Title: Resolution on Faculty Initiated Petition (Item #1)

Sponsor:

Type:  
[ ] Resolution of Handbook Policy (signature required)
[ X ] Resolution of Non-Handbook Policy (signature required)
[ ] Resolution of Position (no signature required)

Date Passed:  January 9, 2017  Date Response Due:  March 10, 2017

Disposition of Resolution

Date of disposition:  3/10/17

[ ] Signed:  

[ X ] Will not be signed (explanation attached)

[ ] Alternative date to be negotiated

[ ] Signature not required

Senate Office

[ ] Resolution logged in
[ ] Database updated
[ ] Handbook updated if applicable
[ ] Resolution filed
17 January 2017

TO: Pam Benoit, Executive Vice President & Provost
Howard Dewald, Associate Provost for Faculty & Academic Planning
FROM: Joe McLaughlin, Chair, Faculty Senate

Subject: Faculty Senate Discussion & Vote on Faculty Initiated Petition

At the January 9, 2017 Faculty Senate meeting, we were presented with a petition touching on several matters related to the University’s harassment policy and the category of immigration status, as well as support for DACA students.

According to the Faculty Handbook (VI.B.6), “Ten percent of the faculty members eligible to vote in Senate elections may present any matter to the Senate at a regularly scheduled meeting, and the Senate will debate and vote on the matter at that meeting, if the petitioners wish and if they state their wish in the petition itself.” A copy of the petition is attached.

The petitioners garnered 164 eligible signatures in advance of the meeting and the Senate carried out its duty to discuss and vote on the matter. The Senate also voted to accept a motion from one senator that, since the petition was requesting four things from the University administration, we should split our endorsement into four separate votes.

After proceeding through a roll call vote, the Senate voted to endorse the first three provisions and refused to endorse the final one. We are currently involved in discussion with representatives of the petitioners to see if they would like the item which was not endorsed by Senate to be put to a full faculty in a referendum, as provided under VI.B.7 in the Handbook.

Since three matters were approved by the Senate on separate votes, I am forwarding them to you and ask you to respond as you would to three separate resolutions of Non-Handbook Policy.

Those individual matters are as follows:

1. Today, it is essential to add “immigration status” as a protected category under the harassment policy explicitly to recognize the vulnerabilities
and struggles of undocumented/DACA-documented students, faculty, and staff at Ohio University.

2. Reaffirm the university's commitment to abide by our policies of non-harassment, non-discrimination, and privacy.

3. Ensure that the identities of undocumented members of our community continue to be protected in accordance with our stated policies and legal responsibilities.

Since it is highly unusual for faculty to bring such a petition to the Senate and there is no recent precedent, the Senate has tried to deal with the matter by following a process that closely resembles our normal procedures.

I am available to discuss this complicated matter with you and/or Associate Provost Dewald, who was present throughout the January 9 meeting at your convenience.

APPENDIX A

PETITION LANGUAGE TO BE SUBMITTED TO OHIO UNIVERSITY FACULTY SENATE

"Dear Ohio University Administration:

The core mission of higher education is the advancement of knowledge, people and society through open inquiry, rigorous argument, and the application of verifiable evidence.

As a public institution that serves the residents of Ohio, the United States, and many other places, Ohio University seeks to welcome
all individuals who are willing and able to contribute to that core mission, regardless of their race, ethnicity, nationality, gender and gender identity, religion, sexual orientation, ability/disability, or social and economic class.

Ohio University seeks to promote respect for all individuals regardless of their background, both in the university and in the wider community. This important goal is reflected in the university’s harassment policy, which states that it should be an environment in which “students, faculty, and staff can thrive, and (...) is welcoming, and free of fear.”

Ohio University’s Equal Employment and Educational Opportunity policy (40.001) states: “There shall be no discrimination against any person in employment or educational opportunities because of race, color, religion, age, ethnicity, national origin, national ancestry, sex, pregnancy, gender, gender identity or expression, sexual orientation, military service or veteran status, mental or physical disability, or genetic information, except as explicitly provided for in this policy.”

1. Today, it is essential to add “immigration status” as a protected category under the harassment policy explicitly to recognize the vulnerabilities and struggles of undocumented/DACA Documented students, faculty, and staff at Ohio University.
In addition, we call on you to take the following urgently necessary steps:

1. Reaffirm the university’s commitment to abide by our policies of non-harassment, non-discrimination, and privacy.
2. Ensure that the identities of undocumented members of our community continue to be protected in accordance with our stated policies and legal responsibilities.
3. Assign an administrative office with the responsibility for counseling DACA students on their legal rights and immigration situation as well as for directing them to local, state, and national resources. This support should be openly declared as being offered in the strictest of confidence.

Let us renew our efforts to guarantee that all individuals in our community have the opportunity to participate in the life of the university and to be physically safe and free from fear."
While I can empathize with the motivation generating the request to add immigration status as a protected category, I am not able to sign this Resolution (item #1). After consultation, I have concluded that adding immigration status as a special protected category creates confusion because there is no recognized protected civil rights status under federal or state law. In contrast, national origin is a recognized protected status. Discrimination or harassment based on a person's real or perceived nationality or citizenship is prohibited by law and University policy.

Item #2 requests a reaffirmation of the university’s commitment to abide by current university policies. Although any policy is subject to change I can affirm a commitment to the following policies: 40.001: Equal Employment and Educational Opportunity; 3.004 Sexual Misconduct, Relationship Violence, and Stalking; 3.003 Americans with Disabilities Act Compliance; and 12.020 Student Records.

We will continue to protect personal information for all of our students and employees in accordance with university policy and legal responsibilities.

We can provide resources and assistance to undocumented and international students, faculty, and staff. The website Updates on Immigration Executive Orders and OHIO Actions can be found at https://www.ohio.edu/global/resources/eo.cfm and multiple meetings have been held to answer questions and provide assistance to those directly impacted.
Faculty Senate Resolutions
Transmittal Form

Title: Resolution on Faculty Initiated Petition (Item #2)

Sponsor:

Type:  [ ] Resolution of Handbook Policy (signature required)
       [ X ] Resolution of Non-Handbook Policy (signature required)
       [ ] Resolution of Position (no signature required)

Date Passed:  January 9, 2017  Date Response Due: March 10, 2017

Disposition of Resolution

Date of disposition:  3/10/17

[ ] Signed:  [ ] Will not be signed (explanation attached)

[ ] Alternative date to be negotiated

[ ] Signature not required

Senate Office

[ ] Resolution logged in
[ ] Database updated
[ ] Handbook updated if applicable
[ ] Resolution filed
17 January 2017

TO: Pam Benoit, Executive Vice President & Provost
    Howard Dewald, Associate Provost for Faculty & Academic Planning
FROM: Joe McLaughlin, Chair, Faculty Senate

Subject: Faculty Senate Discussion & Vote on Faculty Initiated Petition

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After proceeding through a roll call vote, the Senate voted to endorse the first three provisions and refused to endorse the final one. We are currently involved in discussion with representatives of the petitioners to see if they would like the item which was not endorsed by Senate to be put to a full faculty in a referendum, as provided under VI.B.7 in the Handbook.

Since three matters were approved by the Senate on separate votes, I am forwarding them to you and ask you to respond as you would to three separate resolutions of Non-Handbook Policy.

Those individual matters are as follows:

1. Today, it is essential to add "immigration status" as a protected category under the harassment policy explicitly to recognize the vulnerabilities
and struggles of undocumented/DACA-documentated students, faculty, and staff at Ohio University.

2. Reaffirm the university's commitment to abide by our policies of non-harassment, non-discrimination, and privacy.

3. Ensure that the identities of undocumented members of our community continue to be protected in accordance with our stated policies and legal responsibilities.

Since it is highly unusual for faculty to bring such a petition to the Senate and there is no recent precedent, the Senate has tried to deal with the matter by following a process that closely resembles our normal procedures.

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1. Today, it is essential to add “immigration status” as a protected category under the harassment policy explicitly to recognize the vulnerabilities and struggles of undocumented/DACA-document students, faculty, and staff at Ohio University.
In addition, we call on you to take the following urgently necessary steps:

1. Reaffirm the university’s commitment to abide by our policies of non-harassment, non-discrimination, and privacy.
2. Ensure that the identities of undocumented members of our community continue to be protected in accordance with our stated policies and legal responsibilities.

3. Assign an administrative office with the responsibility for counseling DACA students on their legal rights and immigration situation as well as for directing them to local, state, and national resources. This support should be openly declared as being offered in the strictest of confidence.

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Item #2 requests a reaffirmation of the university’s commitment to abide by current university policies. Although any policy is subject to change I can affirm a commitment to the following policies: 40.001: Equal Employment and Educational Opportunity; 3.004 Sexual Misconduct, Relationship Violence, and Stalking; 3.003 Americans with Disabilities Act Compliance; and 12.020 Student Records.

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Faculty Senate Resolutions
Transmittal Form

Title: Resolution on Faculty Initiated Petition (Item #3)

Sponsor:

Type:  [ ] Resolution of Handbook Policy (signature required)
       [ X ] Resolution of Non-Handbook Policy (signature required)
       [ ] Resolution of Position (no signature required)

Date Passed: January 9, 2017    Date Response Due: March 10, 2017

Disposition of Resolution

Date of disposition: 3/10/17

[ ] Signed: [Signature]

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Senate Office

[ ] Resolution logged in
[ ] Database updated
[ ] Handbook updated if applicable
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17 January 2017

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    Howard Dewald, Associate Provost for Faculty & Academic Planning
FROM: Joe McLaughlin, Chair, Faculty Senate

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1. Today, it is essential to add “immigration status” as a protected category under the harassment policy explicitly to recognize the vulnerabilities and struggles of undocumented/DACA-certified students, faculty, and staff at Ohio University.
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