

STAFF SENATE MEETING AGENDA
Wednesday, March 16, 2016 2:00 pm
Dean B. Ellis Library Boardroom

1. Call to Order
2. Roll Call
3. Routine Business
 - a. Meeting minutes
 - b. Treasurers report
3. Old Business
 - a. Article 1.7 Amendment
4. New Business
 - a. Election Update
 - b. Picnic Update
 - c. Staff Awards Update
 - d. 16 SP 02 – Questions with Lori Winn
 - e. Next meeting – April 20th at 1:30 pm
5. Report from the President
6. Open discussion
7. Announcements and Reminders

Arkansas State University

Staff Senate Meeting

February 17, 2016

The Arkansas State University Staff Senate met on Wednesday, February 17, 2016 in the library Boardroom (8th floor) on the ASU – Jonesboro campus, staff senate president, Nikki Turner called the meeting to order at 2:05 pm.

In attendance: Paula Broadway, David Hakenewerth proxy for Steven Brown, Robert Coggins, Shane Copeland, Misty Cureton, Timothy Cureton, Rodney Davis, Adrian Everett, Vera Forrest, Loretta Fulton, Brandy Hampton, Terry Locke, Jarrod Locke, Amber Jordan, Randy Martin, Carla McCain, Curtis Miller, Jennifer Novalick, Hope Phillips, Randall Tate, Nikki Turner, Natalie Turney, Scottie Wheat.

January Minutes:

The January minutes were updated to reflect that the proposed changes to the Vice President duties were changed to add the phrase *“maintain and keep current the roster of Senators with name, EEO category, term expiration; noting Senators filling vacancies”*. Hope Phillips motioned to accept the minutes as written. Adrian Everett seconded, all approved.

January Treasury:

The Treasury Report was presented by Brandy Hampton. Items of note were January transactions out of the Foundations account into the Staff Senate account to pay for the Staff Recognition Plaque and the Benefits Fair door prize. Loretta Fulton motioned to approved minutes, Nikki Turner seconded, all approved.

Old Business:

- a. Bylaws: Addition to Vice President duties: Randall Tate recommended additional duties for the Vice President to include: maintain and keep current the roster of senators with name, EEO categories, term expiration, and noting new senators that are filling vacancies. This will make it more organized in who is serving and when terms expire. There were no questions or concerns regarding the addition to Bylaws. Scottie Wheat motioned to approve the addition to the Bylaws. Shane Copland seconded, all approved.

New Business:

- a. Coach Z was not available to attend today.
- b. Election Update: Randall Tate – received revised election calendar. The Election Committee received the numbers for employees and the number of senators needed. The Election Committee will be working with IT to work on the election ballot. The election will take place a week after Spring Break (March 28 – April 1st). During the April meeting, there will be a mixer to introduce the new senators. The May 18th meeting, the new senators will attend and new officers will be elected. The last meeting for old senators will be the 20th. There will be a total of 15 new senators elected this term. There are more senators needed in Category 30 (8 in total). The ratio is 35 employees to 1 senator. Brandy Hampton will check data again to make sure

there are no issues with the number of full-time employees at A-State. Hope Phillips was concerned with how many employees were grant funded and if those numbers were included in the data we currently have. Brandy Hampton asked if the senate needed to define grant funded employees in the Bylaws. Nikki Turner stated that 100% grant funded employees cannot serve on senate but still needed to be represented. She will look at the Constitution and Bylaws and there may be a need to have that defined and it would make it easier for future senates. Randall Tate encouraged current senators to encourage others to nominate and serve.

c. Staff Picnic Update: Scheduled for May 19th in the Pavilion. Setup will occur on the 18th. We have lost committee members and we need volunteers or senators willing to serve, collect donations, and setup. Loretta Fulton stated there is a need for men to help assist in setting up. If you would like to volunteer, please contact Nikki Turner.

d. Staff Awards: Do not have a date as of yet, we are waiting to hear from some Vice Chancellors, but the funding has been approved. Will send out date as soon as possible. May be the end of April, beginning of May when we will have the ceremony.

e. Article 1.7 of Amendments: Randall Tate – there have been a few senators that have moved from one EEO category to another. The Executive Committee asked ourselves what can be done when a senator moves and an opening occurs? We found that two things are important: 1) consistency in the senate and longevity goes a long way. It takes time to learn what being in Staff Senate means and what we do to create a good senate. 2) When you change categories the perspective you have as a staff member does not change. The Executive Committee proposes: A job change that results in the shift of a senator's EEO category will not result in a vacancy in the senator's original category. The senator will continue to represent and serve the EEO category that originally elected him or her for the rest of the term. We would like feedback. Robert Coggins: If they move categories they will not represent the category that they were elected. Nikki Turner: They will still be representing staff as a whole. Hope Phillips: Moving categories does not erase issues as a staff member. Randy Martin: In the past, when a senator moved categories, they continued serving the term they were elected into. Randall Tate: Since I have been on Staff Senate, we used alternates to fill vacancies, but we are moving too many and we have run out of alternates. Bylaws do not address this issue and we need to be consistent. We cannot vote on this today, but we will at the March meeting. Please take this issue to your constituents and departments and discuss, please send questions to Nikki Turner.

f. Shared Governance Committee Proposal: Admission through Exceptional Talent, Policy Revisions. Please read the policy revision and send Nikki Turner question and comments regarding the policy revisions. Karen McDaniel will speak with the constituent groups – please send questions and concerns to Nikki Turner by noon on Wednesday, February 24th. Nikki Turner will submit them to Karen McDaniel and will ask for a response to those questions and concerns by February 26th. We will electronically vote on this proposal from February 29th – March 4th. Nikki Turner will submit our vote to Jeff Pittman on March 7th. There are three ways of voting: 1) Can approve with no comments, 2) Can disapprove with no comments, or 3) Can approve with comment. If proposal is approved with comment, the SGOOC will update proposal and there will be another vote. Please make sure you get your questions and concerns regarding this policy revision to Nikki Turner no later than noon on Wednesday, February 24th.

Report from the President and Open Discussion:

- a. The Food Pantry Fundraiser was able to raise 355 lbs. of items and it continues to grow.
- b. Loretta Fulton read a Thank You card from a recipient of the Staff Senate Educational Stipend, thanking the committee for giving him the stipend.

Announcements and Reminders:

- a. Timothy Cureton made motion to adjourn, Randy Martin seconded. Meeting adjourned at 3:12pm.



Staff Senate Attendance Record

		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr
Last Name	First Name												
Banks	Kiffany	Absent	Present	Present									
Broadway	Paula	Present	Present	Proxy		Present	Proxy	Present		Present	Present		
Brown	Steven	Present	Proxy	Present		Present	Present	Present		Present	Proxy		
Clark	Catrina									Present	Absent		
Coggins	Robert	Present	Present	Present		Present	Absent	Absent		Absent	Present		
Copeland	Shane	Present	Proxy	Present		Present	Present	Present		Present	Present		
Cox	Ellena	Proxy	Proxy	Absent									
Cureton	Misty					Present	Present	Present		Present	Present		
Cureton	Timothy	Present	Present	Present		Present	Proxy	Proxy		Present	Present		
Davis	Rodney	Present	Present	Present		Absent	Present	Present		Absent	Present		
Everett	Adrian	Present	Present	Present		Present	Present	Present		Present	Present		
Forrest	Vera	Present	Proxy	Present		Present	Present	Proxy		Present	Present		
Fulton	Loretta	Proxy	Present	Present		Present	Present	Present		Proxy	Present		
Hampton	Brandy	Present	Present	Present		Present	Present	Present		Present	Present		
Harris	Deanna	Present	Present	Present		Present	Present	Present		Present	Absent		
Locke	Terry	Present	Present	Present		Present	Present	Present		Present	Present		
Long	Jarrod	Present	Absent	Present		Present	Present	Present		Absent	Present		
Jordan	Amber			Present		Present	Proxy	Present		Present	Present		
Martin	Randy	Present	Proxy	Present		Present	Present	Present		Absent	Present		
McCain	Carla	Present	Present	Proxy		Present	Present	Present		Present	Present		
Miller	Curtis	Present	Present	Present		Present	Present	Present		Present	Present		
Novalick	Jennifer	Present	Present	Present		Present	Present	Present		Present	Present		
Phillips	Hope	Present	Present	Present		Present	Present	Present		Present	Present		
Poynter	Elaine	Present	Present	Present		Absent	Present	Absent					
Privett	Amy	Present	Present	Present		Proxy	Present	Absent		Present	Absent		
Schreier	Patricia	Present	Present	Present		Present	Present	Present					
Tate	Randall	Present	Present	Proxy		Present	Proxy	Present		Present	Present		
Turner	Nikki	Present	Present	Present		Present	Present	Present		Present	Present		
Turney	Natalie	Present	Present	Present		Present	Present	Present		Present	Present		
Wheat	Scottie	Present	Present	Present		Present	Present	Present		Present	Present		
Wright	Debra	Present	Present	Present		Present	Present	Present		Absent	Absent		

Proxies:

May: Terrie Rolland for Ellena Cox, Leigh Anne Hall for Loretta Fulton
June: Woody Hanes for Steven Brown, Rosemary Frier for Shane Copeland, Christy Vines for Ellena Cox, Katie Edwards for Vera Forrest, Bryan Shelton for Randy Martin,
July: Cheryl Richey for Pauly Broadway, Elizabeth Wakefield for Carla McCain, Rosemary Frier for Randall Tate
September: Kasey Eakins for Amy Privett
October: Sheryl Richie for Paula Broadway, Teresa Patterson for Timothy Cureton, Katie Edwards for Amber Shipman, Tiffany Johnson for Randall Tate
November: Leigh Hall proxy for Timothy Cureton, Carlisa Gilmer proxy for Vera Forest
December: Did Not Meet
January: Leanne Hall proxy for Loretta Fulton
February: David Hackenworth proxy for Steven Brown

**Arkansas State University
Staff Senate Treasurer's Report
February 29, 2016**

<u>University E & G Accounts</u>		<u>Beginning Balance</u>	<u>Debit/Credit</u>	<u>Remaining</u>
Staff Senate 110000-120008-1630	Balance Forward	\$945.52		
	Shirt for New Senator - C Clark		(34.18)	
	Containers for Food Drive		(48.43)	
				<u><u>\$862.91</u></u>
 Santa's Wolves Agency Account 930002-390000-5000	Balance Forward	\$3,379.77		
				<u><u>\$ 3,379.77</u></u>
 <u>ASU Foundation Accounts</u>				
Santa's Wolves 200067	Balance Forward	\$33,096.47		
	February Contributions		550.56	
	Employee Assistance		(1,014.82)	
				<u><u>\$32,632.21</u></u>
 Staff Senate Discretionary 200069	Balance Forward	\$14,834.54		
				<u><u>\$ 14,834.54</u></u>
 Staff Senate Educational Assistance 230139	Balance Forward	\$3,048.17		
	February Contributions		70.80	
				<u><u>\$ 3,118.97</u></u>

DEPARTMENT OF ECONOMICS AND FINANCE



ARKANSAS STATE
UNIVERSITY

College of Business

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P.O. Box 239
State University, AR
72467-0239

Tuesday, March 8, 2016

Phone:
(870) 972-2280
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(870) 972-3417

To: Chairs Council, Deans Council, Faculty Senate,
Staff Senate, Graduate Student Council, and Student Government Association

From: Jeffrey Pittman, Chair
ASU Shared Governance Oversight Committee

A handwritten signature in black ink that reads "Pittman" with a stylized flourish at the end.

Subject: Shared Governance Proposal – 16 SP 02 – System Policy Changes – Review and
Comment Only – Title IX Investigations and Medical Amnesty

Please present the following information to your constituent groups for review and comment. As this proposed change to the ASU Staff Handbook comes from the ASU system office, it is not subject to ASU shared governance processes. Our review will be advisory only. The review and comment period ends March 31. April 1, 2016, I will present the collected comments to Lori Winn, Assistant Vice Chancellor of Human Resources, and Dr. Tim Hudson, Chancellor, ASU Jonesboro.

- I. **Date:** February 17, 2016
- II. **Sponsoring Constituent:** The proposed changes come from Lori Winn, Assistant Vice Chancellor of Human Resources
- III. **Statement of the Issue:** The current Staff Handbook does not reflect a reasonable amount of time for a thorough Title IX investigation. Also, it does not include the Medical Amnesty Policy and the necessary updates to the Sexual Discrimination Grievance Procedures.
- IV. **Rational for Proposal:** The purpose of this proposal is to modify the existing policy and add current policies to the Staff Handbook to ensure it has the most current information.
- V. Expedited

The following are additions (underlined) and modifications to the existing Staff handbook. This shows the existing language with the additions underlined and the language being removed is shown by a line through it.

Staff Handbook, p. 36--37

SEXUAL DISCRIMINATION GRIEVANCE PROCEDURE

REPORT OF SEXUAL DISCRIMINATION, p. 36 (Existing)

Any employee, student, or visitor who believes he or she has been subjected to sexual discrimination should report the incident to the Title IX Coordinator utilizing the grievance form available on the Human Resources or Student Conduct web sites. Employees with supervisory responsibilities and university police personnel must report incidents of sexual discrimination either observed by them or reported to them to the Title IX Coordinator.

...

(Proposed)

Any employee, student, or visitor who believes he or she has been subjected to sexual discrimination should report the incident to the Title IX Coordinator utilizing the grievance form available on the Human Resources or Student Conduct web sites. Employees with supervisory responsibilities, including deans, vice chancellors, department chairs, student conduct, human resources, athletic administrators and coaches, and university police personnel must report incidents of sexual discrimination either observed by them or reported to them to the Title IX Coordinator who will conduct an immediate, thorough, and objective investigation of all claims.

...

TITLE IX COORDINATOR'S RESPONSE, p. 37

(Existing)

Within twenty (20) working days after receipt of a written grievance form, the Title IX Coordinator, or designee, will conduct a full and impartial investigation including interviewing the complainant, the accused, and any witnesses identified as well as reviewing any documentary evidence submitted by either party.

Commented [LW1]: This is existing language from handbook related to Reporting of Sexual Discrimination

Commented [LW2]: Proposed language same section as above. Changes are underlined

Commented [LW3]: This change is to provide further clarification. This language should also be updated to reflect Faculty members as mandatory reports. I request that this be added.

Commented [LW4]: Language added again to provide further clarification. On the ASU-J campus investigations are assigned by the Title IX Coordinator to Deputy Investigators.

Commented [LW5]: Existing handbook language

9) forty-five (45) working days after receipt of a written grievance form, the Title IX Coordinator, or designee, will conduct a full and impartial investigation including interviewing the complainant, the accused, and any witnesses identified as well as reviewing any documentary evidence submitted by either party.

Commented [LW6]: Proposed language to improve the process and to ensure sufficient time is provided to conduct a thorough review. Federal law allows a maximum of 60 days.

...

Staff Handbook, pp. 36-39

Sexual Discrimination Grievance Procedure, pp. 36-39

Sexual Discrimination Hearing Committee Functions, p. 38

(Existing)

Commented [LW7]: Existing language from handbook

The Sexual Discrimination Hearing Committee reviews the findings of the Title IX Coordinator to determine, based on the preponderance of the evidence, whether institutional error has occurred and, if so, to recommend an appropriate corrective action. Institutional error occurs when no legitimate reason exists for the action taken. Decisions which require the exercise of judgment or discretion cannot constitute institutional error. The committee has twenty (20) working days to prepare a written response after it has received a complaint. All proceedings shall be in closed session. Because the committee will have received the entire file from the Title IX Coordinator including all witness statements, the hearing will not include the grievant, the party complained against, or other witnesses unless either (1) the Committee requests their oral testimony or (2) either party requests to testify and/or present witnesses. In the event that oral testimony is requested, the grievant and the party complained against may be present and question the witnesses. If the grievance is one alleging sexual assault or sexual violence, the parties will not question the other. Instead, the party testifying before the committee shall be screened so that they may be heard by the other party but not seen. The non-testifying party shall have the opportunity to provide written questions to the committee to be asked of the testifying witness based on his or her testimony. The committee may also question any person testifying. Each party may have an advisor present during the testimony who may provide personal consultation but may not actively participate in the hearing. The parties must disclose to the Chair of the Sexual Discrimination Hearing Committee the identity of any testifying witness or any advisor at least two (2) working days before any hearing. The Chair shall provide the list of witnesses to each party upon receipt. No audio or video recording is permitted.

In reviewing a case two options are open to the Committee:

1. It may find no institutional error has occurred and recommend that no further action be taken.
2. It may find that institutional error has occurred and recommend a remedy different than that proposed by the Title IX Coordinator.

(Proposed)

Commented [LW8]: Proposed language section with changes highlighted below

The Sexual Discrimination Hearing Committee reviews the findings of the Title IX Coordinator to determine, based on the preponderance of the evidence, whether institutional error has occurred and, if so, to recommend an appropriate corrective action. Institutional error occurs when no legitimate reason exists for the action taken. Decisions which require the exercise of judgment or discretion cannot constitute institutional error. The committee has twenty (20) working days to prepare a written response after it has received a complaint. All proceedings shall be in closed session. Because the committee will have received the entire file from the Title IX Coordinator including all witness statements, the hearing will not include the grievant, the party complained against, or other witnesses unless either (1) the Committee requests their oral testimony or (2) either party requests to testify and/or present witnesses.

In the event that oral testimony is requested, the grievant and the party complained against may be present and question the witnesses. Generally, each party may have an advisor present during the testimony who may provide personal consultation but may not actively participate in the hearing. In a circumstance where a student has received a sanction of a suspension of ten (10) or more days or expulsion, the student may request an appeal proceeding and choose to be represented at the student's expense by a licensed attorney or, if the student prefers, a non-attorney advocate who, in either case, may fully participate during the appeal proceeding. In this circumstance, if the appeal proceeding arises from a complaint by a student against another student, both students can be so represented. (Arkansas General Assembly, Act 1194 of 2015, effective July 22, 2015)

Commented [LW9]: This language was added to ensure compliance with State Law.

If the grievance is one alleging sexual assault, sexual violence, stalking, domestic violence, or dating violence the parties will not question the other. Instead, the party testifying before the committee shall be screened so that they may be heard by the other party but not seen. The non-testifying party shall have the opportunity to provide written questions to the committee to be asked of the testifying witness based on his or her testimony. The committee may also question any person testifying. ~~Each party may have an advisor present during the testimony who may provide personal consultation but may not actively participate in the hearing.~~ The parties must disclose to the Chair of the Sexual Discrimination Hearing Committee the identity of any testifying witness or any advisor at least two (2) working days before any hearing. The Chair shall provide the list of witnesses to each party upon receipt. No audio or video recording is permitted.

Commented [LW10]: This was removed because it is replaced with the above language

In reviewing a case two options are open to the Committee:

1. It may find no institutional error has occurred and recommend that no further action be taken.
2. It may find that institutional error has occurred and recommend a remedy different than that proposed by the Title IX Coordinator.

...**Sexual Discrimination Hearing Committee Findings, p. 39**

(Existing)

In all instances the committee shall make a record of its findings, a statement of its conclusion, including the reason or policy criteria used in reaching a decision, and its recommendations for resolution of the grievance. The Committee decision shall be forwarded to the Chancellor of the campus for action. Copies will be filed with the Title IX Coordinator as a part of the complaint record and sent to the grievant and the accused. Within ten (10) working days of receipt of the Committee recommendation, the Chancellor

will accept or reject the Committee recommendation in writing after review of all file materials. The Chancellor's decision is final. A copy of the decision shall be provided to the Title IX Coordinator for distribution to both the complainant and the accused. The Department of Human Resources or Student Conduct (as appropriate) will coordinate the implementation of any remedies resulting from the grievance.

(Proposed)

In all instances the committee shall make a record of its findings, a statement of its conclusion, including the reason or policy criteria used in reaching a decision, and its recommendations for resolution of the grievance. The Committee decision shall be forwarded to the Chancellor of the campus for action. Copies will be filed with the Title IX Coordinator as a part of the complaint record and sent to the grievant and the accused. Within ten (10) working days of receipt of the Committee recommendation, the Chancellor will accept or reject the Committee recommendation in writing after review of all file materials. The Chancellor's decision is final. A copy of the decision shall be provided to the Title IX Coordinator for distribution to both the complainant and the accused. The Department of Human Resources or Student Conduct (as appropriate) will coordinate the implementation of any remedies resulting from the grievance.

Commented [LW11]: No changes in this section please disregard

Medical Amnesty Policy (Addition)

The safety and welfare of students is a University priority, and at times, students may need immediate medical assistance. However, students may be reluctant to get help because of concerns that their own behavior may be a violation of the student conduct code. To minimize any hesitation students or student organizations may have in obtaining help due to these concerns, the University has instituted a medical amnesty policy. This policy is applicable to the following parties: 1) a student requesting medical assistance for oneself; 2) a student requesting medical assistance for another person; 3) a student for whom medical assistance was provided.

Commented [LW12]: Additional language – it is not required, but believe it will encourage students to come forward. This policy is common among other Universities.

When responding to any alcohol or drug violations, the University will consider a student's decision to request medical assistance, and in most cases, view the act of seeking medical assistance as good judgment, therefore not deserving of the typical sanctions. At a minimum, students or student organizations should make an anonymous report that would put the student in need in contact with professional help. Examples where this policy may apply include:

1. A student is reluctant to call an ambulance when a friend becomes unconscious following excessive consumption of alcohol because the reporting student is under the age of 21 and was also consuming alcohol.

2. A student is reluctant to report that he/she has been sexually assaulted because he/she had been consuming alcohol and is under the age of 21. It is in the best interests of this community that victims choose to report to University officials. To encourage reporting incidents of sexual misconduct, the University pursues a procedure of offering victims of sexual misconduct limited immunity from being charged for any policy violations related to the sexual misconduct incident.

Although the University may choose not to impose disciplinary sanctions, the University may mandate educational options (such as alcohol and other drug assessments and attendance to alcohol education programs) in such cases. Once a student receives medical amnesty, any future amnesty is at the discretion of the Vice Chancellor for Student Affairs or his/her designee. The Vice Chancellor for Student Affairs or his/her designee also has discretion to determine that this policy does not apply in more serious situations, including criminal possession of drugs, property damage, and acts of violence.