

Indiana University - Bloomington Graduate & Professional Student Government

Resolution to Address Discrimination, Harassment, and Sexual Misconduct

Whereas, IU Bloomington had at least 39 reports of faculty/staff sexual misconduct in the past academic year, the majority of which were allegations of sexual harassment;¹

Whereas, the recent cases of faculty violations of Discrimination, Harassment, and Sexual Misconduct, including the cases of Murray McGibbon² and Ian Samuel,³ have brought forth concerns related to transparency, preventative mechanisms, and informational awareness in relation to our Discrimination, Harassment, and Sexual Misconduct procedures;

Whereas, the GPSG Executive Committee⁴ has called for the University to take further steps to “provide a safer academic experience for all students;”

Whereas, the GPSG General Assembly, during a closed session in November of 2020, outlined an assortment of Discrimination, Harassment, and Sexual Misconduct violations that the Representatives and their constituents had experienced;

Whereas, the GPSG President Dakota Coates has met frequently with leadership of the Office of Institutional Equity and the Office of the Vice Provost for Faculty & Academic Affairs design policy recommendations that strive to conform with existing legal restrictions related to Discrimination, Harassment, and Sexual Misconduct policies;

Whereas, the current University Policy on Discrimination, Harassment, and Sexual Misconduct⁵ is currently an “interim policy for the 2020-21 academic year” and is currently seeking out feedback;

Whereas, President Joe Biden has stated⁶ that he intends to rescind and/or reform former-President Trump’s guidance related to Title IX, further reinforcing that the University’s existing policy will undergo revision;

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¹ Student Welfare and Title IX Report, IU Board of Trustees Dec. 2020 Meeting.

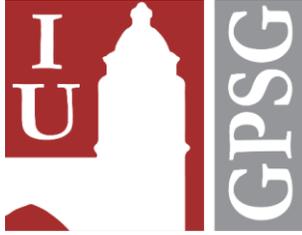
² <http://specials.idsnews.com/iu-theater-department-sexual-harassment-title-ix/>

³ <https://www.insidehighered.com/news/2019/05/13/professor-accused-misconduct-admits-it-and-resigns>

⁴ <https://www.idsnews.com/article/2020/10/iu-graduate-student-government-demands-murray-mcgibbon-stop-teaching>

⁵ UA-03: <https://policies.iu.edu/policies/ua-03-discrimination-harassment-and-sexual-misconduct/index.html>

⁶ <https://joebiden.com/vawa/>



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Therefore, be it resolved by the Graduate and Professional Student Government Assembly that GPSG advocates for the University to amend its Discrimination, Harassment, and Sexual Misconduct policy to include the following:

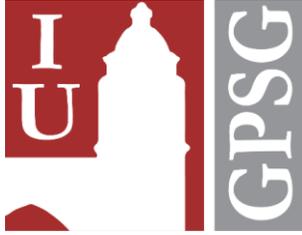
- When a Faculty member has been found responsible for a violation, resulting in level two sanctions,⁷ the following additional restrictions would apply:
 - The Faculty member shall not be allowed to take on any additional students as advisees, Student Academic Appointees, or mentees.
 - The Faculty member shall not be allowed to chair any committees in which they would serve in tandem with a student.
 - That Faculty member shall not be allowed to serve on any committee in which they would oversee student-directed policy.
 - That Faculty shall meet with their unit chair and disclose the scope of all current involvements on campus, which shall be subject to restriction upon the discretion of the unit chair and/or OIE.
 - The Faculty member shall be removed from positions of decision-making authority⁸ and shall not be able to return until an appropriate evaluation has been performed by either the unit chair and/or OIE.

- When a Faculty member is currently being investigated under this policy, the Faculty member must be ineligible from taking on any additional advising functions involving graduate or undergraduate students, and they may not resume advising until they have been found not responsible or the investigation results in a level one sanction. Further, we encourage the appropriate unit(s) to be as restrictive as possible in limiting existing advising relationships.

- That Faculty members who have been found responsible for violation of the policy are ineligible to serve on any adjudicatory or appellate review role/body contemplated under this policy, such as the faculty board of review.

⁷ As set forth in UA-03, Level Two Sanctions include sanctions that directly modify job duties, salary, or job status, including affecting compensation, consideration in tenure, or promotion decisions, suspension, and termination.

⁸ Decision-making authority does not include teaching or research related decisions, unless otherwise stated in an OIE decision.



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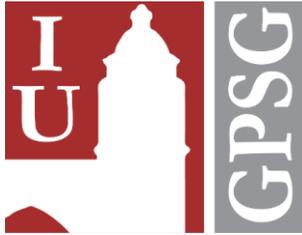
- That the appropriate university body(ies) establish(es) a policy or policies to permit students to serve as an advisee, mentee, or SAA for a Faculty found guilty of a level two sanction with approval from the unit head and, when possible, with informed consent from the student.

Therefore, be it resolved by the Graduate and Professional Student Government Assembly that GPSG advocates for the University to take the following steps to enhance transparency in the standard operating procedures related to bias and harassment:

- That each unit shall review all necessary alternative courses or graduation requirements for students in the event that a Faculty member found responsible for a violation warranting level two sanctions is the sole available instructor for a required course. Furthermore, the University shall develop a mechanism to allow impacted students to request alternative accommodations to existing required courses or graduation requirements.
- That the University shall take any steps to increase notice and transparency, within the confines of its existing legal obligations, to alert students, staff, and other faculty members when a faculty member is being investigated for and/or is found responsible for a Discrimination, Harassment, and Sexual Misconduct violation.
- That the University shall continue to find ways to coordinate with other institutions to enhance sharing of information related to Faculty members who are terminated as a result of and/or found responsible for Discrimination, Harassment, and Sexual Misconduct violations.
- That the University adopt a general practice of requiring all potential faculty and/or staff sign a waiver allowing prior employers to release information related to Discrimination, Harassment, and Sexual Misconduct violations or investigations that occurred during their tenure at the prior employer.

Therefore, be it resolved by the Graduate and Professional Student Government Assembly that GPSG advocates for the University to take the following steps to enhance informational awareness for students:

- That the University shall clarify the process by which the campus communicates with Departments when a Faculty member is being investigated and/or has been found responsible for a Title IX or Harassment violation.



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- That students be provided with and made aware of whistleblower protections to prevent issues of academic retaliation connected to reporting or utilizing bias, harassment, or Title IX reporting systems.
- That the Office of the Vice President & General Counsel shall clarify to students, staff, and other faculty the breadth to which they can publicly speak out on concerns related to Discrimination, Harassment, and Sexual Misconduct, particularly on matters related to public disclosure of investigation proceedings and on general commentary related to potential legal exposure (such as defamation).

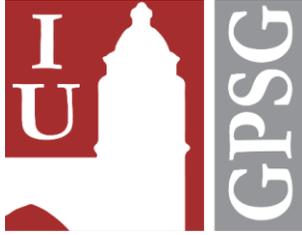
Therefore, be it resolved by the Graduate and Professional Student Government Assembly that GPSG advocates for the University eases the process associated with FOIA requests under IC 5-14-3-4(b)(8)(C)⁹ which allows for the release of “personnel files of public employees and files of applicants for public employment” that involve “the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.” GPSG advocates that the University consider methods of automatic release or expedited review processes as potential solutions.

Therefore, be it resolved by the Graduate and Professional Student Government Assembly that GPSG advocates for the University to ensure that tenured faculty members found responsible for misconduct in violation of university policies are provided no additional leniency, and encourages the University to consider revocation of any and all benefits and/or rights associated with tenure in the event a faculty member is found guilty of a level two sanction. Further, in these cases we would encourage the University to also consider the revocation of the Faculty's graduate instructor status."

Therefore, be it resolved by the Graduate and Professional Student Government Assembly that GPSG advocates for the University to require annual bias and harassment training for all faculty and staff members.

Therefore, be it resolved by the Graduate and Professional Student Government Assembly that GPSG advocates for the University to implement awareness of all forms of reporting mechanisms for Discrimination, Harassment, and Sexual Misconduct, including into all program orientations and to develop a related informational Canvas page insert that Faculty are encouraged to include on their course sites.

⁹ Indiana FOIA Law, IC 5-4-13, https://www.in.gov/ieerb/files/IC_5-14-3_Access_to_Public_Records.pdf



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Respectfully submitted to and passed by the Graduate and Professional Student Government Assembly on January 22, 2021.

Dakota Coates

GPSG President

1/22/2021

Date