

# **Faculty Senate Minutes**

## **January 23, 2006**

**Senators:** Barry Anton, Kris Bartanen, Nancy Bristow, Derek Buescher, Bill Haltom, John Hanson, Suzanne Holland, Chelsea Howes, Alex Israel, Jean Kim, John Lear, Keith Maxwell, Eric Orlin, Ross Singleton, David Sousa, and Peter Wimberger.

**Guests:** William Beardsley, William Breitenbach, Lipika Choudhury, Rachel Decker, Rosa Beth Gibson, Grace Kirchner, Sherry Mondou, Andrew Rex, and Carolyn Weisz.

## **Order**

Senate Chair Anton called the meeting to order at approximately 4:30 p.m.

## **Minutes**

M/S/P Minutes of November 21, 2005 and December 5, 2005 were approved without changes.

## **Old Business**

### **Amendment(s) to Chapter 3 of the *Faculty Code***

Members of the Professional Standards Committee updated senators regarding amendment of the *Faculty Code* currently before the plenary faculty and to be taken up anew at the January 31, 2006 meeting of the faculty.

Senators were already in receipt of the following from PSC Chair Weisz:

The notes below are quite tentative. In short, we plan to propose three amendments to the amendment which we anticipate might be voted on at the 1/31 faculty meeting. Others may also propose amendments to the amendment. (The recommendation stands to wait to vote on the full amended amendment until a future faculty meeting.)

1. We have crafted new text to address the issue of confidentiality/public statements that appears in Ch. III, Section 6.c.(8) of the amendment. We anticipate presenting 3 options: a) the existing language in the amendment; b) language in the current

code; and c) our newest proposal which we think better addresses concerns raised at the last faculty meeting. These are as follows:

- a) From amendment to Ch. III, Section 6.c.(8): *Hearing board members are to treat the proceedings as confidential.*
- b) Maintain existing code language (from Ch. III, Section 7. i. in the current code): *No person involved in the hearing shall make public statements, directly or indirectly, about matters presented in the hearing.*

(Note the similarity of this option to Ch. VI. Section 4.c.(8) regarding grievances: *No person involved in the hearing's proceedings shall make public statements, directly or indirectly about the matters in the hearing.* In the future, the PSC will propose a set of housekeeping amendments which could include adding a comma to this statement in Ch. VI.)

- c) New proposal: *Persons who learn confidential information as a result of the appeal or hearing processes shall not make public statements, directly or indirectly, about this information. As parties to an appeal, members of the department, school, or program or of the Advancement Committee may receive reports of confidential information as needed, but shall not make public statements about this information.*

2. We anticipate proposing minor changes to Ch. 3, Section 6.d. to indicate a timeline for reporting a hearing board decision regarding probable cause. (We haven't worked out language yet.)

3. We plan to propose changes to Ch. 3, Section 7. i.-k. to address what happens after a hearing. Some of the text, which we are still working on, will explain the process separately for appeals at the two levels.

We anticipate language suggesting that for appeals at the department level, if the hearing board determines that the code has been violated, it may either return the file to the school, department, or program for corrections of deficiencies or forward the file to the advancement committee. We will also specify that a hearing board may suggest methods for correction of deficiencies, but it cannot dictate or enforce these methods, and that such suggestions, if offered, shall be in writing and shall delivered to relevant parties and included in the file.

We are still working out the process for appeals after an evaluation by the Advancement Committee. We may suggest that if the hearing board determines that the code has been violated, it shall return the file to the Advancement Committee, and that in writing, a hearing board may suggest methods for corrections of deficiencies, but it cannot dictate or enforce these methods. We have not yet discussed what happens if a hearing board does not find that the code has been violated.

We have not yet discussed whether or not it is necessary to specify when a hearing board disbands. We will probably continue to suggest some form of notification to the PSC when a hearing board has finished its work.

Senator Orlin wondered whether “public statements” could use definition or clarification. Chair Weisz stated that the PSC preferred to interpret “public statements” as instances arose. Senators Orlin and Maxwell suggested that some broad agreements among faculty might be made explicit at the faculty meeting to guide faculty in deliberating concerning the amendment and, if it passed, in conforming to the new standard of confidentiality. Professor Kirchner asked whether statement of some consensual understandings of “public statements” might then be inferred to exclude other understandings. Senator Maxwell inquired whether this “gag rule” applied to the evaluatee. Chair Weisz said that such might be added as new language. Senator Haltom opined that the existing code’s reliance on “public statements” might suffice if faculty interpreted the phrase literally but that otherwise the language might overreach because faculty could never be certain what the PSC or some other decision maker might decide, *ex post facto*, was a public statement. Senator Bristow warned against adopting ambiguous words or phrases that would defeat shared understanding of what the faculty were voting on or for. Senator Buescher suggested that “option c” *supra* might be improved by removing “public” as a modifier of “statements.”

### **Health Appraisal Survey**

Rosa Beth Gibson, Associate Vice President for Human Resources, illuminated why the Department of Human Resources was encouraging faculty to participate in the Health Appraisal Survey and why the survey administrators included a disclaimer regarding confidentiality. She said that the Department had hoped and that some evidence suggested that members of the campus community would become better informed about health risks and remedies, would adopt healthier lifestyles, and would help to keep costs and premiums down through inducements to fill out the survey. She also noted that all that the administering agent had warned was that electronic records and data could not with absolute certainty be protected against hackers or cyber-snoops. She assured the

Senate that the confidentiality of responses would be maintained, especially because the University gets only aggregate summaries, not individual-level data.

## **New Business**

### **Report of and from the Budget Task Force**

Vice Presidents Mondou and Bartanen and Professors Rex and Beardsley rehearsed the recommendations of the Budget Task Force, which had been available to the campus community at [http://www2.ups.edu/financeadmin/budget\\_recommendations\\_0607.pdf](http://www2.ups.edu/financeadmin/budget_recommendations_0607.pdf) . The senators received the report of the recommendations and thanked the BTF for its hard work.

At nearly 6:00 p.m., the Faculty Senate adjourned.

Submitted,

Senator Haltom