

Faculty Senate Minutes

February 19, 2007

Members Present: Anderson-Connolly, Anton (Chair), Bartanen, Bristow, Foster, Haltom, Hanson, McGruder, O'Neil, Ostrom, Racine, Rowe, Ryken, Segawa, Singleton

Guests: Suzanne Holland, Kristin Johnson, Wayne Rickoll, Jonathan Stockdale

1. Approval of Minutes

M/S/P approval of minutes from 2/5/07.

2. Chair's Report

The chair announced that David Sousa resigned per the Bylaws Article IV, Section 6.C.a.

Ostrom noted that we are not obligated to replace the position and suggested that we stay with our current roster. There was widespread assent.

3. New Business

The chair suggested that we reorder the agenda to visit new business, returning to an announcement by the 2003-04 PSC and old business after the arrival of two Senators who were delayed.

Enhancing Full Faculty Meeting Attendance

The chair passed a memo from David Droge regarding attendance, included here.

Observations on faculty meetings

I do not know when the agenda item on attendance at faculty meetings will come up, but I wanted to offers some observations on this subject.

I would like to begin by offering my compliments to the Senate. Over the past several years the Faculty Senate has become a much stronger and more hard-working body than it had been in years past. Under a series of effective Chairs, the Senate has become a more trusted deliberative body. I realize that the details of particular agenda items may seem tedious and divisive at times, but I wanted to express my own appreciation for the work of the Senate in recent years.

That being said, I would begin by observing that there have been issues which have led to both high attendance and good deliberation at Faculty meetings. I think of the debate over the most recent changes to the Code, as

well as, to a lesser degree, the package of Code amendments put forward a few years ago. Both of these issues were seen as important by faculty members, many of whom were willing to attend multiple meetings in which proposals were debated in detail.

These experiences, for me, contrast with other meetings which, quite frankly, were unproductive and unpleasant experiences. Rather than reflecting scheduling conflicts, I think faculty are “voting with their feet” to avoid faculty meetings for several reasons,

First, faculty meetings are really good places to stop proposals, but they are not good places to start initiatives. The Faculty By-laws specify (Article III, Section 2A) that “written petition of not less than twenty (20) faculty members” may call a meeting, and that (article IV, Section 5a) “[b]y majority vote of the Faculty present at a regularly called Faculty meeting any decision of the Senate may be altered.” These provisions, which I believe arose in very different circumstances at an earlier time at the University, give the Faculty stopping power. Further, since actions of standing committees “shall take effect unless modified, rejected, or delayed within thirty (30) class days of written notification to the Senate,” it seems clear to me that the By-Laws make the Senate vulnerable to “end runs” from either standing committees or the full Faculty. Perhaps closing these loopholes and strengthening the role of the Senate as the Faculty’s Executive Committee (Article IV, Section 1).

Second is the phenomenon I will indelicately label the “windbag factor.” Many of us (but not all) discovered once we started teaching that we may be attracted to the sound of our own voices. More to the point, most of us experience discussion in our classrooms in which we are, whether like it or not, the ultimate authority. Such a daily practice, I would suggest, is not conducive to the egalitarian norms of deliberation. I would argue based on my experience that it takes the Faculty some time to become habituated to the norms of public deliberation. Until that happens, and it has happened in the course of multiple Faculty meetings on important issues, we will suffer from one another’s general pearls of wisdom applied to specific proposals and the often unspoken belief that our perspective is the correct one. I don’t see how we can avoid this “occupational psychosis”—to cite a term from Kenneth Burke.

Finally, and not unrelated to the second observation, is the “top of the head” amendment phenomenon. A group will have spent considerable time crafting language, only to have someone propose an amendment on the spur of the moment. I think the convenience of electronic circulation contributes to this problem. It is easy to avoid reading attachments like minutes or proposals, only to encounter the specific language of a proposal for the first time at a Faculty meeting as a printed handout. I don’t know how to avoid

this problem, except to provide an opportunity for a first reading for every proposed change, rather than just code amendments.

So, here's my proposal. Schedule only one faculty meeting each semester, as called for under Article III, Section 2a. If the Senate Chair, who can confer with anyone, believes an issue or proposal warrants full faculty deliberation, schedule at least two meetings to deliberate on the proposed change. Of course Senators should also be able to vote to bring items to the full Faculty for deliberation. I think making the Faculty meetings rare but valued would go a long way toward increasing attendance.

McGruder offered two suggestions to boost attendance. Provide coffee (and perhaps snacks). Consider attendance part of university service.

Ostrom said faculty-members tend to give one or more of three reasons for not attending faculty-meetings: (1) People are too busy; (2) nothing gets done/the issues are trivial; and (3) the president presides. He thought we might test the hypotheses with unofficial fora without the administration. At these meetings we would ask the gathered to identify topics that should be covered at the meetings. He recognized that we can not test hypothesis 1. He suggested that we have a forum like this in April.

Chair Anton recommended that we hold the meeting at a different time because childcare is a possible problem. Ostrom suggested later in the day. McGruder countered with the idea that children could attend. Dean Bartanen noted that due to course scheduling revision the 4:00 hour will be open beginning next year.

Ryken re-emphasized the lack of substantive discussion at faculty meetings and noted that a number of the faculty members she talked to feel marginalized because they cannot attend faculty meetings. She shared a suggestion proposed by a faculty member: no votes should be held at the meetings but rather outside the meetings electronically, so that all faculty can participate. The faculty meetings would be a venue for discussing the issues. She noted that those new to the university might have trouble understanding what is at stake when Code and Bylaws changes are the focus of the meeting. She also added that because faculty service is the least important criterion in the evaluation process attendance at faculty meetings is low priority.

Wayne Rickoll noted that science labs will still take place at 4:00. Electronic voting would help those who can not attend due to these conflicts.

Singleton doubted whether the presence of the president is responsible for low attendance. He finds the president's report to be interesting and a gauge of the relationship between faculty and administration. Ostrom agreed with Singleton. Few people seem intimidated. But he would still like to test the hypothesis.

Foster asked whether attendance flagged recently. Several nodded heads in the affirmative. Dean Bartanen noted that in the olden days it was simply an expectation that

everyone went. Attendance, however, always varies based upon the importance of the topic.

Foster noted poor attendance for other meetings as well. She observed that the “busy people” and “waste of time” factors are related. People will make time if the issues are sufficiently important.

McGruder stated that if we believe that the administration is probably not the problem then there is little reason to exclude them. Instead she suggested that we hold several meetings at different times to see whether time is the issue.

Segawa offered that it is the topic that draws people. He suggested that the Senate should find the topics that are the most important.

Ryken volunteered two topics that greatly interest many faculty: Childcare and teaching-load. Faculty decision-making power would be third on the list. McGruder reminded us that the university has had several childcare task forces but we never get childcare. We should at least offer childcare during the meetings. McGruder volunteered space in the OT/PT buildings and Foster agreed to help coordinate the effort.

Singleton suggested that perhaps the Senate is not doing its job. We should bring important issues to the full faculty and then prepare the faculty for a debate over the issues. This might be done by developing a web page where the Senate could present and frame issues. Foster added that department chairs could transmit information to the full faculty. Chairs could point out the importance of the issues, direct to the web page, and give reminders of meetings.

Agreeing with the sentiment in the Droge memo, Singleton said that we should only have meetings when they are really needed. McGruder expressed concern by noting that having only one meeting per semester makes us look like a do-nothing faculty.

Ostrom requested that the Senate chair send an email before each meeting explaining the issues and what is at stake. The chair agreed and put it on his list.

McGruder and Holland noted that attendance went down when we started talking about code language and has not recovered. These technical issues must be communicated better to the faculty, especially junior faculty.

O’Neil suggested that we occasionally hold a joint meeting of students and faculty. Racine added that the staff would also be interested in a joint meeting.

The chair transmitted a suggestion from President Thomas: Full faculty meetings would be a good time to recognize faculty with awards (Martin Nelson, Lantz, etc.). Dean Bartanen added that the administration could bring issues regarding the strategic plan to the meetings.

The chair thanked the Senate for the suggestions and, recognizing the Senate was plenary, brought us back to top of the agenda.

4. Announcements: Professional Standards Committee Request

The chair read the following statement submitted by the members of the 2003-04 PSC:

To: The Faculty Senate

From: The 2003-2004 Professional Standards Committee

Date: 14 February 2007

At its meeting on February 5, 2007, the Faculty Senate passed by a narrow margin (7-6, with 1 abstention) a motion that began, “The Faculty Senate takes responsibility for the mistakes made by the Professional Standards Committee (PSC) and the Senate in 2003-2004.”

Given the passage of this motion, one might conclude the Senate had undertaken a careful investigation and found that mistakes had been made by the 2003-2004 PSC. Such a conclusion would be mistaken: the Senate conducted no such investigation. Nor did the Senate confirm the accuracy of the allegations against the PSC made in Senator Ostrom’s letter of November 29, 2006. In our opinion, the Senate passed its motion without exercising due process, without gathering evidence from all parties involved, and without assuring itself that it had received an impartial and complete account of events.

Reasonable people might disagree with some of the decisions made by the 2003-2004 PSC, and hard feelings may remain regarding the departures of former colleagues. It was a difficult time, and we took no pleasure in performing our duty as we sorted out the charges and counter-charges thrust upon us by faculty colleagues who believed their reputations and careers to be at stake. Throughout it all, we drew upon our familiarity with the Code and our sense of fairness to provide, as best we could, impartial and reasonable processes for all parties. Our consciences are clear. We do not apologize for our handling of the cases that came before us in 2003-2004.

As the people who *bore* the responsibility for making difficult decisions in these cases, we find it presumptuous for the current Faculty Senate after receiving a partial and tendentious account of the cases, to declare that it “*takes responsibility*” [emphasis added] for our “mistakes.”

That said, we are grateful to those senators who chose not to support the motion. Moreover, we appreciate and support the Senate’s desire to improve grievance and appeals procedures by moving on to the recommendations of its ad hoc committee. Many of these recommendations

were identified by PSC members in 2003-2004 or later as desirable for clarifying or changing certain parts of the Code.

We request that this memorandum be read by the Senate Chair or his designee at the next Senate meeting or as your agenda allows. We further request that a copy of it be incorporated as part of the public record of the Senate.

The members of the 2003-2004 Professional Standards Committee:

Bill Breitenbach

Wade Hands

Susan Owen

Tom Rowland

Kate Stirling

Carolyn Weisz

John Riegsecker was also a member of the 2003-2004 PSC. He has since retired, but has read our memo and affirms his agreement with it. The remaining member of the committee, former Dean Terry Cooney, is now Dean of Towson University in Maryland, and we did not contact him.

Ostrom M/S/P to receive the memo.

Rowe suggested that it would not be appropriate to ignore this memo. Hanson responded by noting that the 2003-04 PSC wanted their perspective noted and it has been. They recommended that we move to recommendations.

McGruder reminded the Senate that the appointment of the Ad Hoc Committee on Professionals Standards sprang from that body's concern over a charge that a case of faculty plagiarism had not been dealt with properly and that the Ostrom memo came from a concern that the AHCPS' report did not have specific findings to motivate the recommendations. Now that the Senate had expressed concerns it could honor both the work of the AHCPS and Senator Ostrom by moving forward with recommendations.

5. Old Business

Recommendations of the Ad Hoc Committee on Professional Standards

Hanson reminded the Senate that it has already discussed recommendation 1a and agreed in spirit. Furthermore, the "housekeeping" items of recommendation 6 have been agreed to with the exception of point d, namely, changing "days" to "working days." He suggested that we now proceed by taking the items in numerical order, beginning with the remaining points under recommendation 1.

Ostrom suggested that the “housekeeping” recommendations be packaged and sent to the faculty. McGruder was willing to suspend her previous objection to changing “days” to “working days.” Hansom suggested that we should probably discuss the issue given that it has been controversial. Ostrom, arguing for the sake of efficiency, suggested that we keep point d out of the packaging for now. This was accepted by the body without objection.

Items 1b and 1c

Hanson introduced recommendations 1b and 1c from the AHCPS:

1b. If a question regarding the professional ethical behavior of an evaluatee (relating to any of the criteria for evaluation) arises during an evaluation a grievance should be initiated, and the evaluation put on hold, until the resolution of the grievance.

1c. If a question regarding the professional ethical behavior of an evaluator (relating to his or her role as an evaluator) arises during an evaluation a grievance should be initiated, and the evaluation put on hold, until the resolution of the grievance.

Hanson explained that these items aim to resolve the problem of a grievable situation occurring during an evaluation. The system currently is ineffective in dealing with this situation.

McGruder noted that because the AVP serves on both the PSC and FAC, the evaluation and grievance tracks are not independent. Dean Bartanen offered that the AVP should recuse him/herself from the PSC when a case is at the FAC.

Rowe asked whether a delay in the evaluation process to resolve the grievance could hurt the evaluatee. Dean Bartanen responded that there are technically seven years to get tenure, thus accommodating even an extreme case of delay. Bristow added that a delay might be a problem but it would be less serious than a problem posed by the unresolved presence of the grievable issue.

Ostrom stated that when the FAC runs into a problem of this nature it should be sent to the PSC. The language must be changed to make it a *requirement* that the FAC send the case to the PSC. Hanson agreed that this is the goal but that we still need exact language.

Haltom recognized a possible problem with this recommendation vis-à-vis the code: If ethical questions arise during a review but have been sitting around for a long time, then we run against the statute of limitations (30 days). A possible solution: The chair, if the chair had only learned of the problems in the last 30 days, could bring the issue forward.

Foster wondered who else could bring a grievance. Hanson replied that anybody in the department, even if they were unsure about the veracity of the charges but wanted them

resolved before moving forward. Bristow added that this is where the ombudsperson could help.

The chair asked for a subcommittee to draft the precise language. Hanson and Ostrom “volunteered.”

Item 2

Hanson introduced recommendation 2 from the AHCPS:

2. We recommend that the existing language regarding recusal of PSC members during consideration of matters in which they have a conflict of interest (Faculty Bylaws, Article V, Section 6.E.b) should be included in Chapter VI of the Faculty Code. In addition we recommend that any parties to the grievance be automatically recused from serving on the grievance hearing committee.

Hanson noted that language about recusal should be in the code and not only in the bylaws.

M/S/P copying the recusal language found in the bylaws into the code, location still to be determined, and sent to full faculty.

Item 3

Hanson introduced recommendation 3 from the AHCPS:

3. We recommend that if the PSC is accused of violating the Faculty Code during a grievance the accuser may send a letter directly to the President, who will consider it, along with any rebuttal from the PSC, in deciding what action to take.

Hanson characterized this recommendation as following a minimalist approach, requiring additional language to formalize and/or strengthen the guiding idea.

Ostrom suggested that we broaden it to permit any standing committee to report a code violation. He offered the following language:

If a member of the faculty or another member of the university believes that a standing committee has violated the By Laws or the Faculty Code (insofar as these documents proscribe the duties and functions of standing committees), he or she may inform the Chair of the Faculty Senate of the perceived violation. The Senate shall then investigate the alleged violation expeditiously and, when appropriate, insure that the committee in question takes corrective action to bring the committee into compliance with the By Laws or

the Faculty Code. Informing the Senate Chair of a perceived violation of the By Laws or the Faculty Code is not a substitute for pursuing a grievance (informal or formal), in the event that a grievance-process may be appropriate, according to the Faculty Code. With regard to a perceived violation of the Faculty Code that requires an interpretation of the Code, the Professional Standards Committee is responsible for such an interpretation (Chapter I, Part G, Section 1 of the Faculty Code). As noted in Chapter I, Part G, Section 2 of the Code, any member of the University who is aggrieved by the Professional Standards Committee's interpretation of the Code may appeal the interpretation to the Faculty Senate.

Hanson responded that the Ostrom language may not deal with the situation the PSC is concerned with because the broader approach may be too time consuming to be of much good.

Anderson-Connolly asked how the Senate would investigate. The finding that the PSC in 2003-04 made mistakes (see minutes of 2/5/2007) was based on a one-sided account of events without access to confidential material. He wondered whether this quality of investigation by the Senate would be typical.

Ostrom responded that the PSC language was like asking for a letter to Santa Claus.

Haltom noted that the president would receive two letters. The president should read the protest letter first. He added that, if committees are running amok, we need to have a strengthened oversight role. He was not committed to this particular language but believes the Senate needs to be routinely available for expeditious oversight; he does not want the Senate to be the place to go when someone loses on the substance in order to attempt to make it a procedural matter.

McGruder stated that the Senate is the only elected committee. She agreed with Haltom that we do not want to get bogged down but she maintained that there is no place to go when there is a complaint against the PSC.

Dean Bartanen suggested that, in a situation when there are alleged procedural violations, it could be difficult for the members of the Senate to fully understand, especially those unfamiliar with the code. Perhaps a committee of past chairs of the PSC would be a better body.

Bristow stated support for Dean Bartanen's idea. She added that, as an elected body, the Senate may sometimes suffer from politicization.

Ostrom disagreed with the use of former chairs of the PSC because they will normally agree with the current PSC; instead, perhaps we could use the Senate executive committee.

Haltom suggested that we let the idea marinate and start with it next time.

6. Adjourned at 6:01.

Respectfully submitted,
Richard Anderson-Connolly