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Senate Meeting, April 20, 1994

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ACADEMIC SENATE MINUTES

April 20, 1994

Volume XXV, No. 13

Call to Order

Seating of New Senator

Roll Call

Approval of Minutes of April 6, 1994

Chairperson's Remarks

Vice Chairperson's Remarks

Student Government Association President's Remarks

Administrators' Remarks

ACTION ITEMS:

1. Election of Panel of Ten
2. Election of Academic Freedom Committee
3. Election of Faculty Ethics and Grievance Committee
4. Administrative Affairs Committee Presentation of 1995-96 and 1996-97 Academic Calendars
5. New Student Code of Conduct
6. Approval of Academic Senate Internal Committee Assignments
7. Selection of Nominations for Pilot Implementation Committee

INFORMATION ITEMS:

NONE

Communications

Committee Reports

Adjournment

Meetings of the Academic Senate are open to members of the University Community. Persons attending the meetings may participate in discussions with the consent of the Senate. Persons desiring to bring items to the attention of the Senate may do so by contacting any member of the Senate.

ACADEMIC SENATE MINUTES

(Not Approved by the Academic Senate)

April 20, 1994

Volume XXV, No. 13

CALL TO ORDER

Chairperson Len Schmaltz called the meeting of the Academic Senate to order at 7:15 p.m. in the Old Main Room of the Bone Student Center.

SEATING OF NEW SENATOR

Chairperson Len Schmaltz introduced a new Student Senator, Shelby Bull, who is majoring in Art. She will replace Christine Brzana, and serve on the Administrative Affairs Committee.

ROLL CALL

Secretary Susan Winchip called the roll and declared a quorum present.

APPROVAL OF MINUTES OF APRIL 6, 1994

Chairperson Schmaltz announced that since senators only received the April 6th Minutes this evening, approval would be postponed until the May 4th meeting.

CHAIRPERSON'S REMARKS: None.

VICE CHAIRPERSON'S REMARKS:

Vice Chairperson, Jordan Wilner: Everyone received their committee appointments today. I tried to place the students as fairly as possible. Senator Giacomini had a request for senators to return their manila envelopes to the Senate Office for recycling.

STUDENT GOVERNMENT ASSOCIATION PRESIDENT'S REMARKS

Student Government Association President, Jennifer Cowser: announced that the next Student Government Meeting would be held on Tuesday, April 26, at 5:00 p.m. in Room 375 of the Student Services Building.

ADMINISTRATORS' REMARKS

PRESIDENT WALLACE asked for an Executive Session.

PROVOST STRAND had an excused absence.

VICE PRESIDENT FOR STUDENT AFFAIRS, WILLIAM GUROWITZ had no remarks.

ACTION ITEMS

1. Panel of Ten Election

Faculty members elected to the Panel of Ten for 1994-1995:

Tak Cheung, Biological Sciences
John F. Chizmar, Economics
James Johnson, Psychology
Jean Memken, Home Economics
Willard Moonan, Milner Library
Barbara Nourie, Curr. & Instruction
Patrick O'Rourke, Agriculture
Pamela Ritch, Theatre
Iris I. Varner, B. E. A.
Henry J. Zintambilia, Geography/Geol.

2. Academic Freedom Committee Election

XXV-113

Senator Johnson: I move that we elect the entire slate of Academic Freedom Committee nominees (Second, Razaki). Motion carried on a voice vote.

Faculty members elected to the Academic Freedom Committee (1997 terms):

John Binning, Psychology
Joseph Braun, Curr. & Instruction
Leger Brosnahan, English
Janet M. Cook, ACS
Tom Craig, Accounting
Dennis French, Art
Nick Maroules, Sociology
Rick Whitacre, Agriculture

Senator Liedtke: I would suggest that we have more nominations next time.

Chairperson Schmaltz: Department Chairs send in the nominations.

3. Faculty Ethics and Grievance Committee Election

Faculty members elected to the Faculty Ethics and Grievance Committee (1997 terms):

Norvella Carter, Curr. & Instruction
Cynthia Nordstrom, Psychology
Jan Susina, English
Roger Thomas, Foreign Language
Joaquin Vila, ACS
Cheryl Wachenheim, Agriculture

Runners-up:

William C. Lesch, Marketing
Wendy Duffy, Accounting
Jim Toppen, Ind. Tech.
David Allen, Communication

4. Administrative Affairs Committee Presentation of 1995-96 and 1996-97 Academic Calendars

XXV-114

Senator White, former Chair of Administrative Affairs Committee: I move approval of the 1995-96 and 1996-97 Academic Calendars (Second, Razaki).

Senator Stearns: I would like to ask about the shorter evaluation period. My colleagues who teach classes on Fridays and Saturdays feel that it is a very limiting amount of time to get grades in. We used to have a day longer to get the grades in. Is there a substantive reason for that reduction in time.

Dr. Alan Dillingham: I cannot identify the reason for the change in the number of day. There is a very tight timeline to get everything done and in before the end of the semester and shutting down for the holidays. The registrar's office requested a deadline of 9:00 a.m. on that day. I have a kind of chronology of everything that needs to be done if you would like to see it.

Senator Stearns: No.

Senator Weber: You mentioned at the last meeting that the Fall Semester is a couple of days longer. It would seem that the semesters should be the same number of days.

Dr. Dillingham: I said the number of class hours was a little different.

Senator Weber: Future calendars should be of equal number of days.

Dr. Dillingham: The Spring semester classes are shorter by about 50 minutes because of the Martin Luther King Holiday. Instructors are given the option to make up that time during the semester. There is very little difference in time.

(XXV-114)

Vote on calendars passed.

5. New Student Code of Conduct

Vice President for Student Affairs, William Gurowitz: Three years ago I asked a committee chaired by Willard Moonan to look at the Student Code of Conduct which was 25 years old. We had an excellent discussion last time, and the committee met and cleaned up the document. The shaded areas are additions, material within the brackets are deletions.

XXV-115

Senator Gurowitz: I move approval of the Student Code of Conduct (Second, Amster).

Senator White: Point of Order: Section III. A. 6. is in violation of the Politicization Statement. "Students shall not commit any act in such an unreasonable manner as to alarm or disturb another individual and provoke a breach of the peace. Such acts may include harassment based upon an individual's race, color, religion, ancestry, sexual orientation, physical or mental disability, national origin, ethnicity, gender, veteran's status, or marital status, when the words or gestures used tend to reasonably (naturally) provoke violent resentment, tend to incite an immediate breach of the peace, and are directed at a specific individual." The question of whether students are or are not; should or should not be free to say what they like, even if it is racist, even if it is sexist, even if it pertains to matters of sexual preference; is a matter of national debate. Witness, Rush Limbaugh; witness, the National Association of Scholars; witness recent debates in the State of Colorado, regarding the protection of gay rights. This document violates the Politicization Policy.

Senator Stearns: I thought the Colorado Supreme Court ruled that to be illegal.

Senator White: (reading from the Politicization Policy): ".....the Academic Senate defines a 'partisan issue' as a subject of political, social, religious, or similar import on which the members of society outside the University are in serious disagreement or polarized and are in the process of resolving the issue through regular democratic channels;" The issue is being debated nationally on a number of fronts.

Chairperson Schmaltz: I will agree to first part; however the part that reads: "and are in the process of resolving the issue through regular democratic channels;" I don't think that pertains to this situation, it would be more of a political vote going on.

Senator White: What about the situation in Colorado where the state ordinance was approved by voters which forbids communities in Colorado to pass any legislation protecting gay rights?

Chairperson Schmaltz: This was pointed out to the chair concerning the issue at the last Senate meeting where I ruled that the Holocaust Sense of the Senate Resolution was out of order. Recall, we did not have this statement in front of us. If I had it at that meeting, I would not have ruled it out of order because of the point: "and are in the process of resolving the issue through regular democratic channels." Regular democratic channels are not going to rule whether the Holocaust occurred or not. The Chair was correctly overruled by the Senate. In this case I am going to also rule your point of order out of order, because it is not being resolved through regular democratic channels.

Senator Wallace: During the last year we have had a lot of discussion on the first amendment and the distinction between freedom of speech and behavior. I think what the Code of Conduct refers to here is disturbing another individual or provoking a breach of the peace.

Senator White: My comment is not directed at the Student Code of Conduct. My comment is directed at the Anti-Politicization Policy. It seems to me that once again we are in the position of taking a stance that has important kinds of social consequences, and is not particularly related to academic matters. I think we should be free to do that. What I do not want to see is that policy being invoked at the convenience of the Senate.

Chairperson Schmaltz: We should ask the new Rules Committee to look at that policy.

Senator White: I withdraw my point of order. I will send a letter to the Executive Committee asking them to review the Statement on Politizing the University.

Senator Lind: While I applaud the revisions that have been made to the Student Code of Conduct, it is my understanding that a precedent runs throughout the entire document, which violates the Illinois State University Constitution, specifically, in the Student Code, Page Two, Jurisdiction, "Students attending a function as an official representative of the University are subject to

disciplinary sanctions for violations of the Code." However, in the ISU Constitution, under Student Responsibilities, on Page 4, Item 4. "They (refers to students) speak or act on their own behalf, not as a representative of the University." There is no where in the Constitution that specifies when the student would be a representative of the University.

Senator Gurowitz: At the very bottom of Page One, it says: "Students who are members of a Registered Student Organization involved in a violation of this Code may also be subject to individual sanctions." This is not just any student attending any function.

Senator Lind: Maybe we should amend the ISU Constitution to define when a student serves as an official representative of the University.

Senator Thomas: Is there a place in this document that allows for dismissal of a student for dangerous acts to others?

Linda Timm: Yes. On Page 5, B. 2., the shaded part: "A student may be placed on interim suspension pending a formal disciplinary hearing when it is determined that the behavior of the student presents a threat to the safety and/or welfare of any individual or the University."

Senator Weber: Any individual?

Linda Timm: This would refer to a case like a student who lives off campus threatening a neighbor with a gun. Such cases are very few.

Senator Thomas: This regulation has been used in the past. I can recall when this was used.

Senator Muzumdar: How can this Student Code of Conduct pass, if it violates the Constitution? Wouldn't that make it null and void?

Senator Lind: On Page 4, Item 4, "They speak or act on their own behalf, not as a representative of the University."

Parliamentarian Cohen: The ISU Constitution would take precedence.

Senator Muzumdar: Perhaps we should not vote for the Student Code of Conduct if it violates the Constitution.

Parliamentarian Cohen: You should be advised not to pass something that you know is illegal. This never stopped the Senate before.

Chairperson Schmaltz: If a senator feels that this violates the Constitution of Illinois State University, he/she should vote against it.

Senator Gurowitz: The Constitution talks about Student Responsibilities. In this context it says "they speak or act on their own behalf, not as representatives of the University." The Student Code is speaking of students who are attending a function as an official representative of the University. I don't think they are in conflict.

Senator Walker: Senator Gurowitz's answer has cleared up my question.

Senator Winchip: I would like to stress the importance of disseminating this document to faculty.

Senator Gurowitz: We will do that.

Senator Levy: If I went to a function and didn't know I was an official representative of the University, I might do something I shouldn't. How will students know when we are "official representatives" of the University?

Senator Wilner: On Page 4, C. 2. "Students must carry their Illinois State University Student ID cards at all times and present them on request to any University official." I think that is just ridiculous. Another thing is that if I were to go to a function as a representative of the University, and somehow violate the Student Code of Conduct as a member of this body, would all members of this body be held responsible for my actions? If the Student Caucus did something wrong, would the whole body be held responsible for it? I break the Code of Conduct all the time, so I am curious, are you guys in trouble?

Senator Walker: You are a very poor representation of a Senator, if you do.

Senator Muzumdar: On Page 2, under Jurisdiction, "All Illinois State University students and Registered Student Organizations shall be held responsible by the University for actions occurring on campus which violate University regulations." It seems like this is against the Constitution. On Page 6, B. of the ISU Constitution, it states: "The University assesses penalties only for violation of its own regulations."

Senator Giacomini: On Page 2, under A. 4., "Students shall not possess or use firearms on University property or at any University related function. Students shall not possess explosive devices." Does this include the use of mace. I

know many female students who carry mace. Also, requiring students to carry their ID at all times seems unreasonable. This is not a prison or a boot camp.

Senator Kaiser: Students could take out sections that they do not agree with.

Senator Zervic: On Page 15, Item 4, "Hearing Panels shall consist of three members selected from the member pool, including a chairperson. Each Hearing Panel shall be made up of at least one student and at least one faculty person." I object to a hearing panel that has to have one faculty member and one student. That goes against the precept in this country that a person will be tried by a jury of his peers. It takes that freedom away from the students.

Senator King: I have an amendment to add to the end of the second paragraph of II. Jurisdiction which starts on page one and ends on page two:

XXV-116

Jurisdiction for off campus events may not be construed or interpreted to include students who are convicted of crimes not in the public eye and without unusual public reaction (strong disapproval).

King (Second, Muzumdar)

I think this will alleviate a lot of fears students have for example getting caught for underage drinking in Chicago over Christmas vacation -- small offenses like that students would worry about.

Senator Gurowitz: I agree with what you are aiming at, however, I think the wording is not very clear.

Senator Muzumdar: Would this mean that something of grave consequence would be on the news, like blowing up the World Trade Center; not getting convicted of having marijuana at your home in Naperville? It is partially to the Senate's benefit to have something that is not so clear cut, so there is some flexibility.

Senator King: That is exactly what I had in mind, things that are going to be on the news. A lot of students are worried about DUI offenses, that is in the paper, but I don't think students should be held accountable on campus. I was talking about things that would be on the news.

Linda Timm: Students talk about double jeopardy. I think the correct term for what the University functions under is dual jurisdiction.

Senator Perez: I think the wording of the amendment is so vague and open to all sorts of interpretations. We need to recast the sentence to explain what is in the public eye, and what is strong disapproval.

Senator King: I would be open to suggestions. I thought my wording was more clear than what it says right now.

Senator Rosenthal: How are such cases dealt with now?

Senator Gurowitz: We do deal with such cases now; ones that are real threats against the community.

Senator Rosenthal: There is an interpretation by the Student Judicial Office?

Senator Gurowitz: SJO and Legal Counsel.

Senator Perez: I would suggest Senator King talk to the University Legal Counsel and come back through the process again.

Senator Strickland: It is clear to me what he is saying.

Senator Razaki: It seems to me that a number of issues have been brought up this evening. Perhaps we should delay voting and send the Student Code of Conduct back to the committee for revisions.

Senator Wallace: I think we have gotten a number of things confused. The requirement of an ID at all times is not essential to the case we are reviewing here. Students may need more time to discuss this matter and come up with amendments.

Senator Patterson: We can accomplish the same meaning that Senator King had in his amendment on Page 2, "Students may also be subject to disciplinary sanctions for the actions of their guests....."

Chairperson Schmaltz: Out of Order. We are debating the King amendment right now.

XXV-117

Senator Giacomini: I move to table the amendment.
(Second, Razaki)

Senator Wilner: If this gets tabled, can we still vote on the Student Code of Conduct?

Parliamentarian Cohen: If this was approved, the main motion would still be on the floor. At a future date, someone would have to bring up a vote to take it from the table.

Motion to table failed.

XXV-116 (King Amendment)
23 yes; 15 no. King Amendment passed.

XXV-118

Senator Wilner: I move to recommit the Student Code of Conduct to the Student Affairs Committee and present it to the Senate at a later date. (Second, Zervic)

Senator Razaki: I support Senator Wilner's motion. This is something of vital concern to students. The student caucus needs to get together to discuss the issues, so different senators can bring up their concerns and transmit them to the Student Affairs Committee. The document needs some more work.

Senator Walker: You said send it back to committee, what committee?

Senator Wilner: The Student Affairs Committee.

Senator Walker: I think the Ad Hoc committee should work with the Student Affairs Committee.

Senator Zervic: We were told the ad hoc committee was finished and had disbanded.

Senator Gurowitz: The remaining members of the ad hoc committee cleaned up the document and brought it back to you this evening. We know about the issue with the ID cards, if there are other issues, we need to know what they are.

Senator White: It seems like most Senate members have reservations about the document. I am in favor of returning it to the committee.

Senator Bull: It is important for students to be involved and to have input. Most students don't analyze the Student Code.

Senator Onken: I agree. I feel there are some very good parts of this, I don't want to throw out the whole document. We could discuss our reservations.

Senator Kaiser: Didn't this document go through the Student Affairs Committee? Isn't the Student Affairs Committee mostly made up of students?

Senator Gurowitz: Yes.

Senator Wilner: This was just an information item to new senators last meeting.

Senator Liedtke: That is the normal process - Information at one meeting and Action at the next meeting. Students learned about that at the Senate Orientation. We do have a process by which amendments or changes can be made to the document. I suggest that we exercise our options to amend the document, and not recommit to committee. We should use the amendment process. I will vote against recommitting.

Senator King: I am a new senator and have not seen this before. If we don't recommit, I have at least two more amendments to propose, which will probably be very lengthy.

Senator Levy: When we went through this the first time, we were just discussing the document. It needs to go back to committee because it has been changed.

Senator Stearns: I would like to support the motion to recommit. I heard that it has been 25 years since it was revised. I believe that it is very important to have input from student senators on this.

(XXV-118)

Motion carried on a voice vote.

6. Approval of Academic Senate Internal Committee Appointments

XXV-119

Motion by Weber (Second, Onken) to approve Academic Senate Internal Committee Appointments.

Senator Johnson: I see no liaison to Executive Committee on the Administrative Affairs Committee.

Chairperson Schmaltz: This is how it worked out. We didn't think it would be a problem.

Motion carried.

ACADEMIC SENATE INTERNAL COMMITTEES 1994- 1995

ACADEMIC AFFAIRS COMMITTEE

Arnold Insel, Mathematics
Mark T. Kaiser, Foreign Language
Douglas Love, Accounting
Keith Stearns, SED (Chairperson)
*Susan Winchip, Home Economics
Anita Webb-Lupo, Provost Office (EX OFFICIO)
Paul King, Student, Psychology
Nicole Levy, Student, Public Relations
Robert Patterson, Student, Phil/POS

ADMINISTRATIVE AFFAIRS

Susan Amster, Art
Eric Johnson, Geography
Jane Liedtke, Ind. Tech. (Chairperson)
Nancy Lind, POS
Shailer Thomas, Sociology
Vice President for Business & Finance
Christine Brzana, Student, Public Relations
Melissa Norris, Student, Public Relations
Graduate Student

BUDGET COMMITTEE

*Paul Borg, Music
Wayne Nelsen, Ind. Tech. (Chairperson)
Ronald Strickland, English
Dave Weber, Biology
Vice President for Business & Finance (EX OFFICIO)
David A. Strand, Provost (EX OFFICIO)
Alexa Giacomini, Student, Elementary Education
Sunit Muzumdar, Student, Finance
Cebil Riley, Graduate Student

FACULTY AFFAIRS COMMITTEE

*Cecile Jagodzinski, Milner Library
*Khalid Razaki, Accounting (Chairperson)
*Ken Strand, EAF
Paul Walker, Agriculture
Curtis White, English
Anita Webb-Lupo, Provost Ofc. (EX OFFICIO)
*Bina Patel, General Student
Jill Bruzzini, Student, FOR

RULES COMMITTEE

Victor Devinat, MQM
Ken Jerich, C & I
Steve McCaw, HPERD
Kim Pereira, Theatre
Jon Rosenthal, FOR
Zoevera Hayes, Student, English (Chairperson)
*Jordan Wilner, Student, Phil./History
*Christopher Zervic, Student, POS/PHIL.

STUDENT AFFAIRS COMMITTEE

William Gurowitz, V. P. Student Affairs
*Jennifer Cowsert, SGA President (Chairperson)
James T. Hoffmann, Student Regent
Kyle Lentz, Student, POS
Diana Onken, Student, ENE
Stacy Shull, Student, EED
Louis Perez, History
Shailesh Tipnis, Mathematics

7. Selection of Nominations for Pilot Implementation Committee

XXV-120

Motion by Liedtke to elect Louis Perez, History, and Steven McCaw, HPERD, as nominees to the Pilot Implementation Committee.

XXV-121

Senator Zervic: I move to close nominations (Second, Patterson).

Nominees elected by acclamation.

COMMUNICATIONS

NONE

COMMITTEE REPORTS

ACADEMIC AFFAIRS COMMITTEE - Senator Keith Stearns elected Chair; Senator Robert Patterson elected Secretary.

ADMINISTRATIVE AFFAIRS COMMITTEE - Senator Jane Liedtke elected Chair; Senator Nancy Lind elected Secretary.

Senator Liedtke reported on the Facilities Planning IBHE Capital Budget Recommendations received from Rick Kentzler:

- | | | |
|-----|-----------------------------|--------------|
| 1-3 | Science Building | \$29,236,000 |
| 4. | Utilities Upgrades | |
| 5. | Accessibility Improvements | |
| 6. | Academic Space Improvements | |
| 7. | DeGarmo Hall Remodeling | |
| 8. | Performing Arts Planning | |
| 9. | Library Addition Planning | |
| 10. | Williams Hall Planning | |

If you have any questions or comments, please get them to me immediately.

BUDGET COMMITTEE - Senator Wayne Nelsen, Chairperson; Senator Paul Borg, Secretary.

FACULTY AFFAIRS COMMITTEE - Senator Khalid Razaki, Chairperson; Senator Bina Patel, Secretary.

RULES COMMITTEE - Senator Zoevera Hayes, Chairperson; Senator Jon Rosenthal, Secretary. Senator Hayes reported that the committee will be starting work on the Disestablishment Policy.

STUDENT AFFAIRS COMMITTEE - Senator Jennifer Cowser, Chair; Senator Diane Onken, Secretary. Senator Cowser announced a meeting on Monday, April 25, from 9:30 to 11:30 in Room 140 Student Services Building, to start work on the

revisions to the Student Code of Conduct. Please submit in writing your suggestions to room 130 of the Student Services Building.

MOTION TO ADJOURN

XXV-122

Senator Razaki: I move to adjourn. (Second, Zervic)
Motion carried of a voice vote. Academic Senate adjourned
at 9:18 p.m.

FOR THE ACADEMIC SENATE

SUSAN M. WINCHIP, SECRETARY

