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Senate Meeting, February 16, 2011

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Illinois State University

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Academic Senate Minutes
Wednesday, February 16, 2011
(Approved)

Call to Order

Academic Senate Chairperson Dan Holland called the meeting to order.

Roll Call

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

Approval of Minutes of January 19, 2011

Motion XXXXII-43: By Senator Hoelscher, seconded by Senator Diaz, to approve the Academic Senate Minutes of January 19, 2011. The minutes were unanimously approved.

IBHE-Faculty Advisory Committee Report (Professor Lane Crothers, IBHE-FAC Representative)

Professor Crothers: FAC has met three times since I was last here. I was not at the meeting yesterday. In the December meeting there was a discussion by some U of I representatives about something called the Garcetti case. I don't know what the status of this is or Illinois State's attention to this matter is, but at least their perception is that you can get fired for criticizing your administration. You cannot get fired if it says in your guidelines that that you cannot get fired for criticizing your administration.

The big thing about the December meeting is it is a meeting with the IBHE staff. Most of this data is out of date because we had the recently- passed tax increase. It is fair to say that the tax increase has barely dented the size of the problem. We are about as good as it's going to be for awhile, it seems to me.

In January, we had a meeting at UIC. It was more a series of presentations. Sylvia Manning, who runs the organization that ultimately accredits Illinois State, was there. I am not sure why she was invited because she told us, what everyone around this table knows, the complexity of the kinds of issues we are talking about. We also heard a briefing about some problems that are going on with the tenure process at DePaul. The advocate for a faculty person who was denied tenure there came and essentially asked us to back up the faculty person. Unfortunately, when you hear only one side of a case, it's hard to do that.

Then we heard from Jeff Mays, the Chairman of the Illinois Business Roundtable. It's a lobby group for a lot of the businesses in the State of Illinois. I would say that he did not like us very much. We expressed our distaste with him as well and that caused some tensions. The two things that I would draw your attention two: first, he did flatly refer to our pensions as immoral. They are immoral because they are better than the public sector's pensions. Along with that particular claim, he indicated, business did not agree to our pension system. This turns representative democracy on its head. It turns out you don't have to consent to everything a representative democracy does. What you require is the opportunity to participate in change if you wish. That is deeply troubling that at least in his mind the business community has the right to veto the public acts of the state. It suggests the size of the political problem that we are facing. People have decided that we are a problem and the easiest solution to solving that problem is a sledge hammer. Because some of the tensions in the group, those questions were not explored as effectively as they might have been. Yesterday's meeting, among other things, was a meeting with the IBHE, itself—the actual board members. I am told that it went very well.

Senator Dawson: How did the other representatives feel after listening to Mays?

Professor Crothers: There were two or three people who pushed back really hard. One person crossed the line and it actually muddied the waters so that you could not have a serious conversation.

Senator Rich: Has there been a discussion for proposals for reform originating with us, for example, eliminating our tax exemptions on pensions?

Professor Crothers: To my knowledge, the answer is no. This is an area in Illinois where the union voice is loudest. My body is not particularly well organized to have that conversation. The expertise varies.

Senator Rich: Where do you think is a good place to begin that conversation?

Professor Crothers: It could come out of an AAUP or some other kind of faculty organization that has some pretty significant resources.

Senator Liechty: I was at luncheon for the American Democracy Project and was sitting with people not connected to academia. One said, 'You're at ISU. Your pension is going to be \$150,000.' I said, 'What are you talking about?'

Senator Crothers: The average SURS pension is \$28,000.

Senator Liechty: At the very least, we need to let people know this.

Senator Crothers: I agree and that point was raised to Mr. Mays.

Chairperson's Remarks

Senator Holland: Just a reminder about Founders Day tomorrow. We have gotten \$7 million of our MAP funding for the fall. We have about 20% of our overall appropriation from the state. It will work itself out. I have been told that we have enough money to operate through the end of the school year. When summer hits, we will get money from tuition.

Student Body President's Remarks

Senator Marquis: I would like to welcome two new students to the Senate: Matt McCue and Ashley Souk. We do still have open two graduate student positions, so if you know of any graduate students who might make a great student senator, please have them email me at studentbodypresident@ilstu.edu. We are moving forward with our tenants union, though it is kind of shifting gears and being a little more broad. It is the Off-Campus Student Association. If you know of any students who would be interested in helping students be better represented off campus, we are continuing to work with the concerns that students face there. Student elections are coming up. We will be looking for those students to run. There are 20 senatorial positions and the executive three. If you know of any students who would make a great senator or Student Body President, please have them run. The system changed last year so that it is much more of an equality-based election system. Each senator is elected individually instead of on a slate. We are starting to receive MAPP grant funding, but there is a need for more funding for that program and we will continue to lobby for it.

Administrators' Remarks

- *President Al Bowman - Absent*
- *Provost Sheri Everts - Absent*
- *Vice President of Student Affairs Steve Adams - Absent*
- *Vice President of Finance and Planning Dan Layzell - Absent*

Academic Affairs Committee:

Senator Woith: We reviewed the UCC Annual Report and the Statement of Diversity in Educational Programs, as well as the related Academic Senate Sense of the Senate Resolution. All of those were

informational items. We also looked at the Withdrawal Policy, which we have approved and will be moving on to the Executive Committee.

Administrative Affairs and Budget Committee:

Senator Kalter: We spent the first part of the meeting in executive session working on the Presidential Commentary. We also finalized our recommendations for the Academic Impact Fund which will be going to Exec tomorrow morning. Also, the Administrator Evaluation Policy is on five-year review and is on the agenda as an Action Item (from the Rules Committee). We have finalized our recommendations there and will also be sending those to Exec. We noticed while revising that policy that there were some other policies, which were the Dean and Chairperson Responsibilities Policies, that were not working in sync with it, so we are going to send those forward.

Faculty Affairs Committee:

Senator Wedwick: We discussed the Best Practices document for recruitment and hiring procedures and we also reordered our agenda items.

Planning and Finance Committee:

Senator Van der Laan: This evening we met with Associate Vice President for IT Mark Walbert and with Vice President Andrea Bollinger of Administrative Technologies to talk about IT and technology at ISU in the future and what needs they have from our committee and what recommendations we might be able to make in the future.

Rules Committee:

Senator Bailey: We clarified one question on the AFEGC Policy, which is on the agenda tonight as an Action Item. We also discussed a request from the Provost's Office for additional members for the Academic Planning Committee for 2011-12. That will be sent forward as an Information Item next time. We discussed the procedure for determining External Senate Committees and approved that within our committee. We discussed two new policies. One was based on the old naming policy. This is a new University Naming Policy and also a new Endowed Chair Policy. Those will be sent forward to the Executive Committee.

Action Items:

01.12.11.01 *Administrator Evaluation Policy – Revised to Include VP Commentary Survey Information (Rules Committee) (Distributed in 1/19/11 Packets)*

Motion XXXXII-44: By Senator Bailey to approve the policy. The policy was unanimously approved.

01.05.11.01 *Blue Book Revisions for VP Commentary Survey (Rules Committee) (Distributed in 1/19/11 Packets)*

Motion XXXXII-45: By Senator Bailey to approve the Blue Book revisions. The revisions were unanimously approved.

12.17.10.02 *Student Services Programs Policy Deletion (Rules Committee) (Distributed in 1/19/11 Packets)*

Motion XXXXII-46: By Senator Bailey to approve the deletion of the Student Services Programs Policy.

Senator Holland: I think the reason for this is that this is an organization that hasn't met in how long?

Senator Marquis: This is an organization that kind of already exists.

Senator Holland: I know there were some questions about it last time. Have those been resolved?

Senator Kalter: The question was, in the absence of a policy, how would we know that an organization would continue to exist.

Senator Bailey: Associate Vice President Brent Paterson has agreed to join us tonight to answer any questions.

Associate Vice President Paterson: It was last revised in 1971 and it was prior to the establishment of the Association of Residence Halls (ARH), which is the governing organization within the residence halls system. The question being would the policy change anything with ARH? No, that body came into place afterwards. It's our best guess to some extent this policy was put into place to help facilitate the founding of ARH. ARH is very involved and this policy doesn't affect it one way or the other.

Senator Holland: So there are separate policies somewhere aside from this which govern how ARH runs?

Dr. Paterson: How it exists now is as a Recognized Student Organization and through its constitution.

Senator Horst: Are there plans to create another policy.

Senator Marquis: What we will probably end up doing is make it similar to the Student Government Association and how it achieves its authority on campus. It is a policy-based decision. We have the Memorandum of Understanding with the President of the University that makes SGA the official voice of students. The ARH would have a Memorandum of Understanding with the Vice President of Student Affairs saying that they would be the official voice of residence hall students and representing them in collaboration with the Student Government Association.

The policy deletion was unanimously approved.

12.16.10.01 *Academic Freedom Ethics and Grievance Committee Blue Book Revisions – Inclusion of NTT (Rules Committee) (Distributed in 1/19/11 Packets)*

Motion XXXXII-47: By Senator Bailey to approve the AFEGC revisions to the Blue Book. The revisions were unanimously approved.

01.12.11.02 *Academic Freedom Ethics and Grievance Policy Revisions – Inclusion of NTT (Rules Committee) (Distributed in 1/19/11 Packets)*

Motion XXXXII-48: By Senator Bailey to approve the revisions to the policy. The revisions were unanimously approved.

Information Items:

01.20.11.01 *Ombudsperson Policy and Procedures (Faculty Affairs Committee)*

Senator Wedwick: Previously, there was a trial period of a faculty ombudsperson, but that person was only available to the College of Arts and Sciences. After a few years, it was decided that having a faculty ombudsperson actually cut down on the number of cases that went to the grievance committee. The purpose of these documents was to formalize having this faculty ombudsperson council. In the packet of materials that you have, there were four documents that were created by the committee: the proposed policy, procedures, the code of ethics and the standards of practice. Each of those documents gets a little bit more detailed about how this council will work. This is just for faculty. For other employee groups on campus, there would still be what we are calling an at-large ombudsperson.

Senator Kalter: On page 2 of procedures, four paragraphs down, the second sentence right now reads “nominees will be affirmed by a vote of the Faculty Caucus.” I thought that it might be helpful to put in nominees will be affirmed “or vetoed” to make it clear that we do have the power to reject someone who is

nominated. I think I found a slight discrepancy in terms of the reporting. In the policy, it reads, “The Provost, in consultation with the Academic Senate, will establish processes for the selection, operations and oversight and will provide an annual report to the Faculty Affairs Committee.” In that sentence, the Provost’s Office is providing a report to the Faculty Affairs Committee, but if you turn to page 3, it reads, “The Ombudsperson Council will submit a report to the Faculty Affairs Committee and then provide the Provost with a copy of that report.

Senator Wedwick: I think you are right. As that reads, it does contradict, but we would prefer that the Ombudsperson Council report to Faculty Affairs and then they could also report to the Provost’s Office.

Senator Kalter: Since the Provost’s Office already has a representative on that committee, they would effectively be doing so, right?

Senator Wedwick: I suppose it could work that way. We had better check with the Provost on that.

Senator Dawson: I believe that Al Azinger currently serves in the role of ombudsperson. If we have the council of three, each of them will serve as ombudsperson for particular situations and how is that done? In regard to NTTs and negotiated contracts, where at this time, Al would be sitting across the table during negotiations, how is that accommodated?

Senator Wedwick: The purpose of having the three members of the council was to have more access for faculty in other colleges. As it stood before, only the College of Arts and Sciences had access to that person. While we would like to have an ombudsperson representing each college, that’s just not feasible. We also wanted to make sure if there was a conflict in one college...so if a faculty member had an issue in the College of Education, they would have some other faculty ombudsperson to go to in another college. This policy would be for tenure/tenure-track faculty members, not non-tenure track faculty members because of the at-large ombudsperson that’s available and you have that person available to you right now so that would still be the case.

Senator Dawson: Are you saying that there is currently and would continue to be an at-large person not associated with the council? I’m not sure I’m following the delineation with the tenure/tenure-track issues versus the question I had about NTTs. If the at-large person is the only one that an NTT could go to with a faculty concern, how can we be assured that there isn’t a built-in conflict of interest, especially if that NTT were a covered employee under negotiated contract?

Senator Holland: Is it really that the NTTs do not use the faculty ones?

Senator Wedwick: I don’t think it’s specified in the document.

Senator Dawson: I haven’t seen anything exclusionary and would argue that they are faculty, too.

Associate Vice President Chuck McGuire: I think part of Senator Dawson’s question is answered in the proposed policy under A, because it says, “ombudspersons have the authority to act as designated neutrals and impartial dispute resolution practitioners who will provide informal assistance to the university community regarding faculty issues. That’s broader than with individual faculty members. While I’m here, the policy would be what the Senate would vote on, as I understand it. The procedures and code of ethics are recommendations. Am I reading that right that that would be the way we initially begin this and then we will test it out?”

Senator Wedwick: Yes, the policy would need to be established. The procedures would be a way we could get it up and running, but then the Faculty Affairs Committee would continue to revisit it and adjust as needed.

Dr. McGuire: In Exec, I know that there was some discussion about the first sentence (of the policy). If I might suggest, we simply (strike) “Proposed Policy 3.2.12” and just call it Ombudsperson Policy and leave that first sentence off. That way we eliminate the issue about formation.

Senator Kalter: I am not seeing how A of the proposed policy resolves the conflict of interest issue. What I’m hearing you say is that sometimes the person who is the ombudsperson is also the person negotiating the NTT contract. That’s an inherent conflict of interest position so we would want to have an ombudsperson who is not involved in those negotiations. I will add one that’s on the tenure-track side, where you have a situation where you have an employee who is having penalties applied through the HR Department, but the head of HR is the ombudsperson. So then they have nobody to go to because their administration maybe has already talked to that ombudsperson in that person’s role as Director of HR. I think that the formation of this council solves that problem. I am wondering whether it solves Marie’s problem and can we clarify is this definitely for both tenure-track and non-tenure track faculty.

Senator Holland: The way I am reading it, it doesn’t exclude NTTs.

Senator Kalter: It said faculty and it’s not ASPT kind of faculty, which is defined in the ASPT book, but faculty meaning tenure-track and non-tenure track.

Dr. McGuire: I think that was the intention of the policy and beyond that, often there are disputes between faculty and administrators, faculty and civil service...as long as there is a faculty issue involved, I believe that was the intent.

Senator Kalter: So Senator Dawson, does the existence of that applying to both tenure-track and non-tenure track faculty take care of your concern?

Senator Dawson: As long as there was a person that was available that did not have a direct conflict of interest because of the negotiated contract. If this council were three, if there was some device to insure that there was someone neutral and available for faculty issues that covered NTTs might have. That is my biggest concern. Non-covered NTTs are not really at issue.

Dr. McGuire: As negotiated employees, there is already a grievance process in place that would probably cover 95% of the issues. The Standards of Practice also talks about neutrality, confidentiality, unaligned with any formal or informal associations within the organization.

Senator Cedeño: I think the intention of the document was that the ombudsperson council will be an informal procedure and open to any faculty. We never discussed differentiation between NTTs and tenure-track. It’s for every faculty that has an issue and wants to go through an informal channel before getting into a grievance process.

01.26.11.01 *Mennonite College of Nursing Bylaws-Revised (Rules Committee)*

Senator Bailey: I have a summary of the highlights (of the revisions). They have reorganized the document to delete redundancy and improve functionality. They have updated titles throughout the document. They have changed “purposes, powers and duties” to “preamble and purposes”. That is alignment with other departments’ bylaws. They have added joint appointment language that makes it consistent with their ASPT policies. They have changed their committee memberships and added language to re-elect students from spring and fall cohorts, while in the past it has been just spring or fall. They have updated elections to allow for electronic voting. They added a student petition section. Again, that was consistent with bylaws in other colleges to give students more of a voice. They split their pre-licensure committee and the duties thereof. I wanted to thank the

two members of the College of Nursing, who are here to answer questions. Finally, they reorganized listings of functions of other committees.

Senator Fazel: How many members do you have on the Council because all of the faculty are members, plus administrators and then non-voting staff, AP, civil service and also students. I was impressed by how inclusive you are. Are all of these people already on the Council?

Denise Wilson, College of Nursing Representative: Yes, the membership did not change.

Senator Fazel: So how many people?

Professor Wilson: I would say at a typical meeting there might be 30 or 35. We have had a tradition of inclusiveness and it has worked very well for us.

Senator Fazel: My understanding of the college council's role is that it is an advisory body and the dean makes the final decision. Am I misunderstanding the role of the council at ISU?

Senator Holland: My understanding is, aside from President Bowman, everybody is advisory. The President and the Board of Trustees are the only people who can officially act in our name and actually do things. They have delegated lots of responsibilities where there should be.

Senator Fazel: Because on page 3, section 5, it says before any administrator can execute the policy, it must be submitted to and approved by the college council, which means the college council has the final authority.

Professor Wilson: I think we have to look at what kinds of things would be going to the college councils. It's really the things that have gone through the various committees that then come through the council for approval. Things above and beyond that would be the purview of the dean, such as the budget and those kinds of things. She is also on the council so it is more working cooperatively anyway.

Senator Fazel: I understand the spirit behind this. That's how it happens in most cases, but to have it in the document that it must be approved before a policy is implemented or executed was the question I had.

Professor Wilson: That particular part of the bylaws has not changed. That's been in place...actually, when we became a part of the university, there was a transition team that dealt with representatives from the university and the college and that was something that was included at that time and it has worked well for us.

Adjournment

Motion XXXXII-49: By Senator Hoelscher, seconded by Senator Diaz, to adjourn. The motion was unanimously approved.