

Grand Valley State University
University Academic Senate
Minutes of February 11, 2022

- Present:** Majd Al-Mallah, Nicholas Baine (for Jeff Ward), Yatin Bhagwat, Adrian Copeland, Katie Corker (for Mary Bower), Tara Cornelius, David Crane, Jason Crouthamel, Alisha Davis, Brian Deyo, Justin Frappier (Student Senate), John Gabrosek, Scarlet Galvan, Chris Haven, Barbara Hooper, Naoki Kanaboshi, Courtney Karasinski (Vice Chair), Alexis Krichevsky (Student Senate), Salvador Lopez-Arias, Leifa Mayers, Hazel McClure (for Gayle Schaub), Anne McKay (for Susan Harrington), Marie McKendall, Alli Metz (for Arthur Campbell), Azizur Molla, Jared Moore, Oindrila Mukherjee, Autumn Mueller (Student Senate President), Felix Ngassa (Chair), Charles Pazdernik, Chris Pearl, Lisa Perhamus Karyn Rabourn, Wil Rankinen, Kathryn Remlinger, Wendy Reffeor, Dawn Richiert, Anne Sergeant, Ashley Shannon, Paul Sicilian, Andrew Spear, Kevin Strychar, Agnieszka Szarecka, Robert Talbert, Lissa Tallman, Josh Veazey, Deana Weibel, Alex Wilson, Mingyu Wu
- Absent:** Nancy DeFrance, Jared Moore, Andrew Schlewitz, GSA President, 1 Student Senator
- Ex Officio:** Chris Plouff, Ed Aboufadel, Sonia Dalmia, Mark Schaub, Ellen Schendel, Sherril Soman,
- Guests:** Naomi Aldrich, Donovan Anderson, Marshall Battani, Kathleen Blumreich, Teresa Castelo-Lawless, Jing Chen, Grace Coolidge, Jennifer Cymbola, Danielle DeMuth, Kelly Dowker, Paul Fishback, Elizabeth Flandreau, Joy Gaslevic (Senior Counsel, Husch Blackwell), Donna Henderson-King, Eaaron Henderson-King, Kin Ma, Josita Maouene-Cavin, Deb Morrow, Kirsten Schrauben, Ellen Schupe, Gerry Simons, Brent Smith, Christine Smith, Michael Szydlowski, Ben Walsh, Ayana Weekly, Jennifer Winther, Michael Wolfe, Kristine Zayko (Senior Counsel, Husch Blackwell)

The meeting was called to order at 3:00 pm

Agenda Items	Discussion	Action / Decisions
1. Approval of Agenda	The Agenda of February 11, 2022 was reviewed.	The Agenda of February 11, 2022 was approved.
2. Approval of Minutes	The Minutes of UAS Regular meeting February 4, 2022 were reviewed.	The Minutes of UAS Regular meeting of February 4, 2022 were approved.
3. Report from the Chair	Chair Ngassa reported on how items are added to the senate agenda, and reminded all about the upcoming Faculty Forums. Nominations are needed for appointment to the selection committee to choose student speakers for commencement. Please notify Chair Ngassa of your interest in serving on the selection committee or forward him the names of potential nominees. The upcoming meeting schedule and proposed agenda items were shared.	
4. Report from the Provost	No Report	
5. Report from Student Senate President	No Report	

<p>6. New Business</p>	<p>a. Chair Ngassa reported that the questions generated by faculty for the independent investigators from Husch Blackwell were sent to them last night, and led discussion on the Title IX Independent Investigation and Report that was distributed earlier. Questions related to the intended outcome of the meeting were addressed, with several options proposed on what next steps may be.</p> <p>b. Joy Gaslevic and Kristine Zayko of Husch Blackwell joined the meeting.</p> <p>The two investigators reported that they received the questions and noted that there were several items they would not be able to address, but are summarized in the report, including: their opinion on the leadership style or effectiveness of Dr. Bernal; their opinion on the truthfulness of Dr. Bernal; speculation on other universities; details on Ms. Rowlands employment.</p> <p>Related to the question(s) raised about whether Husch Blackwell should have conducted the investigation, they stated they have not represented the university in the past, but that Ms. Zayko has served GVSU as a hearing officer. They did note that investigators generally only speak with individuals once, but Dr. Bernal and Ms. Rowland were interviewed twice as a clarification measure.</p> <p>Related to the question(s) on the credibility of the report or (lack of) a credibility assessment, Ms. Gaslevic and Ms. Zayko noted that credibility determinations are not necessary when the material clearly shows the facts.</p> <p>The main areas addressed by Ms. Gaslevic and Ms. Zayko: 1) Title IX compliance; 2) Communication; 3) Interference by administration; and 4) Claims of an abusive working environment.</p> <p>Follow-up questions were asked from the floor. Related to Title IX compliance, as stated in the report, GVSU was technically not in compliance based on objective facts and the timeline. There are no facts disputed.</p> <p>Communication problems were identified based on the objective facts of the underlying case, the timeline and emails.</p> <p>Interference by administration was not found, but there were differing interpretations of policy/process.</p>	
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	<p>It was noted that the abusive working environment claim took shape from the resignation letters, and Ms. Gaslevic and Ms. Zayko stated that in their opinion, the allegations – if true – would not have risen to a level of abuse.</p> <p>Additional questions were asked for clarification related to monitoring Ms. Rowland’s email account; the distinction between “relevant findings” and “material findings”; and what would constitute abusive behavior.</p> <p>Ms. Gaslevic and Ms. Zayko left the meeting.</p> <p>c. There was general discussion on the structure of the office of Dr. Bernal and the Title IX office.</p> <p>Concerns were raised on how to investigate leadership issues. It was agreed to form a Task Force to create a list of actionable items and then have ECS decide what issues should be pursued. Faculty interested in serving on the task force can send Chair Ngassa an email by Thursday, February 17 at Noon stating their interest. Nominations from faculty not on senate are also welcome. This will be discussed at ECS on February 18.</p>	
d. Adjournment	The meeting adjourned at 4:59 pm	