

**ACADEMIC COUNCIL**  
**Wednesday, November 4, 2020, 3:30 p.m.**  
**Via Zoom**

**Minutes**

**Members present:** Scott Appleby, Ann Astell, Aaron Benavides, Bob Bernhard, Kasey Buckles, Laura Carlson, Patricia Champion, Patricia Clark, Aedin Clements, Marcus Cole, Martijn Cremers, Patricia Culligan, Shannon Cullinan, Michael Desch, Patrick Flynn, Mary Galvin, Anna Geltzer, Patrick Griffin, Dan Groody CSC, Michel Hockx, Erin Hoffmann Harding, John Jenkins CSC, Lionel Jensen, Dan Johnson, Ryan Karl, Christopher Kolda, Cecilia Lucero, William Mattison, Chris Maziar, Paul McGinn, Margaret Meserve, Marie Lynn Miranda, Sarah Mustillo, Michael Niemier, Hugh Page, Michael Pippenger, Stefanos Polyzoides, Lauryn Pugh, Anghy Ramos, Bryan Ritchie, Ramachandran Ramanan, Maura Ryan, Carter Snead, Thomas Stober, Elliott Visconsi, Diane Parr Walker, Molly Walsh, Jason Wanamaker, Richard Williams

**Members excused or absent:** Seth Brown, Michael Cimino, Connie Mick, Glen Niebur, Jason Springs, Joe Urbany, Samir Younes

**Observers present:** Sara Ermeti, Brian Flaherty, Jim Frabutt, Chuck Hurley, Matt Lahey, Erin Oliver, Mark Prokopius, Ryan Willerton

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**1. Opening Prayer**

Fr. Jenkins called the meeting to order and invited Hugh Page to offer the opening prayer.

**2. Approval of Minutes of the meeting of August 24, 2020**

Fr. Jenkins will invite a motion to approve the minutes of August 24, which were sent via email. The motion was made by Lionel Jensen and a second was offered by Marie Lynn Miranda. With no discussion, the minutes were approved by a voice vote.

**3. Proposed Title IX changes to the Academic Articles**

Fr. Jenkins invited Marie Lynn Miranda to introduce the topic.

Miranda reminded the group that the federal regulations were changed, and that while the University was not happy with the new requirements, compliance was required. The changes implemented in August brought the university into compliance, but were a temporary measure. She thanked the ad hoc committee for their work. The input of faculty, students, and staff was invaluable. The faculty members were primarily elected members from the Academic Council, and Maura Ryan chaired the committee. Miranda also informed the group that the Faculty Senate would be discussing the proposed changes at its meeting the following week.

Miranda then invited Marianne Corr to address the group. Corr thanked the committee for their work on this. The committee was set up to make recommendations to General Counsel, and allowed Corr to listen to their discussions. All of the recommendations from the committee were accepted.

Corr outlined some of the general themes of the proposed changes. She shared that the primary focus of the committee was to address concerns regarding the protection of academic freedom and tenure. The proposed changes address those concerns. The process of a hearing now has more involvement of faculty, as recommended. The hearing board will include tenured faculty drawn from a pool of faculty who are not primarily administrators. There has been a requirement added, in cases of severe sanctions against a faculty member, requiring a determination that the sanction is proportionate to the misconduct. The appeal process now allows an appeal on the basis that the sanction is not within the range of appropriate sanctions. The appeal process for faculty includes the President. In appealed cases where the sanction is severe, the President must also make a determination that the severity of the sanction is proportionate to the misconduct.

Corr stated that the preponderance of the evidence standard applies to all investigations. However, the hearing board should strive for unanimity, and must include the rationale for its conclusion, as well as any opposing or other points considered.

Corr invited Maura Ryan, Chair of the ad hoc committee, to speak to the group. Ryan affirmed that the committee focused on the five areas of concern that surfaced in August. The committee benefited from the participation of faculty, students, and staff.

Ryan shared that the committee conducted listening sessions with the University Committee on Women Faculty and Students, with Gender Studies faculty, with the committee on sexual assault prevention, the Staff Advisory Council, with employee affinity groups, and open sessions in colleges and schools, faculty senate.

Ryan shared her opinion that the document is not perfect, but that the recommended procedures provide the best way for the University to move forward.

Maura Ryan made a motion to approve the Title IX Procedures document changes. Lionel Jensen provided a second to the motion.

Fr. Jenkins invited any discussion on the changes highlighted in the Title IX Procedures document that was circulated for review.

Carter Snead thanked Maura Ryan, Matt Lahey, and Erin Oliver for their work. He shared that the committee strived to create a system in which those who are victimized would not feel barriers to reporting and seeking justice.

A member ask if complainants and respondents can bring their own advisors, or the university will provide an advisor. Corr confirmed that the regulation allows for individuals to bring their own advisor, and requires the university to provide an advisor if requested.

A member asked if victims can bypass this process and go to the St. Joseph County Prosecutor. Corr confirmed that an individual may do so, but that does not preclude the university from initiating an investigation if it learns of an alleged incident. The county prosecutor is listed in the resources section.

A member asked if the cross examination requirements are new. Corr confirmed that this is an element of the newly enacted regulations. The advisors conduct the cross examinations. Corr also reaffirmed that these are living documents, and are frequently reviewed. Changes may be made to improve them, if allowed by the regulations.

Tom Stober shared that it is great to hear that this is a living document. He suggested that Academic Council and Faculty Senate should monitor and review this policy.

Miranda reminded the group that all university policies are reviewed, and this particular policy will have increased scrutiny due to the fact that the University is not happy with this imposed regulation.

A member asked if there are differences in how untenured faculty are treated. The faculty appeal process is the same for all faculty, tenured or not. As closely as possible the process mirrors the severe sanction process in the Academic Articles. While there are many references to tenure in that process, non-tenured faculty are afforded the same protections and opportunity for appeal.

Members voted by voice. The motion was approved by unanimous vote.

Fr. Jenkins then invited a motion to approve the proposed amendment to the Academic Articles. This amendment deleted the time limit on the amendment adopted in August. The motion was made by Maura Ryan and a second was offered by Lionel Jensen. Members voted by voice. The motion was approved by unanimous vote.

Miranda shared that her office will draft a communication to all faculty, and send that out after the Faculty Senate discussion Tuesday.

**4. Adjournment**

With no additional business, Fr. Jenkins adjourned the meeting at 4:10.