

Oregon Tech President's Council
DRAFT Minutes – March 14, 2019

Roll Call: See attached

Call to Order:

Chair Kuleck called the meeting to order at 2:05 p.m.

Opening Comments by Dr. Kuleck:

Dr. Kuleck asked Sandra Fox to conduct the meeting, that he may participate more directly in the discussion.

Approval of January 10, 2019 Minutes:

Motion made to approve minutes from January 10, 2019. Seconded. **Minutes approved with a correction to the Roll Call to reflect Johnathan Nguyen was present at the January 10, 2019 meeting.**

Dave Groff addressed the inquiry made at the previous President's Council meeting of January 10, 2019, regarding distribution and/or posting of the Minutes and clarified that the Minutes are posted on the President's Council website.

Old Business:

1) Discussion of spreadsheet regarding overall review of existing policies and integration of adopted OARs – Presented by General Counsel and Sandra Fox

Counsel Groff directed the Council's attention to the spreadsheet distributed to the members with the Agenda and reminded the body that at the last meeting there was conversation around providing some framework and perhaps some level of triage to identify the policies in order of urgency. Perhaps a color coding system or numerical system in order of urgency.

Gary Kuleck suggested each Council member go through the spreadsheet and validate ownership of the policies. Dr. Kuleck also questioned whether additional support for this process of updating the policies is being considered.

Counsel Groff stated that he had not yet heard a proposal for additional support for this process. Counsel Groff suggested, in the absence of dedicated full-time staff, those in the trenches most familiar with the policy and responsible for enforcing it are in the best position to know whether they are following it, or if there are aspects no longer applicable and can be removed. Counsel Groff stated that if it is determined language needs to be added to prohibit

something, he could then assist with the phrasing.

Sandra Fox advised that she spoke with Eastern Oregon University's Board Secretary/Legal Counsel who indicated it took them approximately 3 ½ years to complete their policy revision process. This was made possible because their President made it a number one priority. They recommend the process Counsel Groff is suggesting.

Counsel Groff suggested that since the policies are public record, a "one stop" policies webpage, not password protected, with perhaps a word searchable feature would make sense.

Sandi Hanan pointed out the inconsistent naming conventions for the policies, and suggested the policies be placed on the main webpage or TechWeb.

Counsel Groff recommended having one numbering convention and one naming convention that are consistent university wide, as well as cross-referencing with former OARs. The logic for this is because of the body of case law out there, wherein a judge has made a decision based on an OAR, and not on our numbering.

Tanya Coty added that for infractions that might have taken place in the past, but not reported until much later, we are required to follow the guidelines that were in place at the time of the infraction.

Tom Keyser clarified that the committee members are to go through the spreadsheet and verify if the policies assigned are appropriate.

Counsel Groff confirmed that this is the first step, and reminded the body not to make changes to the spreadsheet. Instead send any changes to Counsel's Office and we will add them to the master spreadsheet to be discussed at the May meeting. Alternatively, print out a hard copy with your changes edited in red and hand us a copy. In addition, please look at the policies that have not been assigned and suggest an assignment.

Sandra Fox summarized, everyone should have their changes to the policy spreadsheet completed by the next President's Council meeting on May 23, 2019.

New Business:

1) OIT XX-XXX Sexual and Gender -Based Discrimination Policy – Responsible Office: Diversity and Inclusion

Tanya Coty stated this proposed policy is a bit more robust and includes a few more definitions than the current Sexual Harassment Policy. It is tailored to current federal law, which is subject to change in the near future. Nonetheless, it is important to get something a bit more robust put into place quickly. Tanya has also created a document outlining the process around these types of investigations or reports. Once Counsel Groff has had a chance to review the process, Tanya will be able to send that out also. The process will aid

in making the policy make a bit more sense and explain what happens when a complaint is made.

Counsel Groff further clarified that the federal government is revising Title IX and has received 104,000 comments. It was discussed at the last meeting of university attorneys whether to wait for the federal government to figure out what to do or to continue with our current policy. The consensus was that we couldn't wait around for the federal government to figure out what it's going to do. Our policy is out of date, and it is really a legal necessity to get this done in a timely manner. We are asking you to take it back to your constituents; we can then vote on it in May and get it on the books before the end of this school year. This proposed policy is also being vetted by outside counsel, due to its importance and the potential exposure for the university.

Gary Kuleck questioned whether any consideration had been made for this policy going before some sort of forum for input. Stated he would like feedback and input and did not know a good way to capture that

Sandra Fox asked if this policy had been vetted by any other group.

Tanya Coty responded that this is the first time before any group.

Sandra Fox stated that the President's Council can request that this be sent out to any pertinent groups

Counsel Groff asked if the Provost's concern is because of the subject matter of this proposed policy that a different model for how the President's Council receives input is being proposed. The process thus far has been that each group represented at this table shares it with their respective groups and bring any proposed changes back to this table. Counsel Groff questioned if a less structured opportunity for public input was being suggested.

Gary Kuleck questioned the effectiveness of how we are doing it now. We are viewing proposals from the units' perspective versus from the community. Dr. Kuleck expressed concern that sometimes not enough input is sought.

Jim Jones commented that we could do this easily by having Tanya record a video, put it on Qualtrics with the entire policy, allowing for comment and feedback.

Tanya Coty emphasized that this policy update is absolutely vital. The last time it was updated was 2006, and there have been multiple changes that are not addressed in the current policy.

Counsel Groff agreed with the desire for transparency, but stressed the need for consistency with respect to vetting policies.

Jim Jones stated that there is a difference between getting public input and training on the policy. This policy won't need much input because we are adhering to federal and state regulations. The transparency aspect is more of an awareness campaign.

Abdy Afjeh commented that in light of the risk and exposure, a decision must be made quickly.

LeAnn Maupin commented that a very brief period of time should be provided for input, but no one should be disagreeing with the aspect of the policy because it's based on federal law.

Counsel Groff further explained that the timing of this proposed policy is so that it can be in place by convocation and mandatory training can be provided while everyone is together.

Sandi Hanan clarified that mandatory training is also for students, not just faculty and staff.

Terri Torres questioned whether the training could be made available through video, similar to FERPA, or is live training required?

Tanya Coty responded that the mandate is just that we offer training, so we can offer both methods.

Terri Torres asked to see the process that is part of this policy as well; **Tanya Coty** agreed to send it to her.

Sandra Fox stated there is a motion by **Terri Torres** that the Sexual and Gender-Based Discrimination policy will be vetted before ASOIT, Admin Council, Faculty Senate and any other bodies that request information. It will then be brought back to our May meeting for consideration. Second by **Sandi Hanan**. **Vote called, motion passes unanimously.**

2) OIT XX-XXX Civil Rights Policy – Responsible Office: Human Resources

Tanya Coty explained that Oregon Tech in policy, only has the Discrimination Statement in place. This actually singles out discrimination other than gender and sexual discrimination. This proposed policy does not address is bullying, which this body may want to consider at a later date.

Counsel Groff suggests a separate policy around bullying, because bullying doesn't require a nexus to a protected class

Tom Keyser suggested this proposed policy be handled in the same method as the Sexual and Gender-Based Discrimination policy.

Sandra Fox stated there is a motion on the table to take the Civil Rights Policy to ASOIT, Faculty Senate, Admin Council, or any other groups or constituents who wish to have this information. Those comments can then be brought back to our May meeting. Second by **Sandi Hanan**.

Terri Torres requested any process accompanying this policy be sent to her.

Sandra Fox called for a vote, and the **motion passed unanimously**.

Brian Fox asked that the minutes reflect he abstained from voting on the Sexual and Gender Based Discrimination policy, as he wasn't present for discussion.

3) Discussion regarding President's Council meeting May 16, 2019 schedule change due to Alumni Event in Reno - options may include rescheduling to May 8, 2019 or May 23, 2019

Sandra Fox requested the Council members check their calendars regarding their availability on May 8, 2019 or May 23, 2019. A majority vote is taken, and agreed the next meeting will be **May 23, 2019, 2:00pm – 3:30pm**, and a new calendar invite will be sent out.

Other Business:

Brian Fox signaled to the group that there is a building manager policy being updated, and will probably be brought to this body in May.

No other business brought forward.

Adjournment: 2:56 pm

Future meeting schedule:

- a. ~~Thursday, October 11, 2018 – 2pm~~
- b. ~~Tuesday, December 4, 2018 – 2pm (special meeting)~~
- e. ~~Thursday, January 10, 2019 – 2pm~~
- d. ~~Thursday, March 14, 2019 – 2pm~~
- e. Thursday, May 23, 2019 – 2pm
- f. Thursday, June 13, 2019 – 2pm

President's Council Meetings are recorded for record keeping purposes.

Oregon Tech President's Council Roll Call

MEMBER/NAME	YES	NO
CHAIR: GARY KULECK, Provost & VP Academic Affairs	X	
TOM KEYSER, Dean, College of Engineering, Technology, and Management	X	
LEANN MAUPIN (DAN PETERSON), Interim Associate Dean, College of Health, Arts & Science	X	
BRIAN FOX, VP Finance & Administration	X	
ERIN FOLEY, VP Student Affairs & Dean of Students		X
ERIKA VETH, Associate VP Strategic Enrollment Management; Dean Online Learning	X	
ABDY AFJEH, Associate Provost Research & Academic Affairs	X	
DI SAUNDERS, Associate VP Communication & Public Affairs	X	
TRACY RICKETTS, Associate VP Development & Alumni Relations		X
JIM JONES, Associate VP - Chief Information Officer, Information Technology Services	X	
SANDRA FOX, Board Secretary Board of Trustees (<i>Ex Officio</i>)	X	
ADRIA PASCHAL, Senior Executive Assistant (<i>Ex Officio</i>)		X
TBD, Associate VP Human Resources		
TERRI TORRES, President – Faculty Senate	X	
JUNMIN YEE, President – ASOIT Klamath Falls –ERNESTO HERNANDEZ, V.P. present for Junmin Yee	X	
JOHNATHAN NGUYEN, President – ASOIT Wilsonville		X
SANDI HANAN, Chair, Administrative Council	X	
VACANT – AVP Human Resources		
BRITTANY MILES, Asst. VP Government Relations		X
DAVID GROFF, Secretary – President's Council (<i>Ex Officio</i>)	X	
OTHERS PRESENT:		
TANYA COTY, Diversity & Inclusion	X	
PAM GROVE, Assistant to David Groff, Secretary-President's Council	X	