

Faculty Senate Minutes

October 31, 2005

Members present: Barry Anton (chair), Kris Bartanen (ex officio), Jean Kim (ex officio), Alex Israel (ASUPS representative), Barb Racine (Staff Senate liaison), Nancy Bristow, Derek Buescher, William Haltom, Suzanne Holland, John Lear, Juli McGruder, Eric Orlin, Ross Singleton, David Sousa,

Guests: Randy Bentsen, Jessica Bruce, Alyce DeMarais, Jack Roundy, Jessie Rowe

Meeting opened with corrections offered to the minutes of 10/10/05.

Action: Some senator or another M/S/P accepting the minutes as corrected.

Chair solicited announcements.

Kim announced activities undertaken in recognition of Hunger Awareness Week, co-sponsored by Students for Social Justice, Center for Peace and Spirituality, Religious Organizations Council and Mortar Board, calling the body's attention primarily to a canned food drive to take place week of November 14-18th.

Chair announced agenda item #1 Academic Calendar, offering that DeMarais recap the Senate's recent action on same with view to deciding how to proceed. DeMarais noted that the last substantive change to the calendar was in AY 83-84, when Winterim was dropped and a Fall Break Day was added, and she had researched various records of that change to discover precedent for the purview to be final arbiter of calendar changes. Chair read from faculty bylaws a passage providing that Senate has purview to approve or reject actions of its standing committees, in this case Curriculum Committee, but noted that calendar changes wrought in 83-84 were voluntarily vetted by the Senate to full faculty meeting. DeMarais agreed with this as a description of most recent precedent. Holland noted that Curriculum committee itself had brought its recommendations to a meeting of faculty in early fall but that no motion had resulted. Lear pointed out that Senate had already assumed its rightful prerogative in adding a Wednesday for travel to the Thanksgiving break and Bartanen reminded Senators that we had also already M/S/P addition of a Tuesday to Fall Break, but had not asked the full faculty to ratify same. Haltom opined there was no harm in going back to the faculty to allow all to have their says. Orlin pointed out that Faculty Bylaws hold that decisions taken by the Senate may indeed be reversed at any full faculty meeting. Israel asked for and received clarification. Orlin suggested a discussion of spring semester so that what was taken to full faculty meeting for discussion might be more complete.

Action: Bristow M/S/P that Chair Anton notify Associate Dean Finney that decisions of the Senate regarding the calendar be placed on the agenda for the next full faculty meeting.

Chair Anton urged the body forward into a consideration of Spring semester. Holland queried the relative importance to those assembled and their constituencies of parity (heretofore in previous minutes and motions referred to as equity and symmetry) between semester lengths. DeMarais professed to have no new data that were not merely impressionistic but that impressions were that parity was considered a general goal by

some. Buescher spoke in favor of parity so that students taking a course in different semesters got the same course. Holland asked whether the impetus for an earlier discussion of parity (equity, symmetry) had not come from those teaching lab sciences. DeMarais recalled that three such educators at a previous Senate meeting had noted the lack of parity not to have caused them much difficulty. Haltom opined that parity did not rise to the level of import of other rationale driving calendar changes, giving the example of student safety as the reason for pre-Thanksgiving Wednesday off. McGruder reiterated Bartenan's argument from a previous discussion that Spring might be left the longer semester given its correspondence with the virus season. (N.B. McGruder now recalls, but did not at the time she made this remark, that Bartenan also rightly reasoned Spring had a higher risk for snow-closure days, so terribly was McGruder taxed with the taking of the minutes.)

Kim asked for rationale other than parity for shortening spring semester and silence resounded for a time until Lear pointed out work done by a small team of Senators who had gathered data about the number of teaching days per term at institutions both similar and dissimilar to our own. Lear reminded the body that the other rationale for diminishing Spring class days had to do with taking the opportunity of time between the end of classes and graduation itself to secure seniors' commitments to their undergraduate alma mater. Orlin noted that in the absence of strong preferences among Senators for a shorter Spring term we ought end with the changes we had made secure in the knowledge that other faculty members' preferences would be heard in full faculty meeting.

Action: Orlin, getting by with a little help from his friends on the Senate, M/S/P (unanimously) that the Senate send to the full faculty for ratification the changes they had made to fall term with the explicit statement that the Senate had also considered changes to Spring term and had specifically declined to make any.

Anton announced Item #2, a consideration of the University's "Information Use and Security Policy." Lear read from the second paragraph of a memo from Senator John Hansen, copied to Lear, Holland and Anton and written on behalf of the subcommittee of which Lear and Holland were part. Said memo stated: "After looking through the minutes of the Senate discussion of Spring 2003, and scanning the documents themselves, the committee recommends that the Senate return these documents to the University administration with the recommendation that they be implemented. Although there may be some elements of these documents that members of the Senate or others may wish to revise, we feel that these documents were vetted by the 2003 Senate, and as such should have been implemented at that time. If the Faculty Senate believes that substantive changes need to be made to these policies, a new process can be initiated to look at them."

Action: Holland M/S/F that the aforementioned policies be send to the administration for implementation.

Haltom spoke against the motion stating his preference for no motion as he did not wish for the Senate to have anything to do with these policies. He noted his fury that such policies were felt to be necessary and further observed that their existence seemed contradictory to administrative rhetoric calling for a campus culture of civility. Civility, he opined, might include the expectation of a right to privacy in one's office. He brought

to the Senate's attention the example of Justice Robert Jackson's response to being asked to ratify or legitimize the executive order for Japanese-American internment during WWII. As Jackson urged his colleagues on the bench to do nothing when asked to approve of that action, so Haltom urged his peers to do nothing with regard to the privacy (or information security) policies. "If you ratify this, it lies around like a loaded gun for someone else to pick up and use it," he said, apparently quoting Justice Jackson.

(N.B. As this scribe was unsure whether Haltom was quoting, paraphrasing or freelancing, and desirous of avoiding plagiarism in these minutes, she located, for the Senate's pleasure, this quote in context from Jackson's dissenting opinion in *Korematsu v. U.S.* Haltom, it turns out, was paraphrasing:

...once a judicial opinion rationalizes such an order to show that it conforms to the Constitution, or rather rationalizes the Constitution to show that the Constitution sanctions such an order, the Court for all time has validated the principle of racial discrimination in criminal procedure and of transplanting American citizens. *The principle then lies about like a loaded weapon ready for the hand of any authority that can bring forward a plausible claim of an urgent need.* Every repetition imbeds that principle more deeply in our law and thinking and expands it to new purposes. . . .)

There was no need for Senator Haltom to point out to the scribe that he was being ironic in noting that Jackson's warning about loaded weapons had not borne true except for some few individuals currently residing in Guantanamo, Cuba, and yet Haltom did so make explicit his intention to be sarcastic. Bentsen described a discussion in which the Library, Media and Information Services committee (hereafter LMIS) had examined the security policy to see whether an expectation of privacy for electronic mail inhered and apparently it did not. Bartanen noted that the policies indeed went into effect in 2002 after which the Senate worked to improve their wording. The document before us was better for the Senate's efforts, per Bartanen. Changes in administrative personnel had resulted in the edited document not having been returned to the Senate for approval until this juncture. Bartanen opined that the faculty had been more positively disposed toward the new wording than toward the old. Haltom argued for a stand on principle acknowledging that if the Senate did nothing the President's cabinet would (continue to) implement the policies anyway, but that it was an entirely different matter for the Senate to actively accede to this implementation. Haltom further took issue with the opening premise of the document that argues that the kind of confidentiality mandated by this set of policies fosters trust. He argued the counter: that such policies foster distrust. Israel queried whether the policies being discussed addressed students' privacy. Bentsen stated that the policies under consideration do not address issues raised in LMIS discussions related to privacy of e-mail. Haltom begged a point of parliamentary privilege. Voting occurred and the motion failed with zero Senators in favor, 8 opposed and 5 abstentions. Bentsen described the challenge to LMIS—a challenge at least one Senator desired that body to take up—as making certain that the security of our private offices be brought into conformity with that of the digital infrastructure of the University's information system. Israel noted that ASUPS would want to examine any privacy policy that affected students and Bartanen directed him to the appropriate documents for same.

Anton moved the body along to Item #3 the new automated advising system. Roundy was invited to give an overview of what led to the change. He complied stating that Academic Standards Committee had re-affirmed a 2 year old policy that required students to have an advisor in the department of their major. Since many seniors were apparently

out of compliance with that policy Roundy's department was charged with technologically ensuring that a student who declared a major would be required to select an academic advisor in the department of that major. Roundy anticipated that any negative faculty reaction might come from the appearance of advisees on their rosters whom they had not yet met, offering that this way of assigning advisors did constitute a change in culture. He noted that the system gives to department chairs, however, control over what faculty would appear on the menu of those from whom students choose. The new system also has a feature that allows students to have an advisor chosen for them. Some chairs had voiced concern about the workings of the system. Roundy professed himself ready to hear any other concerns Senators might have. Holland offered that a colleague had voiced concern about the impersonality and disconnectedness of this system. Haltom offered the neologism that this new system was a bit corporate in its feel, a bit Walmartish (an adjective which this scribe offered to alter to Walmartian) but that any distance or disconnect evaporated once the advisee was assigned and must now negotiate with the advisor for code numbers. In fact, the new system might even out advising loads, he observed. Lear lamented the loss of advisees who were Latin American Studies minors now forced to their major for an advisor of record. Roundy countered with the possibility of a secondary advisor which is allowed and recorded by the system. Holland noted that such negotiation as Haltom described could take place but that students did write in for codes eschewing face time with the advisor and that seemed quite opposite of our campus ethos as marketed. Roundy noted that advisors could hold out for or force flesh-pressing face to face encounters with their advisees but then, committing (in his own words) apostasy, he noted that even he occasionally issued codes by e-mail when in receipt of an e-mailed rational plan of study. McGruder noted that Roundy's remark that the new system constituted a "change in culture" really seemed to apply more to the culture of the elders assembled than to the youth who would probably use it without any sense of alienation.

No action required or taken; verbal report of Roundy received.

Anton turned us to new business: Self-evaluation by standing committees of the Senate. Last Spring it had come to the Senate's attention that Faculty Bylaws required that standing committees be periodically evaluated (cf. Section 5b). In response Robin Foster had created a draft document structuring and requiring self-evaluation by the Senate's committees. Holland pursued a point of information as to whether the Senate had already charged committees with using this document.

Action: Haltom M/S/P (unanimously) postponing this item until the next meeting.

Anton called for other new business and Bristow responded with a request from the PSC for whom she is Senate liaison. PSC has decided to adopt the strategy of electronically forwarding to both the Senate Liaison and the Senate Chair minutes of its meetings at the same time they are sent to "FacultyComms" for electronic posting. The question was raised in PSC, however, whether that forwarding would "start the clock for written notification to the Senate." [Faculty Bylaws Article 5, Section 5a: "Committee actions shall take effect unless modified, rejected or delayed within thirty (30) class days of written notification to the Senate."] Haltom offered that if the Senate Chair were to respond to the PSC chair acknowledging receipt of the PSC minutes then said

acknowledgment might start the 30 day clock. Chair Anton noted that he is often unable open attachments when not on campus, nor to access FacultyComms. Buescher asked whether in accepting this suggestion from PSC we would not be setting up conditions for a pocket veto. Holland opined the PSC minutes might go to the Senate's Secretary rather than to its Chair. Wimberger offered that this system might lead to complications. Haltom thought perhaps the proposed direct forward of minutes might serve to alert Senators to discussions of or changes in policy and thus might expedite their work. Wimberger opined that the current system provided for that notification regardless. Bristow noted that 30 class days seemed quite enough time and wondered if we were actually worried about having insufficient time to challenge PSC actions. Bartanen reiterated that the key issue was simply when the 30 day clock would be started. Bristow noted that indeed this was the cause for concern in the PSC: Would the Senate Chair's receipt of the PSC minutes initiate the legislated 30 day period or would electronic posting initiate that period? (N.B. It had already been acknowledged somewhere along the way in this discussion that there might be a multiple day gap between these electronic events.) McGruder asked that the Bylaw in question be read in context and it was. Singleton offered clarification that the Bylaw specified receipt by the Senate not by its Chair and thus the clock ought not start until minutes were posted on FacultyComms. **Action:** Haltom M/S/P (with 2 abstentions and no negative votes) that the Senate, the authoritative interpreting body of Faculty Bylaws, inform the PSC that our sense of those bylaws is that the Senate, as a body, needed to informed of standing committee actions and that meant, in this era, via publication on FacultyComms of standing committee minutes.

Haltom urged that the Senate in its next meeting examine closely the PSC's proposed revisions of and interpretations of rules for hearing boards and that the Senate make extremely clear recommendations on same for the next full faculty meeting. Anton responded that it would be on the next Senate agenda. Israel raised the notion being discussed among students that credit for labs ought be given and asked that the Senate discuss this issue that he would bring before it at a later date.

Haltom M/S/P adjournment.

Respectfully submitted by scribe du jour,
Juli McGruder