

LEHIGH UNIVERSITY FACULTY SENATE

Minutes of the Meeting held on August 5, 2020, 1:00 pm

Via Zoom

Faculty Senate Chair Professor Kathy Iovine called the meeting to order.

The roster of senators present for the meeting appears as Appendix 1.

[Appendix 1 available at <https://facultysenate.lehigh.edu/meeting-minutes>]

1. Minutes of the Faculty Senate Meeting of 07/17/2020

Professor Kathy Iovine called for any corrections to the minutes of the faculty senate meeting of 07/17/2020.

Motion to approve the meeting minutes was made and seconded. The minutes were unanimously approved.

The approved minutes are posted at <https://facultysenate.lehigh.edu/meeting-minutes>.

2. Discussion of the Updated Policy on Harassment and Non-Discrimination

Professor Kathy Iovine noted that the special meeting is being held to comply with the deadline established by the U.S. Department of Education (DOE). After the vote by the Faculty Senate, the entire university faculty would vote on the changes before the changes being submitted to Lehigh Board of Trustees (BOT) for approval.

Lehigh's Equal Opportunity Compliance Coordinator (EOCC) Ms. Karen Salvemini presented the rationale for the changes and described the proposed changes. Updated Policy on Harassment and Non-Discrimination, Policy on Harassment and Non-Discrimination with Edits (Red Line), Rationale, PowerPoint slides, and a Video presentation (created subsequently by Ms. Karen Salvemini after the Senate meeting) are available on the Faculty Senate website <https://facultysenate.lehigh.edu/meeting-documents>

Faculty Secretary's Note: The Faculty Senate hosted a one-hour Q&A session with Ms. Karen Salvemini on Monday, August 10, from 11:00 am - 12:00 noon via Zoom. This session was open to all Lehigh faculty members.

Salient points made during the follow-up discussion are summarized below. The points were made by Ms. Karen Salvemini unless otherwise indicated.

- The proposed changes have been made after intense consultation with several stakeholders and are aimed at complying with the DOE deadline. A more comprehensive review of the changes will be undertaken during the academic year to incorporate feedback from faculty members.
- The Faculty Senate Executive Committee will seek broader input from faculty. [Professor Kathy Iovine]
- The ombudsperson may be utilized as facilitators in the informal resolution of matters. [In response to Professor Jennifer Swann]
- If some occurrence does not come under the purview of the new section/process required by the Title IX regulations, other avenues available within the University (e.g., Section 6 under the Policy on Harassment and Non-Discrimination) to address the concerns will be explored. [In response to questions from Professor Mellie Katakalos asking for clarification about online harassment and harassment occurring in another country]
- It is not a good idea for the Senate to pass this temporarily or make the changes conditional on additional changes being made before a particular date. The operative vote that matters from a legal perspective is the vote by the BOT. For example, a vote with conditions can be used against Lehigh in litigation, and people may wait out the time before starting legal proceedings to take advantage of the conditional vote. [General Counsel Frank Roth in response to Professor Jim Gilchrist's suggestion that the Senate should vote on the changes contingent on additional changes being made after faculty input in the next 4-6 months]
- We understand the need to make these changes in a hurry, but it is difficult to understand all the intricacies of the changes. [Professor Peter Zeitler; Ms. Karen Salvemini concurred and noted that she would work with faculty in the fall to take a detailed look at these changes]
- Section 5 of the Policy provides several possible sanctions such as dismissal for cause, tenure revocation, expulsion, and so on. [Ms. Karen Salvemini in response to a question from Professor Robin Hojnoski about sexual harassment occurring outside the country, and to a question from Professor Hyunok Choi as to whether the disciplinary actions for sexual harassment have any real teeth, to a suggestion from Deputy Provost for Faculty Affairs Jackie Krasas that there is a need to modify the language in Section 6, and to Professor Jenna Lay's concern about the shifting standards of DOE and the result that sexual harassment complaints now must meet a stricter standard]

- Discussing the need for cultural change can be done later, but the current focus is on the policy. [Ms. Karen Salvemini in response to Professor Hyunok Choi's comment about the high prevalence of sexual harassment in academia]
- BOT can approve the policy changes even if the Faculty Senate and the Faculty do not approve the changes. BOT will act on the proposed changes before 08/14/2020 to avoid legal complications, including the potential loss of federal funds. [General Counsel Frank Roth and Ms. Karen Salvemini in response to Professors Kathy Iovine and Mellie Katakalos]
- The EOCC is committed to making additional changes after 08/14/2020 based on broad-based faculty input. The current changes were made in a hurry due to the DOE deadline.
- The EOCC has made a good faith attempt to propose these changes, and it is prudent for the Senate and the Lehigh faculty to approve these changes. [Professors Kathy Iovine and Frank Gunter]
- More clarification is needed about the differences in handling on-campus and off-campus situations. New DOE rules make it harder for victims to take legal action, but Lehigh should communicate to students and faculty about what we are doing to ensure safety. We need to go beyond just offering training for bystander intervention. [Professor Suzanne Edwards]
- Off-campus events can be handled as long as Lehigh has control over the events (per the definition of sexual harassment). Off-campus matters may be addressed by other processes and policies. EOCC will reach out to the Lehigh community with support materials. [Ms. Karen Salvemini]
- Before the faculty vote, faculty will be provided the document describing the rationale for the proposed changes. The slides used by Ms. Karen Salvemini will be made available. A video recording by Ms. Karen Salvemini explaining the changes will also be available. The links to these documents will be provided in the ballot for faculty reference. [Professor Kathy Iovine in response to Professors Angela Hicks, Mellie Katakalos, Jenna Lay, Jeremy Littau]
- These changes may make students follow the internal process rather than the external process to address harassment. [Professor Sara Kangas]
- Students can pursue the internal process and external process at the same time. [General Counsel Frank Roth]

3. Voting on the Updated Policy on Harassment and Non-Discrimination

A motion to waive the seven-day advance notification rule of the changes before the Faculty Senate meeting was made and seconded. The senators unanimously approved to waive the requirement.

A motion to reduce the voting period for the faculty vote from seven days to six days was made and seconded. This change was necessary to complete the campus faculty vote before the BOT meeting. The motion was approved unanimously.

The motion to approve the Updated Policy on Harassment and Non-Discrimination was made and seconded. The changes were approved.

The entire Lehigh faculty will now vote on these changes, and the voting will be managed by the Office of Institutional Research and Strategic Analysis.

Faculty Secretary's Follow-Up Note: These changes were approved by Lehigh University Faculty on 08/12/2020.

The approved policy is available as Appendix 2.

[Appendix 2 available at <https://facultysenate.lehigh.edu/meeting-minutes>]

Respectfully submitted by



A handwritten signature in cursive script that reads "Siva" with a horizontal line underneath it.

K. Sivakumar ("Siva")
Arthur Tauck Chair and Professor of Marketing

Secretary of the Faculty