

Committee on Policy Review (CPR) Fall 2020 Semester Report

Membership for 2020-2021

Chair: Cindy MacGregor, COE; Cameron Wickham, Faculty Senate Chair; Catherine Jolivet, Faculty Senate Chair-Elect; Cathy Pearman, Faculty Handbook Revision Committee Chair; Joshua Allen, Human Resources representative, *ex officio*; Chris Craig, Office of the Provost, *ex officio*; Angela Young, Office of the Registrar, *ex officio*; Rachael Dockery, General Counsel, *ex officio*; Mike Foster, COAL; Tom Dicke, CHPA; TBD, SGA Rep *ex officio*.

Membership (from Bylaws): The Chair of the Faculty Senate, the Chair-Elect of the Faculty Senate, and the Chair of the Faculty Handbook Revision Committee shall be members of the Policy Review Committee.

A minimum of three additional faculty members will be appointed by the Chair of the Faculty Senate, so as to provide representation from various academic colleges. These additional faculty members will serve a two year term and may be reappointed for up to two consecutive terms. One of these faculty members will be appointed by the Chair of the Faculty Senate to serve as committee chair.

The Student Government Association shall provide a representative to the committee who will be *ex officio* without vote. The Director of Human Resources, the Provost, a representative from the Registrar's office, and General Counsel will be *ex officio* members without vote.

Purpose (from Bylaws)

Shall meet up to twice monthly to discuss pending policies under consideration by university leadership and to review current content in the university Policy Library. Shall identify current and emerging content in the university Policy Library (excluding the Faculty Handbook) that should be reviewed by the Faculty Handbook Revision Committee or warrants further review by the faculty. Shall prepare and present periodic reports with recommendations to the Faculty Senate regarding policies being referred to the Faculty Handbook Revision Committee, pending operating policies (OP) under consideration by university leadership, and other Policy Library content that should be further reviewed by the faculty.

Policies Reviewed and Actions Taken

- *Study Away policy.* Substantial policy improvements have been made related to study away policies. *Our committee was involved in the feedback and review process for these changes.*
- *General Counsel policy work (Rachael Dockery)* - In meetings during 2019-2020, Rachael indicated there was activity on the Conflict of Interest policy and a possible administrative hold policy for problematic prospective graduate students. There was been work done in recent months on a way to flag students for dispositional concerns so that the information about their behavior can be considered as part of admissions decisions into graduate programs. Examples of students who might be flagged: (1) Termination of employment via a separation agreement, (2) Students dismissed from the university via

conduct process; and (3) Students banned from campus but not blocked from being admitted into graduate programs. There was a November 13th follow-up meeting where the flagging process was reviewed, and found to be working as anticipated. This prevents students from being admitted to the university (undergraduate or graduate) who have been flagged for dispositional reasons (as numbered). *This information was reported to CPR by Rachael Dockery.*

Code of Student Rights and Responsibilities. Members of the Black Alumni Council raised concerns regarding possible disparate impact in policy enforcement; this spurred a review of policies to see if MSU policies, as enforced, have a disparate impact on certain racial or ethnic groups. e.g. Code of Student Rights and Responsibilities – review of policy and referrals (e. g., reports from Maxient). Patterns of referrals based on ethnic categories were within the margin of error compared to overall student demographics. Michele Smith and Andrea Weber agreed to make this review of referrals an annual process. The Code is already reviewed annually. *This information was reported to CPR by Rachael Dockery.*

Academic Integrity Policy. Due to concerns raised by members of the Black Alumni Council regarding possible disparate impact in policy enforcement, a demographic analysis was conducted in terms of both the initial AI referrals and ultimate AI sanctions. While the available information seemed to indicate that a disproportionate percentage (18%) of all AI referrals are of students considered to be “non-resident aliens” (as defined by the system), it appears that any disparate impact is being mitigated during the determination process, as individuals defined as “non-resident aliens” are not disproportionately sanctioned for AI violations.

Bias Response Team Policy. Possible revision to the Bias Response Team Policy is being considered, chaired by Dean of Students, formed in 2015. Students requested “Speech Code” – MSU cannot do this; it is unconstitutional. *This information was reported to CPR by Rachael Dockery.*

Title IX Changes. Department of Education issued new requirements for Title IX; required MSU to develop a new Title IX policy and revise governing documents and bargaining agreements. The definition of sexual harassment was narrowed, to conduct that is severe and (not or) pervasive, is objectively offensive, and denies victim the ability to equitably participate in the organization. These federal mandates went into effect on August 14, 2020. Title VII remains in effect, and utilizes a broader definition of sexual harassment. MSU is required by law to use a prescribed review and investigative process for students and employees. Proposing APRC would serve as a decision-maker for faculty hearings as to the question of responsibility, with Chris Craig serving as a decision-maker with respect to the sanction (if responsibility is found). Appeals would go to Frank, unless the sanction was separation from the University, in which case the appeal would go to President Smart. The timeline of the federal changes required MSU to make changes to several policies, including the Staff Handbook and Faculty Handbook, over the summer, with approval from BOG. The changes to the Faculty Handbook were

not vetted through FHRC in the usual manner but Cameron Wickham and Cathy Pearman were kept informed, as were members of the Faculty Senate.

Our committee discussed this matter at length. What do the Bylaws say about “emergency” senate meetings? Cameron checked: this is addressed in the *Bylaws*. What does the *Faculty Handbook* say about “emergency changes”? There may need to be revisions to *Faculty Handbook* for “emergency” changes. There may be a university-level policy which would delay changes being considered for the *Faculty Handbook*.

We decided to add the CPR and the FHRC to the October Faculty Senate agenda for reporting. At that Senate session, Cindy overviewed the CPR conversation, followed by Rachael (and Cathy) reviewing the changes to the *Faculty Handbook*.

- *Academic Status Warning* (Registrar’s Office) – In March 2020 Shannon indicated that there was a proposed change to the academic status policy that our committee would review at our next meeting. Today Shannon reported on the proposed change. An additional academic status of “academic warning” was discussed; the spring changes to P/NP highlighted problems in the academic status of academic warning being made automatic; specifically, all passing grades would create an academic warning. Given this problem, “academic warning” will likely be a status available and assigned by deans but not automatically assigned. Language for the catalog will be brought to this committee to review when it is available. The essence is GPA below 1.00 triggers academic warning. *Postponed until Shannon returns from maternity leave in January 2021.*
- *Standardized testing for admissions* (Registrar’s Office) - Changes to standardized testing admissions have been implemented (test optional). There are three major changes; 1. Sliding admissions scale for freshmen, 3.5 or higher High School GPA or above 64th percentile will be admitted without an ACT or SAT score; 2. If student has multiple test scores the “score” will be super-scored using highest score in each sub-area; and 3. Transfer students with fewer than 24 hours only need to meet the freshman policy for admissions, not on transfer GPA. Rachael: driving considerations – immediate need related to accessing SAT and ACT testing; racial and ethnic biases embedded in standardized testing; and make MSU more attractive to incoming students. This was an operating policy change. Shannon: regarding the transfer students with fewer than 24 hours - in most other ways the students are not treated as transfer students so this change was consistent with other policies. *We decided to include this information in our fall semester report to Faculty Senate.*
- *Faculty Handbook revisions.* CPR serves as an additional source of review for the Faculty Handbook Revision Committee (FHRC); any revisions brought forward to Faculty Senate by FHRC have been previously discussed by CPR. Cathy reported that a document was brought to them by Chris regarding changes to Faculty Handbook (from Diversity, Inclusion, and Equity committee). FHRC decided to form a sub-committee, chaired by Judith Martinez, to address issues from this report. That sub-committee includes Catherine Jolivette, member of CPR. Catherine reported from the sub-

committee. Preliminary recommendations from that sub-committee are looking to suggest some language for the Faculty Handbook (minimal) and to encourage P&T documents that support diversity-related service and research. The sub-committee has been taking the *Faculty Handbook* and proposing improved language. *Those changes will be discussed by FHRC before bringing to this committee for review.*

- *Mass email policy.* Cameron reported that the email policy did not include the allowance for Faculty Senate Executive Committee (FSEC) and the Chair of the Faculty Senate to distribute mass emails to the university. This appears to be an oversight in the formal policy since informal policy has long allowed the Faculty Senate to email all faculty. *Cameron proposed an edit to the operating policy; this edit will be reviewed by Administrative Council (AC).*
- *Crisis Management Core Executive Team.* CPR became aware that a special leadership team was formed for COVID response. This group has been developing policy and making course schedule recommendations. David Hall is in the lead role, assisted by Clif. Make policy recommendations to Administrative Council. Meets once a week on Wednesdays. *Cameron is a conduit of information from this group to CPR.* Links to this group include: <https://www.missouristate.edu/president/council.aspx>; <https://www.missouristate.edu/Coronavirus/crisis-management-core-executive-team.htm>;