

Faculty Senate

Minutes

December 15, 2020



MICHIGAN STATE
UNIVERSITY

Present: S. Alhabash, S. Anthony, S. Barman, J. Bazil, J. Beck, A. Bernstein, A. Borcila, J. Bunnell, S. Carey, D. Carnahan, J. Cholewicki, A. Contreras, P. Crane, M. Crimp, L. Davenport, D. Devoss, D. Dixon, M. Donahue, D. Ewoldsen, R. Fulton, E. Gardner, G. Garrity, S. Gasteyer, M. Ghamami, J. Goldbort, D. Gould, S. Griffis, C. Grosso, J. Guzzetta, A. Hauser, B. Van Dyke (for D. Hershey), D. Fitzpatrick (for M. Hopson), J. Johnson, M. Juzwik, K. Kelly-Blake, A. Kepsel, D. Kirk, R. LaDuca, S. Lang, S. Logan, L. Lorenzo, L. Martin, M. Mechtel, J. Meier, S. Moore, A. Olomu, N. Parameswaran, A. Pegler-Gordon, B. Roth, A. Ruvio, G. Delgado (for C. Scales), D. Sheridan, T. Silvestri, N. Smeltekop, J. Spink, G. Stone, B. Teppen, V. Thronson, W. Wong, C. Wrede, N. Wright, J. Yun

Absent: M. Abel, W. Beekman, B. Chakrani, H. Cho, A. Corner, J. Felton, J. Jiang, S. Konstantopoulos, K. Lee, T. Li, M. Mazei-Robison, K. Miller, A. Odom, C. Poitra, M. Pontifex, K. Prouty, R. Root, K. Salvador, R. Scrivens, A. Sikorskii, S. Stanley, P. Tan, N. Teagan, S. Valberg, V. Watson, T. Woodruff

A special meeting of the Michigan State University Faculty Senate was held on Tuesday, December 15, 2020, at 3:15 p.m. via Zoom. Chairperson Jennifer Johnson presided, and Secretary for Academic Governance Tyler Silvestri was present. The agenda was approved as distributed. The draft minutes of the November 17, 2020 Faculty Senate meeting were approved as distributed.

Remarks were given by Chairperson Johnson.

Guest moderator Stephanie Nawyn and Faculty Senator Sandra Logan gave remarks to introduce the discussion topics for the meeting, which were the employee action reviews of Larry Nassar and William Strampel that the university undertook in response to the Office for Civil Rights.

Attendees broke into discussion groups tasked with answering three questions: 1) What do these reports reflect about the failures in MSU culture and practices? 2) In what ways is MSU's response to the OCR report ineffective? 3) What is missing from this response? Additionally, the groups considered potential resolution topics for January, including: 1) How can faculty hold ourselves personally responsible for supporting cultural change? 2) How can we push for cultural and structural changes in our colleges? 3) How can we push for cultural and structural responses at the administration level?

After half an hour, participants reconvened and reported on the discussion groups' work. Each group prepared notes, which are attached.

The meeting adjourned at 5:02 p.m.

Tyler Silvestri
Secretary for Academic Governance

Approved: January 19, 2021



Secretary's Note: This compilation of the breakout groups' notes reflects the submissions nearly verbatim. Only minor changes to spelling, grammar, and formatting have been made, in addition to the removal specific members' names. Note that some groups had more than one person submit notes.

Group 1

Resolution: conduct a review of what went wrong, what were the system weaknesses that allowed the non-compliance to occur, who are experts in the field that can provide a review and recommendation for the best practices to implement.

All attendees skimmed the report

1. Trust in reporting that will be successfully acted upon without repercussion for the reporter.
2. There is a need to review the overall system of non-compliance.

Question1: what was lacking from the report and response?

- Who is an expert to review what went wrong in the organizational structure? What are the best practices to increase non-compliance reporting?
- Conduct a process review to see if the current efforts and innovations are efficient?
- Identify experts in this field and then use them to help us?
- Culture is defined in the rear view mirror – the goal for the future forward is an aspiration.

Question2: how can faculty hold themselves personally responsible to support organizational change?/ Question3: how can we push for structural changes in our department?/ Question4: how can we push for structural changes at the university?

- Know what is reportable and know how to report it – including the system that reminds employees of the reporting mechanism. Define the clear path of how to respond “if I saw something that was inappropriate?”
- If there is a lack of trust in the system then report that through our academic governance such as faculty senate.
- Possibly review the level of trust and ability to report incidents?
- The report & the response as indicating key problems in university re: accountability and transparency. Egregious wrongs not being responded to, even though reported multiple times. Fear and risk entailed in



- reporting. Welfare of the institution, of \$, of its image, placed above welfare of individuals. Need for more admin review & transparency.
- “Culture change happens in a rear-view mirror.” We only have aspirations right now. Whatever change happens has to be tested: is it working? Not working? Why? Etc.
 - A failure of organization, of systems. Like in a spill, where people know what to do, but don’t. We should get experts involved—i.e., even from our own institution and/or from outside, and/or a subcommittee of FS—who are experts in organizational structure and can make concrete recommendations.
 - People need confidence in the system. How can we trust it? What’s our moral, ethical center, if we see wrong-doing? Is my allegiance to my family (i.e., keep my job) or to the greater good? We need to build trust in the system, and make it safer for people to report, especially when that report is critical of those “higher up.”
 - Sometimes, a problem of knowing what’s reportable, & how to report it. Is there a clear path? Yes, we all took the RVSM training, but human behavior often falls in grey areas. How to make it clearer, how to recognize where to report, and safe avenues to do it?
 - Problem of disbelief – sometimes people’s responses: “I can’t believe this is true.” How can we help p recognize the genesis of wrongful behavior, and to respond quickly, expediently, and safely?
 - Need to constantly review whatever changes are put into place. How has this change addressed the problem, or not? What else needs to be done? An ongoing process of review.

Group 2

Reports reflect top down administration with lack of transparency

Legalistic discussion in reports

In some ways reports are not as helpful in culture change – they are about the letter of the law. Not the structure.

The mandatory law reporting and training is important, but there is more we can do. We need to move beyond penalties for the named perpetrators.

Reflected other priorities – meeting metrics vs. reflecting whole values.

Has the culture really changed – or are we prioritizing ranking and metrics over valuing people (which led to reappointment of Strampel – great fundraiser; maybe not even a great researcher)?



The fact that the facts are obscured indicates

Putting aside legal protections, what kind of report would we like to see that is about systemic change

One important point that needs to be addressed is how can we

So, is a more robust OIE enough of an answer.

Was Strampel part of the “old guard” -- There are still people worried about career if you raise issues – not just in Depts, but also in units that report directly to administration.

We preserve people in positions of power – on the basis of reputation

Variation of subsidies -- We seem to subsidize some Centers and labs and in so doing create the appearance of success in

How can faculty hold ourselves personally responsible

Senior faculty need to step up – and raise issues when you see them

But need to recognize that culture change -- can come with professorship...retribution and the fear

People need to listen – Training, Listening only goes so far but there is a need for action...

Could we develop greater power for Faculty Senate

Maybe something like “Bystander intervention” or “victim support”

Evaluation of unit lead by the least powerful people in the unit (students, staff, etc.)

We need to think about the windows of opportunity for community change

How do we implement a new reward structure?

How can we push for structural change in the colleges?

1) Calling for a Change the culture – but that’s amorphous

2) Changing structures – what about an award for casting light on our issues of inequity or abuse in our midst.



3) How can we create structures that rewards for [sic]

Group 3

What do these reports reflect about the failures in MSU culture and practices?

- It's embarrassing to be part of MSU
- It's sickening – the level of people not saying anything. How didn't everybody know.
- How siloed the university structure is.
- Lack of mechanisms for reporting.
- Lack of transparency and transparency about accountability.
- Problems with metrics of success
- Lack of faculty power
- Collective failure of recognizing bad and criminal behaviors

In what ways is MSU's response to the OCR report ineffective?

- Lack of vision and clear assessment of the failures.
- All the response were ineffective.
- Distorted efforts

What is missing from this response?

- Lack of support from upper administration for creating mechanisms for accountability.
- Mechanism to strengthen academic governance at the university.
- Show more seriousness to the voices of faculty governance.
- Listen to advisory committees rather than relying mostly on administrators.
- Where are we going with this?
- How do we stop something like this from happening again?
- How do we deal with the root causes rather than just the symptoms?

And, some topics for resolutions that we might put forward in January.

How can faculty hold ourselves personally responsible for supporting cultural change?

- Be able to step in the fray.
- When we see something we say something.
- Developing networks of support for speaking up.
- Training and methods to show more empathy.



How can we push for cultural and structural changes in our colleges?

- What UCAG is doing.
- Pushing forward and collectively change the culture.
- Whistleblower protections. Dealing with fear of repercussions.
- More transparency and effective communication related to accountability.
- Keeping the topic constantly on the agenda.
- Mechanisms for rewarding good behavior.
- Allocating resources that would directly contribute to cultural change.

How can we push for cultural and structural responses at the administration level?

- Providing funding for department or college initiative to address some of the issues.
- What concrete plans do you have for making things better, acknowledging there was a problem?
- More oversight.
- Strengthening the post-tenure review process and making it more transparent.
- Strengthening the annual review process.
- Strengthening faculty processes.

Group 4

What do these reports reflect about the failures in MSU culture and practices?

-“dirt” is downplayed if you are a successful fund raiser

“just hazing” “Strampel being Strampel”... over 15 year period... this is intolerable

benefit of doubt should be rescinded far earlier

shuffling to Univ HR ... not AHR

if it is not a crime... it is not addressed.

accountability – different standards for faculty, administrator, staff, etc



is there a way to SPEAK TO PEOPLE to address negative behavior EARLY... before it rises to discipline level?

MSU “brand” is TOO IMPORTANT...even still

Faculty “Clearinghouse” for complaints?

suggestion for monthly reports of harassment claims and where they are coming from

how to deal with minor cases and nip them in the bud and not let them snowball into more

trust in OIE is low

culture of victim blaming

cover up culture has to be dismantled – the current first instinct is to HIDE instead of ADMIT

COVER UPS NEVER WORK

How can faculty hold ourselves personally responsible for supporting cultural change?

vote a faculty “ombudsperson” or “dean of faculty” for bullying or abuse or harassment claims... who can handle delicately minor complaints before they infect the culture in a unit or rise to disciplinary action

Group 5

We addressed these latter 3 questions; we didn’t feel like we had a good handle on the MSU response

How can faculty hold ourselves personally responsible for supporting cultural change?

- be mindful of the OCR report
- be transparent
- to encourage a climate of transparency and accountability within our own units, our own departments and colleges
- identify the lessons we've learned
- transformative justice initiatives are happening across colleges
- the report should be required reading
- not settle for “it’s an HR issue”



How can we push for cultural and structural changes in our colleges?

- ask for information what transformative initiatives were happening across the university, pre-covid
- review of dean is all advisory to the provost and is confidential; a committee
- make composite results of Title IX reports available (e.g. went from 700 to 1800 in two years 2016-2018) Ask: What types of cases are these? Could create "composite cases."

From the chat: I think people need concrete examples of these microaggressions — we need details and narratives. We don't need who, but we need to hear what happened and what the effects were. We also need to know how frequent these moments/actions occur. They set a tone. They create a culture, which allows for worse behaviors.

- The sense is that there is effort to complying but is meeting the standard going to achieve the transformation that is needed
- Ask how we are being more transparent if we can't seem to find a role for faculty oversight and involvement on admin review

if we decide that MSU is only doing the bare minimum, we can, e.g.

- we can start to write letters to admin, beyond.
- FS can advertise in State News
- make the calls, call the president's office, ask the questions, pose the questions
- involve University Council (broaden involvement)
- ask the President to address our status on this work in the Jan/Feb FS/UC meetings

How can we push for cultural and structural responses at the administration level?

- Keep it on the FS agenda
- Keep/ encourage senators reporting back to the units, engage department advisory committees
- Ask for the tools to help us how the colleges are doing (how do we know how "local" the title ix complaints are.)
- Make people aware of the dean review template and ask whether those questions are sufficient.

from the chat:

Can we invite President Stanley to meet with FS specifically to provide a discussion of and report on actions related to MSU's response to the OCR reports?

And provide, beforehand, questions that will ideally move the discussion past legalese basics/minimums?



AND ask the President to talk with us about what role FS might have or what we can do as faculty?

Group 6

1. What do these reports reflect about the failures in MSU culture and practices?

- Insularity of the decision-making process, and the administrative review process, where things happen behind closed doors with everyone a "MSU person".
- Need to have outside eye.
- This extends up to board of trustees: most trustees are "MSU people".

2. In what ways is MSU's response to the OCR report ineffective?

- An updated dean review process is formed, but
 - The details are still not transparent to faculty
 - As seen in the Strampel case: it was not for the lack of reporting that he wasn't exposed. Making available a channel for making such reports doesn't seem to be addressing the main failings of the university.
- A desire to "keep MSU's good name"; trying to sell the remedial actions as triumphs.

3. What is missing from this response?

- A clear and transparent metric with which deans are evaluated, which clearly indicated remedial actions for failings in any particular category.
- Identification of problematic campus culture that contributed to the cover-up.

And, some topics for resolutions that we might put forward in January:

4. How can faculty hold ourselves personally responsible for supporting cultural change?

- Need to have a culture where faculty are willing to "stick one's neck out" and volunteer time to help in the administrator review.
- Not just enough to have faculty participation codified; need to have faculty willing to participate.
- "Culture of courage": willingness to speak up.

5. How can we push for cultural and structural changes in our colleges?



- Exercise in department/college that would address culture through better understanding of microaggressions.
- Changing the facts on the ground: diversify the composition of our faculty.

6. How can we push for cultural and structural responses at the administration level?

- Making dean/upper administration evaluating/hiring criteria more transparent.

General notes:

- Question: what is the current dean review process? Is it handled by an outside firm? (Cf. Strampel file)
- People have already reported: numerous people "from the chair level up" knew about what's going on. How is the dean review process going to help?
- Youatt's comment about "just past five years" in the review: performance review should look at prior reviews as baseline.
- The element where people overlook certain sins when the person performs well with other metrics.
- Winning?! In a conflict of the type discussed, who won?
- We don't have even in this small group a general agreement on what "cultural change" we are looking for.

Group 7

Deference to authority – deference to money/profit – image over experiences of victims –

Lack of clarity about how responses are going to change when victims report –

When issues come up, why not put people on probation – series of protocols and then don't follow through –

Frequency of review – too seldom – 3 year or 5 year cycles – compared to faculty

360degree reviews – external as well as internal reviews – other constituents are also brought in – broader review processes might help –

Once you get to the report phase, everyone is 'lawyered up' – not enough evidence is the easy answer – failure in case of Strampel – and Nassar –



Hierarchy and trust – we won't ever get the real story – what were people thinking – would like to know what she's thinking – and with these guys too --

Administrators evaluation – how would it affect how people want to be administrators –

What training do we require of people when they reach the higher level? Why do they not see the signals? University preservation instinct is strong, but we have to train senior administrators to recognize problems –

We have to be aware that there are these incidents being reported by the news, not by the President of the U or the admin – we're in the dark all the time –

Not willing to look at the actual implications of what they do and the decisions they make – understand people and be transparent –

On the personal level we're in a situation of not impinging on people's privacy, but we do need to know in order to address issues that are occurring –

Should administrators create a system of greater transparency – where can that happen, how can they do that – isn't this their responsibility?

In cases where people speak and ask for the proper remedy, how can they continually not be followed through on?

How do we make it so that the reports are taken seriously? New admin is not talking – they're not providing information – it's all empty formulaic words –

Can we define a clearer hierarchy? How can we create something like this – another portal where people can report things – the new system seems to be good – the report goes to a separate investigative body – that's an improvement – is it the same for an administrator?

How much evidence that you need to act? What are our rights if someone makes an accusation against us?

Huge salaries, protective of their own financial situations –

School of Music – pedagogy – voice – we had a dress code for singers, and students were upset, and it's been reconfigured – removed gender from the equation; now have a women's faculty group;

Library – admin is open to hearing frank feedback; staff associations provide feedback on policies, etc;



Department – Kinesiology – teachers tough kids appropriately, but they need to be clear that they have permission to touch – always asking permission, knowing the guidelines; spotting is also a lot of touching, so how to do it appropriately; change personal patterns to respect people’s space etc. Tensions between confidentiality and protections (e.g. guidelines for interaction); students also need protection and can be taken advantage of.

Obviously making sure not to use sexist language, etc.

Need a feedback mechanism for when people say something inappropriate – addressed productively –

Reflecting on his own reactions to what’s gone on – never have met with students behind closed doors – international female students often want to have the door shut but he says the room is too warm if it’s closed – keep it safe. Don’t look at people – self-protection – respect boundaries, but we’re not yet in a position where real change is happening -

Not universal guidelines that apply for everyone, but windows in all doors is a key factor in maintaining privacy and confidentiality

College of law – lot of good things happening – a lot of transitions, difficult to change the culture – Around sexual issues, and DEI issues raised in faculty meeting – it would be difficult to have a productive conversation Law is an alpha male place –

We’re working on changing ingrained patterns, and maybe this is true of administrators as well.

Training

Ask admin to come up with a plan with more oversight of administrators

Group 8

A med college perspective: Lack of responsiveness to the reports from fellows, trainers, and junior faculty providers.

Reports collected, especially regarding Strampel, were stifled at first review level, were brushed under the review. “Training in communication” rather than identifying it as misogynistic behavior.

Behavior is excused as being euphemistic — we still haven't fixed the problem



We don't go to the root or the core of the problem. We fill in the box or use a bandaid, we don't change. Cultural change will take time, but we need people in place that are willing to deal with the mess from a place from humility.

These reports are may be more frustrating because MSU acts legalistically. MSU only investigating the Title IX shortcomings. Not willing to take it on the root. Opportunity under new leadership lost.

The new folks are acting as if the past hasn't happened. Can we encourage people to bring issues forward?

These issues may be systemic. Problems may be squashed at the departmental level. There are serial issues that are not being dealt with as a group.

Every OIE report goes to Board of Trustees. Not everything goes to an OIE report, but is stopped at lower level. Reported something, but not against a specific protected group. There are cultural issues that need to be dealt with.

Problem of leaving people in positions of power after serial actions of abuse. Talking about this history is important.

Do we need to keep a record of abuse?

Is this like the case of Academic Dishonesty with the students? The associate deans keep a record of cheating in case it is recurring.

We need a code of conduct that is in some way actionable — such as Anna mentioned from UIUC?

What can we propose to keep the administrators in line? College level committees went along with sweeping under the rug.

Why is there no “drop box” for anonymous complaints to a semi-autonomous authority for review of administrators?

Should administrators be reviewed yearly?

What do these reports reflect about the failures in MSU culture and practices?

Why find ways to keep him there when there is clear evidence that he should be dismissed.

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Use of euphemisms to minimize the actual problems and behaviors. Still haven't fixed the problem.

In what ways is MSU's response to the OCR report ineffective?

History has been to institute policies, put a "band-aid" on the problem, but no true accountability for addressing and/or fixing the problem. Even removing the symptom of the problem doesn't fix or address it. Takes time for substantive change to happen. Takes time for the right people to get in these positions. Similar to DEI work. Need to take time to identify the mess and process through it so that there is real change.

Tendency for MSU mandatory reporters to surround themselves with others to "counter" the accounts of the reporters. Strampel—seek input from others for opposing accounts during reviews. Nasser—seek input from other medical professionals to corroborate vs refute the validity of his "methodology."

Response for MSU is to be "legalistic". Responded to complaints to LARA, but did not address or comment on Bar association's admonishment of Moore for writing a deficient report and for withholding information in reports to MSU vs OCR. The report is actually reflective of the problems that allow these problems to occur in the first place.

And, some topics for resolutions that we might put forward in January: How can faculty hold ourselves personally responsible for supporting cultural change? How can we push for cultural and structural changes in our colleges?

This is not just about a few people, but this is about culture. Current administration in some cases seems to be acting as if this never happened. History has been to silence reporters and to minimize them, rather than to empower them to speak and to support that process. The code of faculty behavior doesn't address this, and there is no code for administrator's behavior.

Issue with reporting structure from department level up to university level and OIE. Sweeping of issues under the rug at the college level. One-off approach to individual reports at department or college level that don't get to OIE, no efforts to look for systemic problem.

Need a structure to address CULTURAL issues rather than "LEGAL" issues. UIUC example of creating a group to deal with issues that don't rise to the level of Title XI, but that are still clearly wrong.

Why is it ok to allow administrators who demonstrate repeated patterns of bad behavior to be re-appointed repeatedly?

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Is this analogous to the process of academic misconduct by students, where each incident is documented, and if a pattern develops, then it becomes actionable.