**Minutes of Faculty Senate Meeting 13th October 2014**

Meeting started at 3:33pm with a quorum

**New Business**

1. **Grade Appeals Policy First Reading**

Val Whittlesey presented change to student grade appeal process which removed any reference to Ombuds. The meeting waved first reading and passed change to policy.

1. **Discussion of KSU Hot-line and the Open Records Act.**

Cindy Bowers reported on a recent incident. described below.

“*On September 3rd, 2014, in compliance with the University System of Georgia’s Ethics Policy, which claims that “USG employees bear a special responsibility to remain aware of potential acts of violence on campus as evidenced by, but not limited to, unusual statements, writings or any other unusual behavior” (USG Code of Conduct 8.2.20.6.5), two faculty members called the Kennesaw State University Ethics and Compliance Reporting Hotline to report student behavior they found to contribute to a hostile work environment. On September 4th, 2014, Legal Affairs released the full reports of the hotline complaints to the named perpetrator, one of which included the name of one of the complainants. The hotline complaints were attached to a cease and desist letter that warned the named perpetrator that contact with the complainants or anyone he presumed to be the complainant, including all members of an entire department, would be considered retaliation. On October 24th, 2014, in a video, the named perpetrator read the full reports and released the names of the one identified complainant and three other faculty members to a community well known for Internet harassment and intimidation. On October 9th, he posted contact information for two faculty members to the same community. As far as we know, neither complainant was ever contacted by a KSU representative, and neither was notified that her/his report or name would be or had been released.*

*Complainants may disclose their names and contact information to the reporting service or choose to remain anonymous and communicate through the web with a pin and case number. At no point in the reporting process is a complainant informed that her/his report or name could be released – only that s/he will be contacted. In fact, the Kennesaw State University Ethics and Compliance Reporting Hotline promises secure and confidential communication of ethical and legal concerns for KSU community members. The “Welcome” message from Daniel S. Papp, President of Kennesaw State University, says: "Thank you for taking the time to come forward with your concern. Kennesaw State University has provided this website for you to report unethical behavior and policy violations securely and confidentially. Your willingness to come forward is important to us."*

*And, yet, there is no protection of what is communicated or by whom. The “confidential reporting system” is either fundamentally flawed or there has been an egregious breach of policy. The safety and wellbeing of the KSU community has been and remains deeply compromised.”*

Flora Devine explained that under the Georgia Open Records Act, all email transcripts are subject to the Act. People using the USG Compliance Hot-line have the option not to state their name and thereby make an anonymous complaint. If, however, the name is given then it can become public. Due process require that if someone complains about someone else, in order to have a fair opportunity to respond to the complaint, the person complained about should be told about the complaint and who the complaining person is. Student names can often be redacted due to protection under Federal law. Staff or faculty names cannot be redacted, as they do not have the same protection, and are therefore subject to the Georgia Open Records Act. So KSU had to release the names of the faculty in this incident.

Nina Paris asked about faculty complaints about a student. Flora stated that faculty complaints by email, phone, or in writing are public knowledge. Hotline investigations have to be even handed to both sides in a dispute.

Dr. Papp will change KSU’s hotline to state that if you give your name then this will become public knowledge. He thought maybe using a third party for hotline may get over Open Records Act. He also stated that this was the first problem of this sort in 5 years of operation.

Ken White wanted this made clear on website and asked if there are any limits on Open records Act. Flora said that there are a few exemptions in the legislation. All emails that use a @kennesaw.edu address are public records (unless they are covered by an exemptions such as medical records or social security numbers).

Cindy asked what protection faculty have against intimidation by students. Flore said none for email or website harassment, unless the email or website amounts to a terroristic threat. Harassment has to be “severe or pervasive” to be actionable. For physical harassment, the KSU Police would address matters. The KSU Counseling Center also has a Behavioral Response Team (“BRT”) and a psychiatrist they can consult. There is a lot of case law on employer and employee harassment but very little on faculty and student harassment and university hostile environment. This is uncharted territory that needs a test case.

Cindy considered that USG needed a policy for student bullying and harassment of faculty, and she and Flora agreed to discuss developing such a policy for KSU.

**Information**

1. Dr. Papp reported that consolidation goes well and SACS says KSU’s report best so far KSU grew by 4.4% in student numbers; SPSU by 3.7% this Fall. There would be a meeting on Global Water at KSU, Chancellor Huckaby visited KSU, and there is a debate on how to handle Herr Glutenberg, an ex-German Defense minister, who plagiarized his dissertation. SAT reported that KSU was second in preference after UGA.
2. Maria Britt presented a new Environmental and Operational Safety (EOS) policy.

Maria stated that USG requires an EOS Policy and she used the occasion to create a University Safety Council (USC) to coordinate existing mini safety councils. The USC will have representatives of all existing safety bodies, as well as police, faculty, etc.

The EOS considers lab and environmental safety, training in safety, and reporting of problems.

Jackie Jones asked about safety of nursing students doing practicums. Maria said that safety of KSU people anywhere associated with their work or study will be covered.

1. Flora presented a new Sexual Misconduct policy that is required by the federal SAVE act. KSU previously has a policy for students; this new policy covers everyone, including faculty, staff, and subcontractors. The policy include required online training, reporting, resolution of complaints, procedures, etc. USG changed Amorous Relationships policy so KSU will have to change its policy. There would also be an anti-harassment policy in future.

Luc Noisset asked why KSU allowed rappers to sing songs on campus with very suggestive words that contradicted the purpose of these policies. Flora said there were free speech ramifications but the point was taken.

1. Tom Pusateri presented his analysis of student feedback data for the two KSU questions. It did not appear from the data that except for online classes, students differentiated the two questions. He presented a lot more data with pairwise comparisons of same course – different instructors and same instructor – different courses. He will do more analysis.

Meeting finished at 4:50 pm

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| **Attendance (8th September, 2015)** | | |
| **College/Constituency** | **Faculty Member/Liaison** | **Attendance** |
| Accounting | Thomas Devaney | X |
| Art & Design | Keith Smith | X |
| Biology & Physics | Jerald Hendrix | X |
| Chemistry & Biochemistry | Chris Dockery | X |
| Communication | Emma Wertz | X |
| Computer Science | Dick Gayler | X |
| Culinary Sustainability & Hospitality | Thorir Erlingsson | X |
| Dance | Mara Mandradjieff | X |
| Economics, Finance & Quantitative Analysis | Luc Noiset | X |
| Education Leadership | Earl Holliday | O |
| Elementary & Early Childhood Education | Shannon Howrey | X |
| English | Cindy Bowers | X |
| Exercise Science/Sports Mgt. | Jennifer Beck Willett | X |
| First-Year and Transitional Studies | Richard Mosholder | X |
| Foreign Languages | Jaime Cruz-Ortiz | X |
| Geography & Anthropology | Matthew Mitchelson | X |
| Health, Physical Education & Sport Science | Peter St. Pierre | X |
| History & Philosophy | Alan LeBaron | X |
| Inclusive Education | Joya Carter-Hicks | X |
| Information Systems | Humayun Zafar | X |
| Instructional Technology | Jo Williamson | X |
| Interdisciplinary Studies | LeeAnn Lands | X |
| Management & Entrepreneurship | Doug Moodie | X |
| Marketing & Professional Sales | Sandra Pierquet | X |
| Mathematics | Josip Derado | X |
| Music | John Warren | O |
| Nursing | Jackie Jones | X |
| Political Science & International Affairs | Ken White | X |
| Psychology | Tom Pusateri | X |
| Secondary & Middle Grades Education | Joanne Simpson/Jim Wright | XP |
| Statistics & Analystical Sciences |  | O |
| Social Work & Human Services | Irene McClatchey | X |
| Sociology & Criminal Justice | Tanja Link | X |
| Sturgis Library | Cheryl Stiles | X |
| Theatre, Performance Studies & Dance | Jane Barnette | X |
| University Studies | Ree Howard | X |
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| **Liaisons** |  |  |
| Administrators Senate | Caryn Young | X |
| Chairs Council | Alice Pate | O |
| Part-time Faculty Council | Yvonne Wichman | O |
| Staff Senate | C. Beam/J. Costen | X |
| Student Government | Ryan Delaney | X |
| **Ex-officio** |  |  |
| President | Dan Papp | X |
| Provost and VPAA | Ken Harmon | X |
| AVP for Faculty | Ron Matson | X |
| AVP Enrollment Services | Kim West | O |
| Faculty Executive Assistant to President | Maureen McCarthy | X |
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| **Visitors** |  |  |
| Library | Elizabeth Shields | X |
| Associate Provost | Val Whittlesey | X |
| Dean of Graduate College | Charles Amlaner | X |
| Graduate College | M. Dishman | X |
| Consolidation Coordinator | Randy Stuart | X |
| Ex Director of DLC | Jim Cope | X |
| Associate Dean CHSS | Thierry Lieger | X |
| AVP for Operations | Maria Britt | X |