

Baylor University Faculty Senate Minutes

14 January 2020

Draper 147 ♦ 3:30pm-5:00pm

Members Present: Sara Alexander, Cassy Burleson, Holly Collins, Matt Cordon, Derek Dodson, Nathan Elkins, James Ellor, Renee Flippo, Brian Garner, Donna Haberman, Christopher Hansen, Beth Hultquist, Kathy Hurtt, Michael Korpi, Karon LeCompte, Dorothy Leidner, Brian Leutholtz, Kara Long, Michael Long, Jason MacGregor, Bill Neilson, Curt Nichols, Joyce Nuner, Maxey Parrish, Coretta Pittman, Tom Potts, Barbara Purdum-Cassidy, Brian Raines, Denyse Rodgers, Keith Schubert, Ann Shoemaker, Kathryn Steely, Josh Strakos, Mike W. Stroope, Lynn Tatum, Mark Taylor, Randall Umstead, Steven Sielaff, Anzhong Wang, Stanley R. Wilfong

Members Absent: Kristi Humphreys (sub Mona Choucair), Horace Maxile (sub Edward Taylor), Jennings Sheffield (sub Virginia Green)

I. Call to Order—Chair Brian Raines—3:30

II. Invocation—Senator Strakos

III. Approval of Dec 12 Minutes
Senator LeCompte moved, Senator Cordon seconded; motion passed.

IV. Reports

a. Provost's Office Meeting—Chair Brian Raines

Chair Brian Raines has not had the official Senate Chair's meeting with Provost Office since last Senate meeting. However, Chair Raines and Senator Cordon have met with the Provost Brickhouse twice since the last meeting—discussion was about dismissal policy and somewhat about the Faculty Regent voting procedure, etc.

V. Unfinished Business

a. Discussion of proposed changes to dismissal policy—Senator Cordon

Summary: Discussions have focused on determination of what options are available in terms of the faculty dismissal policy as well as the Title IX policy. Senator Cordon has met with law faculty, and a colleague who previously served as Title IX investigator. Senator Cordon and Chair Raines then met Provost Brickhouse and Vice Provost Jim Bennighof, followed by a separate meeting with Bennighof and representatives from the Office of General Counsel (OGC) and the Title IX Office to discuss concerns.

Three main points:

1) The current policy draft uses “substantial evidence” as both a burden of proof and as a standard of review. The revised draft should use “preponderance of the evidence” as

the burden of proof by the faculty dismissal committee and “substantial evidence” as the standard of review by the President or Provost.

- 2) Subsection J in the policy: full Title IX process missing from the policy. OGC was concerned that the university would engage in two separate fact-finding hearings, including one conducted through the Title IX process and the other through the Faculty Dismissal Committee. This dual process would be largely redundant and could lead to completely contradictory findings. The proposed policy requires the Faculty Dismissal Committee to treat the conclusions reached by the Title IX process as conclusive. The restriction on the faculty dismissal committee to hear any new evidence or make separate findings has caused concerns, which were raised.
- 3) Reporting, re: TX Senate Bill 212 on a failure to investigate: If the Title IX Office encounters evidence that an employee has failed to report an incident of sexual harassment or sexual assault, the Title IX Office does not investigate the failure to report. Instead, the Title IX Office will forward the information to the Provost’s Office. The Faculty Dismissal Committee would be responsible for reviewing the evidence and recommending dismissal based on the requirements in Texas Senate Bill 212, which was passed in 2019.

OGC plans to add appendices to the faculty dismissal policy to specify the procedures followed during Title IX investigations; instances where a faculty member is accused of failing to report sexual misconduct or sexual harassment; and instances where both the Title IX Office and the Faculty Dismissal Committee would need to make findings of fact.

A Senator asked why “clear and convincing” evidence cannot be used both in the Title IX process and for dismissal rather than “preponderance of evidence.” Senator Cordon acknowledged that “clear and convincing” is the standard applied at Rice University and other comparison schools following AAUP guidelines. However, Senator Cordon also said that Baylor has followed the preponderance standard in light of previous guidance given by the Department of Education. Chair Raines mentioned that this is a topic that can be taken up further with the Provost, Title IX office, and the President. Concern expressed about BU raising the standard of evidence which might be received as BU protecting perpetrators over victims.

b. Discussion of proposed changes to F&A accounts for faculty—Chair Brian Raines

Plan soon to be announced: 12.5% which used to go to faculty will go to the deans, who will determine how that 12.5% is to be distributed. Chair Raines and Senator Cordon met with Vice Provost for Research Kevin Chambliss, asked him to explain the rationale for the change. Chambliss presented data on F&A distribution from 113 academic institutions. Proposal is to give 25% to the deans, allow the deans to decide how it will be distributed further. According to Chambliss, the proposal represents the procedure applied by 75% of surveyed institutions. Chambliss stated that Provost Brickhouse will move forward with the proposed changes. Anyone affected, or anyone who has concerns, should contact their dean.

A Senator observed that the proposed process potentially can adversely affect women and minority faculty, as well as tenure-track faculty, who are already typically underfunded. A Senator asked, whether it might be possible to add box to routing forms, etc., a place for PIs to indicate how they would use the F&A, should they receive the grant, so that the dean/s can see in advance the PI's justification for receiving a portion of the F&A. A Senator commented that the proposed change opens the door for abuses, conflict of interests, favoritism by deans, as well as uneven and diverse practices applied across campus. Multiple Senators remarked that faculty members had expressed to them that they were dismayed that the broader faculty were not consulted or given the opportunity for input. A Senator commented that in a period in which BU is ramping up quest for R1 status, the proposal seems counterproductive; seems to remove incentives for research.

Senator LeCompte moved that the Faculty Senate send a message through the Executive Committee that 1) Chambliss has already agreed to meet with the Senate and present rationale, we appreciate his time for discussion; 2) ask for baseline policy by deans on distribution to be ratified by their respective unit; 3) BU is a distinctive institution and doesn't need to follow the 75% norm, we need to decide what is best for Baylor to become a R1 Institution; and 4) that Provost Brickhouse delay the announcement of proposed changes to allow faculty input; Senator Wang seconded; the motion passed, no abstentions, no 'no's'.

VI. New Business—Senator Hansen

Reported that Staff Council was told that the proposed weeklong Thanksgiving Break would not apply to Staff. Discussion followed about whether this was a matter for the Senate to take up or something the Staff Council should follow up on. Opinion varied, but Senators concluded that the Senate could continue to monitor; perhaps, if necessary or useful, consider endorsement of any proposal put forward by the Staff Council in support of Staff.

VII. Adjourn—Senator MacGregor moved, Senator LeCompte seconded. 4:35pm.