

Northwestern University
Minutes of the Faculty Senate
Videoconference
October 14, 2020

The Northwestern University Faculty Senate held the first meeting of the 2020-2021 academic year on October 14, 2020, over Zoom videoconference. A number of Senators participated remotely. President Therese McGuire called the meeting to order at 5:02 p.m. A quorum was present.

The president welcomed returning and new senators. She also noted that the minutes from the June 3, 2020 meeting were approved and entered into the record.

The president then began her report.

The Faculty Senate leadership continued to work closely over the course of the summer, particularly with the Provost Office. The Senate leadership was consulted on the administration's response to the ongoing pandemic. Additionally, the Senate leadership worked with the Provost Office, Office of Equity, and the General Counsel on the University's response to the new Title IX policy from the U.S. Department of Education.

The president said she also held one-on-one meetings with each of the deans and several unit heads over the course of the summer. The most common topic was the environment for NTE faculty at Northwestern. She noted that the Non-Tenure Eligible Committee survey from last year has proved to be incredibly helpful.

The president then highlighted some old business carrying over to this year: academic freedom language in the Faculty Handbook and also clarification in the Faculty Assembly Bylaws and University Statutes over the role of the Faculty Assembly.

Closing her report, the president noted some new business for this year that will include a formalized working relationship between Senate standing committees and units in central administration. Two such partnerships are in effect: the Research Affairs Committee will meet with the Vice President for

Research quarterly and the Budget and Planning Committee is working with the University's Resource Planning workgroup.

The president entertained a motion to confirm the chairs of Faculty Senate Standing Committees. The motion was made and seconded, and the Senate confirmed the chairs as follows: Senator Martin Lariviere, Budget & Planning Committee; Senator Allan Horwich, Committee on Cause; Senator Carol Heimer, Educational Affairs Committee; Senator Ceci Rodgers, Faculty Handbook Committee; Senator Harris Feinsod, Faculty Rights & Responsibilities Committee; Senator Mark Witte, Governance Committee; Senator Lilah Shapiro, Non-Tenure Eligible Committee; Senator Dan Foltz, Research Affairs Committee; Senator Robert Gordon, Salary & Benefits Committee; Senator Joshua Hauser, Social Responsibility Committee; Senator Steve Adams, Student Affairs Committee.

The president entertained a motion to confirm the members of the Committee on Cause. The motion was made and seconded, and the Senate confirmed the members as follows: Senator Allan Horwich (Chair); Senator Celia O'Brien; Senator Lilah Shapiro; Senator David Uttal; Senator Belma Hadziselimovic; Senator Hao Zhang; Senator Sarah Bartolome; Senator Hermann Riecke.

The president then introduced General Counsel Stephanie Graham, Associate General Counsel Sarah Wake, Associate Vice President for Equity TiShaunda McPherson, Director of Sexual Misconduct and Resources and Title IX Coordinator Colleen Johnston, and Assistant Provost Celina Flowers to discuss changes to the Title IX policy. She also included some context by stating that a preliminary version of the Faculty Handbook was approved by the Senate leadership in August in order to keep the University in compliance with the new Title IX policy. However, the changes to the Faculty Handbook were not formally approved by the Senate. Tonight, she said, the Senate began that approval process, one that will be completed when a vote is held to approve the changes at the November Senate meeting.

Associate Counsel Wake gave an overview of the legal framework. She said the current presidential administration revoked guidance that was implemented during President Obama's tenure pertaining to Title IX and sexual misconduct. After those guidelines were revoked, proposed regulations were distributed and universities had a chance to comment on the changes. Following that, the regulations

were finalized and universities were given a short time frame to implement those final changes. Associate Counsel Wake said there were many important changes, including the most publicized ones which were the right to cross examination and requiring live public hearings. It was also made clear that these guidelines would pertain to students, faculty, and staff as opposed to students making complaints against other students. Associate Counsel Wake then focused on the new regulations' definition of sexual harassment and what that definition means for the new Title IX policy. Prior to the implementation of these regulations, Northwestern had a policy on discrimination and harassment and a separate policy on sexual misconduct (informed by Obama era guidance). Associate Counsel Wake said she believes the most consequential changes these regulations made was modifying the definition of sexual misconduct in two ways: Title IX only applies to conduct that occurs in the United States in the context of educational activities and sexual harassment has to be severe and pervasive. She added that the regulations allowed schools to develop their own policy to govern the previously defined misconduct that falls outside of Title IX like off-campus behavior and incidents that occur abroad. Northwestern wanted to formulate their own policy to capture what was lost and has now worked to develop a policy on institutional equity following past guidance and continuing to incorporate the important changes the Senate leaders and the Office of Equity made. In addition to that policy, Northwestern also has a new Interim Title IX policy addressing the regulations.

Vice President McPherson then reviewed the two policies—Policy on Institutional Equity and the Title IX policy—in depth. She made it clear that Northwestern continues to prohibit all forms of discrimination, harassment, and sexual misconduct whether they fall under the new Title IX policy or not. She then went through a side-by-side comparison of each policy. She reiterated the jurisdictional restrictions on Title IX that Associate Counsel Wake mentioned. Then she provided some context on which policy will be used in a given situation, including jurisdictional, geographical, and affiliation to Northwestern. Vice President McPherson followed that with an overview of the two processes, which are similar, but vary on two key points: the live hearing in Title IX cases and the decision for sanctioning is determined by the Office of Equity in the Policy on Institutional Equity, unless it is a faculty member, in which case the decision will be made by the Faculty Sanctioning Panel. Appeals for each policy differ slightly in that the Title IX policy accounts for potential conflicts of interest for the Title IX coordinator, investigator, or decision maker. Finally, Vice President McPherson outlined the process for appeals in each policy, which can be found in the changes to the Faculty Handbook.

Assistant Provost Flowers detailed the changes to the Faculty Handbook needed in order to comply with the new Title IX policy. Those changes can be found [here](#).

The president then opened the floor for questions.

Senator John Thorne asked for further context on off-campus incidents. Vice President McPherson said that conduct that occurs off-campus will not be covered under the Title IX policy. However, if that conduct impacts the University community working or learning environment, it would be covered by the Institutional Equity Policy.

Senator João Quieroga asked about the Doha campus as it relates to Northwestern's policy and the Title IX policy, and wanted to ensure that the University is doing everything it can to protect the equity of all students at Northwestern. Vice President McPherson said that part of the reason the University wanted to have the Institutional Equity Policy is to guarantee the protections Senate Quieroga alluded to. Thus, she said that the Institutional Equity Policy would govern any and all incidents in Doha.

Senator Amy Kontrick asked if the two policies can overlap i.e. an incident occurs on campus and then a student travels somewhere off campus and another incident occurs. Vice President McPherson said that if there is behavior that potentially falls under both policies, then Title IX must govern the process for investigating that specific allegation. She said it would be the responsibility of the Office of Equity to determine which policy governs at what time.

Senator Karen Alter expressed concern over the procedural requirement that accusers must face the accused. She said it more than likely will have a chilling effect and she wondered what the level of concern was within the administration. General Counsel Graham said that they are very concerned, and that schools across the country are worried. She stressed that the University will only apply the Title IX provisions where they absolutely must. She also said that if data indicates a significant dip in reporting,

and the Department of Education mandates stay in place, the University will have to find a way to ensure students feel safe filing complaints.

Senator Rick Cohn asked for background information about how many complaints there are per year. Director Johnston said that the Office of Equity has a breakdown of the number of complaints each year on their [website](#).

Senator Angela Lee said that one difference in the two policies was what information was available. In the Title IX investigation, all evidence is presented. In the Policy on Institutional Equity, only relevant evidence is entered into the record. Senator Lee asked who determines what is relevant. Vice President McPherson said the Office Of Equity reviews all the information that comes in during a specific case and determines if the information that has been provided is related to what has been alleged.

Senator Enectali Figueroa followed up on Senator Cohn's question regarding reports and asked if the Office of Equity could share what fraction of cases last year would now fall under the Title IX policy and what fraction would fall under the Institutional Equity Policy. Director Johnston said she did not have a particular number, but she did add that incidents that occur off-campus will now go through a separate policy.

Senator Thorne asked a follow-up question noting that he felt the mandate was overly vague on what constitutes off-campus. He also expressed some caution in regards to overly guarding off-campus activities and not wanting have a chilling effect on those events, either. Vice President McPherson said that Senator Thorne's point is well taken and that the Institutional Equity Policy is in place to ensure the University has some coverage for off-campus conduct.

The president thanked each of the presenters. She then called on Senator Ceci Rodgers who asked Senators to share the changes to the Faculty Handbook with their constituents and to submit any feedback (c-rodgers@northwestern.edu) to the Faculty Handbook Committee by October 28.

The president introduced Provost Kathleen Hagerty and opened the floor for questions related to remote teaching and the University's ongoing adaptations related to the pandemic.

President-Elect Bob Holmgren asked if the Provost Office has learned from Kellogg's experience teaching classes in-person this quarter. Provost Hagerty said she is Kellogg professor herself and the Provost Office has been in close communication with their leaders. She said there are some things Kellogg does really well and are replicable. Yet, other practices are difficult to duplicate because of the Global Hub's state of the art facilities. She said the University is still constrained by space—social distancing alone reduces the class capacity by seventy percent. The Provost Office has continued to review the classrooms and consult the medical experts. She added that she hopes they will be able to hold more in-person classes during the winter quarter. Associate Provost Miriam Sherin added that Kellogg is running a unique hybrid program where they have simultaneous in-person and Zoom classes. She said the plan is to upgrade the classrooms to improve the tech capacity across the campus.

Past President Lois Hedman noted the disproportionate effect the pandemic has on faculty and how the Provost Office has issued directives to the deans. She asked if Provost Hagerty would repeat those directives and also asked how faculty can ensure these directives are implemented. Provost Hagerty said the Provost Office sent out notices to all of the deans reiterating their policy for maximum amount of flexibility and empathy. She said there are other ways for faculty to reach out if they aren't getting the consideration. Provost Hagerty noted the one year extension on the tenure clock and also mentioned that the Provost Office will be archiving this disruption during faculty's careers and taking that into account.

Senator Judy Franks asked if the Provost Office has an estimate of the number of students who are going to try to return to campus for winter quarter. She added that she is a little concerned with the quarter being reduced from ten weeks to nine. Provost Hagerty said the University does not like to cut down on teaching time unless absolutely necessary. She said freshman and sophomores are eager to return and the University feels they have come up with a way for them to return. If that happens

however, the students will need extra time to quarantine during Wildcat Wellness and the quarter starts immediately after winter break. Hence, the need for the one week reduction. Provost Hagerty added that the University has a rough idea of the number of students who could potentially return—around 2,500.

Senator Figueroa asked if the administration has made considerations for students from low income backgrounds, specifically how students in those situations must weigh staying home in a potentially disruptive environment against coming to campus and paying for room and board. Provost Hagerty said that Northwestern has very generous financial aid, including being one of the only schools to have a no-loan policy. If students follow the guidelines for aid, no student should leave Northwestern owing the University money, she said. In addition to that, Northwestern has other sources of money students can apply for to cover technology fees, books, etc.

Past President Hedman asked if there was anything the administration learned during the Wildcat Wellness period that might need to be done differently. Additionally, has the University received feedback from students about how they weathered the two-week quarantine period. Provost Hagerty said she thought wellness week went pretty well. Northwestern has done thousands upon thousands of COVID tests, approximately 6,000 per week. The positivity rate is currently very low—about .1 percent. As a result, very few students have been in quarantine.

Senator Carol Heimer asked about the testing policy for faculty. Provost Hagerty said that no faculty and staff have to be tested, but faculty that are teaching may, and are encouraged to, get tested. Next quarter, the students will get tested once a week and any faculty teaching on campus will be tested once every other week. Senator Heimer asked a follow-up wondering about faculty who aren't coming to campus. Provost Hagerty said that initially the University was concerned about test capacity. Now, the University has more capacity than they anticipated and so they have opened up testing for more people.

Senator Claudia Swan wondered if Provost Hagerty will be holding a moderated discussion with the Organization of Women Faculty (OWF) to discuss their recent letter expressing concern about the

effect of the pandemic on women faculty. Provost Hagerty said that she will holding a town hall with OWF and the deans in about two weeks.

Senator Marty Lariviere asked if the Provost could share what metrics for student return the University is tracking relative to the academic calendar and on campus activities. He stated that he is teaching next quarter and some clarity on what to expect as far as what instruction will look like in the winter quarter would be helpful. Provost Hagerty said that they look at the amount of rooms they have on campus in relation to social distancing and then they decide how many students can return. They understand the process and framework much better now, which means they are much more prepared for the winter quarter. Provost Hagerty added that she doesn't expect the quarter to be entirely remote.

President-Elect Holmgren asked if the fraternities and sororities will be open during the winter quarter. Provost Hagerty said she expects a mix—some open and some not. She noted that all the Greek houses are on campus, which gives Northwestern the ability to supervise the houses much more closely. There are a lot of rooms and beds in those houses, she said, and the University would like to make use of those if possible.

Senator David Uttal asked when the University might return to matching retirement funds. Provost Hagerty said they would like to reinstitute that match as soon as possible [since the Senate meeting the administration announced retirement contributions would return on January 1, 2021].

Senator Tom Hope, a virologist at Northwestern, said that he has been very encouraged by Northwestern's testing capabilities and overall response to the pandemic. However, he expressed concern about COVID's spread during the winter months. In particular, the virus's airborne spread and the poor circulation of air in many older buildings on campus. Provost Hagerty said she appreciated the comment. She stressed how careful the University must remain. She promised they will continue to consult the experts at Northwestern Memorial and stay vigilant.

Senator Steve Carr said that one of his faculty colleagues reached out to him with concern about the layoffs of the Compass workers and he asked what the Provost's view was on this situation. Provost Hagerty said the best way to help them is rehire the workers. She acknowledged that this is not in her area of the University and she didn't have all the details.

Past President Hedman acknowledged that the pandemic has rightfully commanded the majority of the administration's time and resources. When the University does return to some level of normalcy financially, she wondered when the Ombuds office will be up and running. Provost Hagerty said that the job description was ready to be posted on the HR website right before the pandemic hit. Ideally, they could try to post the job in the winter with hope they would arrive in the summer or possibly the fall.

Senator Steve Tarzia said many faculty in his department have been very happy with the University's response to the pandemic, especially the IT department's ability to support remote learning. He said there were concerns about quality grades when fair assessment options were not an option, and wondered if there are any considerations to change that. He also asked if there were ways to help students with poor internet connection at home. Provost Hagerty said that there were strong reactions on both sides when the University decided to go to Pass/No Pass last spring. This fall, the University returned to quality grades based on what they had learned from the spring, the subsequent improvements they made to the remote experience, and also all of Northwestern's peers had decided they were giving out grades. Addressing the second question, Associate Provost Merin said the University gave 150 students over the summer and approximately 400 students this fall financial assistance for technology support. She said Northwestern also offers one-on-one consulting when students are experiencing internet issues.

Senator Swan lauded the library's resources during the pandemic, specifically the data sciences. She did mention that a higher budget for e-books would be helpful, but overall the digital resources have been wonderful. Provost Hagerty thanked Senator Swan for her comments and promised to pass that information on to the library.

Senator Regan Thomsen said that his Zoom experience this quarter has been fairly positive. The students have been highly engaged. He said he and his colleagues will certainly be thinking of ways to incorporate some of the positives they've experienced from remote teaching into their lessons once they return to the classroom. Provost Hagerty said the administration has heard similar comments and she does hope those positives translate to improved pedagogy. She also said she has been really impressed with the faculty's creativity during this time.

Senator Julie Myatt asked if Northwestern intends to remove ACT and SAT test scores from their admission requirements. Provost Hagerty said the University has made standardized test scores optional for next year.

Senator Fred Turek said he has had more office hour contacts in the first four weeks this year than he has for an entire quarter in the past. He said he might consider to still hold Zoom office hours even when he returns to full in-person classes. Provost Hagerty said that far more people show up for meetings now because the transaction costs are so much lower.

Senator Bob Gordon asked a question about teaching small freshman seminars: is it going to be possible to teach a 10-12 freshman seminar in classroom that normally holds 40 students? And he also asked who makes that decision. Associate Provost Sherin said during the fall quarter decisions about where classes would be taught were made at the school level. For winter quarter, her sense is that faculty have much more flexibility. She suggested Senator Gordon contact his department chair or the dean's office.

The president thanked the senators for their contributions and the Provost for volunteering her time to engage with faculty on these important topics.

With no new business, the meeting adjourned at 7:00 p.m.

Respectfully submitted,

Jared Spitz

Secretary to the Faculty Senate