Intercampus Faculty Council (IFC) Supplemental Meeting on Proposed Faculty Sexual Discrimination Rules

January 28, 2015 - Teleconference

Attendance: Martin Bohner (Missouri University of Science & Technology, S&T), Mark Fitch (S&T), Steve Graham (University of Missouri System, UMS), Viviana Grieco (University of Missouri-Kansas City, KC), Matthew Keefer (University of Missouri-St. Louis, SL), Dennis Miller (University of Missouri, MU), Melanie Mormile (S&T), Nancy Stancel (KC), Keith Stine (SL), Peggy Ward-Smith (KC)

The teleconference commenced at approximately 4:35 pm with a discussion on policies to review the new (CRR 600.040, Equity Resolution Process for Resolving Complaints of Harassment, Sexual Misconduct and other Forms of Discrimination Against a Faculty Member) and revised (310.020 and 310.060) procedures on faculty and sexual harassment, discrimination and misconduct, tentatively scheduled to be presented to the Board of Curators at their February meeting. IFC members agreed that if the policies are approved by the Curators, clear mechanisms must be developed to review their implementation and to identify areas for rule revision.

After discussion, the IFC members came to a consensus that the review should be performed by a group outside of the University of Missouri System and the consultants currently used (i.e., The NCHERM Group). One member commented that the review would be similar to an audit or review of an academic department by an outside accrediting body. Items for a review included the following.

- fair treatment of complainants and those accused
- compliance with the requirements from the Office of Civil Rights
- impact on academic freedom
- statistics on rates of sexual discrimination reporting
- comparisons to procedures developed by peer institutions

Implementation of the new and revised procedures at the campuses was discussed. IFC members agreed that campus-specific implementation plans should be developed by the campus Provosts, in close collaboration with their faculty council/senate. However, IFC members also agreed that it would be useful for members of the IFC subcommittee that developed the procedures to meet periodically (e.g., once each semester) with the Provosts and chairs or faculty senate/council. Best practices and potential problems could be identified and shared. A recommended mechanism is the monthly University of Missouri Academic Officers (UMAO) meeting. Steve Graham said he would arrange this discussion for an upcoming UMAO meeting.

The IFC members discussed the role of advisors (e.g., a lawyer) in the equity resolution hearing process described in the proposed rule 600.040. A representative reported strong concern from some on his campus that advisors may not address the hearing panel. Discussion included the importance of effective representation in a procedure that could lead to dismissal, the role of advisors in other adjudication processes, the roles of the Title IX coordinators, equity for the complainant and the
accused, and a potential “chill” on discrimination reporting. The consensus was that the role of advisors in 600.040 is appropriate as proposed, and no revisions were recommended.

The teleconference concluded at approximately 5:30 pm.

Approved 2/12/15