

Spring 3-7-2011

Senate Meeting, March 7, 2012

Academic Senate
Illinois State University

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Academic Senate Minutes
Wednesday, March 7, 2012
7:00 P.M.
(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 February 22, 2012

Motion XXXXIII-46: By Sen. Farrell, seconded by Sen. Dawson, to approve the minutes of February 22, 2012. The minutes were unanimously approved.

Chairperson's Remarks

Sen. Holland: I would like to express my sincere appreciation to this institution's administration for not being the U of I.

Student Body President's Remarks - Absent

Administrators' Remarks

• ***President Al Bowman***

President Bowman: The state is scheduled to make another appropriation tomorrow of \$3.8 million. That will bring our year to date payments up to \$35.5 million. The remaining balance is \$43.4 million. Enrollment deposits for next fall are running just about even where they were a year ago. We expect to enroll a very strong freshman class. We had conference calls with Moody's and Standards and Poor yesterday that took up most of the day to get ready for the bond sale for Hancock Stadium. Those conversations went really well. In Springfield, we had appropriation hearings on the Senate side. There will be House hearings tomorrow. We are asking for a \$10 million increase. The idea was to at least document the need. There is lots of discussion about tuition waivers for employee dependents and a great deal of misinformation is out there. It's actually \$8 million and the state is not paying; the university is paying. The legislator from Chicago complained that people making \$300,000 a year were using the waivers. The median salary of the employees using the benefit is under \$75,000 a year. The cost to the university this year is about \$415,000.

Another piece of legislation that they were concerned about is the concealed carry bill. Rep. Phelps presented a new version. What we agreed on last year would exempt universities. This version is far worse because it would give us the ability to prohibit weapons on campus, but it would hold institutions civilly liable if the permit holder were injured by the criminal. If it were to pass, we don't think the governor would sign it. We are doing everything possible behind the scenes to fight it. There are lots of concerns about some articulation language in a bill that has been introduced by a couple of the community colleges. It would take our flexibility away and force us to accept a student who came in with an Associate's Degree. We would have no flexibility to require them to take additional General Education courses if certain things were missing in their transcripts.

There is a fair amount of discussion about possibly having universities pick up a portion of the state's contribution for pensions. It's hard to know where that would go. I would guess there would be a phase in. The total amount for Illinois State University alone is \$24 million. Fundraising is very strong this year. To date we have raised \$10.3 million. The job market continues to improve.

Sen. Kalter: Would you comment on the fact that Gov. Quinn made public statements about the University of Illinois situation?

President Bowman: By statute, the governor has a seat on that board. In the past, governors have not been directly involved. I think the governor is commenting on it in part because he is closely aligned with Kennedy, the chair. Kennedy has political aspirations. The situation at the University of Illinois doesn't affect us directly; it does indirectly because the president, in many ways, has a loss of credibility on campus and really is not an effective spokesman for higher ed in general for the state. We really lost a credible voice in Springfield.

Sen. Kalter: So I take it that the governor sits on our Board of Trustees as well.

President Bowman: No, he doesn't. I think it is just the University of Illinois board. The vote of no confidence came from over 100 of their endowed chairs. There is a lot of literature about what happens to the presidents, what happens to the administration, when the president loses not only credibility but also legitimacy. Once you have lost legitimacy it's probably impossible to get it back.

- *Provost Sheri Everts - Remarks Deferred*
- *Vice President of Student Affairs Larry Dietz - Remarks Deferred*
- *Vice President of Finance and Planning Dan Layzell - Remarks Deferred*

Committee Reports:

Academic Affairs Committee

Senator Stewart: The committee discussed the Final Grade Challenge Policy that we will be sending back to Exec to look over and the proposed Reading Week Policy that we will send to Exec.

Administrative Affairs and Budget Committee

Senator Cedeño: We had a closed meeting following up on the Presidential Commentary.

Faculty Affairs Committee

Senator Kalter: We had a meeting with the University Counsel about the Tenure Policy and the proposed academic freedom policy.

Planning and Finance Committee

Senator Rich: We had a panel from the Provost Office discussing the process for academic resource allocation.

Rules Committee

Senator Fazel: We had a brief discussion about the Smoking Policy, which is going to be presented to the Senate as an Information Item tonight. We approved the changes to the CAS bylaws. We continued our discussion of the Alcohol Policy at Cardinal Court. At our next meeting, we are inviting VP Dietz, a representative from Housing and Zach Owens to present different perspectives on this issue.

Action Items:

02.10.12.01 Administrator Evaluation Policy (Administrative Affairs Committee)

Motion XXXXIII-47: By Sen. Cedeño to approve the proposed revisions to the Administrator Evaluation Policy.

Sen. Cedeño: We had a brief information item last time. This is a policy that comes to our committee on a cycle review and came from last year's committee. It states regulations on evaluation measures for chairs/directors, college deans and vice presidents. Most of the discussion centered around the comprehensive

reviews and the cycle of these reviews. We had extensive discussion on whether a three-year review or a four or five year. The committee decided to go with the current policy.

Sen. Rich: There seems to be a selection bias of the few who participate and the many who don't in terms of the actual information that is gathered. The information may be exactly the opposite of what it is if it were mandatory for everyone to participate. Are we aware of any institution that has a policy for mandatory participation?

Sen. Cedeño: We did some benchmarking on state universities and there are too many variants on how administrators are evaluated. Our current policy is very similar to the University of Illinois.

The Administrator Evaluation Policy was unanimously approved.

02.10.12.04 Final Examinations Policy (Academic Affairs Committee)

Motion XXXXIII-48: By Sen. Stewart to approve the changes in the Final Examinations Policy.

Sen. Stewart: There is a change in a phone number and a little cleanup of language. I don't think it represents a major change in policy.

The Final Examinations Policy was unanimously approved.

02.10.12.06 Textbooks Policy (Academic Affairs Committee)

Motion XXXXIII-49: By Sen. Stewart to approve the changes in the Textbooks Policy.

Sen. Stewart: Again there is a change in a phone number and a little cleanup of language. Again, I don't think this represents a major change in the policy.

Sen. Horst: Could you explain what the Higher Education Opportunity Act of 2008 is and how it relates to textbooks?

VP Rosenthal: The Higher Ed Reauthorization Acts are a series of acts that provide rules surrounding eligibility for Title IV funds, which would be financial aid. The most current iteration of that asks us to provide information to students in a timely manner to help to reduce textbook costs.

The Textbooks Policy was unanimously approved.

02.10.12.03 Transcripts Policy (Academic Affairs Committee)

Motion XXXXIII-50: Sen. Stewart moved to accept the changes in the Transcripts Policy.

Sen. Stewart: This is just language cleanup to reflect what's going on. The Cashier's Office is not in charge of this. That's been changed to the Office of the University Registrar to reflect reality.

VP Rosenthal: There were two separate policies that we have combined into one. It just says that the Registrar's Office is solely responsible for issuing transcripts, but we won't issue one if you have certain kinds of holds financially, academic or disciplinary.

The Transcripts Policy was unanimously approved.

02.10.12.05 Withdrawal Policy (Academic Affairs Committee)

Motion XXXXIII-51: By Sen. Stewart to accept the changes in the Withdrawal Policy.

Sen. Stewart: It's mainly cleanup language and changes to reflect reality. There were no major changes that would affect the policy.

The Withdrawal Policy was unanimously approved.

02.10.12.02 College Level Examination Program Policy (Academic Affairs Committee)

Motion XXXXIII-52: by Sen. Stewart to accept changes to the College Level Examination Program Policy.

Sen. Stewart: I didn't get a chance to boldface and underline, but what follows the strike through and contact is the Office of the University Registrar rather than the Associate Vice President for Undergraduate Studies, change in phone number and I think that that is the only major change to this.

Sen. Kalter: There is a policy 2.1.7 with more verbose language than we see here. We didn't want to get involved in changing the actual policy?

Sen. Stewart: Just the change in contact. We are not voiding the policy; we are just changing that one piece.

The College Level Examination Program Policy was unanimously approved.

Information Items:

02.06.12.02 Export Control Policy (Faculty Affairs Committee)

Sen. Kalter: This is an information item about a new Export Control Policy. I am going to hand over most of the questions to Darrell Kruger and we also have from Research and Sponsored Projects, Kathy Young, and from the University Counsel's Office, Alice McGinnis. Export control laws have been on the books in the federal court of law just after World War II, but have gained increasing importance since 9/11. It has come to the attention of the university that it may be prudent to have a policy statement about faculty, students and other members of the community who may need to pay attention to the federal law.

Sen. Kruger: The Export Control Committee has been doing this work for about a year now. Many institutions don't have policies and so there are a number of components around export control. The first one is to develop a policy. That committee drafted the policy. We have gone back and forth with Faculty Affairs and legal. The second component with export control that the committee has been working on is a series of procedures that would touch areas, including International Studies, research, HR, travel and purchasing. The third component that the committee has been working on is the development of a website where the policy would be housed together with other documents relevant to export control. The fourth element that the committee is working on is the development of a survey, which we are about to pilot and work with a number of focus groups consisting of faculty and staff. The purpose of the survey is to try and get some sense of the landscape of ISU in terms of export control issues. Once we have a policy and procedures in place, we are hoping to do educational outreach to new and existing faculty.

Sen. Cedeño: I do have a question about the law and fundamental research. It is my understanding that fundamental research is exempt from this.

Ms. McGinnis: That's right. The export control laws and regulations have fairly broad research exceptions that apply to basic and applied research in science and engineering and other areas where the research is intended to be published and shared broadly in the community.

Sen. Cedeño: who says what is fundamental versus what is controlled?

Ms. McGinnis: There are definitions in the export control regulations for fundamental research. Unfortunately, there are multiple schemes in the law that defines what is an export control item. In general, items that have military capacity are export controlled and also commercial items that might have potential military

applications. In order to determine if an item is export controlled, we have to go through an analysis to figure out where it falls under the regulations.

Sen. Cedeño: So you are advising researchers to approach your office?

Ms. McGinnis: That is what we are hoping to do.

Sen. Cedeño: The other ones are related to the one that says allowing foreign persons, including but not limited to undergraduates, graduate assistants, to control items, information or research activity. I feel that one is a little problematic because when I get students into my research groups, I don't know where they are from. Do I have the right to ask them or am I getting into trouble by discriminating because of national origin. If we are doing a search for a tenure track faculty are we forbidden to even consider people from these countries?

Ms. McGinnis: No, not necessarily. It depends on the individual circumstances. With respect to students, there are very broad export control exclusions that allow foreign nationals from most countries to participate unimpeded in research activities. When it comes to hiring, that can be hooked up with the visa application process. When we start doing H1B visas, the university is required to give a certification as to whether or not there is an export control issue with that particular individual. So an analysis has to take place to figure out if there are issues are not.

Sen. Fazel: What do you mean by export control issues? Does it have to do with national origin or other issues?

Ms. McGinnis: It is primarily driven by the item or the information we are dealing with. Whether a particular piece of technology has military capacity really drives its export control.

Sen. Kalter: One of the things that the committee scrutinized with this policy was making sure it didn't rub up too much against other laws and policies such as you are bringing up two issues of potential discrimination and I think those are very important. In Executive Committee, it was also brought up how this policy's implementation might have implications for academic freedom. If the policy were implemented and we started to hear a number of complaints about faculty saying I have to keep checking in with this office and my academic freedom is being infringed upon. At least the Executive Committee had a discussion about how we felt that we would have that run up against a test with our other policies. The committee had asked for a deemed export to be defined within the policy. One of the issues is simply transferring certain kinds of materials, data, etc. to a foreign national can trigger a violation of the law, so we thought that it was important to have deemed export defined because it wasn't entirely obvious what that meant.

Sen. Cedeño: If I am traveling to a country with a laptop computer that is one of those deemed export that may have sensitive information, I may be violating the export law. That is my personal computer versus the university's computer. Is there any difference there?

Ms. McGinnis: Unfortunately, under the export control rules, if there is a violation, the university and the individual can be held subject to a penalty.

02.24.12.03 Smoking Policy (Rules Committee)

Sen. Fazel: The revisions to the Smoking Policy were initiated by SGA in response to a survey they did of students. Students complained of especially walking on the quad during busy hours between classes and the problems that some students have with others who are smoking and walking with them at the same time. This policy originally came to us to ban smoking on the walkways of the quad. During our discussions in the committee, we decided that is not going to be practical and also enforcement of it. We agreed that it would be a better alternative to make the entire quad and also the In Exchange, make them both non-smoking areas because

these are areas where we have high-traffic of students. The buildings around the quad, on the other side of the buildings, smoking is still allowed. We are not limiting the smokers in these buildings to have an opportunity to smoke. We are trying to accommodate them.

There are issues with three buildings, the Old Union, Hovey Hall and Williams Hall because both sides of the building are non-smoking. We resolved the issue by just making the pathways for these buildings non-smoking and allowing some space for putting receptacles and making those areas as designated smoking areas. Right now, parking garages are not non-smoking areas. So we asked Facilities, Chuck Scott, to also think about some areas in the parking garages that they could designate as smoking areas and putting smoking receptacles there so at least there would be some sheltered areas across the campus. They would still be away from entrances and where most of the population moves, except for elevators and staircases in parking garages.

Also, we discussed the fact that in some theatrical productions, smoking is an integral part of the play and we do not want to ban that. The map shows which areas we are recommending to become non-smoking. In terms of enforcement, we are really depending on the Student Government to promote this program basically through peer pressure. As a good citizen of this community, we are not going to smoke in these areas. Through education, through promotion, speaking about health and having an area that is safe for people to play, carry on activities and gather, we will be able to implement this without necessarily enforcing it.

Sen. Farrell: On the map, Milner plaza is not included, but it is included in writing.

Sen. Fazel: It just didn't fit on the map.

Sen. Solberg: You can't smoke on the entire quad, is that correct?

Sen. Fazel: Yes.

Sen. Solberg: If someone were at the library and they wanted a cigarette while they walk to the College of Business Building, they couldn't do that?

Sen. Fazel: They would have to walk behind the buildings. Right now, we don't have receptacles behind buildings or anywhere around buildings. So people spoke and there isn't a place to extinguish their cigarettes, so you'll see cigarettes everywhere. So we thought if we had smoking receptacles 15 feet away from the door and against a wall that would be convenient for smokers to gather around the smoking receptacle and smoke there.

Sen. Solberg: Theoretically, despite the students enforcing it through peer pressure, did the committee ever foresee somebody getting a technical violation for violating the smoking rule?

Sen. Fazel: Not really. We really didn't anticipate that. If you read the last section, which is the compliance section, we did say if you inform people that we have this policy and they continue smoking, you could talk to their supervisor or for students you can take them to the grievance committee. But we don't anticipate that happening.

Sen. Solberg: Was there any discussion about the slippery slope with regard to people who smoke? They used to be able to smoke everywhere and now they can't, essentially, smoke anywhere. Was there any discussion about smokers' rights? Did smokers come in to discuss this?

Sen. Fazel: Yes, we did discuss that. There were some people who wanted the entire campus smoke-free, which would be like many campuses and hospital campuses. That was one extreme and the other was not to do anything.

Sen. Solberg: Was a group of smokers asked what they thought about this?

Sen. Fazel: We have smokers on the committee and we asked them. I sent an e-mail to our college, because the College of Business, three sides of that is going to be non-smoking. I heard a couple of comments from smokers. One was a recommendation to at least let us have a space in the covered parking garage so that snow and ice will not be coming down on us. The other one was having smoking receptacles where they could go and smoke without being embarrassed because there isn't any place to smoke and they are smoking in front of the door. So we tried to accommodate those.

Sen. Dawson: Was there any consideration to expanding this to include the lab school grounds?

Sen. Fazel: We did not discuss back. That was not part of the proposal.

Sen. Lugg: Under the Illinois School Code, Metcalf and U-High are considered public schools and smoking is prohibited on the grounds of a public school.

Sen. Dawson: Has consideration been given to the gateways of the quad between Edwards and Cook?

Sen. Fazel: No we didn't, but I would really like to make that smoke-free.

Sen. Dawson: We've got the same thing with the east side as well. Those are public access to the quad.

Sen. Fazel: Let me ask the Senate. How do you feel about including all of the main entrances to quad in case we take this back to committee and discuss it as long as we have designated smoking areas next to each building to make sure that at every building, people have a place to smoke?

Sen. Holland: That is certainly something the committee can discuss.

Sen. Liechty: I think the more places where people can't smoke the more likely the policy will fail. I think it makes more sense to have areas like the quad that are well defined, if we are going to make that non-smoking, that's right there. I would say we designate that and wait and make sure we get really good compliance with that before we start spreading it around. If we start saying this entrance and that entrance, unless there is somewhere where strong complaints are coming in, I would rather take a more *laisse faire* attitude towards it.

Sen. Fazel: The discussion we had on the committee, people were hoping that gradually over time we would become a smoke-free campus, but we would do it step-by-step.

Sen. Horst: Who is going to be coordinating the signs and where are these urns are going to be going?

Sen. Fazel: Chuck Scott, when he came to our meeting, we asked him questions about designating smoking areas, ashtrays basically, areas and parking garages that would not bother people who park their cars in those garages. Facilities said they would identify areas as smoking next to every building. The signs, they will have to do that. But as far as promotion and communication about this policy, the Student Government is the one that is going to be doing most of the advertising and promotion.

Sen. Horst: Could you talk about your plans for promoting that?

Sen. _____: The Student Government Association has a Secretary of PR that specializes in the different PR campaigns. Pending the passage of this policy, Student Government would work on a campaign to reach out

to students and let them know about what the new policy is. This came as a referendum and it passed. This is what the students are wanting.

Sen. Horst: In the College of Fine Arts, we invite people to public performances. There needs to be some sort of communication through signage or press to the public about this policy change.

Sen. Solberg: The ultimate goal is to have a smoke-free campus?

Sen. Fazel: The ultimate goal of some of the members of the committee.

Sen. Solberg: That is an idea that has been proposed so, essentially, there would be no place on campus to smoke?

Sen. Fazel: The proposal was not forwarded to us with that intention, but as you see more ordinances banning smoking, this seems the direction in which society is moving. We are thinking that probably in the future that would be something that ISU would also consider, but the committee did not say this is the first step in making the campus smoke-free.

Sen. Olszewski: As far as the question of implementation, it was brought to the committee that the Student Health and Wellness would be interested in the implementation of this.

Sen. Woith: While I would support a non-smoking campus, several of my coworkers enjoy taking an afternoon break, sitting in the sunshine with a book and having a cigarette, so when you prepare the designated areas, will you allow seating?

Sen. Fazel: There is a problem with having seating because seating is considered a gathering place and in gathering places, according to the state law, you can't smoke. We asked if the ashtrays could be close to the benches and they said no it has to be 15 feet away from them.

Sen. Liechty: Would there be any wisdom in having this be an SGA program with the Academic Senate's endorsement rather than something coming from the Academic Senate and then we are asking SGA to implement it.

Sen. Holland: I think to make it an actual policy, it does need to come through the Academic Senate. The SGA is a standing committee of the Senate much like the Faculty Caucus.

Sen. Fazel: If we approve this policy, I would like the Senate to take a look at it in a year or two.

Sen. Crowley: Did the SGA vote for a smoke-free campus. I'm wondering what the wording of the referendum was.

Sen. _____: I was going to have the wording of the referendum tonight, but I can have Sen. Owens forward that to the Executive Committee.

02.06.12.01 Institutional Artifacts Portfolio – Request to Suspend (Academic Affairs Committee)

Sen. Stewart: The Institutional Artifacts Portfolio is the way in which they gather information about the General Education Program. There are several issues about reliability of the data they are collecting. The student papers they are getting from professors don't always have the information in them that they are trying to assess. The second issue is inter-rater reliability. Because of those issues, they are starting to tweak the system and make minor changes in Gen Ed. They would like to hold off soliciting artifacts for this spring so that they

can retool and then pick up the process with a slightly new and improved version. The Academic Affairs Committee agreed with them.

Sen. Holland: The General Education Program is currently under review and we will be having a presentation about that on April 11. It may or may not include institutional artifacts.

Sen. Kalter: I agree that we should respect the request to suspend. I do want to point out that it is of grave concern that when we are trying to collect artifacts from the General Education Program dealing with critical inquiry and problem solving and we have artifacts 65.6% of which we collect and critical inquiry and problem solving is not present. That doesn't mean that our assessment instrument is bad, but it actually is finding that we are not doing what we are supposed to be doing in those classes. We should really be scrutinizing what our General Education Program is doing and why it's not working.

Sen. Stewart: I don't disagree with that, but it could be that not every assignment focuses on critical inquiry and problem solving. The way it's been explained to me is the faculty member just sends over student papers that were most recently turned in rather than saying this is critical inquiry and sending that.

Sen. Holland: Some of proposals we will hopefully hear about on April 11.

Adjournment

Motion XXXXIII-51: By Sen. Farrell, seconded by Sen. Stewart, to adjourn. The motion was unanimously approved.