

MEETING OF THE GRADUATE COUNCIL
Southern Illinois University Carbondale
October 2, 2008

Members and Administrative Officers Present:

Gargi Bhattacharya (GPSC); Thomas Britton; Ronald Browning; David Carlson (ex-officio); Daniel Dyer; Ann Fletcher (Susan Patrick Benson) Samuel Goldman (ex-officio); Ramesh Gupta; Eric Hellgren; Andrew Hofling; Scott Ishman; Mark Kittleson; Elizabeth Klaver, Leslie Lloyd; Pat Manfredi; Scott McClurg; John Mead (Graduate School); Eileen Meehan; Christian Moe (Emeritus); Manoj Mohanty; Jennifer Mulnix (GPSC); Nancy Mundschenk; Elyse Pineau (Susan Patrick Benson); Donna Post; Jonathan Remo (GPSC); Karen Renzaglia; Don Rice (ex-officio); Prudence Rice (ORDA); Jacob Rose; Ratna Sinha; Peggy Stockdale (Faculty Senate); Alejandro Strong (GPSC); Karl Williard; David Wilson; Tomasz Wiltowski; Bryan Young; Michael Young; and Bill Stearns (A/P Council).

Guests: Jerry Blakemore and Deborah Nelson, Office of General Counsel

Chairman Britton called the meeting to order on October 2, 2008 at 8:30 a.m. in the Missouri/Kaskaskia Room of the Student Center.

Proxies: Dean Wilson announced that Susan Patrick Benson will be the proxy for Elyse Pineau and Anne Fletcher at today's meeting.

1. Consideration of Minutes of May 1, May 8 and September 4, 2008 Graduate Council meetings.

Chairman Britton announced that minutes from the May 1, May 8 and September 4 meetings were posted on the website. He moved to accept the minutes and asked for questions or comments. Donna Post commented that on pg. 3, item 3, of the May 1, 2008 meeting minutes, we strike the word "relevant" from Dr. Rice's statement. The statement will read "Provost Rice had no comments at this time." She also recommended that quotation marks should be put around Dr. Goldman's statement: "I think it is good for our morale to discuss and talk about these things. It is also important to talk to the community outside the campus..." in the 2nd paragraph on page 3. She further commented that on page 7 of the May 8 minutes under item 12, the sentence should read: "Announced the summary reports and program reviews are in the process...." Instead of "...in the processing...". Ms. Post also stated a clarification of the statement on page 3, line 6 in the 4th paragraph, September 4 meeting minutes, which states: "In 2005 we lost 60-70% (above the normal loss of 35%) of incoming freshmen. Ms. Post stated this statement appears to say that we lost 95-105% of incoming freshmen, Ms. Reynolds will clarify this with Mr. Schilling. Additionally, Ms. Post stated that on page 2 in paragraph 3, of the September minutes, there are a number of typos. On page 3, where it states "there is a goal

of 5% growth at every level and 5% retention in programs”, she stated it should say “5% retention growth...”

With these changes noted, the motion to approve the meeting minutes for May 1, May 8 and September 4 meetings was seconded; motion passed.

2. Proposed changes in Graduate Council Meeting Dates:

Chairman Britton stated it was brought to his attention by Paulette Patterson of the Office of Vice Chancellor for Research that there will be a conflict between the Board of Trustees meeting and two of the proposed dates for the Graduate Council meetings. Therefore, it was proposed that the meeting scheduled for Thursday April 2, 2009 be changed to Thursday, April 9, 2009 and the meeting scheduled for Thursday, May 7, 2009 will be changed to Tuesday, May 5, 2009. There were no objections to this change. The changed dates will be posted on the website.

3. Report from the Graduate Enrollment Working Group – David Wilson

Dean Wilson reported that the date of October 31, 2008 has been given for the Working Group to put together an enrollment plan for fall 2009 that includes a 5% increase in graduate enrollment. A plan will be drafted which will be shared with the Enrollment Management Group, the Deans and others on the Council so that we can get the plan into motion by the end of the month. As we put together this plan, we need to think of how to increase our yield rate in terms of students who have been admitted and actually get to campus; and how to better utilize travel dollars to help get students to campus. He stated there is a fund to help departments on a matching basis for that purpose. He remarked that if you actually get the student to campus the chances of them enrolling in the fall are much improved. Dean Wilson also added that there is a need to think about incentives for student enrollment, such as a modest amount of tuition waivers, scholarships, or even partial waivers. There is a substantial part of our graduate student body who do not receive institutional support. We are discussing how to increase external grants that would increase RA's or increase graduate student support, or emphasize GA's on matching funds request when those proposals go through in the grant process.

The campus is transitioning away from SIS to BANNER. The BANNER program was designed without a lot of thought about graduate enrollment included in it. We are having serious problems with the graduate application process, particularly how to get information out to programs. It is set up for a centralized admissions system. As you know, Graduate admission starts at the department level and goes to the center rather than the other way around. Presently, as soon as we know there is an application for a program in the system, we notify the department and the department has to go to BANNER and pull out the information. The concern is as we start getting 200 or more applications a

week, as usually happens during the last part of November and December, we will not have the staff to make sure the emails get out in a timely manner. We will discuss the possibility of looking for a third party application such as Apply Yourself, College Net, or other programs that allow for electronic letters of recommendation that can be maintained confidentially.

We've also received comments about some programs seeing a significant number of students who register after the 10th day. This has been an ongoing problem. He urged that anything we can do to get students registered prior to the 10th day will be a positive thing. He added that some may recall that last spring we asked graduate programs to look at their programs to try to come up with strategic plans. A small committee was put together by the Graduate Enrollment Group to analyze the plans which were depicted in a handout that shows an analysis of programs. He asked council members to take the handout back to their respective departments and added that there are good ideas in the handout about best practices for recruiting students, diversity and how to diversify your students. Also included is some information that looks at strategic plans and gives us some insight to what others are doing. We have also provided you with information about the number of applications, the number admitted and the number enrolled on campus. He asked the Council to take a look at these numbers to see if they are correct. Also included in the handout is graduation data which gives an idea as to how many students to recruit. He asked that council members review these documents and discuss them with their respective colleagues with the understanding there is a lot of pressure to increase enrollment at both the undergraduate as well as the graduate level. It is especially important at the graduate level since this is something that the Graduate School cannot do by itself.

Mark Kittleson inquired if there is anything the Graduate Council can do to help move this to a more equitable situation. Dean Wilson said a resolution would be helpful and added we are installing a complex student information system that will change the way we do business in many ways. It will affect the graduate side of the equation much more so than the undergraduates. Last year there was concern with tax compliance in regard to fellowships and scholarships and addressing the 1098T. As a matter of notation, Dean Wilson said the University of Illinois installed BANNER in all of its campus and discovered that BANNER cannot do the 1098T. They have hired an outside vendor at a cost of \$350,000 which will do that for them. Kittleson asked if the resolution should express serious concerns about the effectiveness of BANNER. Dr. Wilson said he thinks Banner will be a reasonably effective system. At the graduate level there are certain things that it just cannot do for us. When asked if the resolution should suggest more financial support to purchase or contract outside parties as indicated, Dean Wilson stated that in the goals that were stated, Victoria Valle and I were asked to have a plan in place by October 31 about how we were going to deal with BANNER application. Tom Britton announced that, with the

Council's blessing, this matter will be referred to the Educational Policies Committee and ask that they prepare an appropriate resolution.

4. Discussion of the Sexual Harassment Policy and Procedures – Jerry Blakemore and Deborah Nelson

Chairman Britton introduced General Counsel Jerry Blakemore and Associate Counsel Deborah Nelson who have been working on the sexual harassment policy. At a Constituents Members meeting on September 16 with President Poshard, the President and Mr. Blakemore previewed a proposed new sexual harassment policy. Also accompanying the policy were procedures to implement the policy on campus. The Executive Committee of the Graduate Council took this matter up and agreed to develop questions to help guide the discussion today. We invited General Counsel Blakemore to our meeting today to make a presentation. The Office of General Counsel is primarily responsible to review policy for the Board of Trustees on an annual basis and make suggestions to the Board of Trustees for changes which may come from recommendation from staff or due to changes in law.

Mr. Blakemore presented a summary of the Sexual Harassment procedures and Deborah Nelson reviewed the procedures. Both the draft of the procedures and the Policies are on the Graduate Council website and the Office of the General Counsel website for review.

Mr. Blakemore began by stating that in looking at the current policy, these are the changes we have proposed to the Board of Trustee policy. The policy is at the board level and the implementation of procedures is within the purview of each campus. We need a stronger statement for all employees – not just managers and supervisors. The current policy only refers to supervisors or managers. The obligation of the university is to provide a hostile free environment – a more welcoming environment is something for which all of us, whether managers or supervisors or not – are responsible. He commented that the word “retaliation” was italicized because retaliation has always been a prohibited activity. As an added note, he stated that retaliation lawsuits cause more significant financial exposure to colleges and universities. It's not the crime, it's the cover-up of the crime. Prohibiting relation assures that persons, who would have to make reports, whether an alleged victim or witness, may be protected. We also call for a prohibition against consensual sexual relationships. We believe that when you are in a subordinate position – faculty with current students; a coach recruiting an athlete or supervising an athlete, or supervisor and subordinate, consensual relationships are prohibited. This will also make the university consistent with the Edwardsville policy. We have a strong statement regarding false statements of sexual harassment. We establish a good faith standard for review. As recently as yesterday the U.S. Supreme Court is going to review a case on sexual harassment where they are going to look at limits as to what can be brought under the purview of Title IX and the Equal Protection Clause. We are taking our

guidance from current Supreme Court, appellate and state court decisions. Our definitions are more consistent with what the law is now, however, we will monitor very closely this and other related cases. One other issue is we specifically expand the prohibition against sexual harassment to contractors, subcontractors and visitors. We expect a standard of conduct consistent with the overall mission and purpose of the University no matter what that place may be – classroom, football or basketball game, or other activities.

Mr. Blakemore and Ms. Nelson then responded to questions posed in advance or by Council members.

1. Does the policy prohibit consensual relationships between a faculty member and a student?

Answer: Yes.

2. What is a current student?

Answer: We define a current student as a student who is currently in a faculty members' class with whom the instructor has direct responsibility for at the time. We understand that we need to have some way of determining other factors.

3. What happens when that student has to take a class with a faculty member in order to graduate?

Answer: I don't know. There are some exceptions to the rules. We cannot write a procedure for every scenario. What we are looking to is a determination that the very nature of the relationship is that one of the two parties cannot consent. That issue really is what has to be addressed. We propose in the procedure that we consolidate and centralize the investigation and management of sexual harassment under what we refer to as the Associate Vice Chancellor for Compliance. This office would be responsible for sexual harassment, harassment, and anti-discrimination enforcement. We believe this office should have some power related to making those types of determinations. The responsibilities and duties will have to be fleshed out. This is a draft proposed policy and there will be improvements and changes.

4. Does the proposed policy prohibit sexual relationships between a supervisor and an employee under the supervisor's direct supervision?

Answer: Yes. We met with the Civil Service Committee yesterday and we discussed this.

5. What if the reporting relationship is more remote?

Answer: In the discussion with them we related that there is a nepotism policy already in place. This policy does not change that – they go hand in hand. The critical question becomes what is the power relationship when it comes to consenting. The same with faculty/student would be true with supervisor or subordinates.

6. Would sexually explicit materials include the recently banned MFA exhibition?

Answer: I will give you my legal response – yes maybe, no maybe. If the exhibit is related to the academic mission of the university, it would not have been sexually banned. In March 2003 the Board of Trustees amended the policy as to explicit language so that we are not violating the faculty's authority as part of their curriculum or academic mission to have these kinds of material, etc . That is already in place and we are not going to change that. However, having that display in my office, the President's Office, or the Chancellor's Office, just because we like sexually explicit art, just would not work. The question there is that, within a reasonable person's mind, what constitutes sexually explicit material. Again, the Supreme Court has been very clear on its definition of pornography – it's in the eye of the beholder. This is not exactly like that, but it is in the same vein.

7. Is it true that the intention of a faculty member or supervisor with regards to comments made, does not matter as long as the student or employee feels harassed?

Answer: “Whether in fact someone honestly in good faith did not intend for a certain reaction, is not going to be nearly as important when you look at the totality as to how it was perceived. We are not talking about an absolute standard that says if I do not perceive this is sexual harassment, then the review stops there. It does not. The student or employee's perception of what happened is much more important than the intent. Here is something we have used as an example in the office. The office in Carbondale has 3.5 lawyers and all are women. If for example in terms of meetings I say to Debbie, “Here is what I expect you to look like when you are representing the University in the 7th circuit court of appeals.” But, the line gets drawn when it comes to “I want you to come in every day and look like this.” You've got a continuum here... not easy to determine if it is sort of in isolation. If my intention is, the 7th Circuit Court of Appeals requires a certain dress code; could I require that the attire code be met? Absolutely. Without a dress code, could I say I want you to wear certain types of clothing? The answer is No.

8. Prof. Stockdale commented if the person who is the target of the comment whose perception matters, then would you take it a step further and say “would a reasonable person in his/her position also perceive it as harassing.”

Answer: It would be the student’s opinion plus societal opinion. A step further than that would be a local standard... not an international one. We will not apply what the rules are for women in Saudi Arabia to what we do here in Carbondale, Edwardsville or the School of Medicine.

9. How will this be enforced, what sanctions could be levied?

Answer: We have specified examples of the disciplines that can be taken. As a point of information, we believe -- and we have given the opinion to the Chancellor, the President and the Board -- this is an issue whose impact needs to be bargained with the relevant collective bargaining entity. The policy is the Board of Trustees’, but its impact is something that does need to be negotiated.

10. Tom Britton asked how you will handle outside people, such as vendors, etc... We know we have procedures on how you are going to take action with regard to a faculty member, but what about the Pepsi man at the football game?

Answer: They will be removed. The University also has the authority with its release powers and in terms of protecting safety, for example, to remove them. Also, we will look at continuing to contract or subcontract.

11. Must the student or employee object to the behavior in order for the behavior to be sexual harassment?

Answer: Again, time and circumstances. There are some people, just by the nature of their character and personality, who are probably not going to object. We feel there is an obligation on the part of the university community to make sure that the environment is hostile free. The complaint does not have to be in writing. We are encouraging people to put complaints in writing or when people are informed to summarize time, place, etc. so that we can go forward with an investigation. It makes a difference as to whether it is explicit material and touching.

12. Provost Rice asked if we will continue to subsume under this policy that there will be situations of hostile work environment that has absolutely nothing to do with sexual harassment.

Answer: The General Counsel will now look at harassment, generally; and will need to look at the anti-discrimination policies and procedures and update them in terms of the law. The Illinois General Assembly passed 52 pieces of legislation that the Governor has signed that affect higher education. We will be hit with a lot more requirements. We need to look now particularly in those areas because our obligations may change.

13. Donna Post remarked the policy is a little bit fuzzy about hostile environment. It appears that the only hostile environment is a sexual hostile environment. We need to address those environments that are hostile but may not be related to anything sexual.

Answer: There are two separate policies now. There is a sexual harassment policy and a hostile work environment policy. You're right. They are different. You can have a number of lesser offenses in the greater office, i.e., murder also includes assault and battery. I look at the harassment issue the same way – it is a matter of degrees. That is exactly why we will look at that area. It won't be here. We believe they should be separate policies. We believe the enforcement power should rest in the same office, because they are so similar. An investigator doing sexual harassment should be just as competent in the area of harassment and some of the anti-discrimination laws as they would be in sexual harassment policy.

Donna Post stated those of us who have been involved in hostile environments cannot find the policies about hostile environments and separate them from sexual hostile harassment. She added we must be more overt to make sure that people know what the procedures are and what the definitions.

14. What is the Statute of Limitations?

Answer: There is no statute of limitations. We're not proposing that there be a statute of limitations. If a case goes to the State of Illinois, they may have a statute of limitations.

15. You use the adjective "encourage" people to put in writing, shouldn't we require it to be put into writing?

Answer: There was legal opinion that said that you could not require people to put anything in writing.

16. If you have a policy that restricts retaliation is there any further consideration given to the accused.

Answer: The accused also has rights which are spelled out in the document.

17. Prof. Post stated that if you really mean it when you say you want this to be a comfortable and supportive environment for him or her, then you must tell them there is no statute of limitations on sexual harassment. They must know that it will be heard beyond their graduation from the university. A lot of people who have been harassed as part of a hostile environment or sexually harassed on this campus are afraid to say a word until their degrees are final. I don't think they feel they can ever say anything. She was further concerned that there have been instances where a faculty member blackballed other faculty or professionals from professional journals or professional organizations on the basis of their personal interactions and his intent to do harm has not been addressed.

Answer: We cannot do an investigation without people coming forward. This is why we want to have all of this material in a centralized office. We, as a university, do not report accurately the complaints whether sexual harassment or other areas, because it is spread out. Because what happens in one department or college, not to mention disparate treatment, same facts - this is what the punishment is, and it is different in another college. Some people disagree with that proposal.

Mr. Blakemore added that the procedures are within the purview of the campus and the Chancellor will be making the decision on what the procedures will be. They may be a little different on each campus, but we hope they will not be substantively different.

Ms. Nelson added that in the past some of the colleges would handle sexual harassment internally and not report them to affirmative action. Nobody handled them the same way. That is a problem because you may have the same individual doing the same thing in 10 different areas on campus, but since it is never reported centrally, each department only knows about the one incident. There is a need to have a comprehensive office for reporting that is staffed by those who are trained in handling harassment. The proposal says you can report wherever you would like to report your sexual harassment complaints and that individual would put it in writing to the Associate Vice Chancellor for Compliance. The Vice Chancellor would ultimately report to the Chancellor who has the final word on how the office is composed and what the title would be. The procedures talk about retaliation which will be handled through that office also. Protection against retaliation starts the moment a complaint is filed. No matter what the finding ultimately is does not matter. This is also for witnesses. We tried to balance everyone's rights in the procedures and the accused also has rights as well. There is an effort to protect everyone so that everyone knows what their requirements are and they do have

protection within the university. The accused also has an appeals process through a committee selected from a variety of members from across campus. This committee will review what has actually occurred. Another complaint with regard to the current procedures is there are no set time limits or time frame by which everything has to be completed. These procedures will be for the accused and the accuser.

Mr. Blakemore stated that a big problem on the Carbondale Campus is the reporting requirements to the Illinois Department of Human Rights and the Illinois Board of Higher Education. We cannot possibly meet those requirements the way the policies are currently set up because we don't know all the complaints. I'm sure there are multiple complaints that have been handled and probably appropriately, in a variety of departments, but we don't know what they are or what the adjudicated finding was and can't properly report on that. Another reporting requirement for the Vice Chancellor for Compliance would be to report to the Chancellor as to how many complaints we are getting and how they are being handled. We have a policy set up so that if we are required to, we will release any and all documents, but would try to protect what we can related to that. In the investigatory reports, one of the primary things is there will be discussion related to whether or not to release documents. As of what we are discussing now, the investigatory report would not be released for the reason that report contains a variety of information some of which would not necessarily go to defending the accused and may cause more harm to the victim or witnesses. So it is trying to balance everybody's right to make sure everybody is protected to the extent we can. The AVC may outside of formal litigation in this process, provide certain documents subject to protecting the identity of the victim or witnesses if necessary. These reports, even when released to the accused are expected to remain confidential. This is not something that needs to be in the public eyes for both sides. The AVC will be required to take legal steps to inform the accused individual of the nature of the charges, the basis of the allegations and give them an opportunity to respond to what those allegations are. This is necessary for a thorough investigation but in order to respond and provide an accurate response we must have some basis and that will be decided.

Debbie Nelson stated that in this process, we started with the constituency heads at the presidential luncheon giving this proposal and we are going across campus to give presentations. The policies and procedures can be viewed on the OAG website (www.siu.edu/~general_counsel). An email address is also noted to send comments or concerns related to the policies and procedures. One of the biggest challenges will be to provide training related to the policy and procedures. It is extremely important to make sure that everyone knows that this policy exists and know what the policies are and training goes beyond what you can read in a policy. The

training provides more in-depth information regarding what happens or what I will do if I am subject to or accused of sexual harassment, definition as to what is sexual harassment, and more opportunity for discussion with circumstances. We strongly believe that revisions to the policy and procedures are necessary to get us back into compliance with the law and to bring us current with best practices. We look forward to your comments.

18. Prof. Manfredi asked about the procedures stating it seems like the AVC makes a determination that there are grounds that sexual harassment occurred. In a situation where the policy seems to depend upon the reaction of an individual person, wouldn't it be better to have a panel that would reflect a wide diversity on campus for the first round and then have the appeals go to the Associate Vice Chancellor?

Answer: Mr. Blakemore responded that, as a legal reference, he had filed a complaint in court and just basically failed to meet the basic minimum requirements on whatever I am filing. For example, I have indicated I don't like his comment related to my work; or, I think his comments were rude and disparaging, but I don't say anything about it was related to my sex or gender or nothing that ties it back to sexual harassment. That is what the AVC for Compliance will be looking for. The investigator will look into whether or not the allegations are supported by facts. The Associate Vice Chancellor will have significant training and, with a panel, we will have more individuals to train. It is not something that you could just put together a panel from faculty across campus and ask "what do you think about this?" There is specific knowledge about laws that the AVC will be required to know before making any determination.

19. Prof. Post asked if it is what a reasonable person would think.... Why would they need training?

Answer: We want to limit the number of people, particularly at that time in the process who have information about the accused or the victim. When you start putting together a panel of 3, 5, or 7 people, the amount of activity in that part of the determination makes it difficult to make a decision. After the initial decision is made that yes, it meets the requirement, then members of AVC staff will need to consult with the department involved in the matter as well. It is not me, Debbie or somebody in isolation of, it is a staff of people with the appropriate training.

20. AVC Rice asked could the same rules as those required in the Research Misconduct Procedures be followed whereby there is first an inquiry and then there is an investigation? She added that, with research misconduct you have a panel of people. Research misconduct is just as sensitive

personally and ethically as sexual harassment. An appointment of several people to make the determination that whether facts are there and then it goes up to a single person on the advice of the panel as to whether it goes forward. It seems like that kind of a process could be implemented here.

Answer: Debbie Nelson answered that a panel is not prohibited by the procedures as they are written. An investigator or investigators could be assigned. There are much fewer research misconduct cases than sexual harassment complaints. Creating a panel every time that happens is probably not necessary. Also, when you've been a victim of sexual harassment, or sexually based anything, it is a much more sensitive topic, and is embarrassing to many people and it would be difficult for a person to sit before a panel to talk about some very intimate details. We have to look at every fact and circumstance. Sometimes a panel may be more appropriate. You have to look at the most appropriate investigator and how that will work with the circumstance... we need to have some latitude in the policy.

21. Prof. Lloyd commented she had experienced sexual harassment and stated if she had to go to one individual who was a male, she would not be comfortable with him calling the shots right off the bat, regardless of the training. She added that she is very comfortable standing up for her rights, and her situation was resolved very quickly once I got to the right person.

Answer: Mr. Blakemore responded that harassment does not necessarily have to go be reported to the Vice Chancellor first. Although there is an obligation for anyone who has a legitimate basis to report it to that office, there will still be people who will either formally or informally take complaints. In addition, your comment that the Dean didn't know what to do, the new procedures will spell out that the Vice Chancellor will be working with the Dean of the College where the harassment took place. In terms of the position of the Associate Vice Chancellor for Compliance, the person could be male or female. I think you need an office that is diverse. I believe you will have to provide additional resources for that office. I don't believe that one person can do the work of this office. The one person may have the responsibility to make the decision but there will be other people working with the individual. Like a police officer, they will be investigating to gather the facts.

22. Prof. McClurg asked when a complaint is filed, what action can the University take to terminate the relationship between the accused and the University? How do you balance the rights of the two?

Answer: Mr. Blakemore responded that goes beyond sexual harassment. Depending on the facts and circumstances it may be that a formal, thorough investigation will have to happen to separate the individuals. If

so, there are a number of things in the procedures that may be done which may include putting someone on paid administrative leave or removing someone from campus. It is not intended as punishment for the individual. This may be necessary to go in and do the investigation, and that the person who is creating harm doesn't affect someone or other witnesses creating fears so they are not giving accurate information. After that, the discipline begins, if it is necessary.

Prof. McClurg commented he is most concerned with what happens after a determination of violation of the policy has been made. Are there considerations about what actions can be taken and under what circumstances? It is tough to balance the rights of the accuser and accused. From a faculty perspective, that is probably what would concern me most.

23. Prof. Mundschenk asked about page 3 of the policy which states that the Vice Chancellor for Compliance has the authority to remove the accused. It is a major move to remove a faculty member with just one person's determination. That is pretty significant authority.

Answer: Jerry Blakemore responded that authority is no more significant than you have in your classrooms right now to protect the safety and welfare of yourself and the students in the classroom. You can remove a student if there is a good faith belief on your part that they are a danger. It is not done lightly and we are fooling ourselves if we don't accept the fact that ultimately decisions do rest oftentimes with one or two individuals. Nancy stated there is a big difference between having a student removed and a faculty member removed. Blakemore answered that this is why I believe "not in isolation, but in consultation with." Mundschenk stated that it states that the Vice Chancellor for Compliance has the authority, not in consultation with other people. Blakemore replies, if it is a faculty member, or a manager, you are going above them. It is not our intent to create a power base here that operates in isolation of. What we do need are specific timelines and procedures for review because that is where our problem has been. I don't believe that anybody, particularly in a higher education setting, operates in isolation. It is just not how we operate. It is the nature of who we are that we have processes like this. But we can clarify that which is part of the reason for doing this and make it stronger but it is there. There was significant discussion even before this proposal went to the President and Chancellor.

24. Prof. Gupta asked if a student comes to me stating that another faculty member in my department is harassing her, but the student is not willing to file a complaint. What should we do at that time?

Answer: Ms. Nelson stated that in this situation she would strongly recommend that you go ahead and report to the Vice Chancellor for Compliance. It may not require a full-blown investigation at this time, but we now know that this particular individual has accusations against them. We can monitor the situation and determine if we get additional complaints and what, if any, pervasive problem we are dealing with.

25. Chairman Britton asked what we shall do if the student does not want anything reported. My obligation is to report it to the Central Authority, even against the wishes of the student?

Answer: Jerry Blakemore stated that the answer is yes, if you have a good faith belief that sexual harassment has occurred. We appreciate the fact that it may have been resolved. We want it resolved and in that situation there will not be an investigation. We need to know that 5 days from now, 5 weeks from now, or 5 months from now when a similar circumstance occurs, whoever is in that position knows we have a pattern in practice. For instance, this occurs every September and October when new students are here and this is typically what goes on. There have been cases we have litigated, where the person was told the next time this happens the person will be out. There is a time where you will make a reasonable, rash, common-sense determination. The student comes in stating "I don't like "X" person, or, "this person might be flirting with me." But in a situation where parties are brought together and there is at least an implicit acknowledgement of harassment or sexual harassment serious enough to say we need to reconcile this... that is enough for me. Debbie also stated that reporting any situation protects you, the faculty.

Prof. Post stated she would like to see an obligation to report stating this will make a big difference. If we want to say this is a welcoming community and we don't want anybody to feel harassed or be in a hostile environment, then we all have to report that. She added that even though you are saying the Vice Chancellor for Compliance is not making a decision in isolation; your wording in your document makes it appear that way. If you say "in consultation with others" a woman or someone who has a different sexual orientation who is intimidated about reporting at all, will know there is some discussion before that decision is made. I would like to see the rights of the victim as well as the accused. I think victims, especially students, should be allowed to select their advocate or their advisor. A student is going to come to a faculty member, not to a department chair and certainly not to a Vice Chancellor for Compliance. In that way, the person to whom the student is reporting becomes their advocate and supports them. She added that in many cases, a student reports they are being harassed by a faculty member, the faculty member goes to the union and shows up with the union backing them up with

union lawyers, and the student is totally shut down. I would like to see an online web form that can be filled out while the student is sitting there.

26. Prof. Carlson asked if the person accused will be able to confront their accusers.

Answer: Mr. Blakemore responded that the accused is not going to be provided the opportunity to cross examine the alleged victim. The accused will have the right and will be provided documentation with respect to the nature of the charge and the time and circumstances related to it. We are not proposing that we have a mini courtroom, particularly since it is the alleged victim for which these policies really are in place. That is not to say the accused does not have rights. But, even before a finding, the persons involved may need to be separated. We will encourage that to be done. Because it is in the nature of the offense, that contact is most significant.

Tom Britton brought the discussion to a close by stating he will make an effort to summarize the concerns expressed today in a memorandum and share it with the working group. The working group has been charged by the president with collecting comments from the various constituencies to put an expert view on those comments. I will make a report on our discussion and if you have additional comments or questions, send them to me right away. I will share a copy of the memo that I write to the working group so that you will know if I missed your comment and you can send it yourself.

5. Remarks/Announcements

Associate Vice Chancellor Rice – AVC Rice announced that she has been asked by the President to give a presentation on undergraduate research at the next Board of Trustees Meeting. She also announced that the new undergraduate newsletter is out.

Graduate and Professional Students Council Remarks: The GPSC reported there were some complaints about the change in graduation schedule for the law school and other graduate programs and would have preferred to be consulted regarding the change before a decision was made.

Faculty Senate: Prof Stockdale reported the Senate passed a resolution to affirm diversity in our organization at the last meeting. October 14 will be the next meeting.

6. Committee Reports

- a. Executive Committee – Prof. Britton

Chairman Britton stated the Chancellor challenged the Graduate Council to start working on the idea of emerging programs and signature programs. The proposal has been submitted and posted on the graduate council website and has been assigned to the Educational Policies and Research Committees for their review. He asked the Council to review the proposal and give comments to him, Prof. Renzaglia or Prof. Manfredi. This will be up for discussion at the meeting next month.

b. Nomination Committee – Prof. Hellgren

Prof. Hellgren announced the following committee appointments: Robert W. Rowley-Affirmative Action Committee; Leslie Lloyd – Honorary Degree and Distinguished Service Award Committee; Tomasz Wiltowski – Naming University Facilities Committee; Donna Post – Campus Wide Assessment Committee; Bryan Young – Outstanding Scholar Committee; Jacob Rose and Eric Hellgren – Chancellor’s Planning and Budget Advisory Committee.

c. Programs Committee: Prof. Willard

1. Program Name Change: The following resolution for a program name change was read by Prof. Willard and will be voted upon at the next meeting.

ANNOUNCEMENT OF RESOLUTION

RATIONALE: The Department of Plant, Soil and Agricultural Systems has requested a change in the name of their M.S. degree in “Plant and Soil Science” to spectrum of disciplines offered in their M.S. degree program. There are no costs associated with the name change.

RESOLUTION: Be it resolved that the Graduate Council approves the change of the name of the M.S. degree in Plant and Soil Science to Plant, Soil and Agricultural Systems.

2. Program Modification: The following resolution for a program modification was read by Prof. Willard and will be voted upon at the next meeting.

RATIONALE: The Department of Educational Psychology and Special Education has proposed to modify the existing MSED degree in Counselor Education to include a professional (non-thesis) track MSED in addition to the present thesis track MSED. The professional MSED would require 6 hours of approved course work beyond the core requirements of the student’s respective counseling specialty, in lieu of the thesis requirement. All MSED students will have to successfully complete a

written comprehensive examination of the core curriculum. The professional MSED option would serve as a recruiting tool for prospective graduate students interested in practitioner positions in schools, community health settings, or private practices. There are no anticipated budgetary effects of this degree modification.

RESOLUTION: Be it resolved that the Graduate Council approves the modification of the existing MSED degree in Counselor Education to include a professional track MSED in addition to the present thesis track MSED.

The following resolution for program elimination was read by Prof. Willard and will be voted upon at the next meeting.

RATIONALE: The College of Education and Human Services has proposed to eliminate the Certificate in Couple and Family Counseling in the Counselor Education program. The request was made because, to date, no students have applied to the certificate program. There are no anticipated budgetary effects of this certificate elimination. The certificate program utilized existing courses from the Marital, Couple, and Family master's degree program.

RESOLUTION: Be it resolved that the Graduate Council approves the elimination of the Certificate in Couple and Family Counseling in the Counselor Education Program.

10. Report of Research Committee – Prof. Renzaglia

Prof. Renzaglia reported that the Research Committee considered the following three items.

They have reviewed the signature program proposal and have a number of questions and concerns to bring them before the Executive Committee.

They are looking at electronic components of research shops to repair research equipment. They will develop a survey to see what the needs are.

They are reconsidering the incentive program for giving 5% of total IDC back to faculty. The Committee feels IDC should be used to support research not salaries.

11. Program Review Committee – Prof. Mundschenk

Prof. Mundschenk announced that the Program Review Committee will be reviewing the research shops. Pru Rice will help to identify shops that are under the auspices of the Vice Chancellor for Research.

12. Educational Policies Committee – Prof. Manfredi

Prof. Manfredi announced that the Educational Policies Committee will be meeting next week to discuss Signature Programs.

13. Old Business: There was no old business to discuss.

14. New Business: The next meeting of the Graduate Council will take place Thursday, November 6, 2008 at 8:30 a.m. in the Kaskaskia/Missouri Room of the Student Center.

John Dobbins of the Architecture Program announced he will be the proxy for Jack Kremer for this year.

As there was no further business to bring before the Council, Chairman Britton announced adjournment at 10:20 a.m.

Respectfully submitted,

Donna Reynolds
Recording Secretary