**Faculty Caucus Meeting Minutes**

**Wednesday, August 30, 2017**

**Approved**

***Call to Order***

Senator Chairperson Susan Kalter call the meeting to order.

Senator Kalter: We have a bunch of action items, but let me find my comments, because I wanted to read something just so you know what we're doing tonight. So ordinarily we only have elections on this first night of Caucus. However, we are anticipating, you know, receiving back from the URC pretty soon the proposed new ASPT policy articles that are regarding the sanctions of faculty for wrong-doing, suspension under extraordinary circumstances, dismissal of faculty for cause, which has only ever been a very short piece of our ASPT, so we want to get the important proposed changes to AFEGC policy started tonight. So we're going to do that after the elections. One of those changes corrects a pretty serious legal problem with the current AFEGC timeline, and somehow we missed that in the last revision to the policy, even though we were looking for legal problems with the policy.

So let's go ahead and do the elections first. I just want to remind everybody, so there are a bunch of committees out there still. The ASPT Equity Committee, we're still waiting for volunteers to come in. Unfortunately, we had wanted to do those elections tonight as well, but there was a delay in Administrative Technologies getting the mass email out, so we're not going to vote on those until two weeks from now, but keep in mind that that one requires, in addition to me as an ex-officio on that committee, one faculty Senator on the ASPT Equity Committee. So now we also have freed up Student Code of Conduct Review Committee. So now we don't need to have at least one of those be a faculty Senator. That will also be next week because of that same delay. And then next week we're also going to be seating people on the Classified Research Review Committee, and that member also does not need to be a Senator, so just keep in mind that if you want to serve on the ASPT Equity Committee to keep that in mind when you volunteer for anything else, because I know you will.

***Action items:***

***AIF Ad Hoc Committee Election (2 Senators)***

The following Senators were elected by acclamation to the AIF ad hoc Committee:

Kathleen Lonbom, MIL

Dimitrios Nikolaou, ECO

***Campus Communication Committee Election (2 Senators)***

The following Senators were elected by acclamation to the Campus Communication Committee:

Tony Crowley, ART, 2017- 2019

Tracy Mainieri, KNR, 2017-2019

***Inclusive Community Response Team Faculty Representation Election (1 Senator)***

The following Senator was elected by acclamation to the Inclusive Community Response Team:

Kevin Laudner, KNR, 2017-2018

***Intellectual Property Committee (1 Senator)***

The following Senator was elected to the Intellectual Property Committee:

Wade Nichols, BSC

***Honorary Degree Committee (1 Senator)***

The following Senator was elected by acclamation to the Honorary Degree Committee:

Marie Dawson, ACC

***Information items:*
*Proposed policy changes for AFEGC:***So just to preface this, Provost Murphy this summer generously provided some funding for a group of current and former members of the Academic Freedom Ethics and Grievance Committee so that they could meet with me throughout the summer to create for the very first time in AFEGC history a set of uniform procedures. These are procedures that sort of sit below the level of policy. They don't have to be voted on by the Senate. They're basically at the External Committee level.

They created procedures, manuals for the chair of the Committee, for the Panel chairs, online information for parties that are going to be going through a referral, complaint, or a grievance process. Unfortunately, that's not quite yet online. AT is working on it, but it's not quite there yet, but it hopefully will be this year. And then training manuals for the annual committee training. So we're hoping that all of that will help to really ensure fairness, improve the passing down of information, you know, important information and records from year to year.

The people who served on that committee were Dave Kopsell from Agriculture, John Kostelnick from Geology/Geography, Debbie Shelden, who is over in the chairs, and actually you guys can come and join us if you'd like to sit at the table, Debbie Shelden from Special Education, Brent Simonds from Communication, that's Brent who's also walking to the table, School of Communication, and then Klaus Schmidt, who by the way not only is a former AFEGC Chair, but also is currently serving as one of our Ombudspersons.

So while we were meeting, we also collected these members' feedback about changes that they might recommend to the policy itself. So I did a first pass through the policy, supplied them with that first pass based on some of the issues that I had identified since we sort of completed the… It was basically a 2014-15, 2015-16 work that the Senate had done, headed up by Paula Crowley, and before her Peter Bushell, through the Rules Committee. We completed that last December, but there were still some issues that we're finding out needed to be worked on, so the five members of the summer group basically identified a number of other issues and we are here to talk about this tonight. We are going to go as far as we go tonight, and we don't necessarily have to finish this. Some of those directions have already been vetted through the Legal office, one important one in particular, but a full check is going to need to be done once we have feedback through the information session, or sessions if it takes more than one night, and before we move these items to the action item phase just to make sure that we don't have any legal problems.

**08.15.17.05 AFEGC policy 3.3.8C – for deletion**

So we're going to start tonight with the recommendation for 3.3.8C, and then we're going to move back to the main policy, then 3.3.8A, B, and then D. Debbie and Brent are here to answer any questions that you might have about the advice of people who have actually gone through this process as AFEGC committee members and seen some of the practical problems that the current policy makes the committee face. All right.

So the first thing is policy 3.3.8C is a provision for the Academic Freedom Ethics and Grievance Committee to have what they called a voluntary conciliator. This was a piece that essentially was in the policy for a very long time and before we had an Ombudsperson Council. When we talked about it as a summer committee, essentially all five members of that group felt that the voluntary conciliator should be gotten rid of. The Ombudsperson Council is three people now instead of just one Ombudsperson. I think that some other concerns were that it kind of confuses what the person on AFEGC is doing, so on the one hand they're there, they're supposed to sit on panels and decide whether someone has done something right or wrong, but if they're trying to conciliate, they're supposed to be impartial. So if you're doing that, then it also takes a member of the committee out, and so that person essentially can't sit on most of the panels, because they have to be available. And there has been at least a recent problem, if not a historic problem, in making sure that the panels can be filled, because sometimes people go on conferences and so they're away when they might need to meet. There are all kind of sort of logistical issues, so you'll see later on that we're also going to suggest expanding the AFEGC to have a few more members so that there is a bigger pool to choose members from. Let's discuss first any comments, questions, or concerns about the proposal to essentially just delete 3.3.8C.

Senator Horst: So would there be any encourage… How would the people involved in these cases be encouraged to use the Ombudsperson if we do away with this?

Senator Kalter: So Debbie can say maybe more about that, but we put into the AFEGC chair's manual that that would always be one of the first things that the Chair of the AFEGC does when somebody comes with a complaint or even just to talk about a possibility of a complaint to refer them to the Ombudsperson. I'll also add, by the way, that Tony Walesby in the Office of Equal Opportunity and Access is thinking about trying to get together an informal group of what he's calling mediators so that there would be an additional group of people outside of AFEGC who might serve as conciliators or mediators. Debbie, did you want to say anything else?

Dr. Shelden: I think that that's the standard now that the chair will just… Very often the chair will hear from a potential complainant before complaint is filed, ask questions about the procedure to see if it's in jurisdiction of AFEGC. So at that point if a situation is made known to the chair through an informal process like that then the chair would immediately ask if the person was interested in working with the Ombudsperson Council for mediation. If instead the first contact the chair has is with an actual formal complaint, same thing. It would be saying would you like us to go through with the formal procedure at this point or would you like to first start with the Ombudsperson. It's a council that has more training than AFEGC has on mediation as well, and so instead of trying to do dual preparation of the AFEGC to both be able to do this very formal process for grievances and complaints and also learn how to be mediators that we would separate those duties out.

Senator Horst: So it will be part of the training, but it was always just encouraged anyway by the policy, so it's going to be encouraged through other channels as opposed to officially in the policy? Is that what's going on here if we eliminate this?

Dr. Shelden I think the existing policy is a bit unclear in terms of at what point and in what manner mediation would be recommended, and so that's been one problem with its implementation as well. There have been instances, I think, where the chair of AFEGC has perhaps felt put into the role of mediation as opposed to being in the role of facilitating the process for the complaint.

Senator Kalter: That's another really good point that I had forgotten to make, exactly what you said, that sometimes the chair has ended up serving the role of conciliator, even if not elected to that role, and that has and can create problems, because it confuses the parties as to what are you here for. If you have to create a panel that's going to be unbiased, how can you get involved in trying to mediate the case? So it has that extra benefit essentially of simply saying conciliation does not happen on AFEGC, but, as you said, AFEGC is going to always, you know, recommend mediation or conciliation just through another avenue, not from within AFEGC.

Senator Blum: Yeah, so, I mean, is it correct to say that the avenue in the training that people are undergoing? Am I understanding that? How is it? I don't under-… Yeah.

Senator Kalter: So right now there is no training for the Voluntary Conciliator on AFEGC, which is one of the reasons why they want to get rid of it. There is training for Ombudspersons, and if OEOA decides to have a mediation group, I think that there is some training that will happen there as well. So there will be training, but if it were eliminated, AFEGC wouldn't have to worry about that, because they wouldn't be doing conciliation. They'd be making decisions.

Senator Blum: I guess what I was wondering about is reflecting on what Senator Horst… It seems like we want to make sure that there is some kind of process for this through another means. I guess the question I have, is there a policy that will ensure that that happens as we want it to happen?

Senator Kalter: Yes and no. Senator Liechty is one of the experts on this, I think. The Ombudsperson Standards nationally do not require people to go to mediation or conciliation. Right? It's absolutely optional. So nobody in the University can force somebody to try to conciliate or work it out first. You can go straight to AFEGC no matter how petty, no matter how large. I'm pretty sure that our Ombudsperson policy indicates that Ombudspersons will be trained and that they will go through annual training that we will provide. I mean, I have to check the exact wording, but that we will provide not only on-campus training, but hopefully sending people to the Ombudsperson National Meetings. Is that jogging your memory? Okay. So essentially yes. I believe that the answer to that is yes that there is language in our policies of the expectation that we will have trained Ombudspersons on campus and this would simply be proposing to take the Conciliator out of this particular body, out of the AFEGC.

Senator Horst: I agree with the assessment of the Voluntary Conciliator and how that's creating confusion. I'm just wondering if it's a good idea to take this language which describes the process, even it be with the Ombudsperson, is all just basically describing a path that we are encouraging them to do. I'm wondering if we want to separate the issue. You know, one is getting rid of the Voluntary Conciliator, and two is taking out this language which describes the path of mediation using the Ombudsperson. Do we want to just throw away all of this language because we don't like this tying up the AFEGC member with a Voluntary Conciliator.

Senator Kalter: That's an interesting question. So, I mean, one option there would be to take that language and put it into the training manual in a modified form. Right? So put it into the AFEGC chair's manual, procedures manual, so that there is more of a narrative about why it's important and all of that kind of stuff so that there's a rationale, so that we don't throw out the rationale while we're taking it out of the policy and taking it out of the committee. So, yeah, that could definitely happen, and I think probably the language has to be modified, obviously, if we did that, but I don't see any reason not to, and then that would be essentially a permanent, you know, record until AFEGC says we want to change this or we would like modifications or what have you, but yeah, I think that's an interesting idea.

Senator Horst: Or just keep it in the policy, because if somebody's going through this, they're going to go to the policy first and then it describes what the path would be, but we just take out Voluntary Conciliator and put in Ombudsperson.

Senator Kalter: Right. So, in other words, you're saying that to keep a statement in there that says as a matter of general policy that Academic Senate and AFEGC encourage, but do not require, the complainant to go through this process. So keeping that kind of language in the policy.

Senator Horst: Yes, and taking away the Voluntary Conciliator and replacing it with the Ombudsperson Council.

Senator Kalter: Yeah. Yeah.

Dr. Shelden: I think that that's probably fine. Would you want it to be that specific, or if there's a possibility of this other mediator council being formed or even possibly the recommendation of the chair saying have you approached this person, is this something that you might be able to mediate at a local unit level, so maybe something that suggests some different paths to conciliation, but not so specifically just saying the Ombudsperson. I don't want you to have to redo this a few months after it’s done if we have a new Mediation Consult from the OEOA.

Senator Kalter: That makes a lot of sense. We do have a pretty standing policy on Ombudsperson, so I think that could safely go in there, and then we could say or another avenue or another body or something like that. We could craft language like that. Any other comments about this particular suggestion to now not delete, but modify this section, but to take the Voluntary Conciliator role out of AFEGC. Any other comments on that idea? All right. Wonderful. That is terrific feedback.

**08.15.17.01 Summary of proposed AFEGC changes 2017 2018**
**08.15.17.02 AFEGC main policy 3.3.8**Senator Kalter: We're going to move to the first part of the policy, what we call the main policy, which is basically the jurisdiction. By the way, in your packets there is a summary of the proposed changes, so I may refer a little bit to that more than to the actual sheet of paper that has the main policy on it. It's the authority on one hand and the jurisdiction, exemptions, and malicious charges on the other.

Some of the things that we're suggesting to change here have to do with adding cumulative post-tenure review to conform with ASPT policy. So right now it's not explicit in AFEGC policy that if you're not happy with your post-tenure review and you think it's an academic freedom or ethics issue that you could go to AFEGC, but it is suggested in ASPT and we're also making sure that it's suggested clearly in ASPT. So URC is going to look at that language and just make sure that that's true.

Clarification of the meaning of administrative body. We had to go back into the records -- thank you, Cera -- to find out that indeed an administrative body, even though it doesn't sound quite right, is something like a DFSC or an SFSC, CFSC. It's not like, you know, the President decides to get together a bunch of people to work on the Facilities Management side or something. It's basically one of our committees.

So just clarifying what that is for everybody, making provisions for academic freedom and ethics shared governance redress for Faculty Associates, and this is the one that we passed through the Legal office. We had a meeting with three of the members of the committee, myself, Sam Catanzaro, and Lisa Huson. The thing that provoked this was that at some point in the last five years or so, the Laboratory Schools used to have a grievance committee and they have taken that out of their faculty handbook. This is somewhat problematic when it comes to academic freedom and ethics, because that leaves them with no real redress if they're having especially a problem with a supervisor, like a principal or a superintendent, so we wanted to make sure with Legal that it was okay for us if they had an issue with that that they would be able to come through AFEGC to have that looked at. Academic freedom is different for K-12 teachers than it is for the professoriate, but there still are issues. They have in some cases gone to court. So we thought it was really important that there's at least an avenue to adjudicate that before it would occur.

The last thing in the authority and jurisdiction section, I believe, is a process for redress of malicious charges, making that section clearer. Unfortunately, Senator Cox is not with us anymore here on this body, but she had suggested these kinds of changes earlier and they did not make it into the changes.

And then number one on the summary is something that I want to talk about in a minute, but let's find out if there are any comments on any of those. Wonderful. All right. It looks like they're uncontroversial. Yes? Or it's just 8:30 and nobody wants to… Okay. By the way, I forgot to say that we're going to have a hard stop time, but I don't know when you want it to be, but we won't talk about that. We'll just keep going and then when we get tired… What's that?

Senator Dawson: We're almost there.

Senator Kalter: We're almost there. Maybe we should make it 9, right, or something like 9-9:15. The thing that I wanted to ask everybody, so there is an interesting, I would call it a lacuna in this policy. There is a year if somebody has a tenure denial when they remain a tenure-track faculty member and are still working at the University, but obviously are not going to be staying most likely, and it's not clear whether they have the ability to complain about something that happened during an ASPT process, for example, or in some other way during that year. So what happens then is that the AFEGC Chair has to make that call and has to base it on basically nothing, right? They have to base it on their judgment, their reading of ASPT policy, their reading of this policy. It's really just not clear.

So here are two different examples that I thought of. One might be that a person goes through their tenure year, they're denied tenure, they have gone through all of the processes of trying to appeal that, they've gone through FRC, they've even gone through AFEGC, and they still have ultimately a tenure denial at the end of that. So that's one scenario. Should they be able to then try to go back and complain about how that process played itself out?

On the other hand, you could also have a person who goes through the process, goes through AFEGC even, you know, again, sort of a similar kind of scenario, but at the very, very end a President of a university does something very unethical and they don't have time during the time between the Provost and the President's decisions. Now luckily I’ll just say, I don't think that happens here, I don't think that will happen here, but what would happen if that person were left at the end of that year with a tenure denial, but a really big question about why the tenure was denied. For example, a President who for some reason did not like climate change science and decided to get rid of a faculty member because of their research.

We don't necessarily have to decide this tonight, but should the policy be clearer about in what circumstances can that person in their terminal year use the processes of AFEGC and in what circumstances they cannot, or should it be in the procedures manual for the AFEGC chair, or should it be continued to be left open and, I'll try not to load this too much, but somewhat arbitrary and based on judgment from year to year, case to case.

Senator Horst: Can you describe where in the language it says in the language AFEGC would not be available to them, because they're still faculty.

Senator Kalter: That's a great question. So there are a couple of places that these kinds of cases would be encompassed, but not necessarily where they're excluded. A referral from an FRC about a tenure and promotion case. Right? That's a referral out of the FRC as a committee. Or a complaint by a faculty member that the action of some person has either violated their academic freedom in II.A.3 or has violated the Code of Ethics, in II.A.4. Right? So technically speaking, Senator Horst, you're right that there's nothing here that excludes it, but it is an interesting thing with the first hand, are you really going to waste the AFEGC's time re-adjudicating something that's already been through very many layers of a shared governance due process process on the one hand, and on the other hand you may want that to stay open for the second case. Right? In other words, there is a good rationale for saying it ought to be excluded on the one hand, because then you're just essentially getting a bunch of people together to reconfirm something that already happened and that's already been debated and discussed ad nauseam.

Senator Horst: The tenure decision.

Senator Kalter: The tenure decision having gone through appeals to the FRC, etc., and through the AFEGC. Senator Haugo, you were nodding your head at one point. I don't know what it was about, but…

Senator Haugo: I don't remember. How long ago was it?

Senator Kalter: I don't remember.

Senator Mainieri: Is there something in the policies that says that an incident that has already gone through this process cannot be retried, like that same incident cannot re-come to the committee and be reconsidered.

Senator Kalter: Actually no. Interestingly enough, no.

Senator Mainieri: Because it seems like in your first example you're saying that it would be basically a waste of time, because it's already perhaps been through this body. So if there were a policy to say that the same incident can't go through twice, then that would take care of this situation and also other situations that might come up that aren't covered under this discussion.

Senator Kalter: But potentially leave open the second situation.

Senator Mainieri: Mm hmm.

Senator Kalter: That's an interesting question.

Senator Horst: Susan, are you saying that there would be an AFEGC decision at the very end of the process, like the climate change. Everybody agrees there should be tenure, and then the President is the one who says I disagree, I won't give them tenure because of their academic research.

Senator Kalter: That is a possibility. That could happen. You could have, for example, positive recommendations out of both the DFSC and the CFSC, a positive Provost recommendation, and a President overturning that one. I mean, that is conceivable. You could also, obviously, have a Provost overturning it and a President going along with that.

Senator Horst: And the AFEGC loop happens before the President decision.

Senator Kalter: Potentially.

Senator Horst: Right.

Senator Kalter: But not necessarily. And in one of those scenarios you could actually have no opportunity for AFEGC because you thought that you were okay. Right? You were getting positive recommendations out of the two committees and from the Provost, and then something really strange happened.

Senator Horst: Yes.

Senator Blum: So yeah, so what, I mean to me it seems clear that re-adjudicating something is not what we should be doing. All right. But kind of the latter example, all right, and kind of what you're saying is there's some kind of ethical violation, right, by. at the end of the process, right, and then it would make sense to go through the AFEGC for that to evaluate if, in fact, there was a violation.

Senator Kalter: Yeah. And I think to clarify also, I think it's actually more possible that that second case would obviously go through and any AFEGC Chair would know that that should go through. It's not as obvious that an AFEGC Chair has the right to say, I'm sorry, this other thing is out of jurisdiction because you've already had 45 bites at the apple. Right? And so if they were to do that under this policy, they could potentially be in a gray zone, because they're making a decision about jurisdiction that's not really clear from the policy that they can make.

Provost Murphy: You know, I'm trying to think through this as a process, so let's use that scenario of a President who doesn't like climate change. We get all these positive recommendations for tenure, and then for whatever reason we have a rogue President who says no to that. If it were to go through AFEGC, that still becomes a recommendation back to the President, right? So I'm trying to think through that. Right? I mean I'm just trying to think through that a little, but it becomes a second piece of evidence, I suppose, for the Board who makes the final determination.

Senator Kalter: That and also possibly if the person had a court case.

Senator Murphy: Oh good point. Yeah. Good point.

Senator Kalter: So like what happened with Steven Salaita at UIUC, sort of a different type of case, but AAUP helps people take those kinds of things to court.

Senator Murphy: That's a great point. That's what I was trying to think through, the what if, but it helps…

Senator Kalter: Yeah, because you would assume that the President would reject the AFEGC's recommendation on that. On the other hand, we might have gotten rid of the President by then.

Provost Murphy: One would hope.

Senator Kalter: Right. I don't necessarily want to belabor this one, but it sounds like we do need, maybe not in this round of changes, but to get some language in here that clarifies that and have it in the policy, rather than just simply in the procedures.

Senator Lucey: Yes. So my question is under what conditions can the President turn down tenure where the committee has approved it? What are the reasons that are allowable for that to happen?

Senator Kalter: There are no rules.

Senator Lucey: And so is that something that this body needs to create, or is that just the power that the President has.

Provost Murphy: My guess is you can't really. It's always a judgment call in the same way that, you know, you think about the DFSC makes a determination, the CFSC makes a determination. Both of those go forward to a Provost and the Provost is making a judgment call as the Chief Academic Officer based on those recommendations, and then the President gets three recommendations, and it's a judgment call that the President of a University makes.

Senator Lucey: And our recommendations on DFSC and CFSC, we do have a set of guidelines. So is the President then held to those same guidelines?

Provost Murphy: For each faculty member, in other words. They're reviewing the dossier, so for a faculty member in Theatre, for example, those recommendations are coming forward from an SFSC based on that School's guidelines from the CFSC based on that College's guidelines, and then that's what the Provost is reviewing, the guidelines and the dossiers, and making that recommendation, and then the President has three recommendations, and then your Board has four recommendations.

Senator Lucey: Thank you.

Provost Murphy: Now you would hope that, again, to think about a scenario where you see three positive recommendations, and then the President makes something different or vice versa. That would sure be unique and I would think that would be worth a discussion somewhere. Great question.

Senator Ferrence: So I can see good and bad to all of these and in the scenario of the President doing something questionable at the end, and then how do you have a due process after that, but the other thing, and the reason I think maybe some clarification is worthwhile there, is in a case where somebody is actually denied tenure, particularly here where it's becoming I think, is it dangerous to say, that nonrenewal of contract tends to happen such that, you know, at which point somebody's got to the point where they actually got up for tenure, there is a good chance at it being contentious, and in many cases, I can't say that I've necessarily seen it here, but certainly other places and people I've talked to, that can lead to a lot of bad blood, and what I would be concerned about from a point of view of the university and the grievance committee is, so if I say hypothetically were the person denied tenure and I had a year that I still had a job, but other than looking for a job I had nothing better to do, I might find it very cathartic to be putting grievances up against everybody who ever stood in my way in my time on the campus. And so I would worry that the committee could be used as a type of revenge weapon by somebody in that year, and it's not clear that that would be forbidden. You mentioned petty earlier. That may be very petty, but it could also consume a lot of time and resources in a lot of people, so I don't know how you avoid something like that and whether the current language would allow somebody to essentially use the committee in that way. That's, in my mind, a more plausible scenario than a rogue President.

Senator Kalter: I think that's a really good point. By the way, since you brought up non-reappointment, we are still trying to work out how that works, because ASPT policy is not very clear about that, so at some point we'll probably come back about when somebody can use this in a non-reappointment… It's already in here, but some of the language is not as tight as it could be. The other thing that you could have conceivably is a tenure case that goes all the way through, and then sometime in October the candidate finds out that something terribly unethical happened that they didn't know about during the process, so that they essentially did not have a chance to adjudicate it, and in that case you would want to leave that open. So, again, that's sort of a more plausible thing than a President going rogue, but something that we want to think about essentially. Okay, I don't want to necessarily dwell on this one, because we are probably going to have to come back to it, it's kind of complicated, but I wanted to sort of get a sense of what the feedback was about that issue, and it does sound like it's a policy level kind of clarification that we need to write some language towards. Would most people agree with that?

Senator Day: Has there ever been a case like this in the history since you've been here.

Senator Kalter: Yes.

Senator Day: Really?

Senator Kalter: Yes.

Provost Murphy: Of the President not...

Senator Kalter: No.

Provost Murphy: Is that what you were asking?

Senator Day: What's that?

Provost Murphy: Were you asking of the President, not…

Senator Day: Denying tenure.

Provost Murphy: Yeah. I was going to say I don't remember…

Senator Kalter: Not that level of case. There has been a case where this question came up, where this type of a question…

Senator Day: Are you sure this is relevant to a real world situation?

Senator Kalter: Yeah. It was something that you wouldn't necessarily have anticipated, because it seemed clear from the outside. You know? But, yes, it has come up, unfortunately.

Senator Horst: One more thing.

Senator Kalter: Yes, Senator Horst.

Senator Horst: Are you zeroing in on this language here under B., Exemptions, Faculty complaints in promotion, tenure, performance evaluation or cumulative post-tenure review matters?

Senator Kalter: Not particularly, because the difference between B.1. and the referrals and complaints and grievances section is that ASPT, like if you think there's a misinterpretation, misjudgment, or procedural error, you don't get to go to AFEGC, but if you think it's an ethics or academic freedom issue, you do get to go there. So that's what that distinction is. The question would come up like if somebody already during their tenure process complained about ethics and then they want to complain again about ethics, right? Or they have a different academic freedom thing that they didn't do, you know, when it was going through the year-long process. Right?

Senator Horst: So this is saying that they're complaining about the tenure process, and so it would be an ASPT matter.

Senator Kalter: If it's ethics or academic freedom.

Senator Horst: And you're asking to loosen this up.

Senator Kalter: No.

Senator Horst: No? Okay.

Senator Kalter: I'm not asking to loosen B.1. up, but to clarify for the Chair and for complainants, and possibly even in ASPT policy whether there is a time when the clock stops on your ability to complain.

Senator Horst: Okay.

Senator Kalter: And if there is, is that in all cases or just in certain cases. Anything else on that particular one? Should we try to get through 3.3.8A?

Senator Liechty: Susan, I've an old dog that needs to be let out…

Senator Kalter: What time is it? Oh, it's 9:05.

Senator Liechty: Yeah.

Senator Kalter: Okay. So should we leave it there for the night?

Senator Liechty: Well, I'm going to have to go anyway.

Senator Day: Are you that old?

Senator Liechty: Yeah, I'm that old. No, I’m not.

Provost Murphy: I thought you said I am an old dog…

Senator Kalter: Let's take just this opportunity to ask. So we're going to have a bunch of meetings, obviously, because of the Sanction, Suspension, and Dismissal. We're going to try to cancel as many of the Senate meetings as possible so we can start our meetings at 7, but we know how realistic it is to hope for that. Right? So when should we have… In the past when we did ASPT types of changes we had 9:45 as a hard stop time. That was an improvement over five years before that when it was 11. Currently it’s 9:05 and we're already dragging. When should our hard stop times be in order for us to actually be able to tackle the business that we have this year that could take some real thought and discussion; 9, 9:15, 9:30?

Senator Pancrazio: Let’s shoot for 9:00. If 9:15 and 9:30 are necessary on crucial issues and we can wrap them up and have everybody still engaged in the conversation, I think we can do that, but beyond that, after a long day, we start to lose our ability to, especially with these hypotheticals, it is hard to really follow all of this with the…

Senator Kalter: And, like I said, we usually wouldn't do this on the first night of Senate at all, but it's the concern that we're also going to have the ASPT stuff, I wanted to at least introduce these and get people thinking about stuff.

Senator Liechty: Well, we could really help that situation if we started the meeting quick after the Senate. I mean there's conversations that are going on in here that could just as well be going on out in the hall, but if we're not trying to start a meeting, they won't happen.

Senator Kalter: So, not to put too fine a point on it, Senator Liechty, this is the only time that I have ever gone out of the room to get a drink for myself.

Senator Liechty: I'm not pointing any fingers here. I'm just saying…

Senator Kalter: And I will just comment that my predecessor used to go out for 15-minute jaunts in between these meetings.

Senator Liechty: Susan, at any time you want some soda, I'll be happy to be your appointee to go out and get you some soda.

Senator Kalter: In other words, I couldn't agree with you more. I couldn't agree with you more, but we do have to have a little bit of conversation after the Senate so that people can leave without feeling like they're rushed out of the room, but I agree…

Senator Liechty: But if we have another meeting, they should feel rushed out of the room. I mean that's what I'm saying.

Senator Kalter: Yeah. Well, we'll try to gavel in, you know, as quickly as possible.

Senator Liechty: Power of the gavel. Yes.

Senator Kalter: As long as the Senate chair's voice can sustain itself for the time, and that's what this (lemonade) is for. Excellent.

Senator Dawson: I would like to propose a 9:30 hard stop.

Senator Kalter: 9:30? Okay.

Senator Dawson: With flexibility and maybe announced ahead of time if it's going to be a bad night.

Senator Kalter: Okay.

Senator Dawson: Yeah. I mean topic wise.

Senator Kalter: Senator Pancrazio is saying we should aim for 9. You're saying hard stop 9:30. You're actually nodding your head, Senator Pancrazio, like that's sort of the window.

Senator Pancrazio: I think 9:30 is where we're really getting to the point we're not going to have much functional ability.

Senator Kalter: Yeah. Any other thoughts about that? This is a perennial problem, because we can't figure out a good time for everybody to meet not on a Wednesday, during the day, you know. We spent some hours last year trying to figure out a different kind of schedule so that the Caucus could meet a little earlier, and we can't seem to find a solution to the issue.

Senator Haugo: Can I complicate this and propose a compromise? You said that there will be some Senate meetings that we will cancel in order to have Faculty Caucus.

Senator Kalter: We will try to do that as much as possible.

Senator Haugo: If we're able to do that and cancel the Senate meeting, could we put a hard stop of 9 on that night?

Senator Kalter: Yeah, we have done that in the past where if we cancel a Senate meeting, we definitely are not going to go to 9:30.

Senator Haugo: Yeah. And then on nights when we do have to have Faculty Caucus meet after Senate, put a hard stop of 9:30. My concern is that if we stop at 9, there may not be much time to actually get business conducted by Faculty Caucus.

Senator Kalter: I agree. Yeah. It depends a lot on whether things happen in the outer atmosphere also. When there's a Presidential election, we had to cancel that Faculty Caucus meeting. When we have a 45-minute discussion about whether we should jaywalk on campus. I can't remember what we did with that Faculty caucus, but it's sort of difficult because we are somewhat beholden right now to when the Senate ends, rather than them being beholden to when we end.

Senator Laudner: And when we cancel Senate, we're not canceling the subcommittee meetings.

Senator Kalter: That's correct. Right.

Senator Laudner: So there's no opportunity to start at 6.

Senator Kalter: Yes. As you'll remember, that was one of the things that we were trying to figure out last year is can we change when the subcommittees meet so that everything could get moved down an hour so that we could start Senate at 6, and then have Faculty Caucus meeting earlier, but it's potentially a logistical problem, especially if we're going to have students on our internal committees to get all of those people together in sort of an ad hoc way, especially for the biggest committee, but I think it's true anyway. So we're always trying to take suggestions about how the schedule can be jogged a little bit, but so far we haven't found something that's going to not lose people.

Senator Laudner: Right. No, I wasn't referring to switching the time of the subcommittees, I was referring to if we're canceling Senate, can we cancel the subcommittee meetings as well.

Senator Kalter: I think that depends on what's going on in the subcommittees.

Senator Laudner: Right. They're probably pretty busy and it would be tough.

Senator Kalter: Yeah. Yeah. We can consider it and we can talk about it as Exec. Since most of us are sitting on one of the five committees, we can sort of talk about that, but it won't always be possible, unfortunately.

*Motion to adjourn by Senator Liechty, seconded by Senator Dawson. The motion was unanimously approved.*