

WAYNE STATE UNIVERSITY
ACADEMIC SENATE

PROCEEDINGS OF THE POLICY COMMITTEE

April 10, 2023

Present: D. Aubert; L. Beale; J. Fitzgibbon; r. hoogland; M. Kornbluh; P. Khosla; J. Lewis; N. Rossi; B. Roth; S. Schrag; N. Simon

Guests: Cathy Barrette, Director of Assessment; Alex Boesch, Intercultural Training Director; Marquita Chamblee, Assoc. Provost for Diversity & Inclusion/Chief Diversity Officer; Loreleigh Keashly, Assoc. Dean, Curricular & Student Affairs

I. SWEET (SURVEY OF WARRIOR EDUCATIONAL ENGAGEMENT AND TRANSFORMATION)

Barrette was invited to Policy to discuss the SWEET survey. The survey has several goals, including gathering undergraduate students' perspectives on the campus climate, learning, student needs and their perceptions of available resources. Hopefully, the results can inform improvements to student learning and student success. Another goal of the SWEET is to consolidate survey efforts to reduce student fatigue. The survey collects data that can serve as evidence for Higher Learning Commission accreditation.

This has been a collaborative project over two years involving the Office of Academic Programs and Institutional Effectiveness and Student Success in consultation with faculty, students and staff, including visits to Senate Policy, Curriculum and Instruction, Faculty Affairs and Student Affairs Committees and outreach in different schools/colleges. The pilot data from winter 2022 is now being shared by Ellis and Barrette with campus constituencies for feedback over the next month. The idea is to provide good information for making decisions, but also get feedback on how to make this more appropriate, useful, and engaging to stakeholders across the campus. The faculty session is April 21st from 10 to 11 a.m. on Zoom. This year's administration of the SWEET is April 5th through May 4th.

Linda Beale asked what kind of revisions were made to the survey. Barrette said the revisions fell into two broad categories: i) for clarity, cleaning up the design of the questions specifically, and ii) to shorten the survey, looking for overlap and different levels of specificity.

Noreen Rossi asked about the length of the survey. Does it indicate the number of minutes it will take to complete at the beginning so students know what to expect? Barrette responded there is a 98-item survey, but not all students get all questions. Some questions only go to graduating students in their last year, and some questions only go to first-year students. There are also questions for which a "yes" answer leads to a follow-up question. The survey has been through IRB, and based on piloting, it is expected to take 15 to 20 minutes to complete. There is no progress marker because there are many logical breaks.

Provost Kornbluh noted the survey was designed to be shorter than previous surveys from the National Survey of Student Engagement (NSSE) that produced unclear results. Barrette agreed that length was a core driver of the shift: the NSSE was expensive but provided little practical benefit since the data did not align well with our mission, initiatives or concerns that faculty, staff and students have.

Beale noted that a survey is only productive if it is duplicable across time in terms of understanding trends. Having revised it, is there a sense that problems have been fixed so that this is one you can retain? Barrette is confident this is a better version, but there may still be tweaks. Both the pilot and the current version were reviewed by a psychometrician as well as a survey data specialist in Institutional Research.

The pilot response rate was only 10% but Barrette is hoping to double the response rate with the year's survey. They did not set up any incentives for the current survey, although it was part of the discussion. Besides the IRB limitation, there was a capacity problem with people in the leadership team out on leaves. They plan to offer an incentive in the future.

The survey was sent out through Qualtrics to individual undergraduate students' Wayne State emails. There is an option to opt out or students can ignore it, but there are four reminders set up: one will go out in Canvas; one will go directly to email; two will be posted through Academica as the end date approaches.

Jennifer Lewis noted the length seems burdensome. Have they considered a shorter six-question version? Barrette explained that a six-question version is not an option because of the broad range of topics. The group discussed with Institutional Research strategic sampling within different populations using shorter versions. It is very complicated, but the group will continue to consider how to make it more accessible while continuing to gather a broader range of data.

Pramod Khosla questioned the basis for the selection and wording of survey questions. Barrette explained they used multiple stakeholder groups. They looked at a broad range of existing surveys and then considered research in different areas (e.g., key learning strategies that students may be using). The working group filtered the information collected and sent refined versions to different stakeholder groups for feedback. A small editing team did a final cleanup for overlap, clarity and similar structure, and that was used for piloting.

The survey remains open until May 4th. If the student begins on one day, the survey remains open and can be finished before May 4th. Students do not have to start over since the survey will pick up where they left off. If they decide never to come back, the consent form treats whatever responses were done as data. If the student chooses not to have their data included, there is an explanation for who to contact to remove their data on the consent form.

Kornbluh acknowledged the effort, including faculty effort, that went into this survey. This was not driven only by the Provost's Office. The attempt is to improve upon unsuccessful survey instruments used in the past. This still comes with challenges, but we appreciate the effort and look forward to the results.

II. REPORTING OF CAMPUS CLIMATE CONCERNS

Boesch, Chamblee and Keashly shared the campus climate concern proposal with Policy. This is a project that has been ongoing for some time. Chamblee noted a University of Michigan suit that led to modifications in the proposal. The Campus Climate Survey revealed that people did not know where to go to report an incident. This proposal creates a way to ensure that people know where to go and to create a place where they are comfortable making a report. This does not include a response to the incident itself.

Kornbluh asked whether General Counsel had signed off on this version. Chamblee confirmed this version reflected language suggested by the office, though the office does not directly endorse any proposal.

Beale expressed several concerns with the proposal. It appears to adopt a view that a complainant's perspective is accurate in responding to a complainant. There is no provision of notice to other parties to the incident that a report has been made, and no verification of the incident mentioned. Nonetheless, the faculty-to-faculty example mentions going to H.R. and the Office of Equal Opportunity (OEO), but does not include any mention to the faculty member, chair or dean. That seems to be a questionable process in terms of due process, since there is no notice, for example, to a faculty member that there has been a complaint about an incident in that faculty member's class or, in the case of an incident between students, no notice that there has been a complaint about an incident involving that student. It is not a sanctioning office, yet there is an "incident report" and people who were involved in the incident will likely be able to identify themselves even from the circumstances in the report. Having received no notice could come across as a shock and thus the report itself would serve as a sanction—it would have a chilling effect. She asked how they had thought through those issues.

Further, in the job description, it says that the job is to serve students, faculty and staff who have been "impacted" rather than saying who "have reported." Again, that language assumes the validity of what has been reported as a harm, and that is a pervasive concern throughout this document.

Regarding the advisory board, the proposal suggests a large advisory group of university administrators who meet regularly on this issue. Beale questioned whether such meetings were needed. The proposal states that the committee is advisory to the process, but the job description for the position that works with the advisory board states that the leader's job is to oversee and direct the advisory group to streamline the processes. That language seems odd: ordinarily, an advisory board advises a director rather than vice versa. There appears to be a lack of clarity about the purpose of this large group of administrators regarding this function.

This is an initiative that Brad Roth has long supported, and continues to support, but he is concerned about the use of the term "harm" in the document: it shifts the focus from the particular conduct that occurred to the way that the conduct is perceived by the complainant and it implies an authoritative conclusion about how the conduct is perceived. He noted other language: "if the complainant desires to dialogue about the incident with the parties who caused harm"; it is unclear what is meant by that discussion of harm and the source of the determination that "parties" "caused harm." People frequently perceive harm from assertions that may in fact be quite pertinent to a controversial and fairly controvertible question. We see this happening in innumerable incidents. Even though this is not a sanctioning body, the potential is that it will create a set of expectations that people at least have some sort of moral right to silence and punish those who say things that cause them to feel disaffirmed in a way that they would describe as having been caused harm. That is deeply problematic. There is no possibility that people can advocate for one side or the other of contentious issues without making people feel disaffirmed.

renée hoogland noted several line edits, specifically in the opening paragraph, "campus climate concerns, also known as bias incidents". She pointed out that "concerns" are not "incidents" and suggested that the language be cleaned up throughout the document. Chamblee explained that the group faced the challenge of shifting the language from bias incidents to different language as recommended by the General Counsel. The objective is to address campus climate concerns and not use the language of "bias incidents".

Kornbluh asked Roth, given his support of the initiative, what changes were needed from his legal perspective. Roth noted two sentences with authoritative language about harm. He had not tried to draft specific language to address the concern, but he suggested shifting the emphasis so that it does not seem to say that anything people perceive as harm should generate an expectation that the person will be perceived as a victim.

Kornbluh also asked for Aubert's union perspective. Aubert had reviewed an earlier version of the proposal, but has not yet reviewed the changes made here. In this hypothetical scenario, it is unclear who talks to the accused aggressor. Chamblee explained that any contact or information to an adverse party is considered a response, and the group was told not to provide any response to the person who is the subject of a complaint. Instead, the role is to do two key things: i) document incidents that are reported across campus so that we can get a sense of the campus climate, and ii) support the person who perceived themselves as being harmed by listening to them and helping them think through ways they may follow up on the incident. It is up to the complainant to follow up if they want to: the office will not intervene in any way.

Beale countered that the proposal as written does include interventions: it states that the staff person directly reports complaints to human resources, campus safety and other places. Keashly stated this is a wording problem: they do not report. This is more like an ombuds that creates the space for someone to talk about their experiences. The ombuds helps them think through options and provides resources but does not tell them what to do.

Beale pointed out the language in the proposal that says to contact the dean and chair about ways to make the classroom safer, even though you do not know that this incident really occurred—i.e., a student could be making it up to create problems for the faculty member. Keashly explained that the scenarios in the proposal were developed most recently and have not been reviewed thoroughly yet. The director is not somebody who brings the issue to a chair but helps the student see that it is an option for the student. Beale noted that there is other questionable language that suggests vagueness and overbreadth, such as “following up incident as appropriate case management.” Keashly requested that Beale provide suggested edits.

Kornbluh questioned whether the new director would have mandatory reporting requirements. If someone discloses there was sexual harassment or discrimination, is this director required to report this to EEO rather than merely advise someone to go to EEO? Keashly noted that ombuds generally are not required to be mandatory reporters, but in some cases, they are—it depends on the institution and the regulations. This is something that must be clarified for this role.

Khosla suggested that the group consult with contract implementation officers about potential issues. Keashly noted the group plans to talk with the unions because unions are places where people take their concerns.

Beale noted that if this document were available to students who thought they had been harmed, it would likely create an expectation of action and punishment: that cannot be the result. She was unsure how to fix it because it is a complicated issue due to restrictions such as Title IX. She is concerned that there may be a point where notification about an incident reported in a faculty member's class will be necessary; otherwise, it disrespects the role of faculty.

Boesch noted that if a student files a report and then has a conversation with the director about it and requests something be done to the person who caused what the student perceived as harm, it would be the director's responsibility to educate that student as to what we can and cannot do, and

provide that space of learning around what can happen after a report is made. Therefore, we would help move students away from these beliefs that there will be a sanction to someone.

hoogland questioned the expectation of students if there is no tangible resolution. If nothing is going to happen, do you expect students to report incidents of perceived harm? The willingness of people to expose themselves in this way knowing that nothing will come of it besides being told by someone that they understand and feel for them, and now let me educate you about the fact that we cannot do anything about it—it is confusing. Keashly disagreed with saying nothing can be done. Part of what they are doing is helping them understand a variety of options in the offices that are available. Every office on campus, and every dean, associate dean and chair is going to have to grapple with those issues because things get brought to them and it is not an unfamiliar experience to have to do this kind of work. According to the climate survey, about half the campus said they do not know where to report incidents—that is a big issue that needs to have some clarification. Although it is not fleshed out here, this is about articulating our architecture for grievance and concerns. That would include not only the formal offices, but also the various chains. When something happens in the department chain, they take it to the chair and from the chair, it can go to the associate dean, etcetera. Places where people know they can go and have those kinds of conversations should not be underestimated.

Lewis shared in the concerns that have been raised, and getting this proposal just right is important because it is a new space. She hears this proposal in the tradition of restorative justice, which is different than a punishment approach or our current legal approach—let us find who is guilty and have bad things happen to them. In the context of trying to carve out a different space, she would argue that the presence of the word “harm” matters because that is central to the work of restorative justice. She likes the proposal and agrees with the suggestions to make it stronger. Taking this in a different direction—after the fact, when a perceived harm has occurred and the new director has been hired and the norms are set so that it is clearer what the expectations are for how we conduct ourselves here—what are community norms and what would be things that could be perceived as causing harm, inadvertently or otherwise? What is in the works about establishing norms around treating one another as members of a community with dignity and respect? Boesch responded there are different levels that are happening within his work in intercultural education. Educational spaces are being provided for people to learn what implicit bias is. By promoting those learning spaces and, within some of the work from the DEI Council, trying to more broadly understand how we are conceptualizing this effort as an institution would tie neatly into our describing that work broadly. The proactive has to be there. What would come in connection with this through his work in partnership with this director is an educational effort to the community. This is what we mean when we say campus climate concern: this is where you can report; these are the sort of things that we talk about reporting; these are the potential avenues that could come after a report has been filed. All of that would have to be present so people would know about it.

Keashly pointed out other examples, such as the NSF GEARS bystander workshops facilitating people's sense of efficacy that they can be doing things in situations. Not punishing people, but talking about the issue. That tends to influence the community norms, so as faculty engage with faculty around different kinds of things, it is a very powerful influence versus an administrator doing that kind of thing because then they are their responding as a university. She noted the anti-bullying task force results: that was not just a value statement, but a package that was wrapped around and grounded in educational campaigns and communication campaigns, teaching people about not only what this stuff is, but what our roles are and how we can help facilitate that.

Lewis emphasized it has to be universal. Let us first make sure everybody has a baseline—i.e., this is what constitutes successful conduct and this is what does not, and as a community, this is what we are going for. Keashly agreed they should not be developed separately.

Kornbluh recognizes the value of gathering generalizable information that can go back into educational activities. When the provost and president have lunch with Muslim or Jewish students who tell them what they hear from faculty, they do not ask the name of the faculty member to go back to, but learn something about what is going on that we could share more broadly. That is the way a bias incident reporting system can serve value. He agreed that the proposal is serving the individual that is complaining, and that is where the problem comes in. For some people, complaining itself might be cathartic, but he notes that the example of the last few weeks of complaints about professors for what was said on university media is concerning—almost all of those emails urge the university to fire the professors. When complaints are about individuals, there is more of a problem.

Khosla noted that individuals are concerned about what sort of response option they should choose because of how it will be perceived. Keashly explained there are benefits and risks of any kind of action that anybody wants to take, even if that is going through a formal office like OEO. Helping people think through that, realistically and honestly, based on everything that we know here, would have to be part of it.

Roth agreed that this is all correct. There are a number of functions that can be fulfilled that go beyond simply letting people vent. It is telling them, first of all, that if your concern falls into a particular category, there are specific offices that handle that where there is recourse, and here are the people to talk to and this is how you do it. That is an important function in and of itself. There may be other important functions, such as suggesting that the person who made a worrisome statement may not have realized how that struck the complainant, and that there might be productive ways for the complainant to broach the issue with that person. Advice of that sort can be quite significant. It is regrettable that there can be no outreach whatsoever to the people on the other end of this. Roth disagreed with the previous General Counsel over the interpretation of the precedents about this and is not convinced that the legal bar to such outreach is absolute, but it makes sense that WSU General Counsel's office has followed the lead of its counterpart at U-M. Still, there are roles that this new office can legitimately fulfill. He appreciated Lewis's point about the centrality of harm, but noted that restorative justice is not just about restoring relationships: it implies that there has been a wrong that is the subject of restoration. The problem is that not every perceived harm entails a wrong. To communicate to people that they have been wronged every time they perceive harm leads them to ask what the institution is doing about that harm. But because that perceived harm cannot lawfully be treated as a wrong, the institution cannot fulfill the demand that would tend to follow.

Rossi pointed out the norms 30 years ago are not the norms now. What is the norm? What is the climate? Says who? That gets to the kernel of it because there could be a perceived harm within the norm as this person perceives it. For example, how do you deal with somebody who may be too timid because of their situation—i.e., there is a small group, and they have to get their Ph.D. and defend their doctoral thesis, and they are the only one in the lab and they are being harassed. They cannot just say go work for somebody else—it does not work that way.

Keashly noted that is not an unfamiliar experience and that is the good news because there are folks on this campus (i.e., the Graduate School, the dean and associate dean, etcetera) who have had to navigate these things and have ideas about how to do it. That would be part of that conversation. Chairs can be involved in this. She agrees those are sticky and painful situations,

and not having a reporting system like this does not make any of that go away—it makes it worse. They are trying to find the different ways in which to do it, and part of it is learning what has been effective here.

Beale still considered it problematic that a chair would be brought into the discussion when a faculty member does not even know that a student has reported an incident, but Kornbluh suggested this would happen in the same way that an email from a parent or a student to central administration about a faculty member is sent to the chair who will then talk to the faculty member.

Considering what happened at MSU with Larry Nasser, Jane Fitzgibbon noted if a student tells you they are being abused by X, you have a responsibility. Keashly agreed that is the mandatory reporting piece that falls within the guidelines. If the office does have a mandatory reporter role, the person has to let the complainant know before they confess everything. Beale emphasized the need to clarify that before this proposal is finalized. If this office exists, there must be a clear statement of what it is and how it works. This still seems like a thinking-through-it document. This office cannot be established until questions such as those Policy has raised have been answered. It must be known whether this office can act like an ombuds office for students, faculty and staff on issues of climate concern, which is the way it is being described. It is an ombuds office that can hear complaints and does not have any reporting obligation to anybody and can advise there are certain offices you can go to or informal processes to engage yourself—this office does not act for you on any of them. What is here reads like a mix, and it is not clear what it is. Several years ago, Beale had proposed having a university ombuds position that would act in this way and would not have a mandatory reporting requirement but would listen and help complainants find their way: ultimately, that was rejected by central administration.

Chamblee agreed to bring a revised proposal back to Policy. This has been helpful in terms of thinking through issues in the proposal that need to be clarified, as well as providing a clear description of what the office is intended to do.

III. APPROVAL OF PC PROCEEDINGS

The Policy Committee proceedings of March 27, 2023 were approved with revisions.

IV. REPORT FROM THE CHAIR

The provost continued to discuss First Amendment rights, controversial social media and the challenges posed for institutional processes.

V. REPORT FROM THE SENATE PRESIDENT

OTL AI Workshop: An announcement was sent from the Office of Teaching and Learning (OTL) about using AI for annotation in courses. They have invited Hypothesis (a social annotation tool) to provide workshops for faculty. Beale found it interesting. The Academic Senate has established a subcommittee on AI that is considering the pros and cons of using AI in classrooms, while OTL seems to be taking the position of promoting the use of AI in courses. Richard Pineau (CLAS), who chairs the AI subcommittee, had attended a recent AI in STEM education event with OTL and reported that the discussion was at a meta level with no real examples. Beale suggested OTL's lack of interest in the Senate's subcommittee report is telling.

ORCID: C&IT sent out a communication announcing the integration of ORCID (Open Researcher and Contributor ID) with faculty profiles. This sounds like a good idea, but it was not clear whether C&IT was automatically adding this to profiles. Kornbluh explained that this unique identifier will soon be required by all federal grants, so this is just an early step to allow researchers to add the IDs to their profiles. The communication would have been clearer if they had indicated what ORCID was for those who may not use it.

CHECK-UP: The Center for Health Equity and Community Knowledge in Urban Populations (CHECK-UP) has a website. Beale noted that this is another example of a center based in a grant. When Policy discussed this last September, it was unclear whether it is a college center that was going through the college center approval process or whether it is just a grant center. Kornbluh noted that this likely should be a statutory center, but it is not clear where to house it. Former VP Research Steve Lanier simply announced it as an existing center between OVPR and the School of Medicine. Neither OVPR nor the School of Medicine have given the group any resources. When the Provost's Office asked for the budget, the School of Medicine told them they could not be a center because they do not have any funding, even though they are functioning.

PIRGIM: Beale reported that the student who is the president of the Public Interest Research Group in Michigan (PIRGIM) student organization has been working with the library, the Student Senate and the Registrar's Office to increase visibility of open education resources (OER) on campus and has requested that the Academic Senate send a survey that they have developed to encourage faculty to use OER. They would like to have the names of all the faculty who are using OER now as well as information on their courses. Beale was reluctant for the Senate to set a precedent of sending out such a survey on behalf of a particular student group.

Kornbluh provided some background on the PIRG groups formed in every state around Ralph Nader's third-party organization, using paid organizers. PIRGIM urges students to put time in the organization, so they ring doorbells and collect money to be involved. The strategy is to pick issues that will have broad support to move PIRG forward as the champion of students. Last year they focused on sustainability yet ignored other student-centered groups working in that area. This year, their national directive is to focus on OER. While they pick good causes that we all likely support, it is likely best to continue urging them to work with the Dean of Students Office and the Student Senate.

Beale noted this group of students is requesting specific information. It is unclear who gets the data and whether the Academic Senate should collect data for a student organization. We could consider whether we want to renew a focus on OER as a Senate matter, but likely should not undertake this effort on behalf of PIRGIM. Policy agreed. Beale will inform PIRGIM the Senate will not send out their survey.

Commencement: Fitzgibbon is unable to give the May 4th commencement speech at 7 p.m. Khosla agreed to substitute for her. Lewis noted the ongoing problem of accessibility that has come up at prior ceremonies. Kornbluh will again follow-up on the issue.

VI. DRAFT AGENDA FOR MAY 3 SENATE PLENARY

Beale has added the individual standing committee reports to the agenda. In the past, the president has been invited to speak at the May plenary, and he does plan to hold a reception for the Senate following the meeting. Policy agreed to invite the President to provide an update and schedule that for the end of the meeting.

VII. WITHHOLDING TRANSCRIPTS

Beale shared a draft memo that Policy could send, based on a draft Lewis prepared for the Curriculum and Instruction Committee. Lewis reported that Ellis suggested a memo to the provost, and Kornbluh recommended addressing the memo to him. He has been trying to make progress on this issue for a year and welcomes something in writing from the faculty supporting it.

Naida Simon noted the Student Affairs Committee will be discussing this at the next meeting. Beale noted that SAC can be added to the memo and possible Faculty Affairs Committee. We can ask them to review it over email if their meetings are completed.

Approved as revised at the Policy Committee meeting of April 17, 2023.