September 20, 2010

MEMORANDUM

TO: Lou Anna K. Simon, President
FROM: John W. Powell
Chairperson, Executive Committee of Academic Council

SUBJECT: Review of Policy

During the meeting of the Executive Committee of Academic Governance (ECAC) on September 7, 2010, there was a discussion of issues related to the University’s Anti-Discrimination Policy (ADP) and the role of the Office of Inclusion and Intercultural Initiatives (I³) in the administration of the policy. The discussion focused around an incident that occurred in 2007 where a controversial speaker invited to campus by one of its student organizations. Subsequent to the presentation, there were complaints filed against faculty and students regarding events surrounding the speaker’s appearance. Following these events, the University Committee on Academic Policy (UCAP) reviewed the circumstances surrounding the incident and considered a proposed amendment to the ADP. After review of the proposed amendment, UCAP indicated that the amendment had “significant legal deficiencies” and concluded “…the committee was not persuaded that modification of the ADP is necessary”. In their response, Deputy General Counsel Zayko indicated that the University’s I³ office was working on a “user’s manual” that would assist in the interpretation of the ADP. Subsequently, the University Committee on Faculty Affairs (UCFA) reviewed the proposed amendment. In their response, they indicated an agreement with the findings of the UCAP review regarding the terminology of the amendment.

During the September 7 ECAC meeting, there was discussion regarding issues related to the ADP and the processes and procedures used by I³ to determine the nature and extent of potential violations of the policy. A question arose regarding the oversight mechanism for the I³ office. Senior Associate Provost Youatt indicated that oversight for I³ is in the President’s office. Members of ECAC asked that I contact you regarding the procedures associated with the I³ oversight and open a dialogue on the issues.
In a subsequent conversation with the Deputy General Counsel Zayko, it appears that the I³ office has completed, or is soon to complete, a “user’s manual” regarding the ADP that was identified in the UCAP discussions. The availability of a “user’s manual” will be a guide for faculty, as well as for the I³ office, in their understanding of the ADP and procedures that are in place for its administration. Rather than open a direct dialogue at this time, ECAC respectfully requests that the University Faculty, through its shared role in governance, have the opportunity to review both the ADP and the “user’s manual” prior to their final approval by your office. As the issues addressed by the ADP naturally affect the entire University community, it is appropriate that all understand the ADP and the procedures associated with its administration.

Thank for your attention to this issue and I appreciate your consideration of our request.

Cc: Kim Wilcox, Provost
Kristine Zayko, Deputy General Counsel
Jacqueline Wright, Secretary for Academic Governance