

UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN SENATE

MONDAY, AUGUST 10, 2020

ZOOM WEBINAR

MINUTES

I. CALL TO ORDER

A regular meeting of the University of Illinois Urbana-Champaign Senate was called to order at 3:10 pm with Senate Executive Committee Chair Rob Kar presiding and Professor Emeritus H. George Friedman, Jr. serving as Parliamentarian.

II. SENATE EXECUTIVE COMMITTEE CHAIR'S REMARKS

Professor Rob Kar (LAW), a faculty senator and Chair of the Senate Executive Committee (SEC), thanked everyone for their contributions this year and for the dedication to participating in shared governance.

III. APPROVAL OF MINUTES

08/10/20-01

Without objection, the minutes of the July 13, 2020 meeting were approved as distributed.

IV. PUBLIC COMMENT

Musa Muhammad (graduate student) spoke against holding any in-person instruction in the fall.

V. CHANCELLOR'S REMARKS

Andreas Cangellaris, Vice Chancellor for Academic Affairs and Provost gave remarks in the Chancellor's absence. Provost Cangellaris thanked senators for meeting one more time before the fall semester begins. Cangellaris also thanked SEC Chair Rob Kar and SEC Vice-Chair John Dallesasse along with all SEC members for their commitment and effort in responding to time-sensitive issues over the summer related to COVID-19.

All responses to COVID-19 have been made with the safety and well-being of all members of the campus and broader community in mind. Illinois is working with State and local officials' guidance, CDC (Center for Disease Control and Prevention) recommended practices, and the Governor's Restore Illinois plan. Rapid saliva testing, modeling, and contact tracing developed by Illinois researchers are being used to mitigate the virus. We have not allowed urgency to bypass broad consultation across campus and across other universities. The Senate has remained informed through the SEC. Chancellor Jones and/or Provost Cangellaris attended almost all of the numerous SEC and Senate meetings over the summer. Often, additional senior leadership subject matter experts and COVID working team leaders joined the SEC and Senate meetings.

Provost Cangellaris expressed excitement over the opportunity to have some in-person instruction safely this fall. Again, local and state officials have collaborated with the University to safely return to the hybrid in-person instruction. The COVID-19 website

has been updated and is the best place to find information about what our campus is doing in response to the virus. <https://covid19.illinois.edu/>

The chance to come back together again in some way is very important. Remaining together over the semester requires a commitment from all of us. The modeling from data is critical for planning this fall. We stress the importance of testing at scale, expedient tracing, and effective isolation and quarantine protocols for getting the pandemic under control. Testing at scale is made possible by the rapid saliva testing that was developed here at Illinois. We are working to offer this innovative saliva test with rapid turnaround time to not only the greater Urbana-Champaign community, but also to the state and globally. We are working with the Champaign-Urbana Public Health District (CUPHD) on fast and effective contact tracing.

We do not have all the answers, but we are working hard to mitigate the pandemic until an effective medical solution, such as vaccine, can be developed. We can all do our part by wearing face coverings, washing hands, practicing social distancing, avoiding crowded congregations in indoor spaces, following testing protocols, being responsive to information provided by CUPHD and healthcare providers following testing, and most important, being patient, understanding, and kind. Thank you to everyone doing your part.

VI. QUESTIONS FOR THE CHANCELLOR

Faculty senator Belmont (LAS) asked about the recent News-Gazette article what led to the decision to test twice a week. Cangellaris replied that the COVID-19 briefing on modeling gives a very detailed rationale that led to the decision to require testing twice a week. This briefing should be online soon. The modeling took into consideration many factors coming together. The most important thing is to practice all of the safety measures together, including face coverings, social distancing, hand washing, rapid saliva testing twice a week, and following up with CUPHD if infected, to mitigate the spread of the virus.

Faculty senator Tolliver (LAS) asked what will happen to the testing sites that are outdoor tents when the weather turns cold; will there be additional indoor testing sites? Brian Brauer reported that heating units are available for the outdoor tents that house the testing sites.

Faculty senator Michael (BUS) asked about the decision to not hold classes on the first Tuesday in November. Cangellaris noted that this is the first time the State of Illinois has established Election Day, the first Tuesday in November, as a State holiday. The revision to the Academic Calendar will be a proposal from the Senate Committee on Educational Policy (EP).

Faculty senator Paik (LAS) inquired about the privacy concerns around the Safer Illinois app requiring location data for the exposure notifications to work. Does reopening

safely depend on a critical mass of users downloading and using this app? Cangellaris asked Paik to wait for the COVID Briefing where Bill Sullivan discusses the app and privacy concerns. Use of the app is not mandatory. The University has been working diligently with CUPHD to make sure they have enough contact tracers so they can support our campus population in addition to the contact tracers they have for the broader Urbana-Champaign community. There are alternatives to the app.

In response to a follow-up question, Cangellaris stated that contact tracing is most effective when CUPHD can contact any individual that was within eight feet for 15 minutes or more of a person that tested positive. This data is very useful because a person might not realize they were within eight feet for more than 15 minutes of an unknown individual that tested positive.

VII. PROPOSALS

08/10/20-02 RS.20.07* Resolution Concerning the University's Protection of and Accountability for Campus and Community Health

Faculty senator Bruce Rosenstock introduced and moved approval of resolution RS.20.07. The motion was seconded, and discussion followed.

Several faculty senators spoke against the resolution for reasons including loss of revenue, increased liability to the University, an increase in the already large budget shortfall, the importance of the on campus educational experience, and that a large amount of effort and expertise has gone into the return to in-person instruction.

Several other faculty senators spoke in favor of the resolution for reasons including that profit should not be put before people, the University should be liable for death and illness when related to in-person instruction, tuition reduction would incentivize students to stay at home, and students will find it difficult to comply with safety guidelines which will increase the risk of spreading the virus.

08/10/20-03 Tolliver made a motion to close debate. The motion was seconded and approved without objection.

08/10/20-04 Through the online voting system Poll Everywhere, resolution RS.20.07 failed with 37 in favor, 69 opposed, and 5 abstentions.

08/10/20-05 Faculty senator Jenkins (FAA) made a motion to extend the meeting until 6:00 pm. The motion was seconded.

08/10/20-06 By show of virtual hands, the motion to extend the meeting until 6:00 pm was approved with 68 in favor, 6 opposed, and 6 abstentions. A quorum was still present although the vote total did not equal 100 or more.

08/10/20-07 EQ.20.04* Resolution on University Response to Racism

On behalf of the Senate Committee on Equal Opportunity and Inclusion, Chair Pionke introduced and moved approval of resolution EQ.20.04. Pionke noted that the Senate Committee on University Student Life (SL) and the SEC are co-sponsors of this resolution. Discussion followed.

Alam (LAW), faculty senator and SL Chair, spoke in support of the resolution and reiterated that this resolution also supports the Call to Action recently issued by the Vice Chancellor for Diversity, Equity, and Inclusion.

08/10/20-08 Through the online voting system Poll Everywhere, resolution EQ.20.04 was approved with 88 in favor, 3 opposed, and 3 abstentions. A quorum was still present although the vote total did not equal 100 or more.

VIII. TITLE IX REGULATION SUMMER IMPLEMENTATION –SENATE INPUT

Danielle Morrison, Title IX Coordinator

Nizam Arain, Associate Vice Chancellor for Compliance

Arain's role is new to campus and he is responsible for the Office of Access and Equity (OAE). One of OAE's functions is to investigate allegations of sexual misconduct against faculty and staff. Morrison and Arain both report to the Vice Chancellor for Diversity, Equity, and Inclusion, Sean Garrick. Morrison and Arain collaborate with each other and the Office of Student Conflict Resolution (OSCR) which handles investigations of student allegations.

Morrison reported that the new Title IX regulations were issued May 6 and are in effect and enforceable as of August 14. There is a significant list of new requirements including the adoption of new policies and processes. A sexual misconduct policy was created to balance the new requirements with state laws along with other federal law and in addition to our own campus values and commitment to providing a safe and welcoming environment. Included in those required changes were definitions for Title IX sexual harassment and an end of life hearing component with cross examination using advisors for all student and employee cases that fall within Title IX.

After the significant work of the Faculty Sexual Misconduct Committee, there was a desire to adopt their broader definition of unwelcome sexual, sex, or gender-based misconduct. There will be one sexual misconduct policy, but there will be two tracks. One track for Title IX and one for other prohibited sexual misconduct with accompanying process documents both from the OAE when it is an employee respondent and OSCR when it is a student respondent.

Sexual harassment, sexual assault, dating violence, domestic violence, and stalking will count under Title IX as well as our other prohibited sexual misconduct depending on whether it falls within a Title IX jurisdiction. Title IX limited it to incidents that occur within the United States and are tied to the educational program or activity, but the University of Illinois policy has a broader jurisdiction.

There is also a definition of sexual harassment that is consistent with Title VII. The Title IX definition required that we switch from a severe or pervasive standard to severe and pervasive to define sexual harassment. Under the broader category of prohibited sexual misconduct, there is a sexual exploitation policy and an unwelcome sex or gender-based conduct.

Arain discussed some of the procedural changes. The new regulations require a hearing for students and employees to determine the question of whether that individual violated our sexual misconduct policy. The process OAE conducts will yield a finding of responsibility or not. The sanctioning process unfolds from that and is not in the exclusive purview of OAE. In cases involving tenured faculty where dismissal is being sought by the University, the Senate Committee on Academic Freedom and Tenure (AF) will continue to own the responsibility for making that determination. That is separate from the underlying finding of whether sexual misconduct took place. For other sanctions, current processes will continue to be used.

In response to a question, Arain stated that the mandate of his office is to go beyond compliance and look at the wholistic effect of practices on all students and employees. The Office of University Counsel is consulted, but they do not necessarily have every answer or can resolve every dilemma.

The OAE hearing process will involve a three-person hearing panel with members chosen from a pool of trained employees across campus with a robust process for vetting for conflicts of interest. OSCR also has a process to address conflicts of interest.

IX. SAFER IN ILLINOIS APP PRESENTATION

Bill Sullivan; Professor of Landscape Architecture and member of the SHIELD: Target, Test, Tell COVID-19 Team

Sullivan discussed the Safer in Illinois app that was built on the Rokwire platform. The app can be used to report symptoms, automatically receive test results from McKinley, and exposure notifications. A privacy first approach has been taken with the app. Users can select the level of privacy with which they are comfortable. Once the app is downloaded, the user is asked for consent to participate in exposure notifications and consent to have test results from McKinley sent to the app. If the user opts into exposure notifications, the next screen states you must turn on location services. Location services must be turned on to use the low-energy Bluetooth signal. Location data is not collected, nor geo-location data. No location data is stored, and no location

data leaves a person's phone from this app. Sullivan went step-by-step through an example of how the exposure notification process works.

Sullivan responded to a question about student access to smartphones stating that of faculty, staff, and students, the group least likely to have a smartphone is staff. Chief Information Officer Greg Gulick's proposal was recently approved to fund the purchase of 3,400 smartphones to loan out to people for the entire academic year who do not have phones or whose phones are not up to date enough to run the app. Over 1,000 of the phones have arrived and the remaining 2,400 will arrive soon. Most of those phones will be loaned to staff members who will be working on campus.

Sullivan also noted that the app was reviewed by individuals outside of the group that created the app. The NIST 171 report is being reviewed. (NIST 171 is a codification of the requirements that any non-Federal computer system must follow to store, process, or transmit Controlled Unclassified Information (CUI) or provide security protection for such systems.) University Legal Counsel has hired outside counsel to review the app. Regulations like HIPAA (Health Insurance Portability and Accountability Act), FERPA (Family Educational Rights and Privacy Act), COPPA (Children's Online Privacy Protection Rule), CCPA (California Consumer Privacy Act), and PIPA (Personal Information Protection Act) have all been considered during the review process.

In response to privacy and data collection concerns Sullivan responded that the privacy statement has been updated since the Illinois app has been completely separated from anything COVID related and the Safer in Illinois app. There is almost no data that is stored in the cloud. The Bluetooth tokens are only held for 15 days. McKinley has a record of people's test results in their secure system.

Rokmetro is an entity outside of the University. The University has no financial relationship with Rokmetro. There is an agree between the Office of the Vice Chancellor for Research and Innovation because Rokmetro is part of the Research Park.

Sullivan answered additional questions about the app and app notifications. The frequency of notifications will be reduced with the update to the app. Also, once the presentation is made to the State of Illinois for possible use of the app state-wide, Sullivan is hopeful that the State of Illinois will assist discussions with Google and Apple to use their technology that is built into the operating systems that will lengthen the battery life and produce fewer notifications.

Sullivan also noted that the app code will be open and available on August 15.

X. WELLNESS SUPPORT ASSOCIATES PRESENTATION

Brian Brauer; COVID-19 Executive Steering Committee Member; Associate Director, Fire Service Institute

Brauer was tasked with putting together a program that will ensure the people entering our buildings are in compliance with their testing and wearing a face covering. If you have best in class testing, you have to have a compliance mechanism or that best in class testing goes to waste.

The Wellness Support Associates (WSAs) are extra help hourly employees that are hired from our community. WSAs will be at the doors to buildings that have classrooms. They may not be at every building every day. Some days there will be roving teams and other days they will be at specific buildings. All individuals that have access to the saliva testing will be expected to be in compliance in order to enter a building. The options for building entry are showing your building access status through the Safer in Illinois app, the electronic boarding pass, paper boarding pass, or UIN look-up.

This process is not a perfect system. Some people will enter the building without their app or boarding pass being checked. WSAs are not police or security officers. If someone is out of compliance with testing requirements or face covering requirements, it is a disciplinary matter. The Office of Student Affairs will handle students and Illinois Human Resources will handle employees.

There are also student Wellness Ambassadors. These are students that help will peer education, information sharing, and distributing of supplies.

The Senate indicated that some type of compliance mechanism was needed and the WSA program was developed to provide a compliance mechanism. Students living in the area are required to test twice a week, not just students attending classes in-person. If a student is out of compliance, they will be reported to the Office of Student Conflict Resolution (OSCR). The WSA positions are no-contact positions so there should be no physical contact between the WSAs and the person whose building status is being checked.

XI. REPORTS

- 08/10/20-09 CO.20.10* 2019-2020 Annual Report of the Senate Committee on Campus Operations
- 08/10/20-10 SD.20.01* 2019-2020 Annual Report of the Senate Committee on Student Discipline
- 08/10/20-11 SC.20.41* Report on the May 21, 2020 meeting of the Board of Trustees of the University of Illinois System in Springfield (via Zoom)

XIV. NEW BUSINESS

No new business.

XIII. COMMITTEE OF THE WHOLE DISCUSSIONS

08/10/20-12 Chair Kar made motion to move into a committee of the whole discussion. The motion was seconded and approved without objection.

Senators discussed the threshold for ending in-person instruction and returning to all online instruction. Financial and human impact was also discussed.

08/10/20-13 Chair Kar made a motion that the committee of the whole rise and report. The motion was seconded and approved without objection.

XV. ADJOURNMENT

The meeting was adjourned at 6:01 pm.

Jenny Roether, Senate Clerk

*Filed with the Senate Clerk and incorporated by reference in these minutes.

A video recording of these proceedings can be found at

<https://go.illinois.edu/senate>.