

Baylor University Faculty Senate Minutes
31 May 2016
Law School Room 120 • 3:30 p.m.

In response to the Pepper Hamilton findings and recommendations, and the actions of the Baylor Board of Regents pertaining to Title IX issues at Baylor University, the Baylor Faculty Senate met on three additional occasions during the summer of 2016. Though a complete attendance list was not recorded, a majority of senators were present on each occasion and the senators newly elected for the 2016-17 academic year were invited to participate.

Faculty Senate Chair Ron Beal called the meeting to order at 3:31pm and lead an invocation. Senator Beal then updated the senate on his brief meetings with the new Chair of the Board of Regents Ron Murff and with the new Provost Greg Jones. Senator Beal requested that the Senate have direct representation on the search committee for a new president. He also asked if there would be a final, complete report from Pepper Hamilton. The regent chair answered that there would be no final written report. The oral report is final, along with the written summarizations already provided to the faculty. The search for a new president will begin in the coming week, and faculty will soon learn about their involvement. Provost Jones informed Senator Beal that teams are being appointed to fulfill the recommendations of Pepper Hamilton, and that these will also include significant faculty involvement.

Senator Bill Neilson made a motion for a resolution supporting Interim President Garland and Provost and Executive Vice President Jones, expressing concern that the Executive Vice President be empowered to do his job.

Whereas Baylor University is in the midst of turmoil and negative media coverage;

Whereas Dr. David Garland has once again made the self-sacrificial decision to come to the aid of Baylor University ;

Whereas Dr. Greg Jones has, in the midst of such turmoil, accepted the position of Executive Vice-President and Provost in support of its mission and vision; now, therefore, be it

Resolved, that the Faculty Senate of Baylor University

1. expresses its full support for the offices of the President and Provost and Executive Vice President as the two highest ranking offices of Baylor University
2. urges the Board of Regents to empower the President and Provost and Executive Vice President in the leadership of Baylor University

3. looks forward to working with the President and Provost and Executive Vice President in the spirit of transparency and shared governance to support the mission of Baylor University.

The motion for a resolution was seconded by Senator Allman. After some discussion, the motion was passed by a vote of the senate.

The senate discussed the recent actions of the Baylor Board of Regents. A senator stated that, while remaining generally positive, the senate should say something about valuing former President Starr and his commitment to shared governance. The same senator suggested that the board had overstepped its purview and micromanaged the university in actions such as personnel decisions and the use of task forces.

Another senator underscored the need for a written report from Pepper Hamilton, pointing out that other universities, such as Occidental College, whose Title IX issues were reviewed by Pepper Hamilton, received a long executive report. With some redactions to protect victims and personnel, such reports have been made available to the public. A senator added that the "Findings of Fact" document on Baylor's website was written by the board of regents, not Pepper Hamilton. Some senators discussed the legal ramifications of a public report. Other senators expressed that, if written Title IX review reports could be made public at other institutions, then a report should be made public at Baylor.

A senator asked if there was a basis for the mistrust of the regent's handling of the situation. The senator felt unable to share this mistrust based on what little was currently known. Other senators expressed frustration at the reasons given for removing President Starr. One senator believed that the evidence for Coach Briles having a direct line of communication to the regents undermined the authority of the university administration; the senator felt that this mistake required consequences for the regents. The senator noted that the sixth recommendation of Pepper Hamilton addresses the engagement of board members in Title IX oversight, suggesting that there had been a failure of support at this level.

At this point, a senator read out section III.2 of the Pepper Hamilton recommendations, dealing with the empowerment of board committees, and including a recommendation of training for the Board of Regents by the Association of Governing Boards. A senator noted that the function of board is the hiring and firing of presidents and delegating administration functions. Some senators raised questions regarding the culpability of the board in the failures of the university to implement Title IX guidance. Other senators raised further concerns that the board had overstepped their authority in their response to the Pepper Hamilton findings.

A discussion began about ways that the faculty senate can now take on responsibility for the changes being implemented. Senators repeated the concern

that faculty members take part in the search for a new president. One senator noted that in a past presidential search, there were faculty on the advisory committee, but not the decision making committee. Other faculty remarked that the faculty may be able to respond through current committees with faculty input, such as the athletic council and the student life committee. One senator stated this more strongly, noting that unless the senate takes on responsibility for changing the university, then the faculty are a part of the culture of complacency. How can we ensure that vital information is flowing toward the senate. Senators also commented on the issues of serving on committee such as the student life committee and the academic council: some committee proceedings require confidentiality, while others have agendas that are not always led by faculty.

Chair Beal stated at this time that the new Chair of the Board of Regents, Ron Murff, had volunteered to come to the faculty senate. He might be able to answer many of the questions raised by the senate. One senator questioned whether he could tell the senate anything that hadn't already been said.

A senator raised concerns about Pepper Hamilton recommendation VI.3, and read out the recommendation as follows:

VI.3. Ensure accountability for all failures to report by University employees. Amend "for cause" language in all prospective contracts to specifically include the failure to report misconduct as required by policy or law. Make clear in existing policies that violation of reporting obligations could be cause for discharge.

The senator noted a lack of clarity in the recommendation, suggesting that faculty could be discharged for failures to report in a variety of contexts, some even outside the purview of Title IX violations. The senator also remarked that the broadness of the recommendation could lead to violations of AAUP recommendations regarding "for cause" dismissals. Another faculty member countered that faculty should be required to report illegal activities on campus. Other faculty members argued that the Pepper Hamilton recommendation includes reports related to "policy" as well as "law". Such a rule could stymie the ability of faculty to have caring, mission-driven interactions in confidence with students who, for example, might want to talk with a mentor about an alcohol problem.

Senator Ann McGlashan proposed the following motion, seconded by Senator Brian Raines:

The Faculty Senate will ask an ad hoc committee selected by the chair of the Academic Freedom Committee to discuss and bring recommendations to the Senate on the implications of the Pepper Hamilton recommendations for academic freedom and due process in employment, with particular reference to "mandatory reporting" and recommendation VI.3.

Senator Randall Umstead, as the chair of the Academic Freedom Committee, volunteered to convene the committee during the summer to pursue the issue and bring recommendations to the senate.

The motion passed a vote of the senate unanimously.

A number of senators expressed a desire for the senate to make a positive statement calling for improved campus safety and supporting victims of violence on campus. Senator Brian Raines moved that a group of senators including himself, Senators Jo-Ann Tsang, Steven Pounders, and Ann McGlashan be tasked with crafting a statement for the Senate, expressing consolation for the victims and support for positive changes.

The motion passed a vote of the senate unanimously.

The final statement was finalized a few days later as follows:

We, the Faculty Senate, share in the heartbreak of the larger Baylor community for the victims of violence and sexual assault at Baylor University. Threats to the welfare and safety of Baylor students cannot be abided. On behalf of the faculty at large, we pledge to do all we can to make the academic environment as safe as possible, while holding to our mission of educating students for worldwide leadership and service.

Faculty senators continued to discuss the need for more transparency regarding the findings of Pepper Hamilton. A senator remarked that the oral report lasting ten hours (delivered to the board of regents) must have yielded more than the brief findings and recommendations made public. Another senator noted that without more detailed information about the Pepper Hamilton findings, faculty serving on task forces would be ill equipped to respond affectively with appropriate changes. For example the written recommendations and findings often cite instances of victims meeting a hostile or complacent environment with Baylor staff, but with few details. Faculty won't know if problems are resolved, if we don't know where problems occurred. A senator asked if the task force committees would be briefed with information not published for the general public. Another senator suggested that there are legal reasons that a report has not been written, and wondered if a report could be redacted appropriately to address legal concerns.

A number of senators discussed the need to be proactive in seeking faculty representation on the implementation groups set up to respond to the Pepper Hamilton recommendations. Senators had heard reports from administrators that these committees were being formed soon. One senator noted that the new Provost and Executive Vice President Greg Jones would be making some of the committee appointments, and that, as newcomer to Baylor, he would need the help of the senate in making appropriate selections of faculty.

Following the discussion, Faculty Senate Chair Ron Beal agreed to request a senate meeting with Regent Chair Ronal Murff for the purpose of answering questions, and to request that Provost Greg Jones work with the senate in making faculty appointments to the implementation groups.

Senator Brian Raines made the following motion, seconded by Senator Andrea Dixon:

The tenets of shared governance demand that the faculty, through their elected representatives, be included in any deliberations that impact the university's ability to function as a premier academic institution.

Therefore the Faculty Senate urges the provost to seek the advice and consent of the executive committee of the Faculty Senate for the faculty representation of the implementation groups responding to the recommendations of the Pepper Hamilton report.

The motion passed a vote of the senate unanimously.

The Senate adjourned following the passing of this final resolution.

For clarity, the following are the final wordings four motions passed by the faculty senate on May 31st, 2016:

Motion #1

Whereas Baylor University is in the midst of turmoil and negative media coverage;

Whereas Dr. David Garland has once again made the self-sacrificial decision to come to the aid of Baylor University ;

Whereas Dr. Greg Jones has, in the midst of such turmoil, accepted the position of Executive Vice-President and Provost in support of its mission and vision; now, therefore, be it

Resolved, that the Faculty Senate of Baylor University

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2. urges the Board of Regents to empower the President and Provost and Executive Vice President in the leadership of Baylor University
3. looks forward to working with the President and Provost and Executive Vice President in the spirit of transparency and shared governance to support the mission of Baylor University.

Motion #2

The Faculty Senate will ask an ad hoc committee selected by the chair of the Academic Freedom Committee to discuss and bring recommendations to the Senate on the implications of the Pepper Hamilton recommendations for academic freedom and due process in employment, with particular reference to “mandatory reporting” and recommendation VI.3.

Motion #3

We, the Faculty Senate, share in the heartbreak of the larger Baylor community for the victims of violence and sexual assault at Baylor University. Threats to the welfare and safety of Baylor students cannot be abided. On behalf of the faculty at large, we pledge to do all we can to make the academic environment as safe as possible, while holding to our mission of educating students for worldwide leadership and service.

Motion #4

The tenets of shared governance demand that the faculty, through their elected representatives, be included in any deliberations that impact the university’s ability to function as a premier academic institution.

Therefore the Faculty Senate urges the provost to seek the advice and consent of the executive committee of the Faculty Senate for the faculty representation of the implementation groups responding to the recommendations of the Pepper Hamilton report.

Respectfully submitted,

Steven Pounders
Recording Secretary