

Minutes of Meeting

Regularly scheduled meeting of the Academic Senate of Rochester Institute of Technology

Thursday, October 28, 2021

12:15 – 1:52 PM

Zoom Webconference

Present: M. Abushagur, S. Aldersley, M. Anselm, G. Babbitt, M. Bailey, D. Crawford, N. Eddingsaas, T. Engstrom, J. Faber, A. Gehret, H. Ghazle, E. Granberg, L. Hall, D. Hazelwood, J. Hsieh, A. Hudson, C. Hull, B. Jadamba, A. Jain, D. Johnson, S. Johnson, P. Kincheloe, L. Kiser, D. Krutz, A. Kulakowski, D. Laury, C. Lutzer, Y. Ma (CLA alt.) S. Malachowsky, P. Markopoulos, A. McLaren, A. Newman, L. Randrianarivelo (SG), G. Reeder (SC), M. Ruhling, D. Simkins (GCCIS alt.), U. Stroszeck, B. Thomas, J. Venkataraman, E. Williams, S. Wolcott, T. Worrell (CLA alt.), Y. Zlochower (COS alt.)

Absent: G. Hu, A. Perez Sanchez, M. Schweppe

Excused: E. DAmenda, J. Decker, L. Lawley, D. Newman

Presenters: (In Order of Presentations) C. Hull, A. Gehret, G. Reeder, L. Randrianarivelo, M. Concepcion, B. Colon, J. Pinkham, J. DeCoursey, S. DeRooy, J. Venkataraman

FS Student Assistants: Haydy Rodriguez Lopez

Interpreters: Nicole Crouse-Dickerson, Gayle Macias

Tech Crew: Kara MacIntyre

Agenda Item No. 1: Social Time (12:00)

Agenda Item No. 2: Call to Order; C. Hull (12:16)

Meeting called to order.

Agenda Item No. 3: Approval of Agenda; C. Hull (12:16)

Motion (C. Hull): However, this is not necessarily straightforward this time. At our last meeting, we stopped the discussion on a Senate endorsement regarding the administration's vaccine mandate. We invoked Orders of the Day. A number of Senators wanted more specifics on the administration's plan. Where we are now is that meetings with administration regarding this are ongoing with the specifics of the plan not yet finalized. With those details still to be released, we can't make an informed vote at this time. We could have a vote at this time for tabling this motion for now until that information becomes available, possibly by our next meeting. If there is no motion to table, then we have to amend the agenda before approving it.

Motion (J. Faber): To table the vote on the endorsement.

Seconded (S. Aldersley)

Comment (J. Faber) : This seems like a reasonable reason to hold off for a few weeks since we're discussing purely an endorsement and for a policy that still needs more clarity.

Comment (S. Aldersley): I want to point out that last week, the motion to table ought to have happened.

Comment (C. Hull): Point of order, it was orders of the day. The chair is entitled the call orders of the day if we've gone past time on an agenda topic, which we had. The question is whether it should be on the agenda now. We were consistent with Robert's rules of orders. I didn't table the motion, I called orders of the day. This is where it needs to be fixed.

Comment (S. Aldersley): Okay that's interesting. I had never heard of that. I'll have to go back and read that.

Q (H. Ghazle): We are going to table the motion for two weeks as opposed to indefinitely?

A (C. Hull): It will come back on the agenda at an appropriate time. It doesn't have to be 11/18 (the next meeting).

Q (M. Ruhling): How will we register votes and make comments in this meeting?

A (C. Hull): We will use the chat for voting like we did for last year.

Q (M. Ruhling): And for discussion, the raise hand function?

A (C. Hull): Yes.

Comment (S. Aldersley): I am going to vote against tabling since this involves tenure and is too important to table. It behooves the Senate to have their voice on whether to endorse or not a dismissal for cause.

Q (C. Hull): Can you clarify what you will vote against? Are you suggesting that we vote, not on the details of a plan that we don't know about, but specifically on the question of whether refusing to get the vaccine, in the face of this mandate, should be considered grounds for dismissal?

A (S. Aldersley): No. What I'm saying is I think part of the consternation that was raised last week was not because people object to being vaccinated but object to the requirement that they once again provide evidence that they've done that, particularly given the fact that it was so difficult to upload that evidence. I'm not sure that I agree with you that there were a lot of questions about details. I didn't hear that. Maybe I should have been paying more close attention, but I didn't hear that and I don't think details really come into it. I mean the administration came out with a policy which was quite clear. I don't know what additional details we would need at this point to either endorse or not endorse.

Comment (C. Hull): Fair enough. My interpretation of this would be if you want more information and do not want to vote on endorsing, vote yes to table. If you think you have enough information to vote on endorsing, vote no to tabling and we will then vote later today on an endorsement of the administration's vaccine mandate.

VOTE: 22 Yes, 6 No, 7 Abstain. Approve to table COVID vaccine mandate endorsement.

Motion (A. Newman): To approve the agenda.

Seconded (M. Abushagur)

APPROVED by unanimous consent.

Agenda Item No. 4: Communication Officer's Report; A. Gehret (12:30) *Minutes linked below*

The minutes for the 10/21 meeting were distributed on 10/26. I received four edits which have been made. With no further edits coming in, I'd like to make a motion.

Motion (A. Gehret): To approve the 10/21 meeting minutes.

Seconded (U. Stroszeck)

APPROVED by unanimous consent.

[10/21 AS meeting minutes](#)

Agenda Item No. 5: Executive Committee Report; C. Hull (12:31)

Update: Associate Provost for Faculty Affairs McQuiller and Assistant VP Graham are going to meet with departments next month about sharing graduation rate data. We've had some complaints about access to the Senate archives and documents being circulated before Senate meetings. FSEC is looking into ways to fix these issues and will report back at the next meeting. Now that charges are done, we can get back to not using our HOLD dates. We will meet once next month in person (11/18) and two meetings in December (12/2 and 12/9).

Agenda Item No. 6: Staff Council Update; G. Reeder (12:32)

Update: We are meeting today with Ian Mortimer to give an enrollment update. We are also seeing the same HR presentations you are seeing today. We are also polling our constituents about the best ways to communicate through social media.

Agenda Item No. 7: Student Government Update; L. Randrianarivelo (12:33)

Update: Typically I'm unable to attend this meeting since I have Senior Design at this hour, but I'm here to discuss an urgent matter that I will bring up during new business. For an update, SG will have a presentation from the new athletic director during tomorrow's meeting and we are also preparing for the board of trustees presentation that will be given on November 11.

Agenda Item No. 8: Voice of the Customer Survey re: Bookstore of the Future; M. Concepcion (12:34)

Background: I'm here to promote a faculty survey to gather feedback regarding the bookstore of the future. We are evaluating our relationship with our current provider of course materials. While a lot of emphasis is placed on the student experience, the faculty experience is also critical and a very important stakeholder in this process. My ask of you today is that you encourage your colleagues to complete this survey when they receive it. It should take about three minutes of your time.

We did a lot of "voice of the customer" interviews over the summer with associate and assistant deans. We've presented at the Council of Chairs and with Associate deans. The consistent feedback we received from them was that we should really get the voice of the faculty through an expanded "voice of the customer" exercise. This is most easily achieved through a survey, so this is an effort to really hear from all of you as to what is important when you're making those decisions. How do you select those materials? How do you communicate? How would your process be enhanced? This information will become part of our business requirements as we review other vendors out there and what possible relationships we might establish in the future if it's not with our current partner. Basically, when you see this survey, please complete it and encourage others to complete as well.

Q (C. Hull): When I hear "bookstore of the future," I think of a new solution to replace our current partnership. Could you clarify this point?

A (M. Concepcion): The way students and faculty acquire materials, particularly during the pandemic, has really undergone some fundamental change. We're trying to design a relationship that would better fill the needs of the Faculty and the students. Our current relationship is ten years old and doesn't incorporate open educational resources for example that are certainly relevant today.

Q (B. Thomas): How did you come up with the survey questions? Just by speaking to assistant deans without any faculty input?

A (M. Concepcion): We've spoken to a variety of constituents, gone to all of the different colleges and asked students, deans and associate deans, personnel in the colleges. We came up with a bank of questions and vetted them through different faculty members in leadership and faculty members in colleges, including adjuncts. There will be spots on the survey for you to provide additional feedback for things that we might not have asked, but we have vetted it through a lot of different groups.

Comment (B. Thomas): I'm surprised because in my college, and I may be wrong, this is the first time I'm hearing about this. I've never seen any questions come through my college regarding this.

Agenda Item No. 9: Revisions to C06.0 (Policy Prohibiting Discrimination, Harassment & Retaliation) and C15.2 (Faculty/Staff Alcohol and Drug Policy); B. Colon and J. Pinkham (12:39) *Documents linked below*

Background (Colon): The current version of C6.0 has been revised on a near-annual basis. It has seen 49 different versions since 2011. Changes typically happen in response to governmental actions. Yet again, there have been some required changes by regulations and statutes. We have 6 months to get approval from the other governance groups because the President has provided an interim approval. The new C6.0 appears on the policy library website. The previous policy did not speak on how non-consensual romantic/sexual relationships between anyone on campus are a violation of university policy. In the policy statement, we added more language in the anti-retaliation statement. We also include a new reservation of rights statement from language already in C6.0.

In the definitions section, we made other changes. Complainants cannot remain anonymous due to applicable laws requiring RIT to provide certain notices to complainants. Reporting persons can remain anonymous. Protected activity had additional language added to clearly define what types of retaliation is actually protected. We've removed references to responsible administrators since those are now the purview of Title IX administrators. We also removed references to the old Title IX policy.

In General provisions, sexual harassment prohibited under C6.0 is different than sexual harassment under Title IX (C27.0). Records of allegation can only be reviewed by the AVP HR, Title IX Coordinator, or OCE Investigators. Filing complaints makes clear that supervisors have an obligation to report behavior in violation of policy to HR. determining the outcome of an investigation makes clear that HR is responsible for determining if a violation has occurred. Supervisors, departments and/or division leaders determine corrective actions. Also, the procedures section have been removed to a stand alone document. Appeals section revised to eliminate references to allegations based on gender and/or sex.

Those are the significant changes we've made to C6.0. The reason it exists in its current form is that it is a legal document. Many laws require employers to have these policies on hand. Because the law requires it, that is why it is constantly changing.

Q (A. Newman): In your presentation, you said that there was sexual harassment and C6.0, which is different from Title IX. But there's also, from what I understand, the Title IX Office that deals with Title VII. So how do they relate to each other?

A (B. Colon): The Office of Compliance and Ethics (OCE) is assisting HR in policy violations. So, the statement that OCE does both Title VII and Title IX is an accurate statement. But, policy C6.0 only deals with Title VII and policy C27.0 only deals with Title IX because there are different procedures that need to be followed depending on which type of sexual harassment it is.

A (J. Pinkham): I would say that Title VII really captures harassment and discrimination broadly, that would be the only thing I would add.

Background (Pinkham): This policy was presented to UC in February of 2020. COVID disrupted its progress through the governance process. We're bringing it to you now for review and endorsement. Initial request from research faculty to allow hemp research. Investigation found procedures were not consistent with practice. There are a few changes to note. In Definitions, added references to the Comprehensive Drug Abuse Prevention and Control Act of 1970. In procedures, updated phone and text contact numbers and added that Public Safety in addition to HR, should be contacted in the event that an employee appears to be unable to function normally or to perform their work in a safe and/or effective manner, ostensibly due to substance abuse.

We added an entire section in procedures regarding HR and Public Safety coordination on reported incidents. The entire section is shown in the PowerPoint presentation. A short policy overall, but we wanted to ensure we had time to discuss this with the Senate.

Comment (A. Newman): Should we vote to endorse seeing no objections.

Q (B. Thomas): I would like the time to discuss with constituents.

Q (E. Williams): There is a phrase about being "inebriated." Where is the definition? I'd mention that there is a legal definition of inebriated for DUI. I think it's Blood Alcohol Content > 0.8 mg/L. Adding the definition would make it clear that this policy definition is not directly related to the DUI definition.

A (J. Pinkham): Compromised "to a sufficient degree" to create an unsafe environment.

Comment (E. Williams): There are a lot of definitions in that policy, I might suggest including that one too.

Q (L. Hall): The supervisor has an obligation to report violations of C6.0, even if individuals involved do not. Procedurally what happens then?

A (B. Colon): The supervisor would go to HR, only for potential violations of which the supervisor is aware, and become, under the terminology of the policy, the reporting person. HR would take the facts, as mentioned by the supervisor, and then, in conjunction with OCE, conduct whatever investigation they would need to based on that information.

Q (L. Hall): Okay, so if I had a faculty member who was part of an incident of harassment, but the affected party really did not want to report it, I have an obligation to report it over that person's concerns. The investigation moves forward without regard to that person's preferences.

A (J. Pinkham): Yes. We have an obligation as an employer to look into the matter. We'd take the impacted party's willingness to participate into account. But, we have an obligation. HR is a central repository for identifying patterns of behavior so having that information is important.

Q (A. Newman): If a person reports an incident, how does this play into the complainant remaining anonymous?

A (B. Colon): You can remain anonymous if you experienced the harassment, but you can't be the complainant. I'm maybe thinking about anonymity a bit differently. I'm thinking about those anonymous complaints that come through the ethics hotline where you have literally no idea who filed the complaint. Again, as a complainant, you're entitled to certain provisions from your employer.

A (J. Pinkham): We do have processes to a point to protect an individual in those circumstances. It's very important to have the information, a record, in order to understand the best way to proceed.

Comment (B. Colon): It is the requirement of RIT, as an employer, to provide the safest environment possible.

Comment (C. Hull): This might come up again in the sexual harassment report a little later.

[C06.0 Policy and Presentation](#)

[C15.2 Policy and Presentation](#)

Agenda Item No. 10: Benefits Open Enrollment Update; J. DeCoursey (1:09) *Documents linked below*

Background: A review of key terms. Copay is a flat dollar amount per visit. A deductible is the annual amount out-of-pocket before a plan pays. Coinsurance is a percentage of a cost. The out of pocket maximum (OOP) is the cap of patient expenses for the calendar year.

Decisions for this year, all plans, not just POS A, will have coverage for hearing aids and Cochlear Implant processors. We've adopted prescription utilization, diabetic and opioid management programs for patient safety and shared costs. POS A will have copays for inpatient, outpatient and advanced imaging services. POS B and POS D will maintain the deductible/co-insurance cost structure. There are no changes to the prescription drug plan or the copay services. A reminder that POS D has an annual deductible of \$1250 for prescription drugs but that is not a change from previous years.

Employees will see a 14.7% contribution increase for POS A with all other plans at 3.5%. RIT/employee split of the premium is equivalent to approximately 75%/25%.

The dental plan 2-year lock-in is being removed. No change in vision coverage. Life Insurance has no change. Accidental Death & Dismemberment (AD&D) will have a slight decrease in rate, Long Term Disability (LTD) insurance will have a slight increase rate. Legal and Identify Theft Protection, no change in plans or rates.

We will send a newsletter by inter-office mail. Emails also to employees and targeted emails to POS A participants due to the large (14.7%) increase in contribution amount. Employees should review their healthcare needs and make an informed choice for 2022.

Q (B. Thomas): Deductible was a bit confusing. Looking at my current card, which is for an individual and which is for an entire family?

A (J. DeCoursey): The first number is the individual deductible. For POS A, it is \$200. That means you would pay the \$200 individually. For a family it is \$400. If two in the family have met their deductible, no one else in the family will pay for the service, it will go to co-insurance.

A (J. Pinkham): The max a family pays, on the deductible side, is \$400 regardless of the number of individuals in that family.

Q (D. Laury): Could you mention the virtual benefits fair and when that will start?

A (J. DeCoursey): Everyone will get a direct link through email for that. It starts next Thursday. It will be with Airbo. The link will be sent in the email.

A (J. Pinkham): It is the same platform used last year but with more components.

Q (D. Laury): How long will it run?

A (J. DeCoursey): Because it is entirely online, it will run through the entire open enrollment period and end on November 22nd.

Comment (C. Hull): Can the presentation slides be shared with constituents? I also have a comment from T. Engstrom: *Can you ensure that any and all proposed changes are made directly and easily accessible to the full faculty? This is necessary to allow us to engage our constituents and thus to do our deliberative work on their behalf. Locating and understanding a Comparison Book didn't seem to work adequately when changes were proposed last time. Thank you!*

Comment (J. DeCoursey): We'll have all the information on the website where we're doing more outreach as far as live presentations. The hardcopy newsletter was not something we did last year because most of us were not around on campus, so we'll have that too. We're very committed to making sure that everybody understands what's happening so they can make a choice. Thank you, Tim.

[Presentation Slides](#)

Agenda Item No. 11: D19.0 Student Gender-Based and Sexual Misconduct Policy and C27.0 Title IX Sexual Harassment for Faculty, Staff and Students; S. DeRooy (1:30) *Documents linked below*

Background: Like Bobby said, changes in the law are the primary driver for making updates to these policies. C27.0 was created in August 2020 in response to Federal overhaul of regulations. We sought interim approval in 2021 due to direct changes in regulations.

The mutual resolution has been revised to reference Policy D19.0. We also removed the cross examination section based on updated federal regulations. D19.0 was created in 2015 in response to NYS 129-B. Significant changes were made in 2020 when we adopted C27.0 because we moved all references to Title IX away from D19.0. This time, we had very slight revisions. Previously we referred to the "evidence report" and now refer to it as the "evidence packet." The mutual resolution agreement has been breached in the past. We therefore place language in the policy to address what happens in those circumstances.

Comment (C. Hull): People can reach out to you between now and the next meeting with any questions/comments. FSEC would like to know of any big comments that need to be addressed.

[D19.0 Revisions Clean](#)

[D19.0 Revisions Redline](#)

[C27.0 Revisions Clean](#)

[C27.0 Revisions Redline](#)

[Presentation Slides](#)

Agenda Item No. 12: New Business; L. Randrianarivelo and J. Venkataraman (1:35)

Background (Randrianarivelo): Today I wanted to bring up Pass/Fail, specifically the option that was extended during COVID-19. Clearly, COVID-19 is still here with the restrictions we continue to experience on campus. Students are really struggling in different ways as we enter back into the in-person classroom. We've collected data from students through social media, emails, etc. Students are underperforming given these changes. Taking in-person exams for the first time since high school. Others are completely overwhelmed being back in a classroom. This isn't on account of a lack of effort; students of all academic standings are struggling with this transition back to pre-COVID instruction. This conversation was initiated by a student in an email to Clyde, the Provost and the President. It's now coming through the formal process and why I'm here speaking with you. We'd like to continue the Pass/Fail this one last semester. Impart the normal Pass/Fail policy for spring and onward when we're back to over 90% in person. The transition back to the classroom is the driver for this motion. This semester really is that transition back to normalcy that students need.

Comment (C. Hull): I think we can consider this as a motion.

Seconded (M. Ruhling)

Comment (M. Ruhling): I'm glad this has been brought up. I'm noticing the widest gap with capabilities in the classroom, particularly with first year students, but I'm also seeing that turnaround happening. I think if we

extended this one more semester we would see that turnaround be even more positive in the spring. I'm in support of this.

Q (A. Hudson): I'm empathetic to students' concerns here, but I also see a slippery slope. What guarantee do we have that we're actually addressing the root cause here by simply extending the Pass/Fail?

A (L. Randrianarivelo): We have a number of students experiencing being back in the classroom in over one and a half years. The withdrawal (WD) period is November 5th. I think we will see a high number of WDs come that deadline given the struggle to get reacquainted with the classroom. I had not realized the deadline for WD was so soon, hence the urgency for why I'm here speaking on this today.

Comment (A. Newman): I agree we should support this but I also recognize Andre's concerns. We should be finding out how our classrooms are affecting student learning. It behooves some type of research but for the moment, this seems like a good solution.

Comment (L. Randrianarivelo): Thank you for the opportunity to present.

Q (A. Newman): Should we endorse now?

A (C. Hull): I don't think the Senate could vote on anything between now and 11/5. It sounds like Senate is favorably inclined, but that may be the extent of it.

Comment (J. Venkataraman): This should be discussed at the college level too.

Comment (C. Hull): I think we're friendly to this, but I'm not quite sure we have a solution on how to move forward. Hopefully something good can happen and we wish you luck with your conversations with the administration.

Background (Venkataraman): This was motivated by recent experience with one of the charges voted and approved in April of 2020. B02.0 has no guidance of when a charge can come back to the Senate for additional consideration. There's another policy, B05.0, that states that policies have to undergo review within five years of their last review. B02.0 is the whole framework for which faculty governance and how we achieve it. Charges are well stated within the preamble of B02.0, but there is no guidance for when a charge can come back for review. So what we recommend here is that once a charge has been issued, the committee has brought back recommendations to the Senate and it has been endorsed and accepted, the charge should not be reconsidered or assigned to a standing committee within seven years of the report of the charge. Under circumstances where there is significant information that would necessitate an earlier review of a charge, that would still necessitate a two-thirds majority vote by the Senate.

Motion (J. Venkataraman):

Standing committee charges that are approved by the Faculty Senate shall not be reconsidered by a standing committee within 5 years of the report on the charge (neither verbatim nor in spirit), unless justified by significant new information. When such information is presented, a super-majority of senate votes (two thirds) must approve the charge. This timeline and stipulations will be introduced in B02 Article IX.

RATIONALE:

This year we have had two charges both approved in April 2020, appearing on the list of charges again this year, and assigned to the same standing committee. We depend on the memory of senators to remember the dates and charges. In the past month, a huge amount of time and energy has been spent in discussing these two charges at senate meetings, together with several back-and-forth emails between senators and the executive committee, in order to resolve this matter. Pushing completed charges from one committee to the next, or back to the same committee from year to year, is not a precedent that we want to set. We should respect the thoughtfulness, professionalism, and discussions of our faculty colleagues serving on standing committees. The recommendations made by these committees once approved by the senate should not return for a minimum of 5 years, unless significant new information is presented.

Seconded (U. Stroszeck)

Agenda Item No. 13: Adjournment (1:52)