

**FACULTY SENATE MINUTES
SAM HOUSTON STATE UNIVERSITY**

2 April 2015

3:30 p.m. – 5:00 p.m.

Austin Hall

Members Present (20):

Irfan Ahmed (COBA), Nancy Baker (CHSS), Helen Berg (COE), Don Bumpass (COBA), Donna Cox (COE), Diane Dowdey (CHSS), Karla Edison (COE), Mark Frank (COBA), Randy Garner (CJ), Richard Henriksen (COE), Mark Klespis (COS), James Landa (COHS), Jeffrey Littlejohn (CHSS), Dennis Longmire (CJ), David McTier (COFAMC), Sheryl Murphy-Manley (COFAMC), Diana Nabors (COE), Lisa Shen (NGL), Stacy Ulbig (CHSS), Tony Watkins (COFAMC)

Members Not Present (11):

Jonathan Breazeale (COBA), Tracy Bilsing (CHSS), Madhusudan Choudhary (COS), James Crosby (CHSS), John Domino (CHSS), Deborah Hatton (COFAMC), Joan Hudson (COS) Paul Loeffler (COS), Gary Oden (COHS), Dwayne Pavelock (COS), Douglas Ullrich (COS)

Called to Order: 3:38 pm in Austin Hall by Chair Nancy Baker

Minutes Approved: Minutes for the March 19th meeting were approved unanimously with minor edits

Chair's Report

(Please see attachment for full the report, circulated electronically before the meeting.)

Family and Medical Leave Policy

Ms. Rhonda Beassie, the TSUS System Attorney, has stated that the law of allowable leave for Texas state employees does not permit parental leaves for more than the 12-weeks prescribed under FMLA, the law also does not permit paid leaves. Therefore, faculty cannot take parental leaves, paid or unpaid, for an entire semester.

However, as it is in the students' best interest to have consistency in instruction, the provost will ask the chairs to work on reassignments of responsibilities with individual faculty members taking parental leaves, so faculty will not teach full courses during the semester they would take parental leaves. The agreed upon work reassignment will be specified in writing before the leave takes place. Provost Hebert will communicate this practice to the deans and chairs in a written memo. The provost also shared that Gene Bourgeois, the Provost of Texas State University at San Marcos, had indicated that TSU has also been addressing FMLA leaves in this fashion.

Conflict of Interest Policy (Academic Policy Statement 950809)

This proposed policy was submitted for approval at the Academic Affairs Council (AAC) meeting on March 30th by the Office of Research and Sponsored Projects (ORSP). The policy was grouped with the other new ORSP IRB policies that were created to comply with new federal regulations, and presented with the impression that all the policies have been reviewed and approved by all the relevant bodies, including the Faculty Senate.

Dr. Baker pointed out to AAC that Senate has not approved this particular policy. Specifically, Senate had reviewed the policy draft and submitted a number of suggested revisions to Sharla Miles at ORSP during the Fall 2014 semester, but, despite a number of requests, has yet to receive any responses from Ms. Miles about the edits.

Consequently, AAC decided to pass a motion to approve Academic Policy Statement 950809, pending Faculty Senate's approval. The Senate Academic Affairs Committee, which conducted the original review of the policy on behalf of Senate, will lead the policy discussion during the Committee Reports.

Independent Studies

Senators appreciated Provost Hebert and Dean Zink's efforts in ensuring that the instructor of record will match the professor who is actually teaching the student, and that the chair would not receive undue compensation (chits) for all the independent studies in a department in CHSS.

Some senators would like for all the colleges to adopt the same practices. Others felt that these improvements do not address the greater issue: many faculty are still overloaded with independent studies or other uncompensated teaching responsibilities. One senator pointed out that chairing thesis and dissertation is another form of uncompensated teaching. A few senators also noted that some disciplines require students to complete applied credit hours, such as music studio, jury recitals, and theatre productions, and faculty who teaches or leads these learning activities are largely uncompensated for their efforts.

Dr. Baker acknowledged the diverse practices and needs in different disciplines, and noted that the faculty workload policy is under revision and may be the best venue to address these problems. Dr. Baker will share senators' concerns and examples about uncompensated overload with the provost.

Committee Reports

Academic Affairs Committee –Conflict of Interest Policy (950809)

AA has not had time to convene and review the revised policy draft, since ORSP had just sent the document to AA on April 1st, the day before the Senate meeting. Nonetheless, committee

members have noted a couple of AA-proposed changes were not addressed by ORSP in the revised policy.

In addition, AA also noted a few issues with Appendix B of the proposed policy. The appendices was cited as an attachment in the original policy draft, but a copy was not submitted to Senate for review at that time. In particular, part of Appendix B addresses “activities that are very likely to present unacceptable conflicts,” but the guidelines for identifying such activities included some questionable examples, such as “a substantial body of research [that fits particular criteria],” even though a body of research is not an activity. Another example included activities that “involves or appears to involve [the university in a significantly way,]” which may be difficult to assess.

Senators agreed that ORPS’s lack of response throughout the policy revision process is disappointing. Nonetheless, one senator felt that this problem has been recognized and addressed by the AAC. Therefore, in the interest of building a collegial and collaborative organizational culture, it would be in the Senate’s best interest to “pick our battles.” Perhaps detailed review of this particular policy section is not the most effective use of Senate’s efforts.

After some deliberation, it was decided that AA will review the revised ORSP policy copy and present its findings at the next Senate meeting.

University Affairs Committee –SGA Resolution S15-10

Senator Watkins presented UA’s report (please see attachment for full report) on the Student Government Association’s (SGA) request to endorse the SGA resolution regarding speech on campus. While UA sympathizes with SGA’s concerns and motivation in wanting to protect students, after a thorough review, the committee does not recommend that the Faculty Senate endorses the SGA resolution.

The committee’s position is to allow for free speech on campus, even if the speech content may be insulting or offensive. Moreover, the campus community may be better served by using this situation as a learning opportunity. Mr. Copeland, the president of the SGA, was in attendance and shared SGA’s appreciation for Senate’s attention on this matter. Senators also recognized Senator Stacy Ulbig’s for creating an exceptional report.

A motion was made to accept the University Affairs Committee’s Report to the Faculty Senate Regarding Student Government Association (SGA) Resolution S15-10.

Motion passed unanimously (20 ayes).

Faculty Affairs Committee – Report on the Family and Medical Leave Act

This particular FA report was first submitted to Senate for the February 12th meeting. Due to the number of issues in need of Senate’s attention, discussion of the report was delayed several

times. Unfortunately, Senator Hatton, the Chair of FA, was unable to attend the present meeting. The other FA members in attendance were either not present for the discussion or writing of this particular report, or did not feel comfortable representing the whole committee. Therefore, the report is benched until the next meeting.

Committee on Committees

Senator Frank reported that the Faculty Senate Election Ballots and the annual Faculty Senate Survey, with the question for faculty approval of Senate Charter change, are both ready for electronic distribution pending minor edits. Work Orders have been created for both items with campus IT. The senate seats allotment by college, which is calculated based on faculty FTE, has not changed this year.

The Charter change request concerned the rescheduling of the Chair-elect election. Provost Hebert has approved a one-course per semester course release for the chair-elect, therefore the election needs to be rescheduled to an earlier date to provide adequate adjustment time for the chair-elect's department.

A question was raised about the number of faculty votes needed to approve the Charter change. Senator Frank clarified that the amendment must be ratified by two thirds of the faculty members who voted on the change. The voting outcome will be shared at the April 30th Senate meeting.

New Business

Graduate Faculty Status Policy (APS# 801014)

Copies of the policy were shared amongst senators, and Dr. Baker encouraged everyone to review the policy in detail and illicit comments from colleagues for the next meeting. Specific issues to consider included the number of membership levels and the criteria for each level.

Temporary Parking for Loading and Unloading

Senator Watkins reported on UA's communication with Mr. Kevin Morris, the University's Chief of Police. Chief Morris did not think the request of giving faculty 30-minute parking for loading and unloading purposes would be feasible. Parking lot attendees are required to follow and enforce strict rules and regulations, and allowing attendees flexibilities in issuing tickets would lead to training and enforcement problems. Moreover, if students observe that faculty are given leeway to temporarily park near a building, some may be prompted to do the same.

Therefore, as an alternative, Chief Morris suggested for university employees to inform UPD directly (936-294-1800) when needing to park temporarily for loading and unloading purposes. Some senators were disappointed at the response and felt the suggested solution was not practical. Although one senator pointed out that UPD would to waive one-time parking

violations if the individual involved contacts the parking office explain the situation within a reasonable time frame.

A senator recalled that two focus group studies on campus parking had been conducted in recent years, and both reports recommended the provision of temporary parking spaces. Another senator noted students would double park and rush into a building to ask professors questions or submit assignments. A third senator shared that she would regularly unload and leave teaching material unattended on the sidewalk to find remote parking, since her teaching schedule between campuses meant she would often need to park in remote lots far away from her classrooms.

A different senator observed that many campus parking lots are not fully ADA compliant, which is an issue that more urgently calls for Senate's attention than temporary parking. In the ensuing discussion, it was pointed out that a project is in the works to build crosswalks on campus alongside Bobby K Marks Drive, and that the University does have a standing Parking and Transportation Committee.

Mr. Copeland shared that, even though he is a member of the Parking and Transportation committee by virtue of position, despite repeated meeting requests from him and the SGA, the committee has yet to meet this academic year (Correction: it was subsequently found that the committee has met once academic year, in March 2015, although neither Mr. Copeland nor the other student representative were in attendance).

Consequently, senators decided to develop a resolution for the Parking and Transportation Committee to meet and consider Senate's request for establishing short term parking spaces near each building.

A motion was made to adopt the following resolution:

BE IT RESOLVED that the Faculty Senate requests for the Parking and Transportation Committee to meet before April 30th to consider Senate's recommendation to create 15-minute loading zones with access to each building on campus for use by faculty, staff, and students, and report back to senate by May 8th.

Motion passed (19 ayes, 1 nay, 0 abstention)

Dr. Baker will present the resolution to Mr. Matt McDaniel, interim chair of the Parking and Transportation Committee.

Meeting adjourned at 5:00 pm

**Faculty Senate
Chair's Report
04-02-2015**

This week's Chair's Report is longer than usual because it contains detailed information in response to faculty questions I received, as well as updates on ongoing issues.

Here is a list of what is included:

- Privacy Rooms and Daycare
- Family and Medical Leave policy
- Intellectual Property Policy
- CHSS Faculty Teaching Independent Studies
- DPTAC decisions
- State Legislature Updates
- Internships
- Financial Conflict of Interest Policy in Research Pertaining to Sponsored Projects
(Academic Policy Statement 950809)
- Substantive Change Notification Policy and Procedures
(Academic Policy Statement 081212)
- SACS COC Fifth Year Interim Report

Privacy Rooms and Daycare

In our meeting on April 2, the provost said that progress is being made on creating additional privacy rooms for use of nursing mothers, diabetics and transgendered members of the SHSU community. There will likely be one created in the Newton Gresham Library and Physical Plant has been tasked with finding places for one or two additional privacy rooms on our main campus. At our Woodlands Center campus, nursing mothers have been using empty office space. A storage area is going to be transformed into a permanent location for a privacy room.

At our University Park campus, a privacy room will not be created, due to our limited presence on the campus and the fact that SHSU is leasing the space used. Instead, those in need of a privacy room should contact the SHSU main office on that campus and ask for more information; such requests will be handled on a case-by-case basis, making use of what is available and possibly drawing on privacy rooms of other institutions also present on that campus.

The provost will talk to Carlos Hernandez about where information on privacy rooms could be listed on the SHSU website; the provost also suggested that various departments and offices around campus should be provided with the information (ex: Human Resources, the Student Health Center, etc.).

The provost still needs to talk to members of the President's cabinet about the possibility of establishing a daycare on SHSU's campus.

Family and Medical Leave policy

Lisa Shen has discussed with TSUS system attorney Rhonda Beassie what would be possible in terms of expanding FMLA. Ms. Beassie directed her to state law outlining what is considered allowable: twelve weeks of unpaid leave (with specific requirements about using one's sick leave first). Ms. Beassie stated that paid leave is not an option.

In our meeting on April 2, the provost said his preference for handling anyone needing to go on FMLA leave is to encourage department chairs and deans to reassign that faculty member for the entire semester, away from teaching, so that students have consistency in instruction; the provost would want such an arrangement in writing, for clarity and to protect all concerned. He says that Texas State University handles FMLA leaves in this fashion. The assignment of the courses needing coverage will be left up to the department chair; the provost emphatically stated that no one should be forced to teach beyond what the workload policy states without additional compensation.

In addition, the provost said that anyone needing to go on FMLA leave who is tenure-track but not tenured may ask for his/her tenure clock to be stopped for the academic year in which the leave occurs (but s/he is not required to ask for this). The provost informed us that there is a new TSUS system-wide policy on stopping the tenure clock for a year, as of 2013-2014; previously, the policy regarding this was at the university level only.

Intellectual Property Policy

The provost asked Bill Angrove about whether TSUS had changed the system-wide intellectual property policy. Dr. Angrove stated that he had helped revise the policy some time ago but had not heard back from TSUS as to whether that revision had been approved.

CHSS Faculty Teaching Independent Studies

Dean Zink reports that, starting in Summer 2015, for independent studies taught by CHSS faculty the instructor of record will be the person who is actually teaching the student, not the chair of that faculty member's department.

DPTAC decisions

In response to a query from a faculty member, the provost told us that deans and department chairs are informed of DPTAC decisions. They may share that information as they see fit. Once the Board of Regents has approved tenure decisions, they become a matter of public record.

State Legislature Updates

The provost had no new information on HEAF funding.

The provost said that he remains optimistic about the possibility of full funding of the \$60 million in Tuition Revenue Bonds (TRBs) requested by SHSU. At present, the Senate has filed a bill for full funding. The House needs to file a bill, which may recommend full funding, or not. Then, the Appropriations Committee would need to reconcile the two bills, if they differ.

The various bills regarding guns on campus (concealed carry, open carry) have become extremely complicated, with various amendments to the different bills. The provost is not sure what will happen, but he reiterated his position of wanting local control (so that SHSU could decide for itself what the handgun policy will be). He also said that the TSUS Chancellor is opposed to handguns on campus (open or concealed carry) and that the SHSU Law Enforcement Management Institute was working with all of the chiefs of the University Police Department to craft a position paper stating opposition to guns on campus (open or concealed carry).

Internships

In response to a faculty query regarding the alleged new policy of Lamar and Sul Ross to require that all student internships be paid internships, the provost expressed surprise and requested more information. He says that SHSU is not moving in that direction and that this is not a TSUS system-wide policy. He would appreciate any documentation that faculty member could provide to show this new policy, as he is very surprised to learn of it.

Financial Conflict of Interest Policy in Research Pertaining to Sponsored Projects (Academic Policy Statement 950809)

At the Academic Affairs Council (AAC) meeting on March 31, Associate Vice President for Research and Special Programs Jerry Cook put forward for approval the Financial Conflict of Interest Policy in Research Pertaining to Sponsored Projects. Dr. Cook had the impression that Faculty Senate had approved this policy. I clarified that the Academic Affairs Committee of Faculty Senate had reviewed the policy during the Fall 2014 semester and sent Sharla Miles feedback on revisions needed, requesting that she send a revised version back to them for further review and discussion as a committee. Dwayne Pavelock and the Academic Affairs Committee did not receive a revised version. I requested that the AAC vote on the policy be postponed until Faculty Senate had had a chance to review and vote on the policy.

In the interests of streamlining the process while protecting Faculty Senate's role in the process, **the AAC decided to approve the policy pending Faculty Senate's approval of the policy.** In other words, this policy is not officially approved until Faculty Senate has reviewed and approved the policy. This item is on our agenda today.

Substantive Change Notification Policy and Procedures (Academic Policy Statement 081212)

At the AAC meeting on March 31, Assistant Vice President for Academic Planning and Assessment Somer Franklin introduced a new policy required for the Fifth Year Interim Review by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS COC). This policy outlines the steps SHSU will follow in notifying and, when necessary, seeking approval from SACS COC of any substantive changes. (As defined by SACS COC, a substantive change is a “significant modification or expansion of the nature and scope” of a university. An example would be initiating a program at a new level or creating a branch campus.) This policy does not change the process SHSU currently follows to determine whether to make substantive changes.

As a result of the narrow scope of this policy and the urgent need to have the policy in place for the upcoming SACS COC Fifth Year Interim Report, the provost did not submit this policy to Faculty Senate for review. The AAC approved this policy.

SACS COC Fifth Year Interim Report

On behalf of concerned faculty, a senator asked me to provide an update on the SACS COC Fifth Year Interim Report. I contacted Dr. Somer Franklin. The following information is from Dr. Franklin.

SHSU submitted its 5th Year Interim Report on March 12, 2015. We expect to hear something back (preliminary findings) from SACSCOC in July. The SACSCOC 5th Year Report is accessible from SHSU's website at

<http://www.shsu.edu/~sacs/814sac5yr/>

SACSCOC reviewers do not visit the campus as part of the standard 5th Year Interim Report process. At this time, SHSU is not scheduled for a SACSCOC site visit. It is most likely that SHSU will not have a site visit with SACSCOC until its next decennial review in 2019.

The SACSCOC reviewers will be reviewing SHSU's Fifth Year Interim Report that includes a narrative response and supporting documentation for each of the Fifth Year standards. (The Fifth Year Interim Report process covers only a sub-set of the standards reviewed as part of the decennial review.) They will also be reviewing the institution's QEP Impact Report. This documentation is available on our website as noted above.

The next steps for the 5th Year Report are as follows:

- The SACSCOC Review Committee will meet in June to review our report.

- SHSU will receive a letter in July informing us of the results of that review.
 - o If there are no issues identified, the process ends.
 - o If there are issues of non-compliance found, a follow-up report would be requested to address those issues.
 - § Options of the evaluators of the follow-up report:
 - (1) No additional report, or
 - (2) request a monitoring report which continues the two - year limited monitoring period, or
 - (3) recommend placing the institution on a sanction, with a monitoring report, and with or without a visit to campus.

Respectfully submitted,

Nancy E. Baker, Chair

Report to the Faculty Senate Regarding Student Government Association (SGA) Resolution S15-10

The University Affairs Committee considered the SGA's request that Faculty Senate endorse their recent resolution regarding speech on campus (a copy of which is attached). While the committee respects the right of the SGA to pass such a resolution, sympathizes with their concerns, and admires the association's motivation in wanting to protect students from such treatment, the committee does not recommend that the Faculty Senate endorse the SGA resolution at this time.

Based on the information contained in the Faculty Senate Chair's Report of February 26, 2015, as well as comments by Associate Dean of Students for Student Conduct and Advocacy Jeanine Bias (as cited in the *Houstonian* article and in the aforementioned Chair's report, as well as her remarks to the Faculty Senate during its December 4, 2014, meeting), the remarks of Provost Jaimie Hebert contained in the Chair's Report, and the committee's own reading of the TSUS and SHSU policies, the committee believes that the speech in question was likely insulting and offensive, as well as possibly misogynistic, but that it does not constitute speech that could (or should) be banned on this campus.

In deliberations on this issue, the committee addressed the following questions:

1. Is what the accused group is doing illegal? *No. Sam Houston State is an open campus, and members of the public are welcome to exercise their rights of free speech on this campus.*
2. Has sexual harassment occurred? *No. According to Dean Bias, the act in question would have to be "severe, pervasive and consistent" in order to rise to the level of harassment under current Title IX provisions. The speech in question does not appear to be "pervasive and consistent."*
3. Has any physical altercation occurred? *No. It does not appear that any physical altercation occurred.*
4. Has libel/slander occurred? *No. It does not appear that this is the case in this incident.*
5. Do such exercises of free speech create a hostile learning environment? *No. According to the committee's reading of the TSUS and SHSU policies, while the speech was likely insulting or offense enough to meet some of the definitions of activities that could create a hostile working or learning environment, the acts were not pervasive enough to constitute such.*
6. Is teaching impaired by these exercises? *Probably not. The committee could find no evidence that any of the University's educational goals were impaired by the speech in question. In fact, one faculty member stated that she had used the incident to help explain Supreme Court rulings on the First Amendment to an introductory American Government class on the day the incident occurred.*
7. Does this group have any obligation to TSUS or SHSU policies, rules, or regulations? *Probably not. The committee was unable to see that beyond obeying all relevant laws, the group had any additional obligation under the TSUS or SHSU policies, rules, or regulations.*

Consequently, it appears the group has done nothing that is actionable under the existing legal structures that are in place on this campus. Additionally, the committee is concerned that, as Provost Hebert warns, limiting speech on university campuses has been tightly scrutinized by the courts and that attempting to limit speech such as this puts the University, as well as its students, staff, and faculty at legal risk.

The committee further felt that a college campus like ours can serve as an ideal context within which to explore questions such as those raised by this incident, and that, as such, the campus community might be better served by addressing the group and their speech rather than attempting to squelch it. In particular, the committee felt that, should the offending group return to campus, the SGA might work with campus organizations to use their own First Amendment rights to counter the group's offensive speech. Perhaps taking a cue from some of the groups who have worked to counter the protests of the Westboro Baptist Church across the nation, the SGA might coordinate with campus ministry groups, Greek Life program, and other relevant organizations, to protect and support students who are confronted by the group.



Student Government Association

Sam Houston State University

A member of The Texas State University System
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Senate Resolution S15-10

Resolution for the Defense of Students and Protection of Public Speech

Author: President Copeland
Sponsor: President Copeland, Director Carson
Date: February 2, 2015

- Whereas:** The Sam Houston State University Student Government Association acts as “The Official Voice of The Student Body”; and
- Whereas:** The Student Government Association of Sam Houston State University recognizes and defends the rights of all peoples to free and public speech and the right to self-determine religious ideology as outlined in the First Amendment to the United States Constitution; and
- Whereas:** The Title IX of the Education Amendment of 1972 extends Civil Rights protection to ensure safety of our student population from sex-based discrimination; and
- Whereas:** The National Women’s Law Center details that Title IX prohibits “all forms of sex-based harassment... including sexual harassment, and harassment based on a student’s failure to conform to gender stereotypes”; and
- Whereas:** The United States Department of Justice explains “the principal objective of Title IX is to avoid the...discrimination in educational programs to provide individual citizens effective protections against those practices”; and
- Whereas:** The Fourteenth Amendment to the United States Constitution outlines that “no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”; and
- Whereas:** The United States Department of State defines sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature” and includes examples such as “unwelcome conduct unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or abusive work environment”; and
- Whereas:** The Restatement of Torts Section 652B and recognized by the Texas Supreme Court states “one who intentionally intrudes, physically or otherwise, upon the solitude or seclusion of another or his private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the intrusion would be highly offensive to a reasonable person”; and

The Official Voice of the Student Body

- Whereas:* The Supreme Court of the United States of America rule in *Beauharnais v. Illinois* that “libel is treated much as lewd and obscene speech; punishment of these types of expression does not violate the first amendment”; and
- Whereas:* Recent demonstrators on campus have used their First Amendment Rights of Free Speech to spout egregious doses of sexual harassment disguised as religious ideology; and
- Whereas:* These demonstrators take their forum of public speech to single out and target our student population, with particular care to our female populations, and to berate them in a public setting in a manner consistent with the authorities referenced in this Resolution; and
- Whereas:* These public speakers are providing statements in a public setting that are meant to demean specific individuals with information that is either inaccessible to the speakers, fallacious statements presented as irrefutable fact, or proclamations meant to slander the character of targeted individuals; and
- Whereas:* The United States Supreme Court has held in *Chaplinsky v. New Hampshire* that a state may “forbid the use in a public place of words that would be likely to cause an addressee to fight”; and
- Whereas:* In the case referenced above, the United States Supreme Court ruled that fighting words are not part of the “well-defined and narrowly limited classes of speech”; and
- Whereas:* The Student Government Association of Sam Houston State University have been made aware that these demonstrators have made false statements towards individual students, in a public and crowded setting, that they are infected with various Sexually Transmitted Infections, used elevated language that would constitute “fighting words” by negatively labeling individual students in a manner that may cause provocation, and taunting students in a method that would constitute sexual harassment by the brandishing of feminine hygiene products in the faces of our population; and
- Whereas:* Both students and faculty have made known to the members of the Student Government Association that the verbal and physical acts of these demonstrators have caused them to feel highly offended and a victim of sexual harassment while conducting daily business upon the grounds of Sam Houston State University; these to include teaching, presenting, learning, and walking; and
- Whereas:* Students and faculty have indicated that they are being targeted and discriminated based solely on gender; and
- Whereas:* The language in these demonstrations tears at the self-esteem and self-worth of our students and faculty; and
- Whereas:* These demonstrators harass our students based on inaccurate stereotypes of gender roles, dress, sexual orientation, and academic worth; and
- Whereas:* The Student Government Association of Sam Houston State University finds a distinction between the freedoms that are reasonably expected in an Academic Institution and the Constitutional protected rights and privileges of a public forum as the public university is a hybrid environment of work, education, and the commons; and

- Whereas:* The students that may be adversely affected by these demonstrators may be different than those individuals that gather for the entertainment of the spectacle; and
- Whereas:* Chapter VI Section 7.2 of the Texas State University System Rules and Regulations outlines that “the student government on each campus shall be a recognized forum of student opinion”; and
- Whereas:* Chapter VII Section 3 of the Texas State University System Rules and Regulations details that “freedom of inquiry and discussion... provided such freedoms are exercised in a manner that does not illegally derogate the rights of others to interfere with the academic programs and administrative processes of a Component”; and
- Whereas:* Chapter VII Section 3.3 of the Texas State University System Rules and Regulations and primarily affirmed by The Supreme Court of the United States of America provides that “there is no absolute right to assembly or to make or hear a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech”; and
- Whereas:* The Sam Houston State University Student Guidelines details in the Parades, Publications, Demonstrations and Rallies Policy 3.21 that “No group or person... shall publicly display, distribute, or disseminate on the component campus any petition, handbill, or piece of literature, work, or material that is obscene, vulgar, or libelous, or that advocates the deliberate violation of any federal, state, or local law”; and
- Whereas:* The aforementioned policy may not be construed to include the spoken word; therefore
- Be it Resolved:* That the Student Government Association of Sam Houston State University support the rights of all demonstrators to voice their political, social, and religious beliefs upon the grounds of Sam Houston State University, up to the point at which their written and spoken word constitutes sexual harassment upon specific individuals of the Sam Houston State University Community; and
- Be it Further Resolved:* That the Student Government Association of Sam Houston State University finds that these demonstrators are taking both verbal and physical action that damages the likeness of our students, produces a real and present danger to the academic environment, creates a hostile work and learning environment for our students and faculty, attacks and harasses our female populations; and
- Be it Further Resolved:* That the Student Government Association of Sam Houston State University finds that Sam Houston State University is not taking all actions reasonable and proper to protect the right of their students as granted by Title IX of the Education Code through the Fourteenth Amendment to the United States Constitution; and
- Be it Further Resolved:* That the Student Government Association of Sam Houston State University find that these demonstrations are not in compliance with the Texas State University System Rules and Regulations; and
- Be it Further Resolved:* That the Student Government Association calls upon all students and observers that gather around these demonstrations to peacefully disperse in order to reduce the speakers incentive to remain on campus; and

- Be it Further Resolved:* That the Student Government Association of Sam Houston State University supports changes in the SHSU Student Guidebook to expand protections against harassing and obscene written speech to include spoken words; and
- Be it Further Resolved:* That the Student Government Association seeks a resolution that ensure the proper protection of the First Amendment to the United States Constitution to allow all speakers, whether student, faculty, or guest, the right to speak upon our grounds in the furtherance of academic excellence, innovative thought, and deep personal reflection and growth; and
- Be it Further Resolved:* That the Student Government Association seeks the support of the Faculty Senate of Sam Houston State University to pass similarly worded resolutions to help us take a stand against these attacks on our faculty and students; and
- Be it Further Resolved:* That the Student Government Association calls upon the President, her Cabinet, the Texas State University System, and their Office of General Counsel to amend University and System Policies in order to protect the rights of students to feel safe in both body and mind as they obtain an education upon the campus of Sam Houston State University and her sister component institutions; and
- Be it Further Resolved:* That the Student Government Association of Sam Houston State University offer their aide in crafting this and future policies of the University; and
- Be it finally resolved:* That copies of this resolution be sent to President Dana Hoyt, the Chancellor of the Texas State University System Brian McCall, Texas State University System Vice Chancellor and General Counsel Fernando Gomez, Assistant General Counsel Rhonda Beassie, The Vice President of Student Services Frank Parker, Vice President of Academic Affairs Jaime Hebert, University Police Chief Kevin Morris, Chair of the Faculty Senate Nancy Baker, Dean of Students John Yarabeck, Title IX Coordinators for Student Services Jeanine Bias and Chelsea Smith, The Houstonian, and Channel 7 News.

Signed,

Spencer Copeland
President

JoAnna Moore,
Secretary