meyer, Keith Miller, Julianne Mitchell, Mia Mulvey (proxy for Annabeth Headrick), Ved Nanda, Ronnie Pavlov, Amy Phillips, Tom Quinn, Chip Reichardt, Aimee Reichman-Decker, Nancy Samson (proxy for Vi Narapareddy), Jonathan Sciarcon, Jamie Shapiro, Orna Shaughnessy, Mary Steefel, Kate Stoker, Billy Stratton, Mathew Taylor, John Tiedemann, Greg Ungar, Robert Urquhart, Michele von Merveldt, Kate Willink, Joshua Wilson, Melanie Witt, Duan Zhang.

**Call to Order, Approval of Minutes**

Art Jones, Senate President, called the meeting to order at noon.

A motion to approve the minutes from the September 25, 2015 Senate meeting was seconded and approved.

**Announcements – Art Jones**

Art announced that the Provost will not give an update at Senate today.

Art announced that the Chancellor's Roundtable scheduled for Friday October 30<sup>th</sup> at 1:00 p.m. would be a special full Senate meeting, open to all faculty, to discuss Impact 2025 with the Chancellor and Provost. Art has already provided them synthesized the notes from the September 25<sup>th</sup> World Café discussions so they can review those before the meeting.

**Jean McAllister – Title IX Updates**

Art introduced Jean McAllister, DU Title IX Coordinator, who has more than 30 years of experience working to address trauma and interpersonal violence as a counselor, adjunct faculty

member, consultant, and trainer. Her areas of specialty include sexual assault, child abuse and sexual abuse, domestic violence, victim trauma and offender management. The Title IX position is new and is designed around gender equity issues. Art also noted that before we can work on the strategic plan, we need to make sure our campus is inclusive, equitable, and safe. Jean added that her experience includes work as both a victim therapist as well as working with offenders. She wants to help students and staff build the most gender-equitable campus possible.

Jean presented on the recent changes in Title IX program that resulted in part from feedback from DU community and in part from an audit by national firm. These changes include a new Title IX Office on campus with three staff: herself and two investigators, Siri Slater and Eric Butler, each of whom are highly qualified and experienced. These changes are also due to the changing recognition nationally that Title IX, now over 40 years old, not only requires just equity in programming at institutions receiving federal funding, but prohibits discrimination in the course of any educational programming or activities based on an individual's sex or gender.

Jean recognized the good work that followed the receipt of a Dear Colleague letter five years ago, but acknowledged that there was no additional training or funding to respond to the mandate to make efforts to 1) eliminate the harassment, 2) prevent its recurrence, 3) address its effects including campus climate.

Jean then outlined prohibited activities, the processes for various types of reports and formal complaints, and the various options and rights for both complainant and respondent. She emphasized that her office does not conduct a criminal process but addresses violations of campus policy.

Some important changes recently were

- To expand and clarify the definitions of domestic or relationship violence.
- To create equity in the appeal process for both complainant and respondent; they are still working on this. Either party can review and contest reports, request additional evidence or interviews, and appeal the process or level of outcome (be it seen as too harsh or too easy).
- Imposition of time limits on each component of the investigation; the entire investigation must be complete within 60 days. A new Time Matters case management system will help with this. Since she's been at DU there have been no untimely investigations.
- In the near future there are plans for creating a Respondent Advocate (like CAPE's model for survivors) and offering counseling and other support to respondent.

Jean made a request for Faculty Senate representatives to the Campus-wide Gender Equity Task Force.

Jean's entire PowerPoint presentation is available on the Senate website.

## **Comments and Questions**

**Question:** For reports of violence, do you at any point report to the police?

**Response:** No, we don't make reports from our office to law enforcement. We do inform complainant of options, offer help in actually making the report, help them pursue civil court restraining order if they want, but don't force reporting, which has been shown to reduce reporting. However, if Campus Safety responds, then the DPD is called. In Colorado, a victim can now go to the hospital to get treatment, receive a forensic evidence kit with anonymity, and take up to two years to decide if they want to make a report. This has dramatically increased reports and prosecutions.

**Question:** What if names [of accused] are given but there is no report made? How long do you keep this information? Might it reveal a repeat offender?

**Response:** We never get rid of records. Title IX is responsible for identifying patterns of gender violence, discrimination, and harassment on campus so they can be addressed. And we recently saw a pattern and initiated a university report of a person/program that was named more than once.

**Question:** How does this process relate to Honor Code or employee handbook violations?

**Response:** If we are aware that another policy may have been violated, we can notice the respondent at the same time about potential violations of our Procedures, the Employee Handbooks, or the Honor Code. Our Procedures also allow us to make findings regarding violations of other University Policies. We would refer Honor Code violations to student conduct for outcomes, for example.

**Question:** Who gets final report from your office? What are the types of corrective actions? So a victim has only two years to report?

**Response:** Final reports depend on the relationship of the respondent to the University. For students, the Report goes to Student Conduct to convene an outcomes council for imposition of outcomes. For employees, the report goes to their supervisor and to employee relations, to work together to impose a corrective action. Corrective actions and outcomes are numerous and varied. They range from education or letters of expectation to expulsion or termination depending on the severity of the violation. No, the two year limit is only for criminal proceedings, ours is open ended.

**Follow up Question:** So if the respondent is no longer a student when the investigation is conducted, then we can trespass them?

**Answer:** Yes.

### **Jean's final comments**

Jean discussed how faculty can support someone who wants to confide in them. Let them know that they have options, that they don't have to report to you, though they can. Let them know that they can also just talk about how they are feeling or that you can point them to others with whom they can talk to confidentially before they report. If they tell you [a faculty member] about

an incident, you have to report it. Also, remember that the respondent also needs support and you should refer them to support services. Finally, don't ask questions and don't assume you know the full story based on someone's behavior when they are around you. Jean also asked that we let her office know how they can help, if we have questions, or if we would like training.

Art added that we need to discuss how to have faculty own this issue. He sees a need for more discussions and training, including understanding the role of Title IX in the faculty review process.

**Question:** Do we know the completion rate for the "mandatory" Title IX training last spring?

**Answer:** I don't know, we should find out.

### **Vote for At Large Senator**

Art called for additional nominations from the floor for a vote to replace an At Large Senator who is unable to fulfill their term. No additional nominations were made. Voting took place by paper ballot. Nicole Taylor was elected by a majority vote for a three year term.

### **Divestment**

Art announced that an ad hoc committee of faculty and students was being considered to explore the research around divestment, the particular impact this would have at DU, and to enable a thoughtful, intelligent discussion on the issue. In the interest of greater faculty-student collaboration, the Faculty Senate Executive Committee was recommending that we appoint such a committee.

Student Nick Stubler, from international studies, was invited to speak to the issue of divestment and to encourage Faculty Senate to authorize this committee. Nick spoke very articulately on the issue of divestment, its roots in the anti-apartheid movement, and the ethical imperative to divest from fossil fuels. He noted that this movement started about five years ago, at Swarthmore, under then Chancellor Rebecca Chopp, and that many universities, cities, and prominent leaders support divestment. He stated that, "Divestment is single greatest action that DU can take to combat climate change," and that while he strongly believes DU's vision to be a great private institution dedicated to the public good, views our investment strategies as irreconcilable with this vision. He acknowledged the potential impact divestment might have on the University's endowment, which provides scholarships for students, but notes that the extent of that impact is unknown since the composition of the endowment is not public. He also emphasized the financial benefits of divestment embedded within rebranding the University as a forward thinking Pioneer in social sustainability, a process that could increase student enrollment and consequently financial security. The student group Divest DU is calling for:

- A freeze of all future investment in fossil fuels
- That DU divest from the top 100 coal and top 100 oil & gas companies over next 5 years

A petition supporting this effort has gathered 1,500 signatures, 62 of them from faculty and staff. It is endorsed by Undergraduate Student Government, the Sustainability Council, and ten other student organizations. The goal of the committee is to document the pros and cons of the proposal, to incorporate a diverse range of opinion, and to produce a report by March 2016.

Nick distributed the full 2015 Divest DU report to members after the meeting. This report can be found on the Faculty Senate website.

### **Questions and Comments**

**Question:** How can I talk to faculty in my department about divestment not hurting scholarships.

**Answer:** I'll send studies; three of the most recent show that it doesn't necessarily hurt the financial bottom line.

### **Vote on proposed ad hoc Faculty Senate Investigative Committee on Divestment**

Art thanked Nick and commended him on his eloquence. A proposal for an ad hoc committee was distributed before and at the meeting, including the names of several faculty members who were willing to serve. A motion to approve this committee charge was made and seconded.

### **Discussion**

**Question:** Great presentation, but shouldn't someone with finance background be on this committee?

**Answer (Art):** We are actively seeking that person.

**Question:** You mention you are seeking a diversity of opinion but how many of those on the committee at this point are opposed to divestment?

**Answer (Nick):** Some.

**Question:** How much are we talking about in terms of dollars or percentage [of the endowment]?

**Answer (Nick):** The endowment is not public. After repeated requests, the University has not shared that information.

**Question:** How do we nominate people?

**Answer (Art):** Send to me.

**Question:** How can we make informed decision if don't know numbers?

**Answer (Nick):** Our ask is that we be given those numbers.

Discussion ended and the motion to approve the ad hoc committee was passed by a unanimous hand vote.

**Question:** Will the committee make a recommendation to Senate?

**Answer (Art):** They will provide the report to Senate and we will then decide what to do.

### **Closing Announcements**

Art announced that he is working on a list of faculty who could serve on university committees; a list has been started by the Executive Committee. The Senate Constitution states we should have twenty-five per cent faculty representation on committees and he is in active discussion with the Administration and Board about faculty representation. Please send him names of people who might be added to the list: those who will do the work and who have time to serve. It would be helpful if you also add something about their expertise and the interests they might have. He is looking for a list that is balanced in terms of gender, campus unit, and ethnicity.

Art reminded all present that the next week's special Senate meeting will be at 1pm in the Renaissance Room of Mary Reed. The notes from the World Café will frame the discussion. Any other input can be sent directly through the website or emailed to the Chancellor and Provost.

Art announced he would remain after the meeting for a few minutes to meet with any new Senators present.

### **Adjourn**

The meeting adjourned at 1:25 p.m.

Minutes prepared and submitted by

Erin Meyer  
Faculty Senate Secretary