FACULTY SENATE TRANSCRIPT
WEDNESDAY, APRIL 21 2010, 3 P.M.
HOLMES STUDENT CENTER SKY ROOM


Parliamentarian Ferald Bryan was present.


I. CALL TO ORDER

A. Rosenbaum: I think we have to get started. We have a very large agenda which of course only some of you have seen due to some kind of glitch apparently in the GroupWise system. They were mailed out or sent out, but apparently a lot of people did not get them.

The meeting was called to order at 3:09

II. ADOPTION OF THE AGENDA

A. Rosenbaum: The first item is the adoption of the agenda, and I hope most of you have gotten a copy at least now. We are only adding one item, there is one walk-in item and that is the report from Earl Hanson on the FAC to the IBHE. There is also another item in there and that is just informational piece and I am going to talk about that in the president’s announcements and I wanted you to have copies of that so you would have the websites written down so you wouldn’t have to write them yourselves. I need a motion to adopt the agenda with the walk-in item.

Second? Do we have a second?  Okay. All in favor of adopting the agenda?  Opposed?  Yes, the back of the room?

We have a few extras. Robin could you see if…anyone who doesn’t have one raise a hand and we will see if we have enough. Oh, my God. We are going to have to share agendas. Take my word for it, it is a good agenda. You can approve it without fear. How come this side of the room all have agendas. Okay. Thank you, Tim. I will give you a moment just to look at the agenda to see if there is anything you would like to ask about before we vote.
Okay. We need a vote. We have a motion and an agenda. We need a vote to accept the agenda. All in favor? Opposed? The agenda is accepted.

The motion to accept the agenda with the addition of one walk-in report was made by David Wade and seconded by Clersida Garcia.

III. APPROVAL OF THE MINUTES OF THE MARCH 31, 2010 FS MEETING
(sent electronically)

A. Rosenbaum: Next we need to approve the minutes of the March 31 meeting, these should have been sent out electronically. Since our electronic systems are not working that well, I hope you all got that one. Okay, Bill, are you making a motion? You are moving to approve the minutes. Do we have a second? Okay? We have a second and we have any discussion on the minutes? Corrections? How many people read the minutes, now I want to see a show of hands? Okay, alright, some of you did. No corrections or changes. There was a good suggestion made, that when people look at the minutes, they should at least look at the parts that they are quoted in, if you are quoted, or if you are mentioned and make sure that those are accurate, so that I don’t misrepresent something that somebody said. So that does happen from time to time accidently, of course. In the future, going forward please at least read that part of it so you can correct us.

Okay, all in favor of improving the minutes say “aye.” Any opposition? The minutes are approved.

The motion to accept the minutes was made by William Baker and seconded by Clersida Garcia.

IV. EXECUTIVE SESSION

A. Rosenbaum: The next item, we must go into executive session for the presentation of evaluations of the, myself and David Wade who is the SPS Personnel Advisor. In order to go into executive session we need a vote, I believe, of 2/3 of the body. So can I move that we go into executive session? Alright, I move that we go into executive session. Do we have a second? Okay. All in favor of going into executive session please signify by saying “aye.” Any opposed? Okay. We are going into executive session. One more comment before people go out. The executive session is supposed to be conducted by the vice president who is Mike Morris and he is not here for health reasons and Sonya Armstrong has graciously agreed to conduct the executive session. She is our secretary, so normally her duties would involve just taking notes on the executive session, but she has agreed to do this for us. And so she will also serve some other duties during the executive session since we have a number of people who are not here, namely, the people who did the evaluation of me. So she will present their report and their apologies for not being able to be here. So all non-voting members, all members of the press, anyone who is not a faculty senate member, please exit and I will turn this over to Sonya. The motion to go into executive session was made by Alan Rosenbaum and seconded by John Novak. Sonya Armstrong served as secretary. Executive session ended and the senate meeting reconvened at 3:31 p.m.
A. Report from the Committee to Evaluate the President of Faculty Senate/Executive Secretary of the University Council.

B. Report from the Committee to Evaluate the Faculty and SPS Personnel Advisor.

V. PRESIDENT’S ANNOUNCEMENTS

A. Rosenbaum: We will come back to order. I will try to keep my announcements short. I probably won’t succeed at that but I will do my best because we have a lot of things on the agenda.

A. Recognition of Faculty Senate Members

The first thing I want to do is to recognize our faculty senate representatives that are retiring from the faculty senate, and we only have two. They are Clersida Garcia and Jitka Hurych and Jitka is retiring from the university as well as from the faculty senate and we thank her for her service to the university and the senate and also to Clersida who has been on the senate for quite a while I think, and I thank her as well. So let’s have a round of applause for theses servants of the university.

We also have several faculty senate members who have been re-elected and they are Jack Marchewka from OMIS. What does OMIS stand for?


A. Rosenbaum: Thank you. Vicki Collins from ETRA, Jeffrey Brown from Law, Charles Cappell from Sociology and Mili Kostic from Mechanical Engineering, they have been elected for another three-year term on the faculty senate so we are congratulating them for their re-elections.

And we have two new faculty senate members and they are William Pitney from Kinesiology and Physical Education and Wayne Finley form the University Libraries and they will be joining us in August. So thanks to all of those people. We look forward to the service of those members and the re-elected members.

I want to next give you a quick update on the library resolution. I sent out a handout for you. It should be in the packet. I want you to have this. The Library Advisory Committee has met several times. Ray Alden charged the committee with addressing the concerns of the Faculty Senate. They have to my opinion taken this charge very seriously. I think they are addressing all of the items currently or in the fall. They are doing a pretty good job. I gave you some websites there. We now have a full list of the items that were removed in the J-Store debacle. But we do not have a list of other items that were removed, so people alluded to other things like the PIAS data base, so the Library Advisory Committee is aware of this. The ones that were removed to J-Store, those we have a full accounting of where they were sent and which ones were disposed of. There is also a mechanism in place for those departments who want to get their paper media back, to go and have a hearing, well, I guess a hearing is the best work with the Library Advisory
Committee, and they will listen to why you want them back, and what is involved in getting them back and whether we can or cannot obtain some of that material back. They are going to have the first meeting on April 28th at which time two departments will present their arguments. It is not too late for departments to ask for their materials back. There is a form on the library website that you can file concerns or ask questions and the Library Advisory Committee would respond to those.

So this is a very good response to the resolution. I think the next thing we have to wait for is in the fall, when the Library Advisory Committee will decide how to incorporate faculty feedback into the process. We don’t know how that is going to go. My hope is that we can convince them of the idea of posting the titles of everything that is scheduled to be removed at least a month in advance so faculty can look at it and then go to the library and say, “this is why we don’t want you to get rid of that or we would like to take these off of your hands if you are going to get rid of them and I think this will satisfy the requirements of our resolution.

Provost Alden has taken this very seriously; the Library Advisory Committee has taken this seriously, and as far as I can tell the response is a positive one. Any comments, or thoughts or questions on this? Okay.

Just a very quick update—I attended the second annual meeting of the Committee of Illinois University Senates and I went to this in the fall as well. The Committee is trying to put together a way of integrating all of the state universities. So the committee is hoping that they can band together for the purposes of exchanging credits. For making decisions about dividing up courses, ordering materials or whatever. And so we are putting together a subcommittee and I will be looking for a faculty member who is interested in participating on that committee where you will be meeting with representatives of all the other state universities, public universities for purposes of seeing if we can act more like single group rather than nine different organizations. So the potential here is pretty good considering the economic climate and the way the state is dealing with higher education. I think that there will be greater safety in banding together with all of the other public universities. We will be talking more about that as that develops. But I will be trying to find someone. So if you are interested in doing this or you know of someone who is, the first meeting of this sub-group is going to take place in the beginning of the summer, so that would be either June or July and it will be held at Urbana. And so anyone who is interested just e-mail me or come and talk to me and I will tell you more about it.

Okay, Raise Equity Committee. Rosemary do you just want to give a quick word on this or no? do you want me to do it? I’ll do it. That’s fine. I’d rather they get angry at you. But okay. No, it’s alright. Raise Equity Committee, we have to say that we are disappointed that we do not have a report for you at this point. We do not have the data that was promised to us. The university is in the process of putting that data together so they are not refusing neither is it possible for us to get the data together for us quickly enough. Didn’t you just say that you didn’t want to say anything?

R.Feurer: You are not saying it the way I want to say it. I want to be the one to get in trouble.

A. Rosenbaum: Go right ahead.
R. Feurer: I want to defend that we have been working our butts off and you can put that in …

A. Rosenbaum: I was going to get to that.

R. Feurer: We do have data. It is really difficult to compile it. It is data that we composed. We are waiting on the university data. But, our hope is to get a report fairly soon.

A. Rosenbaum: I didn’t mean that we did not have any data, I meant that we do not have a complete data set and we have not received the data that we have requested from the university. That does not mean that we are not going to get some answers. The best we can promise at this point is that we wanted to have this at the last meeting of the Faculty Senate but we have failed to do that. We will keep you posted. We are going to keep working on this through the summer and the committee is determined to answer the questions and we will do that. We will send out e-mails and we will find ways of notifying the faculty of the results of our efforts. So, again, we are sorry that we do not have that for you, but we are continuing to work on it and hopefully we will.

Yes, Pat.

P. Henry: It is really amazing that this started in the fall, and I don’t know if I speak for many people, but I feel very disappointed that the data was not made forthcoming by the administration. I think they really let us down.

A. Rosenbaum: I agree with you and we are all pretty upset about that. I think at least part of that is the way that data is stored at this university. I don’t want to get into this again. I know people who have questions about this. The best that we can make of this is that this is not the whole problem but it is at least part of the problem. Rosemary?

R. Feurer: I want to say that I think the positive thing is that our willingness to act is the reason that we are going to get the data. I don’t think that we would have otherwise. It is just my own opinion, but it is one that I think is a reasonable one. In a way you can say yes, you can look at the glass half empty or say we now have a glass half full. It is going to be wonderful. You are going to love this report. I really can’t wait until the report goes out because it is so informative, it is just not done.

A. Rosenbaum: Rosemary is not worried about raising expectations. So…I am.

R. Feurer: It is going to have a lot more transparency and that is what we need. So no matter what it actually says, I don’t know if it is going to prove what we suspect at all. It makes a lot of information available for the first time.

A. Rosenbaum: Yes, I think that is true. This is a good lead-in for my I think, last comment and that is those of you who read my acceptance of nomination, I think one of the points I was trying to make is for a long time we have heard faculty complaining about the erosion of shared governance at this university. And I think to a certain extent this is true but I think to a certain extent the faculty are also responsible for that. And I think that is that if we are going to ask for
shared governance we are going to have to step up to the plate and go after it. We have to work on these committees and I think a lot of the chairs of the committees have been disappointed. When they call meetings, people can’t make it. One of the things that is going to happen in the next few weeks is that you are going to get a form from us that asks you what committees you want to be on next year and are you willing to serve as chairs of those committees. In the past, it has been impossible. People don’t send the forms back. No one wants to chair a committee and that is not how shared governance works. If we are going to have an impact, and I think this proves it, we have had to really assert ourselves through our committees to the administration and that is why Research Space and Budget is now meeting with the president and the provost, that’s why we have the Raise Equity Committee and we have the president’s attention on this. So I don’t think there is going to be a continuation if there are any sort of problems in the way raises have been allocated. I don’t think we are going to see those going forward. I think we are going to get a concession that things are going to be done differently if in fact there is something in there. And that’s because we are pursuing it and we are accreting ourselves. So, I will ask you to please look over those committee assignments and be prepared to roll up our sleeves and let’s do our part in the shared governance. And that means I need people who want to chair committees. It is not easy to call up five different people and have people say now, I really can’t, I teach that day, or, you know. We have to do our part and I am asking you to do that. I want us to really think about this. Respond to those forms, send them back and please volunteer to be a chair. And once you are a chair, hold meetings and let’s push to get our voice heard on the issues that we are concerned about. We have done that a couple of times this year and we have done that with success. Not necessarily with the success that they handed us what we wanted on a silver platter, but I think our example with the library is a good one. I think that the fact that we do have a raise equity committee and that we are getting the data is another good example. This stuff doesn’t happen instantaneously, but it happens. But also keep in mind, the financial crisis is not ending because the semester ends, so going forward we are going to have to fight for what the faculty wants. We don’t want to just start fighting at the time when faculty positions are getting cut. We want to be in on this process before that happens. I think we want to be prepared and that means that we are going to have to do some work. So I urge you to please take this committee appointment seriously.

The last thing is that I promise shorter minutes next year. We will work on that. Okay. Next item.

VI. ITEMS FOR FACULTY SENATE CONSIDERATION

A. Rosenbaum: We have not items for faculty consideration.

VII. CONSENT AGENDA

A. Rosenbaum: No consent agenda.

VIII. REPORTS FROM ADVISORY COMMITTEES

A. Rosenbaum: The next item is the report from the FAC to the IBHE. And I will call on Earl for that.
A. FAC to IBHE – Earl Hansen – report

E.Hansen: Okay, you have a memo. It’s in brief, but I will cursorily run through the paragraphs for you. The first one announced that John Bennet of Lakeland College called the meeting to order at 9:35 in the morning. And we are going to meet on the 14th of May at DeVry Addison Campus.

The general discussion of the impact of the state budget crisis on our institutions has basically been a thread that has run through our meetings for months and months and it has not changed. If you look at this you will see that the community colleges have some support-property taxes, increased enrollment, and you get further into the report and the Eastern Illinois Block is laying off tenured faculty members and keeping non-tenured faculty members. So there are some issues that we are concerned about in regards to what can we do as a faculty advisory committee to the IBHE and what can our institutions and our faculty members at the institutions do and what do we want to do.

I need to go back and talk to these people next month with some idea of what my peers here, what we as faculty members are going to do or what are we going to do. You cannot represent yourself to your legislature as a faculty person. You can represent yourself as an individual and as a tax payer. That basically has been drilled into our head. The basic question is, “how do we get the information to the general tax payer that we have to have funding in higher education and education in the State of Illinois?” That is the whole thing in a nutshell. We got committees together; they all seem to just be committees that are committees. We are trying to move and get things done. But we are spread out all over the state, so it does take a while to come up with a consensus of what we are going to do.

Any questions that I might be able to try and answer from you?

P.Henry: As I was listening to you, were you saying that Eastern Illinois University was laying…

E.Hansen: I didn’t say Eastern Illinois University, I said the Eastern Illinois Community College District.

P.Henry: Okay. But they are laying off tenured and keeping non-tenured?

E.Hansen: They are laying off tenured persons and they laid off the faculty advisory member from that institution who had been there for over twenty-some-odd years and had been on the advisory committee, who I assume had been a thorn in the side of the person who is in charge of the committee who is a former legislator who supported the push of tenure for faculty members and now is saying that we want to cut the more expensive and experienced professors out and go with the younger ones.

P,Henry: I thought tenured meant that didn’t get fired before the non-tenured people did, so I am pretty amazed at how that works.
E. Hansen: I guess I am just the reporter. That’s all I can do is tell you what is going on.

A. Rosenbaum: Any other questions or concerns? I think that probably raises quite a few concerns, actually. All right. Next, we have no other reports from advisory committees because the Board of Trustees and sub-committees have not met.

B. BOT Academic Affairs, Student Affairs and Personnel Committee – Joseph “Buck” Stephen and Ferald Bryan – no report

C. BOT Finance, Facilities, and Operations Committee – Alan Rosenbaum – no report

D. BOT Legislation, Audit and External Affairs Committee – Jay Monteiro and Bobbie Cesarek – no report

E. BOT – Alan Rosenbaum – no report

IX. REPORTS FROM STANDING COMMITTEES

A. Academic Affairs – Charles Cappell, Chair – no report

B. Economic Status of the Profession – Sonia Armstrong, Chair – no report

C. Resources, Space and Budgets – Michael Morris, Chair – report

A. Rosenbaum: The next report we have it says from Michael Morris, but Michael is not here and Barbara Jaffee will give us the update on the Resource Space and Budget Committee meeting, I guess you met with the president?

B. Jaffee: The Resource, Space and Budget Committee met with President Peters and Provost Alden on April 15, and I am the University Council chair of the committee and I am reporting for my co-chair from Faculty Senate, Michael Morris. And at that meeting, President Peters and Provost Alden identified three general principles that guide the budgeting process and they were, maybe not necessarily in this order, but certainly first was the need to serve our students well. An imperative to enhance the university’s impact and reputation, and finally an imperative to diversify our income streams. And as you can tell from that list, they are qualitative goals with which we could all agree in principle.

The thorny issue is how these things are done in practice and how they translate to allocations to various units across the university. And so, because we spent the year trying to get to this point of meeting with the president and the provost and finally, there is no real mystery there.

This is a committee that has not functioned according to its constitutional mandate for a number of years, so we took the year to reboot the committee. But, having gotten to this point, we do not want to lose this momentum. So, a number of very productive things came out of that meeting. First of all, at President Peters’ recommendation, the committee will begin this fall to follow
along with the budget building process, that calendar, to meet. Dr. Williams is an ex-officio member of the committee to begin with, but the idea is that we will meet with him and his staff as they begin the process of building the budget for fiscal year 2012. And so the committee will have regular meetings that track that process.

A number of other...among the other items that were discussed was collecting and analyzing financial audits, the annual audits that are done of the university as a way to better understand, not just the way that money is proposed to be but how it is actually spent. And finally, to create a more standardized mechanism through which to gather faculty input and to get a sense of faculty priorities in terms of budgeting, resources and spaces.

And what the committee is recommending is that we put together a survey or questionnaire and circulate this and I think really in faculty senate is the appropriate place to circulate this in faculty senate and so to gather and get a sense of shared priorities across the various colleges and then to be able to communicate this to the upper administration in our subsequent meetings. And this may happen more than once. Maybe each semester. Circulate a questionnaire and gather information.

A.Rosenbaum: Okay, any questions for Barbara? This sounds like a positive development. Any of you who want to partake in this, you want to volunteer on Resource, Space and Budget, that will be the committee that you will want to be on so you can meet with the president.

B. Jaffee: I want to give the committee a plug in part because I am not going to be here next year. I am on sabbatical and that is the end of my term on the University Council. And I am going to document everything we did very well and I am also going to create a sample survey or questionnaire based on the discussions we had this year and what I think would really solicit the kinds of information that would really be useful for the committee. So I hope that people will step up and be involved with this committee because it seems like there is going to be real opportunity here to have some effect.

A.Rosenbaum: Does anyone want to make a comment on this? Okay, thank you Barbara and we appreciate the committee’s efforts to get our hands on the budget.

By the way, I don’t think the Northern Star is represented here today, is that correct? We can say anything we want. All right. Don’t worry about the minutes. We are going to shorten them, remember?

Okay. The last, not the last order, before I turn this over to David Wade, the one thing I want to do, is please people, don’t leave. We have to take over this academic misconduct policy. We need to get a final vote on that before we go, so please, don’t walk out.

D. Faculty Rights and Responsibilities – Rosemary Feurer, Chair—no report

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

F. Elections and Legislative Oversight – David Wade, Chair – report
**A.Rosenbaum:** Okay, David, is our chair of Elections and Legislative Oversight Committee, so I will turn the microphone over to him.

1. **Election of the President of the Faculty Senate 2010-2011**

   **D.Wade:** We have a number of things we have to do today. The first thing is the election of the President of the Faculty Senate. Well, historically, this has been done by voice vote. Apparently the constitution requires that this be a secret ballot. I am willing to make a motion to suspend the secret ballot.

   We have a second?

   Yeah, why not? I’m the chair, I am the czar. We can do it by secret ballot if you want to, I’ve got ballots. Okay. We have a motion to suspend the secret ballot and go with a voice ballot, is there any further discussion on this? All those in favor say “aye.” Opposed, “nay.” Okay.

   David Wade made the motion to suspend the secret ballot. The motion was seconded by William Baker. The motion carried.

   Then I am going to move to accept the nomination of Alan Rosenbaum as repeating a second year as executive secretary. All in favor, “aye.” Opposed, “nay.”

   David Wade made the motion to accept the nomination of Alan Rosenbaum for the position of executive secretary. The motion was seconded by Abhijit Gupta. The motion carried.

   Okay, that’s an easy one.

2. **Election of UCPC representatives for 2010-2012** – ballots will be distributed at Faculty Senate meeting – voting will be by college – votes will be counted the following week and new UCPC members will be notified.

   **D.Wade:** Now we have to elect the UCPC reps. The way this works is we are going to distribute votes by college and then you guys, to all the faculty senate members who are going to vote. You will send those ballots back to Robin and we will notify the UCPC winners. Okay? So what we have to do is go by college.

   **A.Rosenbaum:** Your department is a dictatorship, so you don’t get to vote.

   **D.Wade:** Okay, now again, you will complete those at our discretion over the weekend and forward them as quickly as possible to Robin.

3. **Committees of the University 2010-2011 vacancies for Faculty Senate to approve or select – packets** will be distributed at Faculty Senate Meeting
D.Wade: The last item that we have is in the packet at your table today. It looks like this. I can’t hear you, I’m sorry. Okay. Alright. Back to the packet that is on our table today, there is a number of different elections in here. Very few of them are contested. A couple of editorial changes, on page one, it lists Abud Azad, it is Abul Azad, A_B_U_L. ON page nine, it says Reinaldo Morgara, it is Reinaldo Moraga, M_O_R_A_G_A. On page nine Moraga, where it says Reinaldo Mogara, it is Moraga, M_O_R_A_G_A and on page one it is not Abud Azad, it is Abul Azad, A_B_U_L.

As you are looking through these packets you will notice that there are very few contested elections. There are only two, so my suggestion is that you take a vote on those and then vote on the rest of them as a group. The two that are contested elections, one of them appears on page 2, which is the Campus Security and Environmental Safety Committee in which we have two candidates, Earl Hansen and Paul Kelter to replace a single party. Therefore, I am sure you are ready to vote. All people voting in favor of Earl Hansen, raise your hand. The best I can guess is he is going to win this. And how many in favor of Paul Kelter. Okay, then, I think we can safely consider Earl the winner here. Congratulations Earl.

The other one is the University Press Board which appears on page 10. You notice in the Liberal Arts and Science Area, Eric Mogran is being replaced by either Jozef Bujarski or Heidi Ferenbach. So we are going to take all of those in favor of Jozef Bujarski please raise your hand. All those in favor of Heidi Fehrenbach raise your hand. And Heidi Fehrenbach carries the day.

The other committees are all underserved or equally served. There are no contested elections. They include the Academic Policies and Procedures Advisory Committee, the University Class II Judicial Board, the Campus Parking Committee, the Intellectual Property Committee, the Nature Preserves and Research Committee, Parking Appeals Committee, University Benefits Committee, and Libraries Advisory Committee.

P.Henry: Sue Willis and Doug Bowman to replace Sue Willis.

D.Wade: Oh, you’re absolutely right! I apologize. You are absolutely right. Delete the last one, Libraries Advisory. we will vote on that in a second. So it is all the other ones except for that one. I am going to ask for a vote to accept all of the nominations for those committees. All in favor, “aye.” Opposed, “nay.” And the last one then as we have Libraries Advisory Committee with Sue Willis being replaced by Sue Willis or Doug Bowman. All those in favor of Sue Willis, please raise your hand. All those in favor of Doug Bowman, please raise your hand. The winner is Doug Bowman, congratulations. I believe that completes my task, does it not?

A.Rosenbaum: Unless you have any other votes you would like to take.

D.Wade: None today.

A. Rosenbaum: Would anyone else like to…Okay, thank you. And I thank you for your vote. I appreciate it.
X. UNFINISHED BUSINESS

A. Academic Misconduct Policy

A. Rosenbaum: Last Item, this is the unfinished business. You received something from me during the week that sort of reminded you of what the issue is and what we are trying to do here. So I am not going to go over that again. We have a motion on the table. The motion was to accept Option Two. Does anybody have any further discussion of Option Two since you have all read it and discussed it and thought about it. Pat.

P. Henry: Both of, I mean, is it not the case at all, three of the options have the Judicial Board as being advisory.

A. Rosenbaum: No.

P. Henry: So that is what I was trying to figure out.

A. Rosenbaum: The difference between them is options 1 and 2 have the Judicial Board being advisory only to the penalty.

P. Henry: The penalty.

A. Rosenbaum: Option 3e has it being advisory with respect not only to the penalty but also with respect to guilt or innocence. That is the main difference between them. So again, what I tried to point out here is I have met with Brian Hemphill. They are very much in agreement with the idea that the Judicial Board should no longer be involved in penalty. They will maintain though, that the Judicial Board should be involved in decisions of guilt or innocence when the student is contesting that because that is due process and they are adamantly in favor of that as are I think the Legal Services will be as well. Charles?

Option 3 sort of removes due process by making the guilt or innocence advisory. Charles?

C. Cappell: I want to speak out in favor of Option 3. Option 2 says that the Student Advisory Board…Judicial Board, excuse me, will have only reversal rights on the guilt or innocence, but it would be hard to enforce a penalty if the Judicial Board found contrary to the professor and the chair that a student was innocent rather than guilty. This is an instance of nullification where in a sense the faculty imposed penalty and original and final jurisdiction is nullified by reversing a finding, quite removed from the original jurisdiction. I think that as a faculty senate we should protect our faculty prerogatives and our faculty professionalism and let penalties that involve only a course grade or less be adjudicated by the faculty and the student and the chair at that level. There is due process in that the student can appeal for review, for an advisory review to the Judicial Board under option three and there are some instances where some other due process could take place through the normal grade appeal process that a department, a student might use. For example, the Judicial Board found a finding contrary to the department level, then the student could say that this grade was capricious and there would be pressure again on the
professor to address that. And then again, there are peer pressures and professional norms that are enforced at the department level. Again, we are not writing the policy, we are presenting a series of recommendations to the people who will be writing the policy. And I think our recommendation should be a strong case for faculty prerogative and autonomy.

A. Rosenbaum: Carol.

C. Thompson: I guess I am not in favor of Option 2 or 3 so I would probably be voting against it. Particularly we have a duty to protect the student’s due process. If I accuse a student of cheating, they have a right to go before some board to determine whether the guilt or innocence, they need an independent board to do that. If they are found innocent, well, then I was wrong. They do need their due process. I definitely… Any option that would go against that, so in addition with Option 2 where there does seem to be only advisory, well, Option 2 has well, I still get to do the grade even if I do find it innocent I think is inappropriate for the protection of the students. I mean, it just boggles my mind to think that we would not give the students due process. The way the Judicial Board works when they do the hearings, I don’t know what they call it for the evidence, but this is not the type of evidentiary rulings that would be say in a court of law where it would be beyond all reasonable doubt. During the judicial hearings when you are trying to determine guilt or innocence they have a special term for it, the levels of the evidence are more in terms of a reasonable, form the evidence given does this reasonably look like something was going wrong. The standards of evidence are not up to the standards of evidence in a criminal hearing; they are more up to the level that I think is appropriate. But I do believe that we must give students due process if we are accusing them of cheating. That is different than our assessment of them as a grade; we are saying that they are, that they have done something wrong and we should not be the judge and the jury.

A. Rosenbaum: David.

D. Wade: At least as I read it, the only due process a student would have for a sanction of a grade of F or less in a course, under Option 1 or 2 is virtually nothing. The only due process they would have to challenge that faculty judgment would be in Option 3. The question then becomes, if the Judicial Board, determines that in contract to the faculty member, differing outcomes. Someone has to trump someone here and option three says if the sanction is F in the course or less, that final decision is the faculty member’s. That being said, if the sanction is F or greater, greater than an F I the course, then the final decision is made by a hearing panel. And if the faculty member disagrees with it, it doesn't matter; you would still be going with the hearing panel as that. It just seems to me that that is a fair balancing as the faculty member is in control of the course and that is the core substance of what that faculty member does. Their fundamental outcome, because they have dealt with this person face to face, they are not dealing with a cold record, they are dealing with the day to day judgments made of that quality of that student’s work. They should trump in the end. After that, if you want to throw somebody out or sanction them in a manner that would be much more significant to their academic career than an F in a single course, then I think due process is implicated at a very high level and I think that Option Three gives them that due process at a very high level.
A.Rosenbaum: I don’t see where Option 3 gives them any due process. And I also see where Options 1 and 2 take away any due process. Under both Options 1 and 2 the faculty members still has control over it, it is only if the Judicial Board finds that he student is not guilty that the faculty can impose the penalty. So the student has due process in both one and two. I prefer Option 1 to Option 2, but Option 3 is taking that away by making that judgment of the Judicial Board regarding guilt or innocence advisory and I don’t see where the due process is there under Option 3 under any circumstances.

D.Wade: But it is only advisory if the grade is less that F in the course, If the grade is greater than F in the course, than that sanction can only be imposed by the University Judicial Office.

A.Rosenbaum: That is the case in all of these. In other words if a faculty member…

D.Wade: There is no due process though.

A.Rosenbaum: Where is the due process on guilt or innocence in Option 3?

D.Wade: “If the results of the academic misconduct hearing requesting greater than a course grade of F are that the student is guilty, the Class II Judicial Hearing Board will levy a sanction.” If the results of the academic misconduct hearing requesting greater sanctions in a course, that’s a hearing isn’t it? That’s due process, isn’t it?

A.Rosenbaum: That’s only for the penalty and only when someone is asking for a greater penalty than an F in the course.

D.Wade: Right.

A.Rosenbaum: But there is no due process; in that you read the part about guilt or innocence is advisory to the faculty member it is not binding.

D.Wade: If it is F or less.

A.Rosenbaum: If it is F or less, right, it is not binding and that’s where your due process goes right out the window. We had someone in the back, I can’t tell. Steve?

S.Martin: I just want to comment. I favor Option 1 or 2 because I think there is a very important issue of due process here. And in Option 3, the faculty member has the final right to say, “This student is guilty.” And there has to be, I think, a way for the student to appeal his guilt or innocence. Having an advisory review of that is not due process. That is one thing. I had another question, though, we are talking about this as if we are setting the policy or recommending the policy and my question which I have not been able to figure out is who actually controls what this policy actually is? We can say whatever language we want, but there must be some controlling authority here that makes the final decision.

A.Rosenbaum: There are two authorities. One is the authority for the undergraduate catalog and that rests with the Undergraduate Curriculum Coordinating Committee and the other part of it is
the Student Code of Conduct and that rests with Student Affairs. So what is going to happen, they are asking us for our opinion. They do not have to take it. What we are looking for is language that both of those groups can embrace and say, “Okay, we’ll take this.” So if this goes the way we hope it will go the faculty will say, “This is what we like” and both of those groups will find it reasonable enough that they will adopt it and we will have common policy. So no matter what, what we do will be advisory to those two groups. And they cannot control each other either, so this is a little bit of, we are hoping for the best. They have already pulled together members of both of those committees to sit down and hash this out. My feeling is if we give them Option 1 or 2, again, I prefer 1, if we give them that option, they will more than likely agree to accept that option. If we give them Option 3, I don’t know what will happen. I would guess that they won’t, but I could be mistaken about that.

S. Martin: My issue is that if you say there are two groups that you say are each responsible, there can only be one final decision in every practical case that comes up.

A. Rosenbaum: Well, they are going to have to agree. If they agree to the language, than we will have consistent language in both places.

S. Martin: We can say that they have to agree, but they don’t have to agree.

A. Rosenbaum: No, no they don’t. We are not saying they have to. We are saying this is what we prefer.

S. Martin: There must be in the end some body that has the authority to decide finally what the policy is.

A. Rosenbaum: We cannot find that body.

S. Martin: Okay.

A. Rosenbaum: We can’t. None of the regulations are written that way. So it is very clear that the University Council does not have jurisdiction over the Undergraduate Coordinating Council or the Graduate Council or the Judicial Board. We cannot dictate to them, we can only say, “this is what the faculty senate thinks is reasonable. We would like you to adopt I” and to hope that they think it is reasonable and that they do adopt it. And there is a lot of pressure coming from the administration to say, “we need to agree on something.” And the administration doesn’t care what they agree on just as long as the language is the same in both places. So there is tremendous pressure to adopt something. If we give them a reasonable something, hopefully, they will adopt that. There is no guarantee.

S. Martin: It strikes me as very unsatisfactory to have this gray area where two different groups are both saying, “we can set this policy.” Anyway, and the third thing, I don’t know if it is parliamentary allowed but I would like to make a motion that the last sentence of Option 2 be deleted.

A. Rosenbaum: The last sentence of Option 2?
S.Martin: Which has to do with appeals to the college councils. Well, we are voting on Option 2, I guess.

A.Rosenbaum: Well, again, just to give you a sense of why that is in there. There was some concern that if the faculty member was told that the student was innocent, and so the appeal to the college council was thrown in there as way of making sure the faculty member followed the ruling of the Judicial Board with regard to guilt or innocence. So it is not to affect the penalty, it is to make sure that there is compliance, but we don’t have to put it in there. If people want it out, it can surely be deleted. I guess we would have to ask first, this is a friendly amendment, so we ask Charles who made the amendment, do you accept the friendly amendment to delete the last sentence? Or…

C.Cappell: I would accept it if I thought it was the sense of the Senate to move this forward to delete it, but I am not sure that that is the case. So why don’t we just vote on the motion as posed. You can vote it down if you want to redo the motion with that sentence deleted or entertain a different motion. That might be the cleanest way to proceed.

A.Rosenbaum: Okay. Fair enough. So it is not accepted as a friendly amendment. Joel? I’ll get to you we have a bunch of people who are in line. We’ll cut this in about ten minutes, so let’s keep it brief. I think we have heard a lot of the different opinions and now we are just going to have a lot of people stating that they agree with one or the other and we can do that with a vote. Let’s cut this and see if we can do this in less than ten minutes.

J. Jeffrey: We’ve got it done. Comment and a question, Comment is: I just think there has to be a control on faculty rights. I can’t favor Option 3. I hate like anybody else does having somebody with the power to trump my decisions, but I know that faculty members aren’t perfect and if it is an iffy case, I would much rather take the risk of a student getting away with something than a student being unfairly given an F. The question is, I have read all three of these things like four days ago, and I would really appreciate it if you could refresh my memory about the difference between 1 and 2.

A. Rosenbaum: Okay. The difference between 1 and 2 – in Option 2 there is a deletion of the sentence “in cases where there is a finding of guilt or an admission of guilt by the student” so reading it over again, that is not really essential. So if you like it better without it, that’s fine. The other difference is that, where is the other difference, oh, “Beyond an F in the course” which is “In the cases where a student feels the penalty is inappropriate, an appeal of the penalty only, may be made to the college council.” So that’s the “beyond an F in the course” is the addition to Option 1. So Option 1 does not have that “beyond an F in the course.”

J.Jeffrey: (off mike) Option 2 restricts the appeals?

S.Martin: (off mike) That’s just to the appeal to the college council.

A.Rosenbaum: In other words it is saying it is restricting it to beyond an F in the course which says that the student can appeal if the student feels the penalty. For example, let’s say the student
is guilty, but it was accidental or something like that and the student feels, “I don’t deserve and F in the course.” Under Option 1, he can still appeal that, under Option 2 he or she can’t. That is the main difference. Okay. Abhijit and then I will get to Mike.

**A.Gupta**: Which (off mike, cannot hear question)

**A.Rosenbaum**: Two as written. Okay. Milli?

**M.Kostic**: Basically, I am still confused about the grading. I think everything about grading is faculty only and no other committee has any business in it regardless of who is guilty or right. And anything beyond grade is guilty or innocent, that’s something about removing from the university or something. If instructor is, this is not like a case when two parties are arguing in front of the court, this is like an instructor and a student and student according to those proposed rules could even say to instructor, “I don’t want to prove you anything.” Then later on go in front of somebody or something. If the instructor is teaching the course, he has a right to remove students right away from the course and tell him don’t come to the course, and this process might take a month. Or two and there is no way to get the grade afterwards, except that you give students another process that he is examined by some other instructor who is an authority in that subject. Are we here…it is a little funny…who is assigning the grade? It is not like guilt for a criminal case or guilt to remove from the university, that’s committee or some judgmental body, but about grade, what are we talking about?

**A.Rosenbaum**: In Options 1 and 2, the faculty member retains the right to assign the grade, so none of these options are taking that right away form that faculty member.

**M.Kostic**: And then for those who protect students and they should there is already rule about capricious grading or discrimination. Students always could take that up and there is a due process for that.

**A.Rosenbaum**: Right, there would be a question of it is capricious grading if the faculty member always follows the rule that if the student is caught, found guilty of misconduct they get an F in the course, that is not capricious. If a faculty member is following that policy, that is not capricious grading and it cannot be appealed. So if the student says they are not innocent, that doesn’t help them very much. Anybody else? Any other comments? Yes? Clersida?

**C.Garcia**: Yes, Clersida Garcia. I have a question, so between Option 2 and Option 3, can you clarify the difference again, please.

**A.Rosenbaum**: the main difference in Option 3 is that the decision by the Judicial Board regarding guilt or innocence becomes non-binding on the faculty member. In Options 1 and 2 the decision of guilt or innocence is binding. In all three cases the penalty is up to the faculty member. The main difference is that Option 3 says that the guilt or innocence decision is non-binding, the decision by the Judicial Board, so if a student says, “I am innocent” and the Judicial Board says, “we agree, you are innocent” then under Option 3 the faculty member can ignore that and impose the penalty anyway. Under Options 1 and 2 they cannot. Options 1 and 2.
C.Garcia: So in Option 2 the faculty can put an F and the students can appeal that.

A. Rosenbaum: And the student?

C.Garcia: Can appeal that grade.

A.Rosenbaum: No, they cannot appeal the grade, they can only appeal their guilt or innocence. And this all depends again on whether we want to leave in that appeal to the college council. That is another piece. So if we want to take that appeal to the college council out, then the student cannot even appeal that.

C.Garcia: So if the students feel that the F is unfair…

A.Rosenbaum: They cannot appeal, well, they could appeal that to the college council under the way 2 is written currently. Or under the way 1 is written currently, right? No the Option 2 says they can only appeal if it is beyond an F in the course. So they can only appeal being thrown out. People are starting to leave. We have to vote on this. This is the way we will call the vote: Option 2 as written is on the table. If you don’t like the way Option 2 is written you vote “no.” If you like the way Option 2 is written vote “yes.” If we vote Option 2 down we can then entertain either Option 1 or a variation of Option 2, or Option 3, correct, correct. Absolutely. All those in favor of Option 2, signify by saying “aye.” We are going to do a show of hands. Show of hands on this one. Option 2. All in favor? Opposed? Option 2 is defeated.

I’ll entertain a motion for another option. Abhijit?

A.Gupta: Move Option 1.

A. Rosenbaum: As written?

A.Gupta: Yes please.

A. Rosenbaum: Do we have a second? Jeff? All in favor of Option 1 as written, signify by raising your hand. Opposed? Option 1 carries. Oh, I am sorry, abstentions. Do we have any abstentions? We need a majority. Two abstentions. Three abstentions? Did you vote twice there, Steve. This is not Chicago.

S.Martin: I was going to as if I can still make a motion to delete the last sentence of Option 1.

A.Rosenbaum: No, Ferald. No. Again this can be reconsidered by the groups that are going to look at this anyway. That carries, Ferald? Do we have the votes to carry that? Okay. A motion to accept Option 1 was made by Abhijit Gupta and seconded by Joel Jeffrey. The motion carried with 14 in favor, 9 opposed and 3 abstentions.

XI. NEW BUSINESS
XII. COMMENTS AND QUESTIONS FROM THE FLOOR

XIII. INFORMATION ITEMS

A. Academic Planning Council minutes, March 22, 2010
B. Undergraduate Coordinating Council minutes, September 3, 2009
C. Undergraduate Coordinating Council minutes, October 1, 2009
D. Undergraduate Coordinating Council minutes, February 4, 2010
E. Undergraduate Coordinating Council minutes, March 4, 2010

XIV. ADJOURNMENT

A. Rosenbaum: Before I entertain a motion to adjourn, I would like you to have a healthy summer and see you all again at our first meeting in August. Do we have a motion to adjourn? Second? All in favor? Have a good summer.

Earl Hansen made the motion to adjourn which was seconded by Debra Zahay-Blatz. The meeting was adjourned at 4:28 p.m.