

FACULTY SENATE

MEETING #612 AGENDA

CHAN Auditorium

THURSDAY, January 28, 2021

12:50 PM to 2:20 PM

Call to Order

1. Approve Faculty Senate Meeting #611 Minutes from January 21, 2021
2. Accept Special FSEC Report from January 22, 2021
3. Administrative Reports
4. Officer and Committee Reports

<ul style="list-style-type: none">• President Tim Newman• President-Elect Carmen Scholz• Past-President Laird Burns• Parliamentarian Mike Banish• Ombudsperson Officer Carolyn Sanders• Governance and Operations Committee Chair Kader Frendi	<ul style="list-style-type: none">• Undergraduate Curriculum Committee Chair:<ul style="list-style-type: none">• Azita Amiri 8/20;10/20;12/20;2/21;4/21;6/21;8/21• Paul Whitehead 9/20;11/20;1/21;3/21;5/21;7/21• Finance and Resources Committee Chair Jeff Weimer• Undergraduate Scholastic Affairs Committee Chair Emil Jovanov• Faculty and Student Development Committee Chair Kwaku Gyasi• Personnel Committee Chair Mike Banish
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5. University Committee Reports

6. Policy 01.01.01 (Policy on Policies)
7. Second Reading, Senate Bill 444: Faculty Research
8. Second Reading, Senate Bill 449: Budget
9. Second Reading, Senate Bill 452: This Could be You

Adjourn

Proxies for Senate meetings must be a Senate-eligible individual from the same academic unit. No individual may carry more than one proxy.

PLEASE SEND PROXIES TO LAUREN BAKER: facsen@uah.edu

Faculty Senate Bill 449: UAH Budget Book Transparency

History: At FSEC Mar 12, 2020 for First Reading, through the Personnel Committee.

Passed First Reading.

At Jan. 22, 2021 FSEC, FSEC scheduled for Second Reading at Senate's Jan. 28, 2021 meeting

WHEREAS, the UAH Budget Book (Budget Book) is a publicly accessible document; and

WHEREAS, the UAH audited financial statement is a publicly accessible document; and

WHEREAS, the Budget Book contains prior academic year and pending academic year income and expenditure projections, and

WHEREAS, correlation to the prior academic year income and expenditures requires comparison of the audited financial statements and the Budget Book; and

WHEREAS, UAH administrative units, faculty, staff, and students should have access to income and spending correlations, and

NOW THEREFORE BE IT RESOLVED:

That the UAH Budget Book contain a column of "actual expenditures" for the prior academic year as a part of the income and expenditure data presented, and

BE IT FURTHER RESOLVED:

That upon Senate passage of this resolution, that the Faculty Senate President and President-Elect publish this resolution upon the official records of the Faculty Senate.

Faculty Senate Bill 444:
Faculty Research Task Force Amendment to Faculty Handbook Chapter 5

History: From M. Banish, with input from Personnel Committee

At FSEC Feb. 13, 2020 for First Reading.

Passed FSEC. At Jan. 22, 2021 FSEC meeting, FSEC Scheduled for Senate for Second Reading on Jan. 28, 2021

WHEREAS, the Faculty Handbook Chapter 5 negotiation session on Jan. 7, 2020 attended by Senate President Laird Burns, Senate President-Elect Timothy Newman, Senate Ombuds Carmen Scholz, Provost Christine Curtis, and Vice President for Research and Economic Development Robert Lindquist discussed an agreed-upon need for a research subcommittee that can address certain needs of faculty involved in funded research,

WHEREAS, language for an amendment to Faculty Handbook Chapter 5, Section 5.2, that provides for such a sub-committee has been prepared,

NOW THEREFORE BE IT RESOLVED:

That the text that follows for a new Section 5.2.1 of the UAH Faculty Handbook is approved by the UAH Faculty Senate as a new, inserted section of Chapter 5 of the UAH Faculty Handbook, and

BE IT FURTHER RESOLVED:

That if Faculty Senate Bill 443 is approved after this Faculty Research Task Force Amendment bill ("Task Force Bill") is approved, that the text for Faculty Handbook Section 5.2.1 in this Task Force Bill shall be regarded as surviving Bill 443, unless Bill 443 shall state that it precludes this Task Force Bill from surviving Bill 443, and

BE IT FURTHER RESOLVED:

That upon final Senate approval and notice from the Administration of its concurring approval of this resolution, that the Section 5.2.1 text that follows be adopted as the new Section 5.2.1 of Chapter 5 of the UAH Faculty Handbook, and

BE IT ALSO RESOLVED:

That the Senate officers shall update the Faculty Senate web page for the Faculty Handbook with the revised Section 5.2.1 that follows, provided both final Senate approval and Administration notice of concurring approval of this resolution have been received.

5.2.1. Faculty Research Task Force

The Vice President of Research and Economic Development and the Vice President of Academic Affairs (Provost) will act as Co-Chairs of the Faculty Research Task Force. The Faculty Research Task Force will be comprised of the two Faculty Senate members of the Research Council and three additional members appointed by the Faculty Senate. As a guide, the five Faculty Senate members of the Task Force shall represent at least four different Colleges. The Faculty Research Task Force is expected to meet at least once a semester, and special meetings may be called at the request of any Task Force member. The Task Force is charged with reviewing policies, procedures, and practices regarding faculty involved in funded research.

**Senate Bill 453: UAH FACULTY SENATE RESOLUTION (EMERGENCY):
THIS COULD BE YOU: UAH VIOLATIONS OF POLICIES, ETHICS PRACTICES, AND ALABAMA STATE LAW
DURING AN INVESTIGATION OF SEXUAL MISCONDUCT ALLEGATIONS**

History: Introduced at Faculty Senate Oct. 22, 2020 as an emergency resolution. Passed First Reading that day.
Second Reading scheduled for Faculty Senate on Jan. 28, 2021.

22 October, 2020

This resolution is per Faculty Member's recollection and extensive notes, and subject to corrections if and when the UAH Administration ceases its repeated and sustained violations of Alabama state law (Code of Alabama § 36-26-27.1) by providing copies of all related documents to Faculty Member, which number at least 40-50 pages for the final report alone, as mandated by state law.

Background: Faculty Senate Considering 2020 Interim Sexual Misconduct Policy and Related procedures

WHEREAS, the Faculty Senate is currently considering a review of the 31-page [Title IX Sex Discrimination, Sexual Harassment, and Sexual Violence Policy](#) (Interim) ("2020 Interim Sexual Misconduct Policy") dated August 17, 2020 and posted on the UAH [Policies and Procedures](#) webpage (the document itself is unsigned and undated), along with three other documents with filenames dated "8-14-20 FINAL", which are not posted on the UAH Policies and Procedures webpage and which were submitted to the Faculty Senate Executive Committee in September 2020, specifically, and collectively referred to as the "proposed Sexual Misconduct Procedures", and where the procedures are comprised of

- 1) the 31-page *Procedures for The Resolution of Title IX Sexual Harassment and Sexual Violence Complaints*,
- 2) the 11-page *Procedures for The Resolution of Title IX Sex Discrimination Reports (Non-Harassment) Against Faculty, Staff, Affiliates, And Non-Affiliates*,
- 3) the 17-page *Procedures for the Resolution of Title IX Sex Discrimination Reports (Non-Harassment) Against Students*, and

WHEREAS this complex set of related documents contains considerable legal language and volume (90 pages), and should be considered from the perspective of where specific prior examples and context of how the university has applied, investigated, and enforced allegations against respondents, particularly in cases involving violations of due process, ethical practices, and Alabama state law, and can serve to illustrate actual UAH practices and concerns to Faculty Senators who have not personally experienced said process, and can serve to illustrate areas of concern that should be addressed by the Faculty Senate as they review the current 2020 Interim Sexual Misconduct Policy and Proposed Sexual Misconduct Procedures, and

Goal of this Resolution

WHEREAS the goal of this bill is to inform and help improve policy making and related policy implementation procedures for all parties, including but not limited to the faculty and administration, and

Considering of prior UAH Investigation practices in consideration of current policy and procedures review

WHEREAS knowledge of prior and current university investigative practices under said policies and procedures, including egregious and persistent violations of UAH policies, ethical practices, and of Alabama state law, willful and otherwise, even in cases of the UAH Administration (“Administration”) being informed of ethical and policy violations that were specifically noted and objected to at the time of an investigation (and which removes the “or otherwise” aspect of “willful or otherwise”), serve to inform members of the UAH Faculty Senate as to problematic practices and behaviors by or sanctioned by senior UAH administrators and in certain cases, UAH Office of Counsel, that should be reviewed and addressed during the review of the 2020 Interim Sexual Misconduct Policy and Proposed Sexual Misconduct Procedures, not only in the language of *what* constitutes sexual misconduct for policy making purposes, but also *how* of how investigations are prosecuted while working to arrive at what is supposed to be fair, unbiased, and just resolutions to allegations of sexual misconduct and harassment, and

UAH Prior Policies not Archived with Public Access

WHEREAS policies on the UAH Policies and Procedures webpage are removed at time of updates, rather than archived online for future reference, making reference to policies and potential policy violations that precede any current policy very difficult for respondents to defend themselves for allegations of policy violations prior to any effective date of a given policy or procedures, and

Sexual Misconduct? Remarkable Resemblance to a Case of Retaliation

WHEREAS the university, under what appears to be a clear case of retaliation, saw fit to investigate a faculty member (“Faculty Member”) under the 2018 Sexual Misconduct Policy for allegations that alleged acts that occurred prior to the effective date of the 2018 Sexual Misconduct Policy, and this investigation arose several months after the Faculty Member informed the President Pro-Tempore of UA System Board of Trustees (“BOT”) during the February 2018 BOT meeting in Birmingham that the UAH Administration had announced, in January 2018, to the Faculty Senate Executive Committee and then the full Faculty Senate, despite strong disagreement from members of the Faculty Senate, that the Administration was agreeing to a joint agreement with a Chinese university to offer two degree programs, specifically in cybersecurity and aerospace engineering, and recognizing where UAH is awarded more than \$50,000,000 per year in contract funding from the Department of Defense, NASA and other U.S. Government agencies, and where UAH is a National Security Agency Center of Excellence, and where the China degree program program was planned to bring in up to 400 students at a time at full capacity with tuition dollars estimated at \$4,000,000 per year, and where the President Pro Tempore of the BOT stopped implementation of the plan to partner with the Chinese university for these degree programs, as China is a military adversary to the United States, in education their university students in cybersecurity and aerospace engineering and giving them access to UAH networks despite protests from UAH faculty, and

WHEREAS the first alleged retaliation occurred, starting in August 2018 where the university initiated an investigation of Faculty Member, initially under the 2018 Sexual Misconduct Policy, under clauses §II.2A and II.2B, as detailed below, and did not indicate any issues reported concerning § II.1 sex discrimination, II.3 nonconsensual sexual contact, § II.4 nonconsensual sexual intercourse, § II.5 sexual

exploitation, § II.6 intimate partner violence, § II.7 stalking on the basis of sex/gender, or § II.8 bullying on the basis of sex/gender, and

WHEREAS the second alleged instance of retaliation occurred in May 2019, also during the time of the then-ongoing sexual misconduct investigation, the university also “received information” that faculty Member was “conducting classified research in his unclassified office”, and that, perhaps conveniently, this action on “information” occurred around 3:30 pm on Friday, May 24, the last workday before Memorial Day weekend, weeks after most faculty had left campus, whereby the Vice President of Research, an Associate Vice President of Research, and the Research Security Officer of UAH came to Faculty Members office to “search” the office, and apparently were surprised that Faculty Member was in his office, and happened to be meeting with the then-President of the Faculty Senate, whereby the President of the Faculty Senate was asked to leave, an investigation proceeded including a request to search the office, which Faculty Member completely agreed with and invited them to search anything they wished to search, and where they didn’t proceed to search anything, and where they then asked if Faculty Member was on any classified contracts, to which he responded no, and for which they already knew or should have known since a faculty member who does a contract through UAH is under the jurisdiction of the Vice President of Research, so he could have simply sought the answer directly within his team (or in the case where a faculty member may be under a UAH-approved individual contract with some entity, such contract must be disclosed and on record with the university), and then the investigators proceeded to ask other questions, all of which were answered to their satisfaction, and where they refused to provide the name of the “whistleblower” that filed a false report with absolutely no basis whatsoever, and

WHEREAS Faculty Member had previously worked on UAH-approved individual consulting contract with a government agency some years prior, and where a retired senior leader from said agency informed Faculty Member of a proposal opportunity where, among the many facets of the proposed project, faculty member could gainfully employ the same skills previously employed on the UAH-approved individual consulting contract, and where faculty member sought and received UAH approval to engage in the proposal process for individual consulting, and where Faculty Member also argued successfully with the firm acting as Prime Contractor on the proposal to also engage some UAH technical capabilities for which Faculty Member would serve as Principal Investigator, and for which people under the Vice President for Research claimed this was a conflict of interest, which subsequently the UAH Office of Counsel officially determined was not a conflict of interest, and for which the Vice President of Research would not make the final decision to allow this UAH aspect of the proposal to proceed forward in a timely manner even though UAH Office of Counsel had rendered a *not-a-conflict-of-interest* finding in the matter, and a subsequent meeting weeks later with the Vice President of Research, who had the final decision, to get the proposal moving again through the Office of Sponsored Programs, and in which Faculty Member met with the Vice President of Research and presented his position, armed with policies and documents and the opinion of UAH Office of Counsel, and offered to provide these documents to the Vice Presidents of Research, who declined to look at them, and whose initial question was “did you tell generals on the Arsenal about our UAH strategic plans to bring cybersecurity and aerospace engineering degree program to China?”, for which the answer was “no”, and for which the reason for the extended and numerous hurdles and delays became clear, at least to Faculty Member, as when this question was resolved the proposal process was allowed to proceed forward, and

Inflammatory Claim via Title IX Coordinator from the Onset of the Investigation

The initial Notice of Investigation, signed by the Title IX Coordinator and dated October 11, 2018, noted that *“you may have engaged in acts of sexual misconduct concerning your daily interactions with a student worker”*. During the beginning of the interviews, Faculty Member requested an initial meeting to understand the process, as allowed by the 2018 Sexual Misconduct Policy, and on October 26, 2018, met with Independent Investigator, a Lawyer with a Huntsville law firm who had more than 30 years of legal experience, and informed the Independent Investigator that Faculty Member had had **no daily contact with any student worker in more than five years**, and that the most recent student worker involved interactions of once or twice per week for several weeks, and that *“daily interactions”* was clearly inflammatory as it suggested repeated and persistent acts, which would subsequently be completely unfounded during the Independent Investigators investigation, and which appeared to intentionally or unintentionally bias the investigation from the onset, based on a gross exaggeration of the facts.

Gross Violation of Due Process

WHEREAS, the 2018 Sexual Misconduct Policy refers to an approximate two-month investigative timeline, with allowances for complicated cases, and whereas this case, according to Student Worker and Faculty Member, had no components of sexually inappropriate behavior of any sort, verbal or physical, or any sexually suggestive invitations by Faculty Member whatsoever, and thus was not a complicated case at all, and in the end and could have and where the investigation could have and should have been completed within two months of the initial mandatory reported email dated on or around August 20, 2018, and where this case took 361 days from the time of initial email from mandatory reporter to final decision by the Provost, and where the Independent Investigator’s investigation and report took 7 months from time of mandatory reporter email, and the final decision by the Provost took another 5 months, and which taking 4 days shy of a year to conduct what should have been a two month investigation is a gross violation of due process¹, and

Shifting Policy Basis for Investigation – Including the Title IX Coordinator and UA System Lawyers

WHEREAS, the Title IX Coordinator initiated an investigation and knowingly used the 2018 Sexual Misconduct Policy that didn’t exist at the time of alleged violations, then used the prior and expired 2014 Interim Sexual Misconduct Policy which had expired four years prior, then later used both policies simultaneously as the basis of the investigation, and where the word “knowingly” is used purposefully, as they should have known prior to implementation, and if through ignorance or malice did not know, Faculty Member informed them formally on October 26, 2108 at the first meeting between Faculty Member and the Independent Investigator, and continued to inform him and protest the inapplicability of the policies through the investigation, and

¹ See 2018 Sexual Misconduct Policy, bottom of page 5 and top of page 6, §VII.: “The University will address all allegations of Prohibited Conduct with a prompt, thorough, and impartial inquiry...”, AND page 11, §VIII.A. “Reasonable efforts will be made to arrive at an initial investigative finding as outlined herein (excluding hearings and appeals) within 60 University business days following the receipt of a formal complaint, unless the University determines, in its sole discretion, that additional time is required.”

WHEREAS it appears clear that the sexual misconduct investigation, filed under a policy that didn't exist at the time of the alleged violations (the 2018 Sexual Misconduct Policy, dated July 9, 2018), then, after protest by Faculty Member later investigated under an earlier-but-expired policy (2014 Interim Sexual Misconduct Policy, dated September 17, 2014, expired March 17, 2015 per the 2015 Policy on Policies - effective date January 13, 2015) that expired four years earlier, then later charged Faculty Member under both policies, and included claims from two claimants, one of which ("Claimant 1" and "Staff Member") appears to clearly be a frivolous and malicious claim², which is specifically prohibited under the 2018 Sexual Misconduct Policy, and the basis for the frivolous and malicious claim only discovered by Faculty Member seven months into the investigation when the Independent Investigator shared the almost-final report, for review with any corrections prior to submission to the university, where it was discovered by Faculty Member that the Title IX Coordinator used Staff Member's baseless claim (see Figure 1, this claim met **zero** of the necessary and sufficient conditions of *any of the 426 ways* to violate the 2018 Sexual Misconduct Policy in Sections II.A. and II.B.) to inform the second claimant ("Claimant 2" and "Student Worker"), and apparently used only to as a tactic to induce Student Worker to file the claim she said she didn't want to file, where the Student Worker noted during the investigation that the Title IX Coordinator proceeded to "pressure and coerce" (Student Worker's own words) her to file the claim, upon which Staff Member then withdrew her claim, and from which the merits of the "claim" was so lacking in basis, especially after initial review by the Title IX Coordinator, who is a degreed lawyer and attorney registered with the Alabama Bar Association, that this frivolous and malicious claim should have never survived initial review by the Title IX Coordinator, and

² Staff Member (Claimant 1) complained that the faculty member, who met her for the first time at the 2018 Welcome Back Picnic in August 2018, where she admitted she was drinking, filed a complaint that Faculty Member talked about her name tag and was uncomfortable, she said, that he was looking at her breasts, whereas Staff Member failed to mention to the Independent Investigator that the name tag was high on her left shoulder and was one of the UAH-issues magnetic name tags, whereby Faculty Member commented that this is exactly where they should be in these modern times and not hanging on a lanyard in the front like happens with UAH-issued lanyards to students each year. It is important to note three facts: 1) the Faculty Member, who was a newlywed married to a successful business professional that happened to be a former professional model, and wasn't looking for someone else, and 2) even if that claim was true on its merits, in no way did it meet the criteria in the 2018 Sexual Misconduct Policy OR the 2014 Interim Sexual Misconduct Policy for sexual misconduct, and 3) Staff Member knew of the mandatory reporter report of potential sexual misconduct of Student Worker, prior to Student Worker agreeing to pursue a claim. Yet this frivolous and malicious claim was allowed to proceed forward by the Title IX Coordinator, Laterrica Shelton, a university degreed lawyer who is a member of the Alabama Bar Association, and who knew or should have known that this claim violated zero of the requirements for sexual misconduct. This "claim" was withdrawn after Student Worker (Claimant 2) agreed, after pressure and coercion (Student Worker's own words) by the Title IX Coordinator, to file a claim, and after withdrawing her frivolous and malicious claim, Staff Member offered herself as a witness to the Independent Investigator against Faculty Member on behalf of Student Worker.

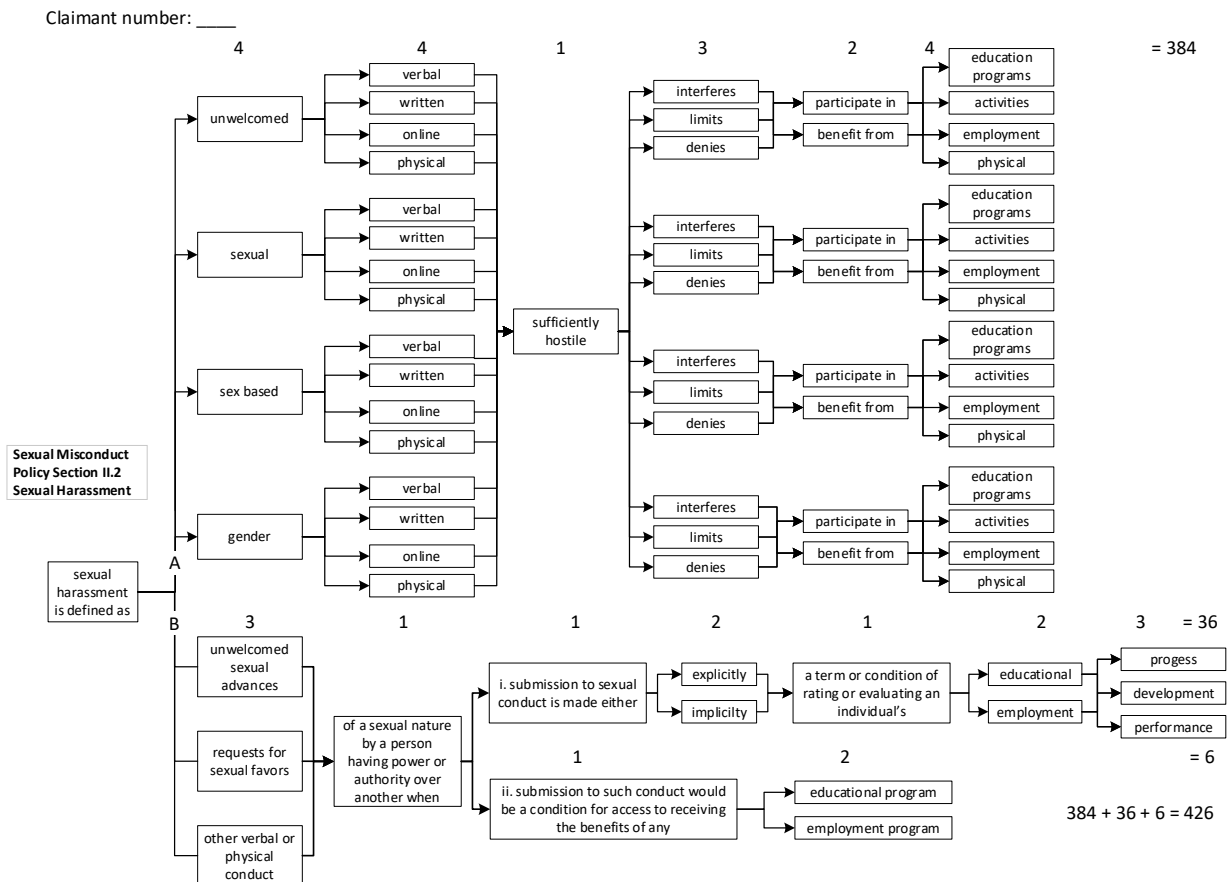


Figure 1 - 2018 Sexual Misconduct Policy Sections II. A and B - decision tree on 426 ways (paths) to violate the policy

Title IX Coordinator Recused Herself for Conflict of Interest – After Apparently Committing Conflict of Interest and Apparent Ethics Violations

The Title IX Coordinator [eventually recused herself from the investigation](#), employing an Independent Investigator (correspondence starting on October 11, 2018, according to the Independent Investigator) to proceed with the formal investigation, [but only after allowing the apparently frivolous and malicious claim by Staff Member to proceed long enough that Student Worker, after Student Worker acceded to “pressure and coercion” \(Student Workers words, as noted in the final report\) by the Title IX Coordinator, and also filed a claim against Faculty Member, based on knowing that Staff Member had already filed a claim, and this process occurred prior to engaging the Independent Investigator, rather than engaging the Independent Investigator to handle the Staff Member claim and talk with Student Worker without pressure or coercion to see if Student Worker wanted to file a claim³, and](#)

[WHEREAS this tactic of allowing the claim of Staff Member to be processed long enough to induce student Worker to file a claim, and then subsequently having the baseless, and apparently frivolous and malicious claim by Staff Member to subsequently be withdrawn, appears remarkably consistent with an ethics violation due to 1\) it clearly had no basis in the 2018 Sexual Misconduct Policy §II. A. and B. when](#)

³ In a subsequent appeal of the Provost’s subsequent and unfounded findings that were contrary to the findings of the Independent Investigator, the President ignored this time differential before employing the independent investigator and simply stated that the Title IX Coordinator could not have been biased since she employed an Independent Investigator.

it was filed and yet was allowed to proceed after initial review by the Title IX Coordinator (see also Figure 1 in the Appendix), and it appears very consistent with the pressure and coercion claim that Student Worker reported to the Independent Investigator, and the Staff Member's claim, if it had merit in the first place, should not have been withdrawn, or at least the Title IX Coordinator should have provide the same level of pressure and coercion she provide to Student Worker when the Title IX Coordinator induced Student Worker to not withdraw her claim after Student Worker found out Staff Member withdrew hers, and it appears consistent with an ethics violation to allow a meritless, frivolous and malicious claim to proceed forward only until it helped induce Student Worker to file a claim, and later, in August 2019 when Faculty Member was allowed to see the final report from the Independent Investigator, the Student Worker, known in the report as Complainant, reported to the Independent Investigator that "Complainant advised us that she did not want to file a complaint, but only did so because it was insisted upon by the Title IX Office at UAH", clearly indicating pressure, coercion and bias, and

WHEREAS allowing the investigation to proceed while pursuing claims by Student Worker under 1) a 2018 Sexual Misconduct Policy that didn't exist at the time of the alleged activities, then 2) after Faculty Member continued to protest the inapplicability of the 2018 Sexual Misconduct Policy, the Independent Investigator reached out to John Cates, then-Chief Counsel in the Office of Counsel at UAH, who informed the Independent Investigator to proceed under "the policy that was relevant at the time" (the date of this exchange escapes Faculty Member at the moment, but is buried in his notes), whereby someone in UAH leadership provided to the Independent Investigator instructions to pursue the investigation under the 2014 Interim Sexual Misconduct Policy (and provided a copy), which the Title IX Coordinator knew or should have known at the time had expired, given her central role in helping to develop and implement the 2018 Sexual Misconduct Policy, and where after Faculty Member discovered the 2015 Policy on Policies that limited the effective valid time of an interim policy to six months (and if an earlier Policy on Policies had existed and also limited interim policy effective dates, it was not found due to UAH not archiving policies on the website for Policies and Procedures), the investigation was then pursued under a policy that had expired four years prior, and upon protest by Faculty Member of the invalidity of the policy, UAH responded, after John Cates retired, in or around February or March of 2019, the Title IX Coordinator, along with guidance from Elizabeth Hamrick, UAH Office of Counsel, had the Independent Investigator proceed to investigating Faculty Member simultaneously under the 2018 Sexual Misconduct Policy and the 2014 Interim Misconduct Policy, apparently to see if any mud would stick to any of those walls, and

Student Worker Use of Curse Words and Consent to Same

WHEREAS, according to the 2014 Interim Sexual Misconduct Policy, page 2, "Consent is generally a defense to these offenses. Under Alabama law, "consent" in this context refers to a party's acquiescence to the behavior of another." The Independent Investigator ascertained from Student Worker that she did provide consent to such language, and did not revoke it at any time. The 2018 Sexual Misconduct Policy, per the Independent Investigator, does not directly address consent except for sexual interactions, and

WHEREAS the Independent Investigator thoroughly investigated this aspect regarding any course language used in casual conversation between Student Worker and Faculty Member. The Independent Investigator ascertained that both Student Worker and Faculty member, in casual conversation, occasionally used curse words, but never in terms of some sexual interaction between them or suggestion or interest toward each other, and that Student Worker has admitted she said she used such

words on occasion and didn't consider them offensive. The Independent Investigator determined that consent was provided by Student Worker in terms of such language in casual conversation, and not withdrawn, and where later a witness for Faculty Member, a Research Center Director who employed Student Worker months later, informed Independent investigator that Student Worker also used such language in casual conversation with him during working sessions, where this will become important in reviewing the final decision by the Provost later in this document,

No Protective Measures – Left Faculty Member Open to Risk

The initial mandatory reporting regarding Student Worker occurred on or around August 20, 2018, and the Title IX Office did not inform Faculty Member, nor did she deem it necessary to impose interim protective measures to protect Student Worker from any potential harm, as provided by the 2018 Sexual Misconduct Policy, even though Student Worker had ceased employment under Faculty Member months before, and even though *Faculty Member was not informed for 12 weeks that Student Worker, by name, was the complainant, and Student Worker had been in Faculty Member's graduate class as an undergraduate (non-Jump) student for 12 weeks*, when Independent Investigator finally revealed the name of the Student Worker, leaving the unaware Faculty Member exposed for 12 weeks to uncertainty and risk should Student Worker have wished to somehow "set up" faculty member as a generic concern in such circumstances, although this did not happen in this case, and this clear non-concern for risk to the student on the part of the Title IX Coordinator, the Independent Investigator, and the university in terms of not imposing any interim protective measures, other than the no-retaliation clause in the (still inapplicable) 2018 Sexual Misconduct Policy (and no retaliation occurred) indicated that no protective measures were necessary, an important fact that will come into play in relation to the Provost's comments about later sanctions and Faculty Members appeal, and

Title IX Coordinator Office Breach of Confidentiality

The Title IX Coordinator, or someone in her office, breached confidentiality regarding Faculty Member more than once during the time the Title IX Coordinator was, according to Student Worker's words, pressuring and coercing Student Worker into filing a claim, and later attempting to withdraw her claim, as this came out during a draft Independent Investigator report review by Faculty Member in March 2019, seven months after the mandatory reporter email, that Student Worker became upset that Staff Member had withdrawn her claim against Faculty Member after Student Worker agreed to file a claim against Faculty Member, clearly indicating someone in the Title IX Coordinator's office breached confidentiality, and where certainly there are conditions under which the Title IX Coordinator or her designed may have cause to breach confidentiality, but there were no interim protective measures put in place while Student Worker was in Faculty Members class so there appears to be no basis for breaching confidentiality other than using Staff Member's claim to induce Student Worker to file, prior to Staff Member withdrawing her claim, and

Independent Investigator Findings and Recommendations – No Policy Violations by Faculty Member

WHEREAS, only after the Provost rendered her final decision on the investigation in August 2019, **361 days after the mandatory reporter email to the Title IX Coordinator**, in gross violation of due process for a timely investigation, did the Faculty Member find out that the Independent Investigator formally responded to the Title IX Coordinator that is "is our opinion that that the Respondent, Dr. XXXXX, did not violate the above (2018 policy) reference provisions of the 2018 policy", and as such noted that a determination by Independent Investigator as to the applicability of the 2018 Sexual Misconduct Policy

was unnecessary, and in reference to the 2014 Interim Sexual Misconduct Policy, the Independent Investigator reported that “it is our opinion that the Respondent, Dr. XXXXX, did not violate the above referenced provisions of the 2014 policy”, acknowledged that the Student Worker and Faculty Member engaged in conversations with such words and that Faculty Member was not aware that such words were offensive to Student Worker and that Student Worker did not indicate they were, implying consent and that consent was not withdrawn, and indicated that the conversations were not objectively offensive, and as such noted that a determination by Independent Investigator as to the applicability of the 2014 Interim Sexual Misconduct Policy was unnecessary, and

University Challenges to the Initial Findings of the Independent Investigator

WHEREAS, upon receiving the findings and recommendations of the Independent Investigator, the university provide six (or so) challenges for the Independent Investigator to answer after reporting his findings, all of which were subsequently upheld by the Independent Investigator, among which some are provided here, and where 1) the university requested the Independent Investigator’s response as to whether the Independent Investigator properly reviewed the Staff Member’s request to be a witness against Faculty Member, whereby the Independent Investigator responded that he had, and that Staff Member had in fact not witnessed anything, an observation that had, by ignorance or intent, escaped the Title IX Coordinator, a trained attorney registered with the Alabama Bar Association, even though the Title IX Coordinator knew the details of Staff Member’s situation, which is consistent with bias or malicious intent on the part of the Title IX Coordinator to add unfounded pressure to Faculty Member’s case, and 2) investigate whether Faculty Member’s behaviors had limited participation or benefit from the Student Worker’s educational opportunities (a necessary but not sufficient requirement for violating the 2018 Sexual Misconduct Policy regarding, see Figure 1 and the policy), whereby the Independent Investigator noted that, based on comments from Student Worker and Faculty Member, there was indisputable evidence that Student Worker willingly and needlessly took Faculty Members graduate class during the investigation and received the highest possible grade when Student worker was still an undergraduate student, was not in the Jump program at UAH, and did not need Faculty Member’s class for any degree requirement other than as any elective in Faculty Member’s college, therefore there was no evidence of impeding Student Worker’s educational opportunities, and

Provost’s Decision and Sanctions Imposed Prior to Appeal – Willfully Ignoring Facts and Findings from Independent Investigator’s Report

WHEREAS Faculty Member had, on several occasions, indicated he did not believe he violated any of the provisions of the 2018 Sexual Misconduct Policy or the 2014 Interim Sexual Misconduct Policy, and had been subsequently vindicated by same by the Independent Investigator’s report, the Provost still found Faculty Member in violation of the “Sexual Misconduct Policy”, where the letter of findings from the Provost ignored the findings of the Independent Investigator’s report and found that Faculty Member’s conduct violated both the “2015 Sexual Misconduct Policy” (which does not nor ever did exist, perhaps she is referring to the 2014 Interim Sexual Misconduct Policy) and the “current” Sexual Misconduct Policy⁴, the applicability of which the Independent Investigator said was not needed to be determined as there were no violations. The Provost’s findings claimed the conduct “was unwelcomed”, even though

⁴ Since at most, one policy on the same matter can be in place at any given time, this indicates, along with the Provost’s specific ignoring of specific findings by the Independent Investigator on these same facts, bias and an overzealous pursuit of a foregone conclusion, regardless of the facts of the case, rather than an independent and bias-free investigation, and again, neither policy was valid at the time of the alleged acts.

the findings of the Independent Investigator directly dispute this, and claimed this was “sex-based and objectively offensive”, even though the Independent Investigator specifically investigated these claims and found no evidence of this, and where the Provost also based her findings on a claim she states Faculty Member “may have said”, using the f-word, when Faculty Member specifically denied this particular claim, and for which Faculty Member cannot yet provide evidence of same to the Faculty Senate and the Provost and Title IX Coordinator, and the Office of Counsel refused, and have repeatedly refused to provide any and all copies, documents, communications, et cetera *<insert the UAH Office Counsel’s definition of documents and records used in document preservation instructions for lawsuits and governmental investigations>*, that constitute records in this case against Faculty Member, in direct violation of *Code of Alabama 1975, § 36-26-27.1*, as detailed below and made other comments and claims of violations taken out of context, even though the complete context would show these were not violations of any past or present sexual misconduct policies, and

Back-justifying the Unwarranted Imposition of “Interim Protective Measures” During Appeal

WHEREAS Faculty Member exercised his right to appeal this decision and sanctions to the President of UAH, had ten calendar days to do so, while starting the semester, while beginning a highly time intensive university service assignment, was required to move offices as part of the sanctions imposed by the Provost against Faculty Member, and write his appeal all in the same 10 day period, while having zero access to the 40 or 50 pages of the final report, and without access to any other related documents, and where Faculty Member informed the Provost that he believed these sanctions should not take effect until the appeal to the President of UAH is decided, and the Provost then responded by informing Faculty Member that these were “emergency interim protective measures”, which was not noted in the initial Provost’s finding letter, and that they were allowed by 2018 Sexual Misconduct Policy that didn’t exist at the time of the alleged acts, and even though neither policy applied, the interim protective measures were more than one year after the initial email from the mandatory reported and were not imposed while Student Worker was in Faculty Member’s class, and were being imposed months after Student Worker had graduated from UAH, indicating a baseless back-justification to justify the imposition even though there was no valid policy in place from which these interim sexual misconduct sanctions would derive their enforcement, and

Faculty Member Appeal to UAH President - Is Pressure and Coercion Now UAH Policy?

WHEREAS the President of UAH (the “President”) reviewed the case and sanctions, and upheld all of the sanctions except the merit increase penalty imposed by the Provost, and where the President, among other comments, indicated it was acceptable for the University to “pressure” students to file claims of sexual misconduct, which is in violation of the “unbiased” position in the policies and in the UAH sexual misconduct training, and where the President, by omission or intent, did not comment on the acceptability of “coercion” in addition to “pressure”, but his acquiescence to and approval of the Provost’s findings, in direct opposition to the Independent Investigator’s findings as noted in the appeal letter, suggest that “pressure” and “coercion” are now part of UAH policy and practice in sexual misconduct matters, regardless of any statement otherwise, ***and that the 2020 Interim Sexual Misconduct Policy and related procedures that employ independent lawyers to help adjudicate matters are irrelevant to any final decision by the university due to the UAH practice of ignoring or violating its own policies and stated procedures***, and

WHEREAS in 2018 the Faculty Senate had considerable concerns regarding the proposed 2018 Sexual Misconduct Policy providing due process to faculty and expressed these concerns directly to President

Altenkirch and Provost Curtis during the Faculty Senate review and approval of the 2018 Sexual Misconduct Policy, during which **any and all Faculty Senate concerns were ignored and the policy was approved by the Administration with no changes**, and when the Faculty Senate raised concerns of due process, **then-UAH President Altenkirch responded that any concerns of due process would be handled in the appeal process, which no longer appears to be the case**, and

Stress on Faculty Members During Such Investigations, Particularly Those Where Faculty Member Was Cleared by an Independent Investigator

WHEREAS any claims of sexual misconduct can be career threatening and highly stressful and where Faculty Member, for example, having never had any complaint or records of sexual misconduct on his professional or personal record, or any other type of work misconduct, and where Faculty member endured more than 23 months of stress, during and after the investigation, and suffered from sleep loss, psychological and physical stress, and difficulty concentrating on task at hand for months on end as these issues and allegations and what appears to be clear retaliation by the university continued to play out in the investigation and in his mind at all hours, even when away from work, from allegations that turn out to be unfounded, despite the Provost's complete ignoring of the findings and recommendations of the Independent Investigator, including financial stress of retaining an attorney, the engagement of which added stress as Faculty Member had to inform his attorney, a family member, of this investigation of Faculty Member and (initially) two separate allegations of sexual misconduct, incurring many hours of attorney time, and also inform his newlywed wife that he had been accused of same, and

Faculty Member Subject to Federal Investigation in Response to Irresponsible Findings of UAH

WHEREAS Faculty Member had to disclose these disciplinary findings to a governmental agency conducting background checks, and whereby Federal agents proceeded to initiate a multi-month Federal investigation of Faculty Member, specifically and only because of this issue, and whereby Faculty Member had to endure the additional stress of a Federal investigation on him, of which he was eventually cleared but which added additional and considerable stress and risk of loss of professional reputation and income should the result of the investigation be adverse, and

UAH Fails to Produce Any and All Requested Documents Related to the Disciplinary Process, Citing Application of Non-applicable Policy

WHEREAS Faculty Member has repeatedly requested written copies of any and all documents related to this investigation, including the initial complaints in written form, and all documents produced by UAH or the Independent Investigator thereafter as produced, and as requested at each meeting with the Independent Investigator, including access in March 2019 to the Finding and Recommendations that UAH prohibited Faculty Member from seeing until the final disposition by the Provost in August of 2019, whereby Faculty also requested copies of the final report from the Provost, who bluntly declined and referenced the inapplicable 2018 Sexual Misconduct Policy that prohibits providing such reports and documents, and which same policy had already been demonstrated to be invalid in this case, and

WHEREAS the current practice under the August 2020 Interim Sexual Misconduct Policy and related procedures provides access to said documents, and

WHEREAS employees of the University of Alabama are state employees, and

Repeated Violation of Alabama State Law

WHEREAS during the investigation Faculty Member was aware of *Code of Alabama § 36-26-27.1*, and had no obligation to inform any representative of UAH of said Alabama law, of which they should have known as attorneys serving the UA System Office of Counsel, including when writing the sexual misconduct policies, and for which “ignorance of the law is no excuse”, and

WHEREAS *Code of Alabama § 36-26-27.1* reads, in its entirety: “Notwithstanding any other laws, rules, or regulations to the contrary, when a document pertaining to disciplinary action, including, but not limited to, written reprimands, suspensions, notes pertaining to oral reprimands or counselings regarding a state employee, or notes pertaining to matters that may be used regarding the employee in a disciplinary action are placed in the employee's personnel file, the agency which is the employer shall supply a copy of the documentation to the employee no later than 10 days after its inclusion in his or her personnel file. In the event that the information is not provided to the employee within 10 days as herein required, the reprimands or notes shall be removed from the employee's file and shall not be used against the employee in any future proceeding or disciplinary action.”, and

WHEREAS the Provost and Title IX Coordinator at UAH have Repeated Failed to Comply with *Code of Alabama § 36-26-27.1*,

THEREFORE BE IT RESOLVED that this resolution calls for The University of Alabama in Huntsville to 1) provide any and all copies of all reports, notes, communications and any other documents, digital or otherwise, using the UAH Office of Counsel definition of documents and communications used in various investigations, to Faculty Member per *Code of Alabama § 36-26-27.1*, and 2) since the University of Alabama in Huntsville has repeated violated the first clause of *Code of Alabama § 36-26-27.1*, and providing any and all document at this late date does not free for the University of Alabama in Huntsville from its obligations under the last sentence of *Code of Alabama § 36-26-27.1*, this resolution demands that the University of Alabama in Huntsville comply with *Code of Alabama § 36-26-27.1* and remove all reprimands or notes from Faculty Member's file, including all sanctions, and including moving Faculty Member back to his previous office, in compliance with *Code of Alabama § 36-26-27.1*, and not use them against Faculty Member in the future, and

BE IT FURTHER RESOLVED that the President of the University of Alabama in Huntsville either explicitly codify in policy his written claim, in response to Faculty Member's appeal, that pressure and coercion, apparently without specified limit, will replace the otherwise unbiased approach to sexual misconduct investigations claimed in prior documents and training sessions, and then make it clear to all employees and students, including to all new students, staff and faculty that join the university that pressure and coercion is the stated policy, OR rescind this terrible, unjustified, and biased practice, and codify the unbiased and non-coercion approach in the new sexual misconduct policies (interim and forthcoming permanent policy), and related procedures, and

BE IT FURTHER RESOLVED that the university cease investigating claims against faculty from policies that did not exist at the time of any alleged acts, nor investigate faculty members from policies that have expired and are no longer valid, and

BE IT FURTHER RESOLVED that when the university employs independent investigators, the Provost and the President do not completely ignore any and all findings and impose unilaterally desired sanctions against faculty members without **valid** justifications, and

BE IT FURTHER RESOLVED that the Vice President for Research be compelled provide the name of the source for the completely false complaint of conducting classified research in an unclassified office, as this source does not fall under whistleblower protections since there was absolutely no basis from which to inform the university of such violations of university policy and federal laws, and

BE IT FURTHER RESOLVED that the university, in cases where faculty members are alleged to have committed violations of policy against student who attend the faculty member's classes, faculty members will be informed that student filing claims will be notified of same, even early in the investigative process, to protect the rights of all parties in the investigation, and

BE IT FURTHER RESOLVED that the Title IX Coordinator and Provost respect and adhere to the required "timely" aspects of investigations, and cease and desist in gross violations of due process, that for example take twelve months instead of two months, as stated in the 2018 Sexual Misconduct Policy, for a simple investigation, and

BE IT FURTHER RESOLVED that UAH administrators will not use falsely justified breaches of confidentiality as a lever to coerce cooperation from potential claimants, including from frivolous and malicious claims that only serve to influence someone to file a claim before being withdrawn, and

BE IT FURTHER RESOLVED that if an administrator is to be recused due to conflicts of interest, then she or he should be recused at the start of the process, not after the administrator has exerted undue influence into the process and then recuses herself or himself, and

BE IT FURTHER RESOLVED that the university retain an independent investigator to investigate the likely case of retaliation against Faculty Member, whereby his position in service to the university, in addition to the three false allegations that are consistent with retaliation, that were alleged against him in a twelve month period while he was service to the university (sexual misconduct, breach of federal laws regarding classified data, ethics violations that were groundless and took months to resolve rather than weeks), and

BE IT FURTHER RESOLVED that the University of Alabama in Huntsville should compensate Faculty Member for the considerable stress, hundreds of hours of personal investigative activities in his defense, hundreds of hours of stress and anxiety across more than 23 months, and reasonable legal costs for the necessity of retaining an attorney in Faculty Member's defense.

THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

POLICY ON POLICIES

Number 01.01.01

Division Office of the President

Date June 4, 2019

Purpose To standardize UAH policies and establish policies and procedures for the creation, formatting, review and approval process; implementation, publication and renewal cycle of policies; and the rescindment of policies.

Policy All prospective University of Alabama in Huntsville university-wide policies are expected to be, to the extent practicable, consistent with policies of other campuses of The University of Alabama System (the "System") and must be consistent with Bylaws and Rules of The Board of Trustees of The University of Alabama (the "Board") and with pronouncements of the Board and Chancellor of the System (the "Chancellor") (Board Rule 108). UAH policies are expected to comply with the guidance, formatting, approval process and review procedures that are set forth in this document. A UAH policy is a written statement that has been approved by the President and describes the university's stance on a particular subject and/or its response to a specific situation.

This policy (Policy 01.01.01) applies to all university-wide policies.

A. Format. The format of all UAH policies will include a heading with the title of the policy and will have the following sections:

1. *Policy Number:* assigned by the UAH Campus Designee, whose responsibilities are delineated below.
2. *Division:* the Division at UAH responsible for creation and review of the policy
3. *Date:* date that the policy was created or revised
4. *Purpose:* a succinct statement providing a rationale for the policy
5. *Policy:* a description of the policy
6. *Procedures:* when appropriate, a description of the procedures to be followed to carry out the policy
7. *Review:* the UAH office responsible for periodically reviewing the policy
8. *Approval:* provides signature lines for those individuals responsible for the policy recommendation, review, and approval. The policy should be signed by the responsible Vice

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~~President who is recommending the policy, other Vice Presidents affected by the policy, University Counsel, the Campus Designee, and the President.~~

A Policy Tracking Form shall accompany all new or revised policies submitted for review and approval. ~~The Policy Tracking Form shall include signature lines for a Campus Designee, relevant Vice President or Designee, Chief Counsel, and the President.~~

B. Development of UAH Policy. A policy can be proposed by anyone at UAH by routing the suggested policy or revision to an existing policy (in the proper format) through the appropriate Division's administrative channels for review and approval. Administrative channels refer to the appropriate chain of supervisors and the administrative Vice President overseeing the activities of the proposing individual or organization.

The flow for the creation of a new university-wide policy is illustrated below:

1. The individual developing the proposal submits the proposal to his/her supervisor.
2. The supervisor reviews the policy, comments on it and forwards the proposal to the next higher level within the Division's administrative organization. This process is continued until the proposal reaches the responsible Vice President.
3. The responsible Vice President reviews the proposal and requests that a draft policy be developed by the appropriate person(s) or decides against making the proposal into a draft policy.
4. Upon completion of the draft policy, the responsible Vice President compares the draft for consistency to policies of the other campuses of the System, as appropriate, and for adherence to Bylaws and Rules of the Board and pronouncements of the Board and Chancellor and revises to ensure such consistency, to the extent practicable, and such adherence.
5. The responsible Vice President then discusses the draft policy with the President's Executive Council¹ and, after taking into account the Council's comments, submits the draft policy to the Office of Counsel for legal review.
6. When the finalized draft policy has been ~~approved~~ reviewed by University Counsel, the responsible Vice President then requests that the Campus Designee, whose responsibility it is

¹ The President's Executive Council consists of the President, all Vice Presidents, and Chief of Staff to the President.

- to provide specific assurance to the Chancellor's Designee that the draft policy is consistent with the Bylaws and Rules of the Board and pronouncements of the Board and Chancellor, suggests any revisions in order to assure such consistency. The draft policy, revised as appropriate, is then placed on the President's Executive Council's agenda for discussion.
7. Simultaneously, the draft policy will be sent to the Faculty Senate, Staff Senate, and Student Government Association, and any other entities impacted by the policy for review. In addition to being transmitted to the several organizations, the draft policy will be posted on myUAH by the Campus Designee.
 8. All reviewers have ninety (90) days to consider the policy with their respective constituencies and to submit comments and suggested changes in writing to the responsible Vice President. Extension of review time may be requested by any of the organizations to which the draft policy was transmitted. Substantive changes must be accompanied by a justification or rationale for the change. No response from a reviewer within ninety (90) days will be considered an acceptance of the draft.
 9. The responsible Vice President will determine which changes, if any, to include in the draft policy. If the revised draft policy has been changed substantively, then a second review of the revised draft policy will be conducted following the aforementioned process. After the review is conducted and comments are received, the draft policy is finalized by the responsible Vice President. The final draft policy along with an explanation of any changes received from the reviewers and not accepted will be submitted to the Campus Designee and President for review.
 10. The Campus Designee must assure the Chancellor's Designee that the draft policy is consistent with the Bylaws and Rules of the Board and pronouncements of the Board and Chancellor, or suggest any revisions to the President in order to assure such consistency. If the President revises the draft policy the Campus Designee reviews the revised draft(s) until such time that the Campus Designee is able to provide to the Chancellor's Designee a statement that the required assurance is met and the draft is finalized.
 11. The final draft is then submitted to the President for review and approval.
 12. The policy will be numbered appropriately, announced to the UAH community and posted to the UAH web site by the Campus Designee.

Area-specific policies, i.e., applicable to a single administrative or organizational unit, need not follow the creation process of a university-wide policy but may be put in place by the responsible administrative or organizational unit officer following consultation with those in his or her administrative chain up through the responsible Vice President, Office of ~~Legal~~-Counsel, the Campus Designee, to the President. Area specific policies, to the extent practicable, should adhere to the same Board rules as university-wide policies. Interim policies, i.e., those that must be in place but time does not permit the normal approval process of a university-wide policy to be carried out, may be approved by the responsible Vice President and the President, following review by the Office of Counsel and the Campus Designee, and remain in effect for up to six (6) months. Interim policies, which must adhere to the same Board rules as final policies approved by the President, must be labelled as such.

C. Review, Revision, and Rescindment of a UAH Policy. To maintain an up-to-date and relevant set of policies, a regular schedule of review and revision must be scheduled. The responsible Vice President shall be responsible for ensuring all policies within their purview are reviewed within ninety (90) days of the policy's five-year anniversary. The President may approve revised policies or may rescind policies at any time following consultation with the Office of ~~Legal~~-Counsel and the Campus Designee.

Recommended revisions to policies should be forwarded as written suggestions through appropriate channels to the responsible Vice President for consideration. If a revision is deemed necessary, the responsible Vice President will follow the policy development process outlined in B. above. When a policy is revised, it will be reissued with a notation "Revised (date)" placed in the lower right corner of each page of the policy. Technical revisions, i.e., non-substantive or editorial revisions, may be made by the responsible Vice President following consultation with the President.

When a policy is reviewed and requires no substantive revision, the responsible Vice President will, within ninety (90) days of the specified review date, forward a ~~signed~~ copy of the reviewed policy with a notation "Reviewed (date)" placed in the lower right corner of each page to the Office of Counsel for legal review. Once the policy has been reviewed ~~and signed~~ by University Counsel and reviewed by the Campus Designee it will be forwarded to the President for review and approval. Upon approval by the President, the policy will be posted to the UAH web site by the Campus Designee.

The ~~Director of Compliance~~Campus Designee shall be responsible for auditing compliance with this policy and that timely review processes are taking place.

D. Conflicts with Higher Authority and Among Policies. Should there be or should there occur at any time a conflict between a UAH policy and a document of a higher authority (e.g., applicable federal or Alabama law or regulations, or policies, with Bylaws and Rules of The Board of Trustees of The University of Alabama and with pronouncements of the Board and Chancellor of the System) the document of higher authority will prevail. Should there occur at any time a conflict among UAH policies, the most recently approved policy will prevail. Should there occur at any time a conflict between a UAH policy and any other written or oral statement developed by an operating unit at the university, the UAH policy will prevail.

E. Policy Numbering Plan. UAH policies will be classified and numbered according to the following plan for the first two numbers followed by a period (.) and consecutive numbering within that category. For example, this UAH Policy on Policies is numbered 01.01 as the first policy within the category of policies issued by the President.

<u>Policy Number</u>	<u>Issuing Office</u>
01.01.xx	President
01.02.xx	Athletics
01.03.xx	Risk Management
01.04.xx	Compliance
02.01.xx	Provost and Executive Vice President for Academic Affairs
03.01.xx	Vice President for Student Affairs
04.01.xx	Vice President for University Advancement
05.01.xx	Vice President for Diversity, Equity, and Inclusion
06.01.xx	Vice President for Finance and Administration
06.02.xx	Human Resources Management
06.03.xx	Budget and Planning
06.08.xx	Risk Management
06.09.xx	Compliance
07.01.xx	Vice President for Research
07.02.xx	Office of Sponsored Programs
07.03.xx	Office of Technology and Commercialization
07.04.xx	Office of Research Security
07.05.xx	Regulatory Compliance

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F. Policy Retention and Access. The Campus Designee will be responsible for maintaining a file of all original policies, along with the Policy Tracking Form, ~~signed by the President~~. UAH policies will be made available to all students, faculty and staff through the UAH Policy web page.

Review The Office of the President is responsible for the review of this policy every five (5) years (or whenever circumstances require).

Approval

University Counsel _____ Date _____



Policy Tracking Form

This completed form must accompany all new or revised policies submitted for review and approval.

This section to be completed by the departmental policy contact.

Policy Information

Policy Name:	Department:
Contact:	Policy Type: (New or Revision)
Why is the new or revised policy being proposed?	
If revising an existing policy, summarize the proposed changes.	

Existing Policy Review

New and revised policies must be consistent with Board Bylaws, Rules, and Pronouncements, as well as policies of other System campuses. Explain which rules and/or policies from each campus were consulted and how they compare to the proposed new or revised policy. Attach additional documentation if necessary.

Board/Chancellor Rules and/or Bylaws

- ☐ The proposed policy is consistent with Board Bylaws, Board Rules and pronouncements, and Chancellor rules and pronouncements.

Comments:

UA Policies

- ☐ UA Policies have been considered in the development of the proposed policy.

Comments:

UAB Policies

- ☐ UAB Policies have been considered in the development of the proposed policy.

Comments:

Other Related UAH Policies

☐ Other UAH Policies have been considered in the development of the proposed policy.

Comments:

External Reviewers

List below and attach documentation of any feedback received from reviewers external to the sponsoring department and its direct supervisory administration. Include input received from University Counsel, affected constituencies, departments, or divisions.

University Counsel

☐ University Counsel has been consulted in the development of the proposed policy.

Comments:

Affected Constituencies, Departments, or Divisions:

☐ Affected constituencies, departments, or divisions have been consulted in the development of the proposed policy. Groups contacted are named below.

Comments:

Additional Information

Please provide any additional information that should be considered in the review of this policy.

This section to be completed during review.

Review

Campus Designee	Vice President or Designee
Chief University Counsel	President

FACULTY SENATE EXECUTIVE MEETING
January 22, 2021
12:15 PM (but started 12:30) to 2:00 PM Zoom

Present: Tim Newman, Kwaku Gyasi, Mike Banish, Kader Frendi, Laird Burns, Carmen Scholz, Jeff Weimer, Carolyn Sanders, Emil Jovanov, Ex-Officio:Provost Christine Curtis

- **Faculty Senate President Tim Newman called the meeting to order at 12:30 PM.**
- Tim – This is where we stand. Four items have been knocked off the list but we have 17 left. We took a look at 03.01.07 last meeting. We need to sort that out. We made some progression on the return of Electronic Signatures. There were four that we deferred. Three of those we were certain there was a prior version on. My sense is someone needs to look at BETA.
 - Mike – Paul and I did go through BETA. We could not go through line by line. We had Appendix F. We noted where there were changes that caused concern to us.
 - Tim – We can start with BETA or we can take another item up first. If someone wants to motion as to what we do, please go ahead.
 - Kader – I looked through the Policy on Policies. I didn't see any major changes. I say we pick that up and pass it to the senate.
 - Tim – Are you entering a motion that we place this policy on the list to go to senate?
 - Kader – Yes.
 - Tim – Second?
 - Kwaku – I second. I also looked at the policy and there were no major changes.
 - Tim – A motion has been moved and seconded. Is there any discussion on the policy?
 - Kader – The one thing that was striking was all the signatures were taken out.
 - Tim – As part of the policy, there is a change in the policy protocol. The change in the signature placement is one. The signatures are somewhere else.
 - Provost – The Office of Counsel decided that having signatures on the policy weren't in keeping with the other universities. Also having the legal signature on the policy was a sign of endorsement. Their signature signifies advice not approval. They felt they were placing their office in an uncomfortable position. They should keep a neutral position. It is on the tracking form. Those are being compiled and there is a repository in the Office of Compliance.
 - Mike – The tracking form will go with the document?
 - Provost – It is a requirement. It is attached.
 - Tim – All in favor of sending to the senate, say aye. Ayes carry. Is there a motion to do something with BETA?
 - Mike – I motion that we report to the senate on what we have reviewed and ask for any additional comments.
 - Tim – Before you said you wanted it sent back to proposers. Are you wanting it to go back and inform the senate?
 - Mike – I want to send it back but inform the senate we have sent it back and why.
 - Tim – Is there a second to that motion? Carolyn seconds. All in favor of sending BETA to proposers with comments. Ayes carry.

- Carolyn – I would like to motion that we revisit Handbook Chapter 4.
- Tim – Is there a second?
- Carolyn – I want to make sure that we take a close look at what we struck in regards to the ombuds.
- Tim – There is a motion to look at the struck language in senate yesterday and have a discussion on how to proceed? Mike seconds.
- Provost – The senate made a strong case to me that we need to have ombudsperson paid and involved with all the faculty. We came up with that language together. I have been waiting to provide those funds. I was very surprised when it was struck yesterday. The money can be used elsewhere. That was a direct response to the faculty senate and I was surprised.
- Kader – I do remember that. We did discuss compensating the ombudsperson. I supported that.
- Provost – It would be a very important position that would require training. It would be longer than a year. At South Carolina it was a very professional position. The ombuds would come to administration and state the issue anonymously. Then ask how we could work together to fix the problem. It was a way we solved problems very quickly. I think it was a benefit to the institution.
- Carolyn – I remember those discussions and appreciated the support at the time. Yesterday may have had the wrong strategy to strike that. Maybe it should be in the Chapter 4 so it gets the attention it deserves. Thank you for the background. Maybe we should take advantage of this opportunity.
- Tim – I can't see the struck text from yesterday.
- Mike – I have it and will share.
- Carolyn – I have a question for clarification. I have the version that was a part of the meeting packet. It seems to me it is what it should be. The problem is nothing has happened with it. I am not sure. It seems like there were some details but I can't recall them.
- Mike – I think it became a chicken and egg philosophy. I don't remember, honestly. Right now, the ombudsperson is a faculty member. This appointment selection with approval with faculty senate in Appendix B. We have to rework Appendix B. How did get that statement?
- Tim – This is a phrasing that a number of individuals -have expressed concern with I do not know where what it is there is from. I believe it is language that came from administration. I have heard that stating it this way that the faculty will not choose the faculty ombuds any longer but administration will. There is a point of approval by the faculty senate. It could eventually be that one name is brought forward and we approve or not.
- Carolyn – Maybe that is what stopped us from doing anything with this. It seems when I was involved with this Christine would do the hiring. I hope we can find a way to move forward and decide what the best way is.
- Carmen – The issue here is this is the first time I have heard there is money sitting there. We can't hire someone from the outside on a 1/3 salary. If money is involved, then she wants to be involved. We operate now with someone volunteering with approval of the senate, not administration.
- Carolyn – If the appointment is a 1/3 time appointment. Does that mean you get a reduced teaching load? Or reduced teaching load plus a stipend? We have the opportunity to strengthen this to make it more specific. It really needs to a reduction in our teaching load plus a stipend. Frankly not much different than what I did as FYE Director.

- Kader – That is the conversation I had with the Provost. The ombuds works the summer, you need to remember that.
- Mike – I have a problem with the concept of an additional stipend. I think the ombuds appointment, a 1/3 time appointment, continues with pay through summer.
- Carolyn – You are stating you get a load reduction and nothing else.
- Tim – If we state through summer, you get the 1/3 pay then.
- Mike – I think it is 1/3 time buyout.
- Carolyn – In my college, it would be one course less?
- Tim – The model is one course is 20% of one's time in a term. The 1/3 is a strange number. There is also the concern for some about the same procedures as academic directors. What if we advertise this position? Some also have said: what if the Provost decides we are trying to build our counseling psychology program, and they do not have enough money to hire a full time faculty. Are you comfortable with this person being used as a faculty member there? The 1/3 pay would come here and the 2/3 from the college. If that happens, are we going to feel like we are disloyal to the unit if the senate disapproves? Are we going to be vacant if we don't approve? We need to state the appointment period. Are we going to feel we have to continue the ombudsperson because of the situation? What do you think about these points some faculty have raised to me?
- Jeff – I took a look at the faculty senate website. Bill 450 is posted with those revision markings. The concern I have putting it as a release and buyout. I rather it explicitly state a course release and salary needed over the summer. It concerns me the interpretation among the colleges on the term of buyout. Teaching to me has to be explicitly put there.
- Carmen – It is a one course release. I am not in favor of attaching it to a department. It should be university wide selected and supported. As far as release goes, let's say it is one course.
- Kwaku – I think that would be best among colleges.
- Carolyn – Honestly, this deserves more time than what we can put into it today. I would like to do research and see how other ombuds are set up at other universities. We are not publicizing this well at all. It can be an overwhelming job. My FYE Director position I was serving at the pleasure of the Provost. They decided to cut my position. I would suggest that if we get into a position where this is hiring a person, the most qualified is not in a specific discipline. It is someone who has been at the university many years.
- Mike – Did you see what I typed, Carolyn?
- Tim – Personally, I wouldn't add "and the Provost" phrase you have there Mike.
- Carolyn – Are we saying a one course release per semester? I want to know what the math looks like.
- Tim – The last phrase needs to be checked on. Is there a cost to training and what is the time invested? I should have checked into that but I haven't. I think Carolyn suggest we take a pause.
- Kader – In terms of summer, Carolyn has been asking what the compensation is. I think the \$7,500 would be the minimum.
- Mike – If it is a 1/3 or a class is 20% and you want it with pay?
- Emil – I like clean solutions. I would like to have fixed amounts. We can say that it is a certain percentage of the salary. That way we can have fixed amounts. I would hate to see this as a mechanism to increase bureaucracy.
- Jeff – What is our need on this bill? Are we wanting to move this forward or send to committee?
- Mike - I refuse to add this to our workload as Personnel Committee Chair.

- Carmen – I make the motion that this go to ad hoc committee.
- Tim – I don't think we can empower an ad hoc committee beyond the FSEC. It would have to come up at FS meeting.
- Carmen – We can bring it up at senate.
- Carolyn – Let's not slow this down. I think we can create an ad hoc committee.
- Tim – A motion has been made to make an ad hoc committee that's a FSEC subcommittee. Is there a second? Emil seconds. Tim asks for a vote: Ayes carry.
- Tim - We need to create an agenda for next week.
- Mike – I would like to move that we move 444 and 449. Carolyn seconds.
- Tim – Asks for vote: Ayes carry. What about 01.01.01? Kwaku moves. Mike seconds. Asks for vote: Ayes carry.
- Mike – I move that 04.04.02 and 04.04.03 go on the agenda. Seconded
- Jeff - I think this was moved to our committee and haven't received comments. We will meet next week and I can bring that up in the FS meeting.
- Tim – Then you are saying we can hold off until Jeff's committee comments? Asks for vote: All opposed. Nays have it. So will not go on agenda this time.
- Carolyn – What is the next step with summer school operations?
- Tim – It goes to administration and they say yes or no.
- Mike – I move that 453 is placed on agenda.
- Member asks for information.
- Tim – This was an emergency bill that Laird read a couple of senate meetings ago.
- Laird – I had suggestions to update this to the policy level.
- Tim – We have answered the information point. The floor is open for a motion since Mike did not get a second.
- Kwaku - I want to second Mike's motion.
- Mike – Yes, my motion is to put 453 on the agenda. Kwaku affirms he seconds.
- Tim – Asks for vote on placing bill on the agenda: Ayes carry.
- Carmen – I want to make a comment. This that says including lecturers will be numbered 458.
- Tim – I don't know that I want to number it. Let's take up that one now. It is my view that this bill is not orderly right now—it needs to have specific language about how to change the bylaws. It seems there are two routes possible. I can return it to the writer and ask for the specific bylaw-changing language or we can assignit a number and send to committee and possibly they will create the specific language. It is possible their language is not what the submitter would want, although that's always a possibility. So, tell me what you think is the best route. I think we owe it to the submitter to not put this off to a next meeting since we didn't get to it last week, either.
- Mike – Who was assigned vehicle safety management?
- Tim – We deferred it.
- Carmen – We didn't assign.
- Tim – The security camera is the same story.
- Carmen – Security camera is with Jeff.
- Tim – Yes, you are correct. Anyway, I would like motion on record about what route you want for the bill Carmen brought up.
- Kader – I move to send it back to the originator. Carolyn seconds. Tim calls for vote: Ayes carry.
- Tim – The decision was unanimous to be returned.

- Jeff – I would like to comment that the motion was simply to return. You did add the comment when you made the official comment that it would state what the originator is suggested to do with it. I would suggest that you make that known the originator.
- Tim – Do you want another item? We have four.
- Mike – I don't want to add another item but discuss the budget.
- Tim – We will close the agenda.
- Carolyn – Tim, I talked with you about getting the administrative reports ahead of time. I see that may not be possible, but is it possible to get those after the fact?
- Tim – If you would send me an email and remind me, I will do that. I share them out to those who ask for them. Your email will remind me to send out to the senate.
- Mike – You know that we passed Chapter 6. The Graduate Dean and Council didn't like it. Rumors are they are asking to have non-voting representative come to senate. I disagree with that.
- Tim – I think we should hold off on that.
- Mike – Over Christmas break, I relooked all the university books. Budget book has two years' worth of budget in it. Tim's shows 2015-2016. These books should be updated every year. They should be the public document. All these highlight bars reflect what I see a different number from the accepted year. These books show no corrections.
- Emil – I think all these projections are written after real numbers.
 - Mike – 2020 written there is 2019 FY ended in October. This is historical book and projection book.
- Tim – All in favor of extending five minutes. Ayes carry.
 - Emil – How can the actual and projection be identical? My only guess is they never established AB and filled it with AC.
 - Mike – That is not true.
 - Kader – They already have 2020 filled in.
 - Mike – If you go to UAH website and look at budget book, the last one is 2021. You can see all the numbers. The first number is the undergraduate sum of tuition.
- Adjourned at 2:07 PM.

FACULTY SENATE MEETING 611

January 21, 2021

12:50 P.M.

Chan Auditorium

Present: Sophia Marinova, Dilcu Barnes, Joey Taylor, Kwaku Gyasi, Christina Steidl, Mike Banish, Abdul Salman, George Nelson, Kader Frendi, Susan Alexander, Elizabeth Barnby, Azita Amiri, Donna Guerra, Mark Reynolds, Jeff Weimer, Huaming Zhang, Seyed Sadeghi, Sarah Roller, Ron Schwertfeger, Tim Newman, Carmen Scholz, Carolyn Sanders, Gang Li, Emil Jovanov

Present via Zoom: Jose Betancourt, Candice Lanius, , Jerome Baudry, Paul Whitehead, Laird Burns

Absent with Proxy: Andrea Word, Kevin Bao, Christina Carmen, Amy Hunter, Darlene Showalter, Harry Delugach

Absent: Tobias Mendelson, David Allen, Andrei Gandila, Jeremy Fischer, Seong-Moo Yoo, Fat Ho, Bryan Mesmer, Leiqiu Hu, John Mecikalski, Sivaguru Ravindran,

- **Faculty Senate President Tim Newman called the meeting to order at 12:55 pm.**
- **Meeting Review:**
 - Summer School Operations Policy voted to send forward as amended/modified by Senate.
 - Gift Acceptance Policy voted to send forward.
 - Bill 446 passed second and third reading.
 - Bill 450 passed second and third reading.
- **Approve FS Minutes. Kader motions to approve. Carolyn seconds. Carmen moves amendments. Kader seconds. All in favor of motion to amend. Ayes carry. All in favor of minutes as amended. Ayes carry.**
- **Accept FSEC Report from January 14. Motion to accept. Mike moves. Kwaku seconds. All in favor. Ayes carry.**
- **Accept FSEC Report from January 15. Motion to accept. Mikes moves. Kader seconds. Add Mike Banish to participants. All in favor of the amendment. Ayes carry.**
 - Carmen – This was a joint meeting. Can we list the library hours here? The hours listed in January 14th report were incorrect.
 - Tim – All of those in favor of accepting 1/15 minutes. Ayes carry.
 - Carmen moves to reconsider 1/14 minutes. Christine seconds.
 - Tim - All in favor of reconsidering. Ayes carry.
 - Carmen – I move that the library hours as posted in the administrative brief are the correct ones.
 - Tim – Mike seconds. All in favor of motion to amend. Ayes carry. All in favor of accepting the 1/14 minutes as recently amended. Ayes carry.
- **Administrative Report**
 - President Dawson
 - Most are the same on the facilities report. The only big change is Greenway Phase III is on hold. Only three bids came back from the five we requested. We will

probably have to go back out for bids. The other item added is we received a substantial donation. We will be able to renovate inside.

- We have ordered 1,000 COVID vaccines. We don't know when we will receive those doses. As soon as we receive those, we will implement the policy to vaccinate our health care workers. We will send out a memo explaining how Phase I will work.
 - Mike – Can you tell us who is involved in the plan development for 1A, 1B, and 1C?
 - President – We are following the guidelines from the ADPH. That is listed out on their website who should vaccinate according to their plan. We have a list that spells out who will vaccinate under 1A. That will come out on Monday. We will do a communication on who will fall under each phase.
 - Jerome – When you say 1,000 doses, does that vaccinate 1,000 or 500?
 - President – It is only 1,000 doses. We will vaccinate 1,000 people. Then those will get an appointment for the second dose. We are automatically in the queue for the other 1,000 for the second dose.

- Provost Curtis

- I would like to welcome to campus Dr. Steinwandt. He became the Dean of the College of Science as of January 4. We are glad he is on board.
- Business Dean Greene is undergoing fifth year review.
- I would like to discuss the '21 spring calendar. March 23rd will be Honor's Day. That will be virtual. We are going to continue on our path to keep everyone as safe as possible. There will not be any classes that day. Classes end April 23rd. We will have two study days. The senate asked for that and we are implementing that.
- I sent Tim Newman the fall calendar for feedback. Classes will start August 18th. There will be the Labor Day holiday. In October, there will be a fall break. This will be two days. We will have a week break for Thanksgiving. We typically don't have good attendance those days anyways. The finals will begin 6-10 December. I wanted to go over that schedule. Spring is a typical semester. We are planning a week spring break, March 21-25. It would have two days for study days and a week for finals. That is a quick outline. I suggested to Dr. Dawson that we consider a week at Thanksgiving. This gives a chance to travel to family when we can. I also suggested not having a fall break. Dr. Dawson doesn't believe the students will like not having a fall break. I go back to Auburn with a week at Thanksgiving and no fall break. They now have a fall break as well. I suggest giving it a trial and see how it goes. The week of Thanksgiving gives everyone the chance to finish their projects and get ready for finals. I would like to ask if you have comments or questions.
 - Sophia – For fall and summer, we will continue with the blue and silver protocol?
 - Provost – It is on everyone's minds. Our hope is that the vaccines will be widely distributed and everyone will have had the opportunity to take the vaccine. Our hope is in the summer every student will be able to take the vaccine. We hope that will allow us to get back into normal routine. Our hope is that we will have a "normal" fall semester.
- We don't know ultimately what will happen for those semesters. We will delay registration for summer and fall. We have worked with the Deans and Associate Deans to see when we could do this. The best schedule we have created is having registration for summer March 1. Most summer courses will be online. There may

be a few that will be meeting hybrid. There may be a few that are particularly necessary for laboratory. We could go ahead and put those on our schedule. We will finalize the plans for fall. March 28 will be the opening day for registration for fall. The students will not have as much time to register. It is important to encourage them to register. Those that register before finals come back.

- We do not have re-entry testing except for residential students and athletes. We will start with sentinel testing on the 28th. Every staff and faculty member will be in the pool. We are keeping all of our safety measures through the summer. We will keep six feet apart in the classroom. Face coverings are still required. We are continuing with enhanced cleaning. If you see anything, please contact the Office of Environmental Health and Safety. They do have a supply room. We purchased more supplies last fall. There was some need and have a lot leftover. We have put all the academic affairs supplies in the OEHS supply room. They are located in Shelbie King Hall.
- The library is providing group study spaces. If a student group needs a larger study space, they are to go to User Services Group. They will try to get something set up for the students. Students complained last fall they didn't have somewhere to study. We are providing that in the library. The Student Success Center is available as well. They have in-person and online tutoring.
- If there is anyone who test positive within faculty/staff, contact Laurel Long. If a student test positive, contact Dean of Students. That will then start the process of cleaning and notification. The dashboard should be updated this Friday. It will be updated as far back as November 24 – January 13, then this week. There will be a large number for that time period. I asked about the vaccinations. Would they put information up on that? They aren't going too. Right now it is only medical and 75 years in age or above. If students get involved, they are considering putting information about the vaccines.
- Enrollment as of yesterday is given. The difference from last year to this year is 13. We are up 79 graduate students. We have a few more than last time. Undergraduate didn't fare as well as graduate. I think online classes have helped our graduate program. Our new international students were much lower this year.
- Final exams are a ways off. Online and remote section exams will be conducted online. You can have in class exams six feet apart. You may have to split among two rooms if you can't distance. Everyone is alerted to this need. We will do our best to conduct hybrid and traditional class. Always stay prepared if we have to do something different. This is our current plan right now.
 - Carolyn – Thank you for all the information. I want to ask about the prompts we received through email, I am not getting any of the prompts.
 - Provost – Thank you for letting me know. I will let Malcolm know. If over the holiday you did not continue, you have to resign up. I asked the same question yesterday and that was the answer.
 - Elizabeth – The Governor extended the mask order until March 5th at 5 PM.
 - Carmen – Please relay to colleagues that the cleaning supplies are available to them.
 - Gang – Do we need to make an appointment to get the items from Shelbie?
 - Provost – I honestly do not know. Let me ask and we will send that information out.

- Sophia – On the technology issues, I am already experiencing some issues with my hybrid and online. We will adopt as necessary. Is it recognized how important technology is?
- Provost – Have you reported this?
- Sophia – Yes, I think we need to prioritize this.

➤ **Officer/Committee Reports**

- Tim Newman, President
 - Happy New Year and welcome back. The FSEC was asked by the Provost for feedback on the academic calendar. You can see in the minutes the four points FSEC sent back to the Provost. We will have a special meeting next week. We have 20-some items in our hopper. We have 12-13 that came in since Thanksgiving. Carmen, Mike, and I started a dialogue with Dean Lane about graduate study issues. I made a suggestion in regards to sabbatical that it be resumed. I made the point that we are getting an infusion of funds from CARES II. That will be split between administration and students. I think we want a more effective outreach to students about what they can get reimbursed for by it. I am asking that we promote to the students what all can be requested, especially things that will aid their educational experience. I think that it falls ultimately to the Financial Aid Committee, though, to work through details of the student part of the CARES II distribution.
- Carmen Scholz, President-Elect
 - No report.
- Laird Burns, Past President
 - No report.
- Mike Banish, Parliamentarian
 - No report.
- Carolyn Sanders, Ombudsperson
 - No report.
- Kader Frendi, Governance and Operations Committee Chair
 - No report.
- Azita Amiri, Undergraduate Curriculum Committee Chair
 - No report.
- Jeff Weimer, Finance and Resource Committee Chair
 - We have no report right now.
 - Joey – The first three distinguished speaker series events are up. You have until tomorrow to get in additional proposals.
- Emil Jovanov, Undergraduate Scholastic Affairs Committee Chair
 - No report.
- Kwaku Gyasi, Faculty and Student Development Committee Chair
 - No report.
- Mike Banish, Personnel Committee Chair
 - No report.
- Carmen Scholz, University Committee Report
 - I want to forward information from conference to you. We are part of a Federal Partnership. I was asked to be the faculty representative for the university. This agency looks at academic research. If you took a no cost extension, that is where it came from. Urgency was the catalyst for the quick development of the vaccine. NSF will be phased out in 2022, and we will go to research.gov. NIH money reporting regulation is tightening. NASA requires risk assessment for all awards.

These are the important agencies I paid attention to. It was discussed what we can expect in regards to research since we have a new government administration.

➤ Summer School Operations Policy

- Tim – I invite a motion to pass as presented in the packet. Mike moves. Kwaku seconds.
- Carolyn – We have had a standing summer school compensation policy. The interim policy we perceived was quite a change from what had been done. The largest change was if enrollment was less than the minimum, it was possible that an instructor could be paid just 50% of the regular compensation. Across the board, that alarmed us, and this version Senate is proposing removes that 50% pay possibility. We wanted to keep the parts of the interim in place but the major focus was to remove the aspect of 50% less compensation. Some data was researched showing the revenue from summer school. It makes enough money that we wanted to put a proposed policy in place. We wanted to remove the 50%, and raise the ceiling that the least paid is \$7,500 and the most is \$17,500. These are the most significant changes we are proposing for the Summer School Operations policy.
- Laird – That was a great summary. We are trying to focus on retention and getting students through as quickly as possible. It is important for our faculty to get paid for that.
- Tim – Calls for vote on sending this policy forward in the form proposed by Senate. Ayes carried.

➤ Gift Acceptance Policy

- Tim – You have three documents related to this in your packet. The reason for those three is the VP for Advancement has looked over this again. In the In-Kind Gifts sections, she wanted to add a statement. Is there a motion to send forward in this form? Mike moves. Kader seconds. Ayes carry; Senate approves in form including the added statement to the In Kind Gifts section..

➤ Bill 446

- Tim – Asks for Motion to approve on Second Reading. Carmen moves. Kwaku seconds. Later Tim calls for vote. Many ayes, at least one nay. Passed Second Reading.
- Mike – I motion to go to Third Reading now. Kader seconds. Tim calls for vote. At least two-thirds in favor of Third Reading to happen now.
- Tim – Invites Motion to accept on Third Reading. Carmen moves. Carolyn seconds.
- Christina – My concern over it is we want transparency. This bill was derived from the question at the time. It has been brought forward from previous issues rather than the two named in the bill.
- George – I would like to know more information on this bill being new to the senate.
- Candice – I wanted to echo that I think the issues raised in this bill are not accurate. Dr. Curtis has spoken to the curriculum committee. I am going to vote against this senate bill.
- Laird – Some concerns were that the faculty handbook processes weren't followed. We found out how the process was working. Sometimes the Dean wasn't following the process. You could have some Deans trying to convince faculty how to vote on some things. There wasn't a vote on this. The process wasn't followed. It happened again. We just simply want the process to be followed. If the senate want to change the process, they need to be listed and followed. The idea wasn't bad, the process just wasn't followed.
- Tim – Calls for vote. Ayes carry. Passes on Third Reading. Becomes Senate Resolution.

➤ Bill 450

- Tim – Invites Motion to approve on Second Reading. Kader moves. Sophia seconds.
- Mike – I would like to make two independent amending motions for this bill. The first one is that we delete what is new section 4-11.
- Tim – Is there a Second to the motion to amend by striking 4-11? Gang Li seconds.

- Carolyn – I have served in the ombuds role off and on. I think the most important point I can make is I support the striking. I suggest it goes to committee for reworking. During previous administration, it was spoken that the ombuds role needed to be strengthened. I don't think the ombuds role is well publicized. It's an assignment that can be very overwhelming. There are issues within any institution. I think that role would be utilized if known available. In discussion with Provost Curtis, I don't think anyone meant to let it go unattended. I appreciate the motion to strike the section of this bill. I do think it is critical to go to committee.
 - Tim – Calls for vote on the motion to amend. Ayes carry.
 - Mike – There are some administrative details for the second motion. In section 4.2, it says College of Business Administration. It should now just be "business". Also in section 4.2, it states on Professional and Continuing Studies.
 - Provost – Professional Studies is the correct title.
 - Tim – Is there a second to the motion? Before seconding, there is a statement we need to Strike and before education and the division of.
 - Emil – And add a Comma after education.
 - Tim – Mike: please re-move your motion. Mike states his amending motion again, also including these other items. Tim asks: Is there a Second to the motion for amendment? Kwaku seconds. Tim calls for vote on the motion to amend. Ayes carry. Tim then calls for vote to approve as amended on Second Reading. Ayes carry—vote is unanimous in favor. Therefore, adopted upon this reading; Third Reading not necessary since Second Reading unanimous. Becomes Senate Resolution.
- Meeting adjourned at 2:19 PM