

May 4, 2018

Year-end report for Faculty Welfare Committee for 2017-2018

The Faculty Welfare Committee began the year with several issues that were holdovers from the 2016-2017 school year.

- In September, the Faculty Senate passed the plagiarism syllabus statement which the committee submitted in May 2017.
- We continued our work on an Academic Honesty Policy, with the aim of finishing it this year.
- In Spring 2017, we had made some inquiries into parking issues on campus, but Faculty Senate formed an ad hoc parking committee in August 2017, so we dropped the issue.
- We had been charged in November 2016 with looking into some issues with PEIA and had not completed that work, but Senate President Kremer allowed us to drop the issue in order to focus on our work on the Academic Honesty Policy.

We continued organizing Faculty Social Hours, usually on the first Friday of each month. This year's hosts were the School of Fine Arts (Aug.), Lang/Lit (Sept.), Sci/Tech (Nov.), School of Ed (Dec.), Pres. Martin (Feb.), School of Nursing (Mar.), Social and Behavioral Sciences (Apr.). Presidents Rose and Martin continued to provide drinks each month. We also facilitated a Social Hour hosted by Provost Lavorata during Faculty Development Week in January.

The issue of problems with wifi in certain buildings was raised in our September meeting, and Erica Harvey agreed to be our point person in communicating with IT. Dead zones in Hunt Haught Hall were fixed in Fall 2017. Some improvements to Wallman Hall were made in Jan./Feb. Some lingering issues in Wallman and dead zones on the 4th floor of ET were reported in our April meeting. Erica agreed to follow up on these.

In our September meeting, concerns were raised as to whether this committee was the appropriate body to work on drafting an Academic Honesty Policy for the university. In November, we received official approval from the Faculty Senate to work on the Academic Honesty Policy.

Galen Hansen asked the committee to consider the lawsuit he had brought against the FSU Board of Governors. We discussed it in our January meeting. While we agreed that the BOG should abide by open meeting laws, we felt our committee had no standing in the lawsuit. We recommended to Galen that Faculty Senate would be a better forum for raising this issue.

In March, Robynn Shannon met with the committee to get input on future planning for Faculty Development Week activities.

Throughout the year, we made progress on the Academic Honesty Policy. In October, Associate Provost Jack Kirby attended our meeting to give his input on the policy. In January 2018, we formed a subcommittee (Julie Furrow, Erica Harvey, Stephanie Jones, Deborah Nestor, Adam Podlaskowski, and Sam Spears) which met between our monthly meetings to work on it. We approved a completed draft of the policy in our April meeting and passed it on to the Faculty Senate for consideration, along with the following statement:

"The Faculty Welfare Committee submits this Academic Honesty Policy for the approval of Faculty Senate. We suggest that Faculty Senate also invite other stakeholders (Student Government, Graduate Council, Admissions and Credits, and the Academic Appeals Board) to review and comment on the policy."

Once a new Academic Honesty Policy is approved by the university, there are two more tasks that need to be done:

- 1) Institution of a training module for students to educate them on what constitutes cheating/plagiarism and on the consequences they could suffer under the new Academic Honesty Policy if they are caught cheating/plagiarizing.
- 2) Training for faculty so they understand how the policy works.

We have had some discussions on what these might look like, but nothing concrete can be done until we know exactly what the new policy will be.

Respectfully submitted,

Sam Spears
Chair, Faculty Welfare Committee

Academic Integrity Policy¹

Fairmont State University

Section I. Definition of Academic Integrity

Academic integrity is a fundamental principle upheld at all academic institutions. Fairmont State University regards academic integrity as an essential element of its educational mission, which is to provide students with the skills they need to become successful in the workplace and responsible members of their communities. Academic integrity (academic honesty) means that all work submitted by a student for evaluation must be that student's own work, completed with integrity and observing proper scholarly practices.

Fairmont State values highly the integrity of its student scholars. All students and faculty members are urged to share in the responsibility for removing every situation which might permit or encourage academic dishonesty. Academic dishonesty is defined as an intentional act of cheating, plagiarism or related offenses. When the term "academic dishonesty" is used in this document, it means that intent was present.

Cheating and plagiarism are matters of gravest concern. Any of the following activities are examples of cheating:

- the unauthorized sharing or obtaining of information during an examination
- the unauthorized use of books, notes, internet, cell phones, or other sources of information prior to or during an examination
- unauthorized access to faculty examination materials in physical or digital form
- the alteration of documents or records
- actions identifiable as occurring with the intent to defraud or use under false pretense

Plagiarism is the submission of the ideas, words (written or oral), or artistic productions of another, falsely represented as one's original effort or without giving due credit. Students and faculty should examine proper citation forms to avoid inadvertent plagiarism. Any of the following activities are examples of plagiarism:

- including ideas, facts, or opinions from any source without properly acknowledging and documenting the source of that information. These can be written, visual (image, film, internet stream) or verbal (interview, live presentation, or lecture) sources
- using more than four consecutive words from any source without placing quotation marks around those words and documenting the source
- submitting any academic work for a course (written papers, drawings, or any other form of composition) that is not your own individual work or in the case of team or group assignments, acknowledging all contributors to the project
- submitting a paper or other academic work to fulfill the requirements for more than one academic course without first informing and receiving permission from both professors

Where collaboration or consulting of outside sources is allowed, students must acknowledge in the format most appropriate for that discipline (usually a written bibliography with in-text citations) any outside sources the student has consulted in completing the work. The student must also acknowledge to the instructor all individuals who have assisted the student in completing the work being evaluated. Many courses at the university assign collaborative projects, and this rule also applies in those cases. If students are in any doubt as to whether their activities might constitute academic dishonesty, they should consult their instructor. Some instructors may have different guidelines for students to follow.

Section II. Violations of the code of academic honesty

If a faculty member discovers a student has cheated or plagiarized an assignment, the faculty member is empowered to penalize the student for his/her act of academic dishonesty, up to and including giving the student an F for the course. Particularly egregious acts of academic dishonesty or repeat offenses may be referred to the Provost's Office for sanction, up to and including expulsion from the university.

All actions taken for any academic dishonesty offense will be reported using the Settlement of Academic Dishonesty Form (see Section IV). First offenses of academic dishonesty will be addressed and resolved by the faculty member teaching the specific course in which they occur. Second and subsequent offenses require a higher

level resolution process. In all cases, the resolution and the Settlement of Academic Dishonesty Form contents will remain private between the instructor, any involved students, and any other relevant parties. The form will not be shared with anyone outside the University. Whatever the penalty, the Settlement of Academic Dishonesty Form, disciplinary record, and any physical evidence will be kept in the Office of the Provost or designee. This ensures that second offenses are dealt with appropriately.

On a first offense, the faculty member has latitude to choose the level of penalty based on the seriousness of the offense, up to a failing grade for the course. No matter what level of penalty is applied, the faculty member will always use the procedure described below to handle the offense. The range of penalties includes:

- a. a formal warning,
- b. a reduced grade for the assignment,
- c. a failing grade for the assignment,
- d. a reduced grade for the entire course,
- e. a failing grade for the entire course.

All second offenses and some first offenses (egregious or with professional import) have import beyond the specific course in which the violation occurred. The Office of the Provost handles such violations, and the range of penalties is greater. Most often, conviction of a second code violation will result in an F for the course and a suspension; and normally, a third conviction will result in permanent expulsion. The Provost may impose any of the five penalties listed above (a.-e.) and/or the following:

- f. Disciplinary probation or suspension from the University for a designated period of time (one semester, one year, two years, etc.).
- g. Expulsion from the University. The academic transcript records the expulsion permanently.

In all determinations of penalty the following factors should be considered:

- a. the nature and seriousness of the offense;
- b. the injury or damage resulting from the offense;
- c. the student's motivation and state of mind at the time of the incident;
- d. the student's prior academic disciplinary record;
- e. the student's attitude and demeanor subsequent to the violation.

Section III. Procedures

1. If this IS a first violation for this student, then the professor will decide whether to handle the case inside the class with the Settlement Form or refer it to the Office of the Provost for additional sanctions. In making this decision, the professor must remember that the greatest penalty that can be given to the student through the Settlement Form is an "F" in the course. If that penalty is insufficient for the infraction, then the case must go to the Office of the Provost.
2. If this is NOT a first violation for this student, the case will automatically be referred to the Office of the Provost.

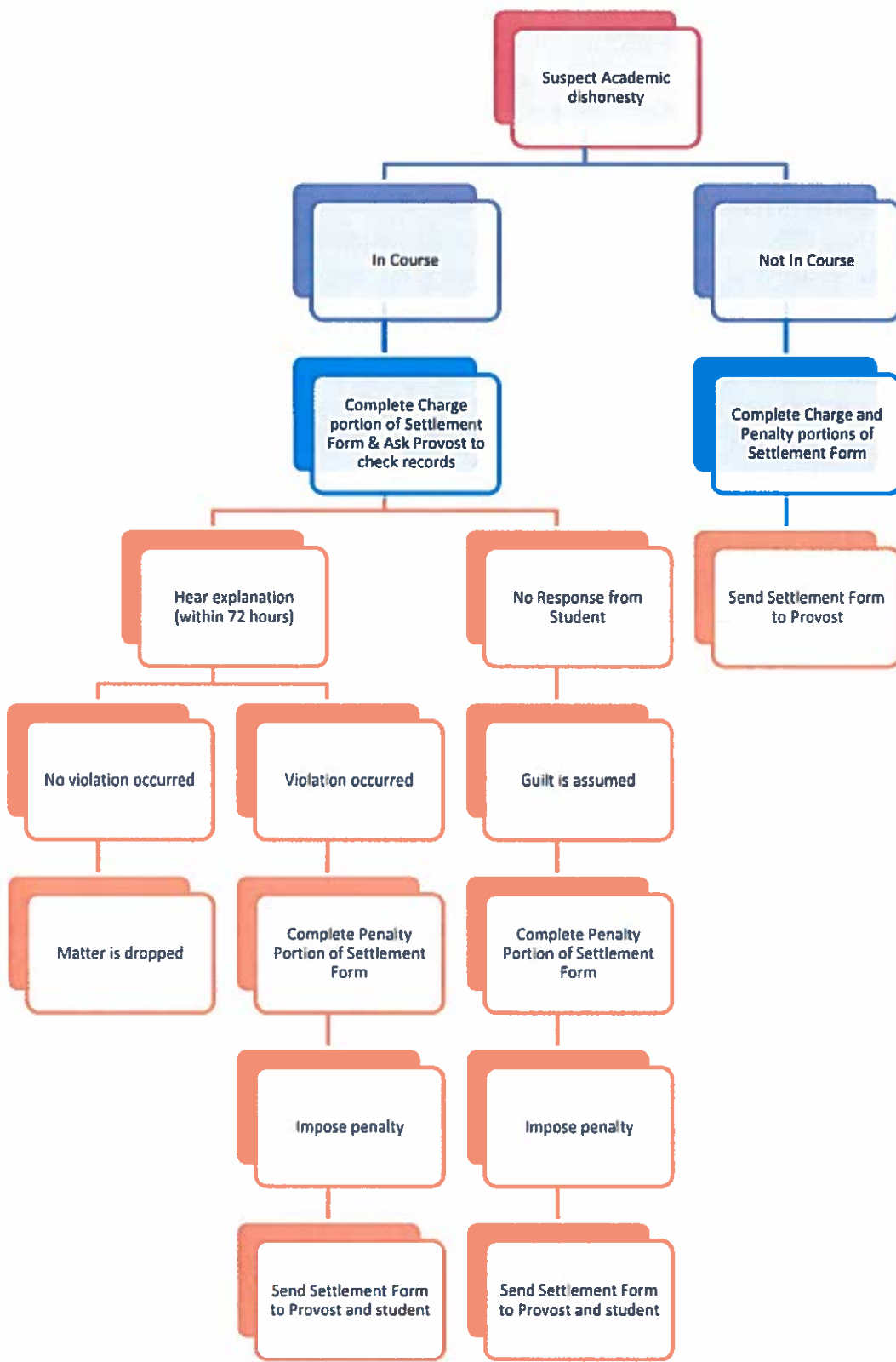
A person who acquires evidence of academic dishonesty will:

1. Complete the charge portion of the Settlement of Academic Dishonesty Form.
2. Present the evidence and request an explanation from the student. At the faculty member's discretion, this can take place in a face to face meeting or the charge may be sent to the student (using the Settlement of Academic Dishonesty Form) via the student's campus email address. The student will have 72 hours to provide an explanation. If the student fails to present evidence within 72 hours, it is assumed that the student has admitted guilt and will accept the penalty proposed by the instructor.
3. Notify the Office of the Provost, where records of violations are kept, that a charge of academic dishonesty is pending, to determine if this is a possible second (or subsequent) offense.
4. After hearing or reading the student's explanation (if the student chooses to provide one) and hearing from the Office of the Provost regarding multiple offenses, determine whether a violation has occurred. If the instructor decides that no violation has occurred, the matter will be dropped. If a student chooses to

withdraw from a course after receiving notice that he/she is charged with an academic dishonesty offense, the Settlement of Academic Dishonesty Form will still be submitted to the Provost.

5. If the determination is positive, complete and sign the "Instructor" section of the Settlement of Academic Dishonesty Form. Provide enough information so that it is clear when, where, and how the violation occurred. Use an additional sheet of paper if necessary. Be certain to initial additional pages.
6. Send a copy (hard copy or scan via email) of the signed Settlement of Academic Dishonesty Form to:
 - a. the Office of the Provost, so it can be entered into the file for tracking violations of the Academic Honesty Policy.
 - b. the student via the student's campus email address.
7. The student will have 72 hours to decide how to proceed, using one of the options below:
 - a. ADMIT GUILT and ACCEPT THE PENALTY. To proceed with this option, the student must sign the form and send a signed copy to the person bringing the charge within 72 hours, using that person's campus email address. The person bringing the charge then forwards the form to the Provost and imposes the penalty agreed upon.
 - b. TAKE NO ACTION. The decision **not** to sign within 72 hours indicates that the student is admitting guilt. In that case, the person bringing the charge then forwards the form (unsigned by the student) to the Provost and imposes the penalty specified by the instructor on the form.
 - c. APPEAL THE PROPOSED PENALTY. The student must notify the Office of the Provost within 72 hours of receiving the Settlement of Academic Dishonesty Form signed by the person bringing the charge. The appeals process is as follows:
 - i. Upon being notified of the appeal, the Provost or designee will schedule a meeting of the Provost or designee, the instructor, the relevant administrator (e.g., dean or chair), and the student. This meeting should be scheduled within ten school days of the notification, except for extraordinary circumstances, in which case it would be as soon as possible. At this meeting, in an informal conference, the Provost or designee should try to resolve the issue between the student and instructor. If no resolution is reached, the Provost or designee will render a decision.
 - ii. If either the student or the instructor is not satisfied with the decision of the Provost or designee, an appeal may be made to the Academic Appeals Board of the Faculty Senate.
 - iii. The student or the instructor may appeal the Board's decision in writing to the President of Fairmont State University or designee. The decision of the President or designee shall be final.
8. For offenses referred to the Provost on the Penalty section (due to subsequent or multiple offenses, severity, or professional import):
 - a. The Provost or designee can impose additional sanctions and notify the student by emailing to the student's campus email address a copy of the Sanction for Academic Dishonesty form.
 - b. A student who wishes to appeal these sanctions must notify the Office of the Provost within 72 hours of receiving notification.
 - i. Upon being notified of the appeal, the Provost or designee will schedule a meeting of the Provost designee and the student. This meeting should be scheduled within ten school days of the notification, except for extraordinary circumstances, in which case it would be as soon as possible. At this meeting, in an informal conference, the Associate Provost should try to resolve the issue with the student. If no resolution is reached, the Provost or designee will render a decision.
 - ii. If the student is not satisfied with the decision of the Provost or designee, an appeal may be made to the Admissions and Credits Committee of the Faculty Senate.
 - iii. The student or the Provost or designee may appeal the Admissions and Credits Committee's decision in writing to the President of Fairmont State University or designee. The decision of the President or designee shall be final.

FLOWCHART OF PROCEDURES



Section IV. Forms

SETTLEMENT OF ACADEMIC DISHONESTY FORM

Notice to Student:

1. You are **not** required to sign this form.
2. You have 72 hours to provide an explanation that addresses the charge.
3. After you respond or 72 hours pass without a response, the person charging you will make a decision about whether to complete the Penalty section and email the form back to you.
4. You have a right to appeal this penalty (see appeals procedure in the Academic Honesty Policy in the Student Handbook or on the FSU website). You will have 72 hours from receipt of the Penalty notice to seek advice and decide whether to begin the appeal process. You may discuss your decision with any person you choose.
5. The decision **not** to appeal within 72 hours indicates that you are admitting your guilt and waiving your right to appeal the penalty.
6. This form will be kept on record in the Office of the Provost and may be used against you if you commit another academic honesty offense.

Charge:

I charge the student listed below with a violation of the Fairmont State University Academic Honesty Policy as indicated.

Student Name: _____ Student F#: _____
 Course: _____ Semester: _____ Year: _____

Description of Violation: *Provide a brief description of the facts believed to constitute the violation. Use extra pages, if necessary.*

Date charge was emailed to student: _____ Date student response is due: _____

Penalty:

(The person charging the student will check the appropriate space below.)

_____ This is a first offense. After hearing your explanation, I am willing to handle this by imposing the penalty specified below.

_____ This is an offense that must be referred to the Office of the Provost (very serious first offense OR subsequent offense). In conjunction with the penalty specified below, additional sanctions may be imposed.

I will apply the following penalty (up to failure in the course) _____

Instructor's Signature: _____ Date: _____

Students who wish to appeal:

I have read this form carefully and understand its significance. I would like to appeal to the Provost.

Student's Signature: _____ Date: _____ Time: _____

SANCTION FOR ACADEMIC DISHONESTY FORM

Offenses Referred to the Office of the Provost

Notice to Student:

1. You are not required to sign this form.
 2. You have a right to appeal this sanction (see appeals procedure in the Academic Honesty Policy in the Student Handbook or on the FSU website). You have 72 hours from receipt of this Sanction notice to seek advice and decide whether to begin the appeal process. You may discuss your decision with any person you choose.
 3. You cannot appeal the determination of guilt; this appeal is for the level of sanction only.
 4. The decision not to appeal within 72 hours indicates that you are waiving your right to appeal the sanction.
 5. This form will be kept on record in the Office of the Provost.
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Sanctions from the Provost or designee:

You have been found guilty of academic dishonesty. In conjunction with the penalty specified above, the following additional sanctions will be imposed:

Provost or designee Signature: _____ Date: _____

Students who wish to appeal:

I have read this form carefully and understand its significance. I would like to appeal to the Provost.

Student's Signature: _____ Date: _____ Time: _____

To: Faculty Senate Executive Committee

From: Ad Hoc Committee on Changes to the Constitution and By-Laws

Re: Committee Update

Date: April 26, 2018

*Group met to discuss sections of Constitution and By-Laws that needed revisions.

*Jacki Sherman converted the PDF version of the Constitution and By-Laws to Word so that edits could be made.

*Dr. Long proofread the Constitution and By-Laws and made comments on areas that needed revisions. (Dr. Kremer should have a copy sent from Dr. Long)

*Jim Davis inquired about official units and full-time faculty count to Provost Lavorata and Interim Provost Harvey. (Still awaiting response) We would like to be put on the agenda of the next FS meeting for open discussion and review of marked sections by Dr. Long.

You can email Jim Davis (james.davis@fairmontstate.edu) with any questions.

Thank You.

James Davis

Donna Long

Theresa Jones

Galen Hansen

Aimee Richards

Jacquelynn Sherman

Proposed Amendments to the FAIRMONT STATE UNIVERSITY FACULTY SENATE BYLAWS

Article I. Throughout these by-laws the expression "University" shall denote Fairmont State University; the term "Faculty", "Faculty member" or terms of like or similar import shall denote the full-time faculty of Fairmont State University and shall not include ~~a person~~persons with 50% or more administrative duties, and shall not include FEAPS. Such terms shall include all faculty members with temporary or term contracts. (All other Articles to be renumbered as necessary.)

Commented [CS1]: Revises the previous language and clarifies a continuing question regarding participation in votes and other processes that affect faculty.

Article II Meetings

Section I. The President of the Senate shall convene each meeting by call to order and shall preside throughout the meeting. In the absence of the president, the vice-president shall preside and call the meeting to order. In the absence of the president and vice-president any member of the executive committee may convene the senate and preside at the meeting.

Commented [LD2]: Where do we indicate how the president is succeeded in the event of a resignation or other exit? Not here, I know, but we do need to provide that info, yes?

Article VII (renumbered) Faculty Committees

COMMON BOOK COMMITTEE

The Common Book Committee shall:

1. Publicize the book chosen for the year through appropriate programming and media support.
2. Choose a book for the following year.
3. Plan faculty development activities to help faculty integrate next year's book into their classes.
4. Conduct faculty/student assessment of the Common Book.

Commented [CS3]: Clarifies who has the authority to convene the senate and preside at meetings.

Commented [LD4]: Format should be typical of other committee descriptions. No numbering.

Each academic unit from both Pierpont and FSU will send a representative to the Common Book Committee, which will also include representatives from the Library, Student Affairs, the Freshman Seminar Program, the Honors Program, and Student Government. The Common Book Committee will elect a chair each fall.

Commented [LD5]: Can we include Pierpont in these by-laws?

Commented [LD6]: I don't think the Freshman Sem. Program exists anymore. Is the last sentence necessary? All committees elect chairs each year.

TECHNOLOGY COMMITTEE

The Technology Committee shall study issues that relate to faculty and student use of the information technologies made available by the university on and off campus; advise personnel in the IT department regarding the needs of faculty in terms of programs, systems, assistance, and training; and serve as a liaison between the faculty and the Chief Information Officer. The Chief Information Officer of the University shall be an ex officio member.

Commented [CS7]: Each of these committees has been operating as an ad-hoc committee of the senate. The Common Book committee has been in existence for several years. Previous action of the senate directed that each be made a standing committee of the senate

B. ADMISSIONS AND CREDITS COMMITTEE. The Admissions and Credits Committee shall serve as a Faculty Advisory group to the Office of the Registrar and the Office of Admissions. In this capacity, the Committee shall review general University policies adopted by these offices and recommend any appropriate changes. This Committee shall be empowered to act upon individual cases involving admission, readmission, retention, and credits of students and shall also be empowered to render judgment on petitions for grade changes submitted by faculty and administration. The Admissions and Credits Committee shall consist of interested members from the Academic Units. The Registrar, ~~and~~ the Director of Admissions and Recruiting, and the Associate Provost shall be *ex-officio* members.

Commented [CS8]: This addition requested by the Chair of the Admissions and Credits Committee

DRAFT

A Resolution of the Faculty Senate Supporting the Use of Digital or eTextbooks at Fairmont State University

BE IT ENACTED BY THE FACULTY SENATE THAT:

WHEREAS, the cost of a college textbook has increased by 73 percent since 2006 — or more than four times the rate of inflation — according to a report from the non-profit Student PIRGs (Public Interest Research Groups); and

WHEREAS, the average student budgets over \$1,200 on textbooks and supplies each year, according to the College Board; and

WHEREAS, this phenomenon has made acquisition of textbooks a prohibitive barrier to a substantial number (66%) of students (according to the Student PIRG report referenced above); and

WHEREAS, student success and retention are negatively impacted when a student is not able to purchase the textbook; and

WHEREAS, a basic tenet of academic freedom is that the faculty member should be the person who selects the books and other materials appropriate to his/her course; and

WHEREAS, students derive substantial cost savings through purchase of digital or eTextbooks; and

THEREFORE, be it resolved by majority vote of the Faculty Senate here gathered, that Fairmont State University should adopt the use of digital or e-textbooks in all courses; and

THEREFORE, be it further resolved that Faculty Senate will receive a report documenting the student cost savings and success metrics resulting from this resolution.

The 3 April 2018 email announcement from Dean Shields concerning a proposed move to using an all-digital format for Fairmont State courses has generated grave concerns among the faculty. We believe that this initiative and how it has been communicated are detrimental to Fairmont State on several grounds, to include negative repercussions for the following: teaching effectiveness and assessment of moving to a digital-only format; academic freedom and integrity; openness concerning decisions impacting how faculty perform their jobs; and freedom of association and communication among faculty.

The email directive distributed to the Deans states, "Faculty would not need to be 100% Cengage by the fall as long as they are 100% digital." We are not opposed to working on an initiative to ensure more course materials are available digitally for our students. However, a 100% mandate is unreasonable. The best book for the job does not always have a digital equivalent. This is especially true in specialty courses which often have few textbook options available.

Our concerns and suggestions are outlined below.

Problems with Digital Format and Technology

We have multiple concerns with a move to 100% digital. For the majority of classes students already have the option of purchasing digital copies of their texts online instead of purchasing a hardcopy version at the bookstore. It is our experience that ebooks are at times more expensive than a physical copy if the student orders online.

Cengage does not offer many of the specialized texts that Fairmont State uses for its courses.

In addition, initial research appears to question students' preference for digital over hardcopy texts (see <http://www.techtimes.com/articles/131055/20160205/more-than-90-percent-of-college-students-prefer-reading-paper-books-over-e-books.htm>).

Several courses are taught in a way that requires students to have hardcopy books, as some instructors require students to break into project groups during class. Simply reading an electronic version from one's cell phone does not suffice for completing these projects efficiently during limited classroom time.

Student access is another concern. Many of our students do not have appropriate electronic devices and lack stable internet connections at home. We recognize that these students would still have the option of buying physical copies of their books. However, the cost of these book could be on top of a subscription they cannot fully use. We need more information on the print rentals offered by Cengage to determine if that would counter the problem.

Many of our students like to keep their books after the semester ends. This is especially true for students who are planning to attend graduate school. This would not be possible with a subscription service.

Problems with Student Engagement with E-Books

Research has demonstrated that studying with a digital book is not as effective as hardcopy reading and writing. Learners recall less from screen studying and sleep patterns are negatively impacted. <http://www.businessinsider.com/students-learning-education-print-textbooks-screens-study-2017-10>

When asked what are these issues with digital textbooks some of the top concerns in nationwide polls highlight eye strain and distractions. These concerns are echoed by some of our own students, especially those with learning disabilities.

Impact on Assessment

A faculty member's selection of course texts is a critical component of providing undergraduates with an effective educational experience. As texts are central to the curriculum of most courses, they play a crucial role in determining course outcomes. External assessment of Fairmont State courses rigorously examines such outcomes.

Selection of texts based solely on their digital availability or, even worse, selection of texts based on their availability via a preferred vendor, skews a faculty member's ability to use texts to directly support course objectives and outcomes. This in turn affects assessments, which links curriculum to course objectives and consequently to course outcomes.

Limitation on Academic Freedom and Integrity

Instructors choose the curriculum according to which materials best support the projected outcomes of a given course – not which texts might or might not be available electronically. Fairmont State Faculty are subject-matter experts in their respective fields who determine which texts are most suitable for the demands of the courses they teach and their desired outcomes. They should not be constrained by what is offered digitally either in general or by a particular vendor. An addition to significantly reducing faculty's freedom of choice, this proposal essentially interferes with how faculty members perform their jobs.

Restrictions on Freedom of Communication

The 3 April 2018 email message stated, "Dr. Martin asked that we not discuss this outside our academic units." This statement places an unconscionable restriction on a key facet of academia, the freedom to communicate one's ideas. In addition to what an "academic unit" constitutes, it remains a mystery as to why the president issued what is effectively a gag order on the exchange of ideas. The attendant secrecy implies there is something to hide from someone. This is not a principle on which an institution of higher learning should operate.

Questions and Recommendations

We appreciate the effort to address the affordability of textbooks on our campus. We also appreciate the intent toward manifesting the equal-access-opportunity for course materials. However, as we have demonstrated we have multiple concerns with a move to 100% digital.

We request clarification to the following:

- Will there be exceptions to the 100% mandate when reasonable?
- Will the bookstore still carry a selection of non-digital books?
- How will the fee for the Cengage subscription work? Will students still be required to pay it even without any course material through Cengage?
- Is the intent to move to 100% Cengage?
- What was the selection process for Cengage as a preferred distributor?

The following recommendations are based on the proposal as we currently understand it. Our recommendations are as follows:

- We would like to see a plan that takes into consideration faculty and student feedback.
- As was previously stated a 100% mandate is unreasonable and does not take into account courses where digital equivalent texts are not available. We request that an alternate plan be developed that takes our concerns into consideration. With a concentrated effort we are certain that a plan can be developed to significantly decrease student costs that does not require going 100% digital.
- We question the value of committing to Cengage across the University. Our current adoption of Cengage books is low. The adoption of the Cengage Unlimited would have little benefit for our students.

To: Faculty Senate

From: Ad Hoc Committee on Faculty Harassment Complaint Committee

Members: Leia Bobo, Greg Hinton, Amy Sidwell, Joe Riesen(Chair)

Date of Report: March 8, 2018

1. Work of the Ad Hoc Committee:

a. Used this as our definition of harassment:

Harassment-improper conduct by an individual or group of individuals, that is directed at and offensive to another individual in the workplace that the individual(s) know or should have reasonably known would be offensive to or harm the individual. This may include individuals of a protected class. More specifically, harassment is normally a series of incidents, but can be one severe incident which has a lasting impact on the individual.

b. Used as our definition of grievance.

Grievance-An individual files a grievance against a supervisor when that supervisor, acting as an agent of the University, treats the individual in a manner that seems unfair or is contrary to laws or policies in place. One may also file a grievance in response to the action or inaction of the supervisor after a harassment claim brought to the supervisor.

c. Examined FSU Harassment and Grievance policies on various areas of the FSU website.

d. Examined the established procedures for filing harassment complaints.

e. Held a series of meetings throughout 2016-17 as we were charged with hearing a grievance. (three members of the Ad Hoc Committee were on last year's Faculty Harassment Committee)

f. Held a series of meetings of the Ad Hoc Committee throughout 2017-18.

g. Examined the established procedures for filing grievances.

h. Examined how the Senate's faculty harassment complaint committee (and a previous committee) fit into this procedure.

i. The majority of the committee was on a faculty harassment committee last year that held a series of hearings on three different grievances. Obtaining information from HR and the administration was difficult and there were no real guidelines nor guidance on the procedure for conducting the hearing, itself.

j. Reviewed the WV Public Employees' Grievance Board. Even though higher education employees file grievances with this Board, the rules regarding the grievance are different than those for other state employees. They have their own statutes in State Code. (Personal experience of a member on the committee)

k. Reviewed the state statute indicating that an individual must file a grievance within 15 days of the incident to the Public Employees Grievance Board and President of the University.

2. Our sources of information include:

- a. Faculty Senate Documents –website for the current year. The printed Faculty Handbook from 2002-2003 was used to see former faculty senate documents regarding the Faculty Harassment Complaint Committee and the (former) Faculty Grievance Committee.
- b. Faculty Handbooks: 2016-17 (no 2017-18 Faculty Handbook found on website) , 2014-15 and 2002-03 printed versions. These contained material that we wanted to reference, although we had access to other years of printed handbooks.
- c. Staff handbook: Current year FSU website.
- d. Falcon Center website concerning code of conduct and FSU harassment policies.
- e. HR website for FSU.
- f. BOG website for policies.
- g. WV Public Employees website—specifically, the grievance board form and policies.
- h. WV HEPC policies website.

3. Recommendations of the Committee:

- a. The Faculty Senate ask the Administration to “Make the harassment policies uniform and easily accessible across all units of FSU—BOG, HR, Faculty Handbook, Employee/Staff Handbook, and all FSU websites.”
- b. Determine if the Faculty Handbook contains all information for faculty policies, or if we also need to reference the Staff/Employee Handbook.
- c. Make sure grievance policies and procedures are delineated in a clear and concise manner and are easily accessible to all employees, including faculty. A good *start* is a document created some time ago and included in numerous Faculty Handbooks, including the 2014-2015 Faculty Handbook. See Appendix A.
- d. Re-constitute the Faculty Grievance Committee and continue to use the Faculty Harassment Complaint Committee. The excerpts from the Faculty Senate Documents pertaining to these two committees are included in appendices B and C. (Obtained from the current Faculty Handbook and those from the 2002-2003 Faculty Handbook.)
- e. Have our Ad Hoc committee develop the role that Faculty Harassment complaint Committee and Faculty Committee have in the harassment complaint and/or grievance process at FSU. Further, the process should be more clearly delineated in the Faculty Senate Documents as to the proper function of these committees, as well as appropriate guidelines and **forms** used to file complaints/grievances. This work will include determining how the internal process in place at FSU relates to the WV statute requiring the filing of a grievance within 15 days of the incident.

APPENDIX A

See the attached PDF file.

APPENDIX B

Faculty Senate Handbook 2017-18 excerpt of the Faculty Senate Documents (there are no rules of order published—only bylaws...)

FACULTY HARASSMENT COMPLAINT COMMITTEE.

The Faculty Harassment Complaint Committee shall consist of six faculty members drawn from a panel of fifteen faculty members with representation from each Academic Unit in accordance with the committee procedures that follow. This committee shall (1) conduct a formal hearing in accordance with the University's Harassment Policy and (2) make recommendations to the President of the University.

Committee Procedure:

1. The President of the University shall strike six faculty members from the panel of fifteen members and then furnish the complainant and the faculty member who is respondent a list of nine faculty members with instructions that each strike two names and return the list to the President within ten days.
2. If for any reason the faculty member and the complainant fail to strike or strike the same faculty, the President shall, within five days, strike a sufficient number to reduce the members to six, who shall constitute the formal hearing committee.
3. The President shall promptly notify the six members in writing that they have been selected to constitute a formal Hearing Committee and that they are responsible for selecting one of their members to be Chairperson. The President shall designate a time and place for their meeting to make such selection and to set a date for the hearing.
4. The Chairperson shall give timely notice by certified mail to the concerned persons of the time and place for the hearing.
5. The hearing shall be conducted with as little delay as possible.
6. The Hearing Committee shall hear such proof of facts as may be deemed proper and reasonable. The complainant and the faculty member shall have the opportunity to submit evidence relevant to the complaint.
7. Witnesses shall be examined under oath in the manner and form and in the order designated by the Committee.
8. The complainant and the faculty member shall have the right to have an advisor or legal counsel at their own expense.
9. Formal rules of evidence shall not apply in such hearings.
10. Testimony shall be recorded.
11. As soon as practicable after the hearing, the Hearing Committee shall deliver to the President a recording of the testimony, the summary of the hearing, and the findings and recommendations of the Committee.
12. If the claim of harassment is considered to have been verified, the Provost and Vice President for Academic Affairs shall recommend an appropriate sanction or sanctions to the President.
13. Faculty grievance procedures set forth in the Faculty Handbook may be used to appeal imposed sanctions.

APPENDIX C

Faculty Senate Handbook 2003-2004 excerpt-(fac. Senate bylaws—with “possible” recommended revisions)

F. Faculty Grievance Committee. The Faculty Grievance Committee shall act as an appeal organ of the Fairmont State College faculty. Its purpose is purely investigative. Faculty members are expected to take complaints to the School or department chairperson, the appropriate dean, vice president, or whatever body has authority to act upon the question. The Grievance Committee may not consider grievances resulting from appeals to or decisions from the Academic Appeals Board, the President of the College, the Board of Directors, or any agency external to Fairmont State College. The recommendation of the Faculty Grievance Committee should be sought only after all appropriate channels for consideration of the complaint have been found unresponsive or ineffective in satisfactorily resolving the grievance.

Faculty Senate Rules of Order

C. Faculty Grievance Committee. The Faculty Grievance Committee shall consist of fifteen faculty members. The Grievance Committee shall (1) hear faculty grievances, (2) investigate the legitimacy and fairness of their nature, and (3) make recommendations to the appropriate decision-making authorities.

Committee Procedure:

1. The Faculty Grievance Committee will hold closed meetings. The Grievance Committee may interview the complaints, each witness, and the respondents privately. The Committee may interview persons appearing before them in order to clarify points and secure data relevant to the issue at hand.
2. Before the hearings on a particular grievance start, the complainant may disallow one member of the committee from hearing the proceedings. In addition, a member of the Grievance Committee shall be disqualified from hearing a grievance if the complainant is a member of *the same* his/her School. Provision shall be made for alternates to serve in place of disqualified members.
3. During the meeting the faculty complainant shall present *the* his/her grievance to the committee. A written statement of the salient points *of the* in his/her presentation as well as any supporting documents or data, prospective witnesses and testimonials relevant to *the* his/her grievance must be in the hands of the chairperson of the Grievance Committee seven days prior to the meeting.
4. Witnesses for the complainant may appear before the Grievance Committee to give oral testimony regarding the matter under consideration. If witnesses are to appear,

written resumes of the salient points in their testimony must be in the hands of the committee chairperson seven days prior to the meeting.

5. The President of the College, the Vice President, the appropriate Dean, the chairperson of a School or department, or a representative of the body against whom the complaint is made may be requested to appear before the Grievance Committee to make a statement in response to the complaint and to answer questions *that* which will reveal the rationale for the respondent's stand on the grievance. A written statement on the salient points in the response to the complaint as well as the rationale for the stand must be in the hands of the chairperson of the Grievance Committee seven days prior to *respondent's* his/her appearance before the Committee.

6. All testimony shall be regarded as confidential. No written statements regarding committee discussion shall be issued. No recording of committee discussion shall be permitted. No attorney representing the interest of any individual or group shall be present *because* since the proceedings are entirely investigative.

7. The Committee shall give consideration to whether any of the following have been violated:

- a. Higher Education Policy Commission Policy
- b. Administrative Policy already in effect
- c. Senate Regulations
- d. Academic Freedom of Individual

8. The Grievance Committee shall hear and study the grievance and any evidence relevant to it, formulate a recommendation regarding resolution of the question, and forward that recommendation and supportive reasons to the complainant, the respondent, and the President of the College.

9. To insure that all faculty have fair and equal rights to grievance hearings, the Grievance Committee will consider no more than two consecutive grievances from any one faculty member during any academic year if other faculty grievances are pending.

10. If in any given year excessive grievances are filed with the Grievance Committee, the President of the Senate may be requested to appoint additional committee members so that all grievances may be completed in the same academic year.

11. The Faculty Grievance Committee shall consist of regularly appointed members, plus two appointed alternates.

Faculty Senate original documents 2005-06...bylaws and rules of order

F. Faculty Grievance Committee.¹ The Faculty Grievance Committee shall act as an appeal organ of the Fairmont State University faculty. Its purpose is purely investigative. Faculty members are expected to take complaints to the School or Department chairperson, the appropriate dean, vice president, or whatever body has authority to act upon the question. The Grievance Committee may not consider grievances resulting from appeals to or decisions from the Academic Appeals Board, the President of the University, the Board of Governors, or any agency external to Fairmont State. The recommendation of the Faculty Grievance Committee should be sought only after all appropriate channels for consideration of the complaint have been found unresponsive or ineffective in satisfactorily resolving the grievance.

¹Amended by Faculty Senate, 1978

³Amended by Faculty Senate, 1978

O. Faculty Harassment Complaint Committee.² The Faculty Harassment Complaint Committee, drawn from a panel of fifteen faculty, shall conduct a formal hearing and make a recommendation to the President of the University in accordance with the Institutional Harassment Policy in any case in which a faculty member is the respondent.

²Approved by Faculty, April 19, 1994

Now-the rules of order excerpts for the two committees-

C. Faculty Grievance Committee.³ The Faculty Grievance Committee shall consist of fifteen faculty members.⁴ The Grievance Committee shall (1) hear faculty grievances, (2) investigate the legitimacy and fairness of their nature, and (3) make recommendations to the appropriate decision-making authorities.

Committee Procedure

1. The Faculty Grievance Committee will hold closed meetings. The Grievance Committee may interview the complaints, each witness, and the respondents privately. The Committee may interview persons appearing before them in order to clarify points and secure data relevant to the issue at hand.
2. Before the hearings on a particular grievance start, the complainant may disallow one member of the committee from hearing the proceedings. In addition, a member of the Grievance Committee shall be disqualified from hearing a grievance if the complainant is a member of his/her School. Provision shall be made for alternates to serve in place of disqualified members.

3. During the meeting the faculty complainant shall present his/her grievance to the committee. A written statement of the salient points in his/her presentation as well as any supporting documents or data, prospective witnesses and testimonials relevant to his/her grievance must be in the hands of the chairperson of the Grievance Committee seven days prior to the meeting.
4. Witnesses for the complainant may appear before the Grievance Committee to give oral testimony regarding the matter under consideration. If witnesses are to appear, written resumes of the salient points in their testimony must be in the hands of the committee chairperson seven days prior to the meeting.
5. The President of the University, the Vice President, the appropriate Dean, Department Chair or a representative of the body against whom the complaint is made may be requested to appear before the Grievance Committee to make a statement in response to the complaint and to answer questions which will reveal the rationale for the respondent's stand on the grievance. A written statement on the salient points in the response to the complaint as well as the rationale for the stand must be in the hands of the chairperson of the Grievance Committee seven days prior to his/her appearance before the Committee.
6. All testimony shall be regarded as confidential. No written statements regarding committee discussion shall be issued. No recording of committee discussion shall be permitted. No attorney representing the interest of any individual or group shall be present since the proceedings are entirely investigative.
7. The Committee shall give consideration to whether any of the following have been violated:
 - a. Higher Education Policy Commission Policy
 - b. Administrative Policy already in effect
 - c. Senate Regulations
 - d. Academic Freedom of Individual
8. The Grievance Committee shall hear and study the grievance and any evidence relevant to it, formulate a recommendation regarding resolution of the question, and forward that recommendation and supportive reasons to the complainant, the respondent, and the President of the University.

9. To insure that all faculty have fair and equal rights to grievance hearings, the Grievance Committee will consider no more than two consecutive grievances from any one faculty member during any academic year if other faculty grievances are pending.

10. If in any given year excessive grievances are filed with the grievance committee, the President of the Senate may be requested to appoint additional committee members so that all grievances may be completed in the same academic year.

11. The Faculty Grievance Committee shall consist of regularly appointed members, plus two appointed alternates.

Faculty Harassment Complaint Committee. The Faculty Harassment Complaint Committee shall consist of five faculty members drawn from a panel of fifteen faculty in accordance with the committee procedures that follow. This committee shall (1) conduct a formal hearing in accordance with the Institutional Harassment Policy and (2) make recommendations to the President of the University.

5Approved by Faculty, April 19, 1994

Committee Procedure

1. The President of the University shall strike six faculty members from the panel of fifteen members and then furnish the complainant and the faculty member who is respondent a list of nine faculty members with instructions that each strike two names and return the list to the President within ten days.

2. If for any reason the faculty member and the complainant fail to strike or strike the same faculty, the President shall, within five days, strike a sufficient number to reduce the members to five, who shall constitute the formal hearing committee.

3. The President shall promptly notify the five members in writing that they have been selected to constitute a formal hearing committee and that they are responsible for selecting one of their membership to be chairperson. The President shall designate a time and place for their meeting to make such selection and to set a date for the hearing.

4. The chairperson shall give timely notice by certified mail to the concerned persons of the time and place for the hearing.

5. The hearing shall be conducted with as little delay as possible.
6. The hearing committee shall hear such proof of facts as may be deemed proper and reasonable. The complainant and the faculty member shall have the opportunity to submit evidence relevant to the complaint.
7. Witnesses shall be examined under oath in the manner and form and in the order designated by the Committee.
8. The complainant and the faculty member shall have the right to have an advisor or legal counsel at their own expense.
9. Formal rules of evidence shall not apply in such hearings.
10. Testimony shall be recorded.
11. As soon as practical after the hearing, the hearing committee shall deliver to the President the audio tape of the testimony, the summary of the hearing, and the findings and recommendations of the committee.
12. If the claim of harassment is considered to have been verified, the Vice President for Academic Affairs shall recommend an appropriate sanction or sanctions to the President.
13. Faculty grievance procedures set forth in the Faculty Handbook may be used to appeal imposed sanctions.

Presidential Perception Survey Committee

Annual Report to Faculty Senate

Submitted by Gina Fantasia, Janie Leary, Tony Morris, Elizabeth Savage, and Chuck Shields

This committee met April 27, 2018 and came to consensus on the following.

1. This committee will explore current best practices for surveying university presidents with an eye to recommending an instrument to the Faculty Senate by November, 2018. The current survey was updated in 2013/2014.

2. The committee requests the Senate update its definition of "academic units" to align with transformations in the University since 2014 in order to facilitate election of committee members in compliance with the Constitution.