

Report to the Board of Governors
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The Faculty Senate met November 11th with a full agenda. President Keiser addressed the Senate and fielded questions. In addition, the Senate passed two recommendations; I have previously presented information about both of them, so the issues are not new.

First, the Senate passed an Action adopting a provost governance model with support (72.4%) that many politicians would consider a landslide. You will recall that I last presented this issue to you in September, when the proposed action had been tabled. At that time, it was generally felt that the level of detail in that action was excessive—for example, an organizational chart was included that many couldn't endorse due to the lack of flexibility in implementation that it afforded. The revised action—which has already been distributed—is a concept that represents a renewed emphasis on the academic core of the University. The implementation implicit in the Action is for the next administration. Since it is an Action, it requires an official administrative response, both from Vice President Schmidt and President Keiser. I will be keeping you apprised of those responses, but I will add that Academic Council, which is made up administrators from Academic Affairs as well as the Deans, unanimously endorsed the provost model a couple months ago.

The second Senate recommendation is perhaps more controversial. The Faculty Senate first considered this issue March 14th, 1991, when it passed a Senate Resolution supporting the inclusion of sexual orientation in the SMSU nondiscrimination policy. The Senate has been persistent and unwavering in its support of this issue for more than 13 years. Today, I cite yet another example of the Senate's vigilant endorsement—the resolution before you passed unanimously and without revision, and on behalf of faculty, I seek your endorsement once again.

In the past, President Keiser has objected to the inclusion of sexual orientation as an example of protected groups. Probably most of us can cite examples from the past whereby discrimination on the basis of marital status and parental status was common. It wasn't that long ago that a spouse (usually a woman) was prohibited from teaching here if the other spouse were similarly employed. Along these same lines, I recall the days when once a female became pregnant, she was forced to resign from teaching. Fortunately, the culture of that time has been forever altered, and we don't hear arguments supporting those practices any longer.

In a radio interview nearly two years ago, President Keiser reported that he believes the existing policy works—that if an SMSU employee or student believes he or she has been discriminated against due to his or her sexual orientation, that person may file a formal complaint. He said at that time that of the last 35 complaints filed, only one cited sexual orientation as the basis for the complaint. I don't believe that this is evidence that our policy is effective. Why is this?

First, I believe many gays wish to keep their sexual orientation a private matter—they don't want to announce to the world that they are gay. That is what they would be doing if they filed a complaint under the existing rules. Some lack the courage to make the announcement. There are many gay administrators and faculty here who face an insensitive and sometimes hostile work environment. Over the years, I have heard personal stories of anguish and fear—some gays worry that if they make their sexual orientation public, they may sacrifice their jobs or potential political aspirations, not to mention the very real possibility of losing custody of their children. Therefore, many gays who are subjected to discrimination just suffer the indignity in painful silence without having their cases investigated and adjudicated.

If SMSU explicitly included sexual orientation in its nondiscrimination statement, it would deter people from practicing discrimination on that basis—so gays would enjoy protection without having to file an official complaint. Surely, we all agree that gays deserve protection and justice, just as everyone else does. Persons who are inclined to discriminate against gays would think twice before doing so in the presence of an officially sanctioned prohibition. On the contrary, President Keiser's adamant refusal to include sexual orientation in our stated policy signals potential discriminators that SMSU is not sensitive concerning this practice.

President Keiser has said something to the effect that we are a nation of individuals and as such, it is wrong to identify groups in our nondiscrimination policy. If there were general acceptance of this principle, there should be a move afoot to remove the protected categories in the Civil Rights Act of 1964, but I know of no attempt to do so. In fact, Supreme Court Justice Kennedy in *Romer v. Evans* (1996) wrote that "enumeration is the essential device used to make the duty not to discriminate concrete and to provide guidance for those who must comply." History tells that even though we are a nation of individuals, change has been effected when individuals have come together as a group to demand it. We have all been beneficiaries of these efforts in the past.

Words are powerful tools—they can be used to condone or condemn, include or exclude, affirm or deny. I request that you take action on this issue today. If you do, which words will you choose to convey our nondiscrimination policy? You have the opportunity to lead a University with a public affairs mission on this issue of social justice. I hope you will join one of your predecessor's on the Board, Tom Strong, who supported the inclusion of parental status, marital status, and sexual orientation in the July 21, 1995 Board meeting. I also hope you will allow Southwest Missouri State University to join other leading Missouri institutions of higher learning that have already included sexual orientation in their nondiscrimination statements—these Universities include the University of Missouri system, Central Missouri State University, Truman State University, St. Louis University, Washington University, and Drury University. Such action would take effect at the beginning of our second century and the beginning of the term of a new University president—and, it would make us truly worthy of a name change to Missouri State University.