

Spring 4-10-2013

Senate Meeting, April 10, 2013

Academic Senate
Illinois State University

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Academic Senate Minutes
Wednesday, April 10, 2013
(Approved)

Call to Order

Senate Chairperson Dan Holland called the meeting to order.

Roll Call

Senate Secretary Susan Kalter called the roll and declared a quorum.

Approval of Minutes of March 27, 2013

Motion XLIV-62: By Senator Maykuth, seconded by Senator Fazel, to approve the minutes of March 27, 2013. The motion was unanimously approved.

Chairperson's Remarks

Senator Holland: The Board and the Executive Search Committee are continuing the search for our next president. I am hoping people are still going to be around the week of April 23 because that is the week the candidates will be on campus. There will be a special session for the shared governance bodies.

Student Body President's Remarks

Senator Manno: Last week, we held a Diversity Week where we looked to educate and celebrate diversity on campus. SGA will wrap up the year this Sunday with its Passing of the Gavel Ceremony. Freddie Alvarado's ticket won and he will be taking my place this upcoming year.

Administrators' Remarks

• ***President Al Bowman***

President Bowman: A new board member was appointed by the governor to our Board of Trustees. We have two vacancies because of the expiration of board appointments. There is a bit of tension between the Senate and the governor's office on university board appointments. Most of it is focused on the SIU Board with the Senate voting to not allow three appointments to go forward. Dan, the provost and I will testify tomorrow at the House appropriation hearing. The public presidents released a letter regarding support for a pension plan that was developed by IGPA in Urbana. Several faculty members from there and from Northern have worked on a plan that offers a great deal of promise. The plan was sent to the governor and the four legislative leaders and they seem to like it, but it is hard to know where this train is going. This afternoon, there was some agreement between Republican and Democratic senators on a piece of gun legislation that would involve better background checks. The conceal carry legislation is still under discussion. At this point, the universities still retain the control of what happens on our campuses.

• ***Provost Sheri Everts***

Provost Everts: The Associate Vice President for Research and Graduate Studies' finalists are on campus this week. Details on the open forums as well as CVs are at the provost's website. The cross-endowed chair search will continue in the fall. The Associate Vice President for Enrollment Management candidates' CVs are also at the provost's website. Those finalists will be on campus the week of April 29. The Director of Honors' finalists have been announced and you will find their CVs at the provost's website. Open forums will be next week.

Senator Horst: We had a School of Music meeting recently and we discussed the committees that will work on the Fine Arts Complex. I noted that on the university design team, there are no faculty. They said it was the provost's decision. Can you comment on why there are no faculty on the design team?

Provost Everts: I would assume the committee you are most concerned about would be the CFA work group, which will have a great many faculty. This is just for the policy pieces associated at the front end and there will be additional faculty as we continue with the process.

Senator Horst: So there will be faculty?

Provost Everts: The CFA work group will have many faculty.

Senator Horst: But you don't intend to include a faculty on the design team?

Provost Everts: The university design team really is just forming now and has preliminary plans. If there are additional people needed, we can address that issue.

- ***Vice President of Student Affairs Larry Dietz***

Vice President Dietz: I want to join Senator Manno in congratulating Freddie Alvarado on his election as Student Government Association President and the team that he will be bringing in. I also want to thank Senator Manno and his team for their great service this year. There is a Student Fee Review Committee that students are represented on. They have made recommendations regarding student fees for next year. We are taking a look at those now and I have initially accepted those recommendations. The overall suggestion for all the different fees is about 2%. Tomorrow night will be the last meeting of the Student Affairs Student Advisory Committee for the academic year. It continues to be a good group to provide advice and counsel.

- ***Vice President of Finance and Planning Dan Layzell***

Vice President Layzell: The Hovey first floor renovation is nearing its beginning. We are beginning the rough end work of creating a classroom for 100 students in Williams Hall. It will be available in the fall of 2013. Fine Arts Complex—the ad for proposals from designers has been issued and responses are due April 19, so, Senator Horst, to build on what the provost said, we are very early on in that stage. We don't even know who the design firm will be. As those details become finalized, there will be many more opportunities for input. The Bone/Braden roof replacement, which is much needed, is underway. A Benefits Choice Fair has been scheduled by the state to be here on Thursday, May 2. We don't yet know who the vendors are but they will be here that day.

Committee Reports:

Academic Affairs Committee:

Senator Gizzi: We had a brief meeting tonight to go over our task list to delete the things that are done and mark the things that are still on the agenda with a few additions.

Administrative Affairs and Budget Committee:

Senator Kalter: We had our final spring meeting. We spent most of the time talking about where we have been and where we are going as well as state appropriations and pension funding. We finalized our discussion for the year on the chairperson policy feedback.

Faculty Affairs Committee:

Senator Horst: The committee discussed the Ombudsperson Council Report by email and we will be submitting that to the Executive Committee.

Planning and Finance Committee:

Senator Rich: Thanks to every member for their outstanding service throughout the year.

Rules Committee:

Senator Fazal: We finalized assignments to External Committees. We completed our task list for next year.

Action Items:

03.18.13.01 Academic Freedom Policy (Faculty Affairs Committee)

Senator Horst: This proposed Academic Freedom Policy is coming from Faculty Affairs. It was started last year. Lane Crothers came to the Senate and discussed the work of the IBHE-FAC and how in light of the Garcetti v. Ceballos Supreme Court case, they were suggesting that there be a review of academic freedom policies; as well, the AAUP has recommended that there be a review of academic freedom policies in light of that Supreme Court case. The core of the policy is the definition. The definition was crafted by the University of Minnesota Regents and it addresses concerns that are raised due to the Supreme Court cases and lower court cases that challenge academic freedom.

Lisa Huson, University Counsel: What the new language does and it's not wrong; it's just a different way of doing things. What you're going to do is expand the definition to include pretty much all speech. The AAUP wants you to have it because it limits the ability to take action against people based on their speech. The flip side of that is that it limits you from taking action. My concern is practically speaking I think where the lawsuit is going to come is not the person who we legitimately fire because they said something. The lawsuit is going to come from making a tenure or promotion decision and it allows someone to make an argument that speech they used was used in your tenure or promotion decision. It's going to expand the possibility of retaliation. It takes away some of our defenses. Having said that, it also gives a greater ability to sue the university if that's the idea. My concern is that I am afraid that you are opening yourselves up and not allowing yourselves the ability to censure your own.

Senator Fazel: This seems to be talking about academic freedom and shared governance. If you can express your opinion about the way the university is run, I would consider that shared governance. . What you teach in your classes and how you do that, that's part of academic freedom. Am I interpreting this correctly? For example, you have invested in South Africa like many years ago when they did that. If faculty are against that, I would not consider that academic freedom

Ms. Huson: Your example about South Africa would now be included.

Senator Fazel: So it is academic freedom even though it has nothing to do with academics?

Ms. Huson: Yes.

Senator Fazel: Right now, could someone sue the university because they were denied tenure and promotion because of the way they objected to something the department chair wanted to do in a department meeting in terms of positions and policies?

Ms. Huson: They could but we would have a better defense without this language.

Senator Gizzi: If we approve this, does it then become a recommendation to the president?

Senator Holland: It would be a policy that goes to the president for his signature.

Senator Gizzi: You raised a very valid concern about opening up the university to litigation. I would like to get some feedback from the administration.

Senator Holland: As I recall, the president was fine with the language. He was obviously taking into account University Counsel's, but if this was the Senate's decision—we can live with it, but there are potential hazards.

Senator Reifschneider: My understanding is it is legal's recommendation to not approve this.

Ms. Huson: It's really the expanded definition. It is the language regarding professional duties: speak on matters of public concern as well as matters related to professional duties, the functioning of the university and positions and policies.

Senator Holland: The president is back; you can ask him directly.

Senator Gizzi: What we have heard is that it is legal counsel's position that there is language in the expanded definition that opens the university up in terms of litigation.

President Bowman: I have the same reservations that Lisa has and I do worry about this policy being abused down the road. On the other hand, I feel strongly about the ability of the university community to speak openly about matters of importance and I would like everyone to have the freedom to express their views without any reservation. I feel so strongly about that that I am willing to err in the direction of creating additional liability for the institution. We will simply do what we have to do to deal with those problems down the road. The Garcetti case is extremely frustrating. You can't have a university if people can't speak openly about governance issues and I think that that is what we all want.

Senator Gizzi: Are there other ways to accomplish the same thing?

Ms. Huson: I want to make the argument that they already have that right. You have the right to say whatever you want; it's just that it is protected in a different way.

Senator Holland: Can you give us some idea of how frequently we are sued on academic freedom issues as it stands now.

Ms. Huson: Very seldom. The one that comes most to mind wasn't academic freedom per se, but it was someone who claimed a variety of speech issues.

Senator Rich: Counsel suggested that there is a specific paragraph that creates difficulty and as President Bowman mentioned, there is an essential trade off in the entire policy. When the committee talked about this, did they focus on this paragraph and see that the tradeoff is in that paragraph, not just in the whole policy?

Senator Horst: The committee did have lengthy discussions about the implications of the definition. We thought it was more important to protect the needs of the many than to protect us from that one lawsuit that might happen in ten years. It's sort of risk analysis. It's better to make everybody at the university realize that this kind of speech is protected. The clause that Lisa Huson has concerns about in academic freedom is the freedom to discuss all relevant matters in the classroom, etc. as well as on matters related to professional duties, the functioning of the university and university positions and policies. All of this language is in all of our documents and one hope of this policy was to present the language in a more accessible way. This definition is recommended by the AAUP.

Motion XLIV-63: By Senator Horst to approve the Academic Freedom Policy. The policy was unanimously approved.

01.17.13.02 *General Education Catalog – Final Draft (Academic Affairs Committee)*

Senator Gizzi: Academic Affairs is bringing the structural changes to Gen Ed for your approval tonight. Changes to Gen Ed include moving from a three-tier to a two-tier model and a reduction in General Education hours by three credits, merging the current inner core Individuals in Society and outer core Social Science category. Gen Ed has gone through extensive processes beginning with an 18-month taskforce with numerous

faculty members participating with many opportunities for input. It was approved unanimously by the Council on General Education and the University Curriculum Committee.

Motion XLIV-64: By Senator Gizzi to approve the revised General Education Program.

Senator Kalter: We have had some discussion about the implications for departments with this change. Could you give us a little more detail on that?

Claire Lamonica, Direct of Center for Teaching Learning and Technology: We are seeking a reduction of three hours of General Education credit. Ultimately, every student has to take 120 hours. It's not like there are going to be fewer students taking fewer courses.

Senator Kalter: I think we talked about dispersing up to about 5,000 seats out of those categories into the majors, so what we are probably going to see are smaller class sizes.

Ms. Lamonica: We hope. The original Gen Ed program was built on a premise of small courses, but the fact has been in order to make courses available, the courses have had to get bigger and bigger.

Jonathan Rosenthal, Vice President: Enrollment patterns change all the time in ways that are fairly significant. Chairs and directors deal with these kinds of issues all the time. More specifically, how will the changes affect the departments? I'll take Economics as an example. It generates about 620 hours in the middle core so let's imagine that they lost half. That's about 3% of the department's 10,000 credit hours. I don't think anything would change there. Agriculture, Sociology, Anthropology, Geography, Geology and Technology would look at similar small declines in the single digits assuming the same 50% enrollment loss. They have changed categories for some of their courses. Those departments have different courses in other categories already that could grow. I have not seen big dislocations that you are foreseeing. The vast majority of outer core instructors are tenure-line faculty. They are not going anywhere. Only 24% of outer core Social Sciences courses have been taught by non-tenure-line faculty. I am not seeing any large or even tiny-scale dislocation of faculty.

Senator Weeks: I would like to urge the Senate to move ahead on this. The changes make the structure of the Gen Ed program more rational.

Senator Kalter: Thanks to Claire, Cooper and Jonathan for coming and giving us more information on this. I am in the minority of this. I do want to say that I am going to vote against the change. I wish that I could vote in favor of the structural change because I agree with getting rid of the three core experience. The reason that I am voting against this is because I believe the losses are more weighty than the potential gains. Even if I lose this vote, I will not be concerned about the effect that it is going to have on departments, but I will be concerned about the effect it will have on students.

Senator Manno: I will be voting for this and I see that the change offers an opportunity to explore education and gives the student the ability to stumble up on something that would not be under the current system. Opening the door for more electives grants the ability for the student to have an open mind to wonder about a certain class. That could lead to a minor. I urge everyone to vote for this change.

Senator Horst: The School of Music faces a lot of pressures from a lot of different bodies as to requirements. The curriculum committee is facing a daunting task of trying to make our major fit in a four-year plan, so the possibility of freeing up three units is a real blessing to our school.

Senator Ellerton: Programs need to keep evolving to meet the needs of the fields which they serve. This change gives programs and those who manage them that flexibility to respond to those needs. I will vote in favor of these changes.

Vote on General Education Structural Changes: Senators voted aye with the exceptions of Senator Kalter, who voted nay, and Senator Rich, who abstained.

03.11.13.01 Council on General Education Bylaws (Academic Affairs Committee)

Motion XLIV-65: By Senator Stewart to approve the revised bylaws.

Senator Stewart: The bylaws change adds two members to the committee. One is an administrator and one is from the University College for Academic Advisement. The total number of people voting on the committee would be 18. It is ten faculty members, four administrators and four students.

Senator Kalter: We determined that the UCC chair is always a tenure-track member and I just looked up the Honors Program Director position that is on the HR website. It says that person is either an associate professor or professor or eligible to be one. That removes a lot of my concern about tipping the balance against the faculty-student mix.

The motion to approve the bylaws was unanimously approved.

03.11.13.02 AIF Recommendations (Administrative Affairs and Budget Committee)

Motion XLIV-66: By Senator Kalter to accept the AIF recommendations.

Senator Horst: I have slight reservations about your first recommendation in which you recommend that there be a reallocation of funds to fix the deficit of tenure-track faculty in the College of Arts and Sciences. Anecdotally, CFA gets three to four positions a year so right now the line for a tenure-track position is about four or five years. I think this problem occurs throughout all of the colleges.

Senator Kalter: What you may be interpreting as a reallocation of faculty is intended to be exactly the opposite. We were looking at how do you address problems in these larger colleges and Milner without taking away from CFA, COB, COE and Nursing. We say we want to move away from the perception of a zero sum game. Obviously, we cannot get away from the zero sum game that the state is playing with us, but in terms of how we as colleges are getting all what we want. That was the intent of that recommendation.

Senator Weeks: I would be interested in hearing the administrative reaction to this.

Provost Everts: I want to underscore that there are finite resources. I would like to give every college dean exactly what they ask for. I would like to thank you for the recommendations. I know one of the recommendations underscores a written response from the provost's office might be especially pertinent for our discussions next year.

Vote on Academic Impact Fund Recommendations: The motion was unanimously approved.

03.11.13.08 Code of Ethics-Revised (Rules Committee)

Motion XLIV-67: By Senator Fazel to approve the revised Code of Ethics. The motion was unanimously approved.

03.11.13.09 Professional Relationships Policy (Rules Committee)

Motion XLIV-68: By Senator Fazel to approve the Professional Relationships Policy.

Senator Horst: In number 2, I am concerned about how this restriction on written language could potentially apply to the work that the DFSCs and the SFSCs do. Annually, they write the letters as a committee. These letters are then subject to appeal by the CFSC. There can be mistakes in facts and mistakes in bending the language that is unsuitable to faculty. If we have language that they could potentially have an ethics violation against their committee work, I think people would be hesitant to craft letters that are fair and honest. It is the work of a committee. You could have someone on a committee who might not agree, but they would have to sign it anyway because the committee voted to sign it.

Motion XLIV-69: By Senator Horst, seconded by Senator Weeks, to add language to the policy that exempts ASPT evaluation letters: “Annual ASPT evaluation letters should not include hearsay, but are exempt from this policy.”

Senator Fazel: It is not a friendly amendment because if DFSCs are based on judgment, it is not covered under hearsay. But if they deny tenure or promotion to a faculty member or on their annual performance based on something someone has said—the person has said something to somebody else and that information has been given to the DFSC and based on that information, DFSC is going to make a decision about a faculty member without actually talking to the person who has initiated that accusation, I think that is not correct. Even if it is a DFSC or CFSC, if you are making a decision about someone based on what somebody else has said, that somebody else has to substantiate their claim.

Senator Kalter: I would urge everyone to vote against this amendment. This language is not different from the Code of Ethics that was in place from 1970 until the mid-1990s. I don’t believe that ASPT processes were lacking in honesty or forthrightness about problems with faculty during those years. I think that this is a particularly important place for us not to be accepting hearsay evidence.

Senator Weeks: We get periodically called up for jury duty just as we get elected to the DFSC. You can’t sue somebody for making a mistake on a jury. I see that as analogous of being on a DFSC.

Senator Horst: This only applies to annual evaluation letters specifically because there is no opportunity for a minority report.

Senator Fazel: DFSCs and CFSCs make mistakes and it happens frequently and people appeal that, but what does that have to do with hearsay. If it’s hearsay, that means the DFSC is making a decision about someone because someone said I heard this from someone else about the faculty member. That has no place in a DFSC decision. If it is your judgment, people might not agree with your judgment, but it is not hearsay.

Senator Horst: There are statements regarding the quality of the person’s work.

Senator Fazel: That’s not hearsay

Senator Horst: ‘Any individual making statements concerning the quality of other people’s work.’ That’s kind of the nature of the letter.

Senator Fazel: If you are making that judgment, that is not hearsay. If you say somebody has told us this quality is not good, that person never substantiated why the person says the quality is not good, then you would say based on what someone said without really substantiating it, then the DFSC has made a decision. But if that’s your opinion, that’s not hearsay, that’s your opinion.

Senator Burningham: What relationship does this debate have to admonition that we are frequently given from the higher administration that we are supposed to be as frank as possible with people in their letters in

order to avoid lawsuits down the road. I am little bit concerned that what we are setting up is DFSCs afraid to be frank with someone because they are worried about getting sued.

Senator Holland: No, I think the whole purpose of this is that you do want to be frank, but you also want to be frank based on documented data—that you cannot just make something up and say it in the letter or have heard something from somebody who is not willing to actually write it down and show evidence. It has to be fact.

Senator Cox: Exempting DFSC members from the Professional Relationships Policy is to relieve individual members of the responsibility taken by the entire committee?

Senator Horst: That's part of it; we're not exempting them forever. It's just their work on the annual letters.

Senator Cox: One might argue that running for a DFSC position puts an individual in a position where he or she knows in advance that their going along with the majority is part of the job and that their job then is to persuade the other members to make a decision as they would prefer and that their responsibility for that decision does not end simply because they are in the minority. I object to the amendment.

Senator Holland: Provost Everts, if a person on a DFSC strongly disagrees with a decision, do they have to sign the letter?

Provost Everts: That has never arisen in my time here. It may occur and I just may not be aware of it.

Senator Holland: Most of the time if you disagree with something, you do not have to sign it.

Senator Stewart: Nobody actively runs for the SFSC in my area. I know from history one member disagreed with a tenure decision and refused to sign the letter.

Senator Major: I do think that the culture is that SFSC or DFSC members are expected to sign the annual letters. That is the culture. We never got into the conversation you had to do it. It was just the culture.

Vote on Amendment: The motion on the amendment was defeated by a vote of 29 against and 12 in favor.

Vote on Policy: The motion to approve the Professional Relationships Policy was unanimously approved.

03.12.13.01 Student Bereavement Policy (Student Government Association)

Motion XLIV-70: By Senator Manno to approve the Student Bereavement Policy.

Senator Manno: There was a question posed last time about what should an instructor do if an incidence occurs during final's week and if an incomplete grade should be given. Should it be placed in the policy? We discussed this issue and determined that this decision should be up to the instructor and the student. It would depend on the circumstances.

Senator Eckrich: Is the policy such that this is what students must do or they may do?

Senator Manno: What they may do. The real intention of the policy is to serve as a safety net for students to account for the one out of four instructors that is not understanding of the situation.

Senator Eckrich: From a faculty perspective, that means that we still have to ask the student to go through that?

Senator Manno: No, once the student finds out about the situation, they will usually communicate with the instructor. Depending on how that instructor responds, if they respond negatively, they then can fall back on this policy.

Senator Kalter: Last time we discussed adding a line that you were going to communicate with your instructors.

Senator Manno: Looking at the policy as a whole, in a safety net sense, that communication would already be set up and it is also stated in the policy that it is up to the student to be responsible for all materials covered in class and must work with the individual professor to complete any required work.

Senator Crowley: The only thing I'm concerned about is at the end. If I were a student in this situation and my process was in the last line and a half, I would be very disappointed. I would prefer to be told please go talk to the chair of the department rather than write a letter to our provost.

Senator Manno: I am not at liberty to speak how a provost would handle an appeal, but my guess is they would be directed to a chairperson. If it can't be handled at that point, it would escalate to the provost's office. The provost is a centralized location. Same thing with the Dean of Students.

Senator Morey: I think Vice President Dietz was going to give some consideration to what impact this would have on the Dean of Students Office.

Vice President Dietz: I don't think we'll know until this has been implemented and we are a year down the road. I think it is the rare exception that this would be used.

Senator Cox: I would like to take up Senator Crowley's point about placing the provost's office as the next connection for the student. The student has gone through the instructor and not received a satisfactory reaction and has gone to the Dean of Students and may be there has been lack of verification. The student is then directed to the provost's office. The reason for that is that the provost's office will serve as a clearinghouse and then recommend that the student go to the chair. I am wondering why that step is necessary. The policy can still be generic by referring to the chair or the director of the department.

Senator Holland: You will have a number of students who have not declared a major.

Senator Cox: Would the student grievance committee be a step in the process of reaching a resolution?

Provost Everts: We would follow a very similar process as we do with grade appeals, which go directly from the associate provost to the chairs and directors.

Senator Ellerton: It says that the student must inform the Dean of Students Office prior to their absence. The student hears late at night, needs to go immediately. Presumably, email notification would be satisfactory.

Senator Manno: Correct.

Senator Rich: The point of centralizing the appeal is for the individual in distress. They may have five different instructors with three or four different chairs.

Senator Burningham: The appeals process assumes the institution at one point can require a faculty member to allow a student to make up a final exam. Where does that authority reside and how is it implemented?

Dr. Rosenthal: At some point, the result is an incomplete, which has a process for making up the work missed if the faculty member signs off on it. If the faculty member does not sign off on it, then there is a grade given that is appealable through the regular grade appeal group.

Senator Holland: In some sense, this could be analogous to our policies for athletes and the like where faculty are required to allow students to make up work.

Senator Bushell: Last time, we talked about deleting the s from members. Farther down under the “Other” paragraph, the DOS is offered to us, but not fully written out as Dean of Students.

Senator Dietz: The wording about prior to the absence, the DOS would be notified. My concern is the interpretation if that office is not notified prior to absence, then they are not entitled to this coverage. I would hope that would not be the case, but I share the concern that when students have deaths in the family, they go home as they should and later on classes come up.

Senator Manno: You are correct in saying that. It is to stop anyone from saying you have missed a week and then try to come up with an excuse.

Senator Dietz: So the wording prior notification does not preclude someone who hasn't done that from being covered under this policy?

Senator Manno: Right.

Vote on Policy: The motion to approve the Student Bereavement Policy was unanimously approved.

03.07.19.03 Grading Practice Policy (Faculty Affairs Committee)

Motion XLIV-71: By Senator Horst to approve the Grading Practice Policy. The motion was unanimously approved.

Adjournment

Motion XLIV-72: By Senator Schumacher, seconded by Senator Stewart, to adjourn. The motion was unanimously approved.