
T. Smith attended for R. Butler.

Parliamentarian Ferald Bryan was present.

THOSE FACULTY SENATE MEMBERS NOT PRESENT: Baker, Bisplinghoff, Clayton, Creamer, Cummings, DeMoranville, Goldenberg, Kamens, Kolb, Loubere, Mehrer, K. Miller, Mohabbat, Munk, Musial, Payvar, Pritchard, Robertson, Schneider, Shumaker, S. Song, Spear, Turner, Wade

I. CALL TO ORDER

II. ADOPTION OF THE AGENDA – VIII. D. was moved to directly after IV. A.; the amended agenda was adopted.

III. APPROVAL OF THE MINUTES OF THE JANUARY 15, 2003 FS MEETING – approved, with a correction of the FAC meeting from 1/30 to 1/31.

IV. PRESIDENT’S ANNOUNCEMENTS

The Grievance Committee will meet with David Wagner as soon as the meeting is done. Information is available about the Committee’s duties.

The Faculty Senate / University Council budget will be cut again, depending on state funding. The maximal cut would mean no refreshments; we are going to drop our fax line anyway; and we may have to look into having the Committees Book be available only online.

A. Ken Davidson, Associate Vice President and General Counsel, Office of University Legal Services

The President has asked K. Davidson to modernize the legal office of the University over the next 5 years. Davidson’s responsibility has been to the Board of Trustees, as the University Privacy Officer, the Institutional Ethics Officer; he is now also the Freedom of Information Act Officer.
Illinois provides protection for its employees, including university professors, in case of lawsuits stemming from employment. NIU’s lawyers will handle such cases; the Attorney General’s office also has lawyers available for defensive claims. Faculty receiving summonses, subpoenas, or requests for expert testimony related to their employment will receive the full benefit of the University’s legal services.

The Office of Legal Services will include the following practice areas: the Board of Trustees; Academic Affairs, Student Affairs, and Research; Administration and Governance; Business Affairs; Employment and Labor Law; and Risk Management Claims and Litigation. The Office will have a total of five lawyers (there are now four, with a search going on), each of whom will be expert in several areas, so that each area is served by at least three lawyers.

In response to a question from R. Butler, K. Davidson explained that the Administration and Governance area would focus on the needs of the Senior Cabinet, the University’s Shared Governance systems, and general operations policies and procedures.

J. Newman-Ryan asked K. Davidson about his opinion of the Faculty Personnel Advisor acting as an advisor; Davidson expressed some reservations but was not familiar with the issue. S. Willis agreed to talk to him about it at a later time.

In response to a question from J. Lockard, K. Davidson explained that he had suggested that the office be renamed to the Office of University Legal Services, as he sees it as primarily a service function. He will have assistant, associate, and full University lawyers, in parallel with the academic ranks.

D. Wagner asked what the difference was between the Faculty Personnel Advisor being an advisor and being an advocate; Davidson was unfamiliar with the idea of advocacy in that role and expressed concerns about liability.

VIII. REPORTS FROM STANDING COMMITTEES

D. Faculty Rights and Responsibilities – Mark Cordes, Chair – report – walk-in

The Committee has been looking at a proposed privacy policy for faculty and staff; the only change it proposed to the draft it had been given was to drop the words “supervision” and “control” from the list of reasons offices could be entered. M. Cordes moved that the modified policy be approved.

S. Willis explained that, if approved, the next step would be to take the policy to the University Council, which would refer it to the SPS Council and the Operating Staff Council.

L. Kamenitsa expressed reservations about the expression “efficient operations”; K. Davidson said this was written to parallel typical collective bargaining agreements, as it applies to staff as well as to faculty. S. Willis suggested that this could open the door to inappropriate characterization of faculty activities. M. Cordes said that he thought it would refer more to the
operation of the office itself, and that there had been situations where persons had refused to vacate offices after their employment ended, but that the particular language was not essential. L. Kamenitsa explained that she was concerned about the use of offices by graduate students, whether this would now be done without permission of the faculty member.

J. Stephen asked about computing facilities; S. Willis said that there is already a computer privacy policy, on which the first draft of the present policy was based.

R. Meganathan expressed concern for the safety of unannounced people entering offices which might contain hazardous materials (or materials which could become hazardous if damaged or spilled). S. Willis replied that part of the idea of prior notification was to give faculty and staff the opportunity to secure such items.

M. Engel inquired as to what exactly was meant by “unauthorized material”, as most non-University property in offices has not been specifically authorized to be there. M. Cordes replied that the committee, after similar discussions, decided that this referred to illegal or forbidden objects such as firearms. M. Engel suggested a change in language to reflect that. B. Tolhurst said he didn’t see why the language was necessary, as one would expect that evidence of illegal activity might be reported to the appropriate authorities even if this was not explicitly stated in the privacy policy. R. Caughron said that he thought “inappropriate for a university environment” was better language than “unauthorized”. D. Smith-Shank said that “inappropriate” implies a judgment that could vary from person to person. J. Kowalski suggested “illegal or hazardous”. S. Willis pointed out that some people might legitimately have hazardous materials in their offices. B. Tolhurst suggested removing the sentence entirely. K. Davidson suggested that a list of unauthorized materials could include such items as things some people might find offensive; B. Tolhurst said that, if sufficiently offensive, such materials could be required to be removed anyway. J. Stephen and M. Engel agreed that this would introduce unnecessary complications. S. Willis said that, if the sentence were simply removed, it would be understood that if evidence of illegal activity happened to be observed that it might be reported to the appropriate authorities; it is not necessary to include such a statement in the privacy policy. K. Davidson agreed, as did M. Cordes. D. Rusin inquired about looking for overdue or unchecked library books, office copy cards, and the like; S. Willis replied that she thought this was covered under “inventory”.

J. Engstrom moved that the policy be adopted, with the last sentence in the next to last paragraph deleted; emergencies included in the list of accesses possible without needing notification; and “should” or “should normally” be replaced by “will. The motion was seconded.

The following language was voted on and passed by the Senate:

OFFICE PRIVACY POLICY

Access to the personally assigned offices, spaces, vehicles, tools and equipment, furniture or storage areas of NIU faculty or staff is normally based on business need, balanced respect, common sense, common decency, and civility. Subject to established principles for stewardship
of publicly owned resources, faculty and staff are accorded the privilege of reasonable privacy with regard to their immediate university workplaces.

Representatives of the university may access its offices and all other areas for official reasons such as efficient operation, cleaning, inspections, repairs, maintenance, safety, security, property inventories and other similar business or operational purposes. These accesses should entail minimized intrusion to the operations of such areas. Except for routine cleaning, or other limited accesses for emergencies, faculty and staff will be provided notification of such access and, whenever practical, notification will precede access. In addition, the affected faculty or staff member will normally be offered an opportunity to be present during access, unless circumstances prevent it or make it impractical or unsafe.

Faculty and staff members are responsible for securing and clearly labeling any sensitive or confidential material, and are responsible for their own personal property.

Questions concerning application of this procedure may be addressed to the university privacy officer at 753-8364.

This was sent to the University Council for further consideration.

V. ITEMS FOR FACULTY SENATE CONSIDERATION

VI. CONSENT AGENDA

A. Non-Tenure-Track Faculty – see memo from Sue Willis – refer to Academic Affairs Committee – referred

VII. REPORTS FROM ADVISORY COMMITTEES

A. FAC to IBHE – Patricia Henry – report – walk-in

The FAC is still trying to get a faculty representative on the IBHE. The budget picture is still uncertain; the Governor has asked to delay until April, which should give us more time to make our case. Some of the so-called “administrative bloat” is not.

The Pew Charitable Trust is doing a pilot project on assessment of student learning; Illinois will be one of the states involved. The Public Policy Committee will be finding out from state legislators what their views on public higher education are, and will attempt to improve our image with them. The FAC adopted a resolution that faculty should be involved in coming up with mission-specific assessment tools at each institution. Kevin O’Kelley, NIU student, is now a member of the IBHE.

J. Wolfskill asked if there was data on the extra costs incurred by students who failed or repeated courses; P. Henry said she would find out.
B. BOT Academic Affairs, Student Affairs and Personnel Committee – Paul Loubere and William Tolhurst – no report

C. BOT Finance, Facilities and Operations Committee – Sue Willis and Jim Lockard – no report

D. BOT Legislation, Audit and External Affairs Committee – Sara Clayton and Beverly Espe – no report

E. BOT – Sue Willis – no report

VIII. REPORTS FROM STANDING COMMITTEES

A. Academic Affairs – Jody Newman-Ryan, Chair

J. Newman-Ryan asked about the Faculty Handbook, which did not seem to have been updated recently; S. Willis replied that she was aware of that and was working on it, probably as a purely Web-based resource.

B. Economic Status of the Profession – Jim Lockard, Chair – no report

C. Resource, Space and Budget – C.T. Lin, Chair – no report

E. Rules and Governance – Gretchen Bisplinghoff, Chair – no report

F. Elections and Legislative Oversight – John Novak, Chair

Nominations for Executive Secretary will be taken at the March meeting.

IX. UNFINISHED BUSINESS

X. NEW BUSINESS

XI. COMMENTS AND QUESTIONS FROM THE FLOOR

XII. INFORMATION ITEMS

A. Letter from Sue Willis announcing the procedures for electing the Executive Secretary, with a copy of the Bylaws and a list of who is eligible (Pages 8-10)

B. Minutes, Academic Planning Council

C. Minutes, Athletic Board minutes

D. Minutes, Campus Security and Environmental Quality

E. Minutes, Committee on Initial Teacher Certification

F. Minutes, Committee on Undergraduate Curriculum

G. Minutes, Graduate Council

H. Minutes, Undergraduate Coordinating Council minutes
I. Minutes, University Assessment Panel
J. Minutes, University Benefits Committee minutes

XIII. ADJOURNMENT