**Academic Senate Executive Committee Minutes**

**MONDAY, August 16, 2021**

**Approved**

***Call to Order***

Academic Senate chairperson Martha Callison Horst called the meeting to order.

***Distributed Communications:***

***08.05.21.01 Executive Committee Responsibilities***

Senator Horst: This is just to give you an idea, because we have a lot of new members, as to how Exec works. And so, I compiled a description from Appendix II which has the charge of the internal committees and also the bylaws. I hope that we can really focus our discussions on how to manage the Senate and how to make decisions about the agenda. I’d like to be efficient with our time because sometimes we do tend to get really excited about the policies and want to discuss them, and then all the sudden a half an hour has gone by and many people have tight schedules. So, if we could just think about our task is to manage the Senate, manage the committees, and also think about the agenda.

***From President Kinzy: Surveillance Equipment memo (Advisory Item August 25, 2021)***

President Kinzy: It’s pretty self-explanatory.

Senator Horst: Yes. And it’s following policy 1.7. It says that the President shall notify the Executive Committee of the Academic Senate. And as we get to the agenda, we might think about whether or not we think this is required to go forward to the full Senate. And also, just note that it says, “Advance notice of the purpose and location of such equipment will be given to the chair of the Academic Senate,” so if there’s anything else you want to say to me in our meeting about this that would be great.

President Kinzy: Great.

***From Martha Horst: (Information Item 08/25/21)***

***08.11.21.05 Academic Senate Bylaws Current Copy***

***08.11.21.02 PROPOSED REMOTE ATTENDANCE EDIT TO AC SENATE BYLAWS Mark Up***

***08.11.21.03 PROPOSED REMOTE ATTENDANCE EDIT TO AC SENATE BYLAWS Clean Copy***

Senator Horst: Since I was the chair of Rules for so long, I have revised the bylaws to deal with some of the situation we have regarding members who are joining our meetings electronically. I have consulted with Legal, they have consulted the Open Meetings Act, and I have gone through and done these revisions so that we can include voting members that have receive official accommodations from OEOA. And they have gone through the policy 1.3.1. And because we’re not under the Emergency Declaration anymore (I think it’s up now. The next round is up on the 24th.) But at some point, that is going to go away. And so, if we have the scenario where we have a member who has an official accommodation, it needs to be in our bylaws. Right? And so, I went through and every time there was any comment about voting or quorum, I added language. I did a couple of other things, because I couldn’t help myself. On page 15, there was that duplication of language. G was listed twice, so I struck that. In section 4 Meetings, a majority is a majority it’s not necessarily one more than half. Because if you have 13 you don’t think about like half members and then adding one more. So, that was one that I’m hoping we can accept. But everything else is regarding accommodating people who have an official accommodation in our quorum and in our voting members language. In the Appendix II, I made the reference back to minutes makes sense. I tried not to overstep the role of the Rules Committee. But I think it’s important that we expedite this for obvious reasons. Are there any comments about this?

Senator Stewart: It’s really a question. Why does quorum exclude I guess we could call them virtual members?

Senator Horst: Because of the Open Meetings Act.

Senator Stewart: Okay. And could you say a little bit more about that?

Senator Horst: There’s three criteria where you can accept members into the meeting, and they can vote but they’re not counted as quorum. And so, the idea is that you want people in the room that are actually meeting and having a one-on-one discussion in-person. That’s the law. Right. So, they don’t necessarily want people (thinking of a public hearing) they don’t want people making decisions where they’re not actually having full communication. So, that’s the restrictions of the Open Meetings Act. There were a couple other criteria like people who are sick who are on business trips. I didn’t include those. I can forward those to Rules and when we get to the bylaws, they could consider those other extensions. But I’m just trying to get the one for the accommodation passed. But it’s all per the language of the Open Meetings Act.

Senator Stewart: Okay. Thank you.

Senator Nikolaou: So, one question that I had is do we want to actually make it a change in the bylaws at this point seeing as it is with Rules? Or do we want to do it as an addendum like we do with all the other policies? So, for example for the Withdrawal policy, we add to the top and we say for only this year or for the next few years we have this exception. So, until it passes with Rules, do we want to add that part where you said about the quorum, it doesn’t count, but they can still vote, instead of actually making changes in the bylaws. I mean I can totally see why you talked about the change, eliminating the G or eliminating the parentheses, but then this goes beyond adding something about remote attendance. So, the Senators would have to read the whole policy now, and then they would have to read the whole policy again when Rules, for example, brings it up, and it’s like an 80-page bylaws. So, that’s the one thing. If we want to actually have it as, okay, this is something to be added, but we are not making changes in the actual bylaws right now because it’s going to go through Rules.

Senator Horst: But we have to make changes to the bylaws. So, we could wait for it to go through Rules, but then we would have several meetings where members who have accommodations wouldn’t be technically able to vote or be counted present.

Senator Nikolaou: But we can have it as an addendum instead of actual changes within each section of the bylaws. So, that’s what I was thinking, to just put it as an addendum because the whole bylaws, they haven’t been in depth revised by the internal committee, so that we are still abiding by what we need to do. And then the committee can include it in the different sections, for example, where you also have it… So, that was one. It’s not that I have a strong preference or not. I was just thinking in terms of what we did with other policies last year that were motivated partly from the COVID situation.

Senator Horst: Okay. So, you’re saying we could just have a document that says these are the changes that the Executive Committee is proposing and then have a sunset clause on it? Like, say this is going to extend for the academic year?

Senator Nikolaou: Yeah. So, something like that. The Exec proposes to add this addendum in the bylaws, which is exactly what you said about the quorum and the voting. And that this, I mean it could be one year, it could be two years, that’s up to determine, and then this addendum it’s going to be incorporated into the bylaws while the Rules revise the actual bylaws. So, eventually it’s going to show up in the bylaws it’s just that in order not to do double the work.

Senator Horst: So, before I get to Stacy, what do other people think of that? Would you like to do some sort of addendum that has a sunset clause, or would you like to actually revise the bylaws for the accommodation?

Senator Garrahy: I would just say whatever way we need to (and legally is not the correct word but whatever the term is) legally get our senators who have accommodations to fulfill their obligation, however we can do that as quickly as possible for their benefit, I support that. And if that’s an addendum, great. If our General Counsel says it needs to be the actual… but you know, we know that things take a little bit of time, and you’re right that could be several meetings that a colleague would not be able to participate to their full potential.

Senator Horst: I mean, at some point, Dimitrios, all we’d be saying is here are the bylaws here are the changes. And we have to change the actual language in the bylaws. So, we’re putting an addendum on top of it.

Senator Nikolaou: Yeah. So, my concern is because right now in the bylaws we’re making some other changes that they are not necessarily only for voting and attendance.

Senator Horst: Yeah. I can take those out. I’ll take the repetition of the G out and the majority.

Senator Nikolaou: Yeah. I’m just thinking that all this may lead to more questions to why this change. For example, under Q where it talks about disposition of committee meetings, where it says that persons attending by means of video or audio conference was something that was added. I mean I could see here questions being raised as to if the minutes are going to be forever and… I’m going to use Stacy as an example because she is remote. So, it’s going to appear forever in the minutes that Stacy had an accommodation and aren’t the accommodations supposed to be private?

Senator Horst: We’re not going to say that they have an accommodation. We’re going to say they joined remotely. But that’s part of the Open Meetings Act.

Senator Nikolaou: But in the bylaws they are going to say that you are going to attend remotely if you have an accommodation.

Senator Horst: Right.

Senator Nikolaou: So, in essence we’re disclosing that the persons who are attending remotely have an accommodation, and I thought that the accommodations are kind of a private thing.

Senator Garrahy: Not kind of. They are.

Senator Nikolaou: Yeah. But if it is in all the minutes that this person attended by means of video or audio… and that’s why. All these are going to create more questions, which are going to take away from the fact that we just want to say we just want for now we can attend…

Senator Horst: But that’s part of the Open Meetings Act. That’s a requirement in the Open Meetings Act.

Senator Nikolaou: So, then my argument would be to actually have Legal come and talk to us and actually specify what are the requirements. Because my other actual question is, okay, these apply for the full Senate, what do we have to do in our internal committees?

Senator Horst: It’s also included for the committees.

Senator Nikolaou: And that was my other concern because for the full Senate it’s not going to be a problem for the floor, but for a smaller committee it will have several senators who are attending remotely it is possible that these committees will not be able to have quorum.

Senator Horst: Could we let Stacy speak?

Senator Otto: I’m just wondering, and I understand this sort of tension that we’re having between doing something immediately and having it being enacted so that we can accommodate people and not be ableist, and actually writing something into the bylaws is two different things. And that we may need something in between, which sounds perfectly reasonable. I’m wondering if we shouldn’t mention the Emergency Declaration in this because it seems to me that for one, right, today I have an accommodation but we’re also under an Emergency Declaration which means that really anyone should be able to, if they are not feeling safe about coming to the office or if they’re quarantined or whatever, that under the Emergency Declaration they should be able to attend remotely. So, I’m wondering if we want to say something about the overlap between those two things.

Senator Horst: In my understanding (and I’m not a lawyer) but my understanding is that as long as that original declaration is in place that we don’t have to do this. But it’s been extended every month. The latest extension is to like August 24th.

Senator Otto: August 21.

Senator horst: And so, it might be extended again for another month, but Legal says that as soon as that goes away it has to be in the bylaws.

Senator Otto: That makes sense.

Senator Horst: Right. So, probably the Emergency Declaration will keep on going on, but at some point, potentially the Governor will not extend it, and at that point either we have something in the bylaws, or we can’t have people join remotely and be counted.

Senator Otto: Are we communicating to people that during an Emergency Declaration they can choose to attend any of the Senate meetings that they are in membership of remotely?

Senator Horst: You know, the problem with that is that Cera and I worked very hard, in consultation with the Provost, and we were unsuccessful in getting a full video hook up for the Bone meetings. So, we have audio. But we are not able to have a full video hookup. So, getting back to the question. How would you like to proceed with this? I’m just proposing that we have Exec send it directly to the Senate.

Senator Spranger: An addendum kind of just feels like a band aid. Right? We would have to put it in the bylaws or get rid of it eventually, right? Am I understanding, or no?

Senator Nikolaou: Yeah. The idea is that it will be temporary until Rules incorporates it appropriately in all the different sections. I mean, Martha has already done it, but at least Senators know that, okay, we didn’t make any changes throughout any other sections of the bylaws it is just this addendum. This is the focus. And that is why I was thinking that should it actually come from Legal instead of coming from Exec? Because Legal told us that we needed to change the bylaws.

Senator Horst: But Legal doesn’t send things to the floor, we do.

Senator Nikolaou: But we always have like a memo that they say this happened.

Senator Horst: We could get a cover letter from Legal, but we would send it.

Senator Nikolaou: Yeah. So, that the senators know that it’s not that out of the blue we decided to do that. It is that Legal told us if you want senators to attend you need to do it, otherwise they will not be able to attend once the Emergency Declaration is expired.

Senator Horst: So, if we had a cover letter and we have Legal come, and I took out the duplication of the G, I can take out the references that are wrong, and we’ll just purely have the Open Meetings Act, would people be comfortable with that?

Senator Villalobos: I’m in favor with the inclusion of Legal.

Senator Spranger: Yeah. I like the inclusion of Legal too.

Senator Horst: That they be at the meeting?

Senator Villalobos: Yeah. And the cover letter, what we’re going to do in that regard. I think it just gives it a stronger sense of backing.

Senator Horst: Okay. You want a cover letter from Legal. They’re very busy. I don’t know if they can…I can forward my emails. I have emails from them.

Senator Miller: Yeah. I just think providing the context for the whole thing will just sort of make it make sense to everybody on Senate, like here’s why we’re doing it.

Senator Horst: Okay.

Senator Stewart: I support that. I think it might also help to mention in framing it that Rules will be doing a more sustained revision later and maybe let’s just focus on this specific set of changes and not worry about other changes. So, I think framing it might also address some of what Dimitrios is rightly concerned about.

Senator Horst: Okay. Alright. So, I will make the revision of this. I’ll talk to Legal about maybe making a note, otherwise I’ll just pull some of my emails. And then we’ll proceed from that coming from Exec. Terrific.

Stewart: I do have a very short follow-up question. So, it sounds like the Senate itself ran into tech support problems getting this to work. Is there going to be tech advise for smaller committees who need to maybe implement some of this stuff if they have a member who wants to attend remotely?

Senator Horst: I can’t answer that. I don’t know what is required. I mean, I’m just thinking that you can have a Zoom meeting on your laptop.

Senator Stewart: Yeah. So, just as long as somebody had a laptop, we could set up a… okay.

Senator Horst: The problem with the Senate is it’s so large, and then there’s the 32 mics.

Senator Garrahy: So, just for clarification on that. When I say I want to attend the subcommittee on Zoom, how does that work? Would I like to attend a meeting on Zoom at 7:00 p.m. at night, absolutely. So, is it a choice that a person’s being given or is this because it is a university member who has an accommodation? I’m getting a little blurry on the line.

Senator Horst: Sure. Well, as soon as the emergency declarations go away then we are under the Open Meetings Act and the Open Meetings Act requires a quorum in the room, and then it says you can permit people to join as voting members under things specified in the bylaws, so that’s what we’re trying to do.

Senator Garrahy: Right. Okay.

Senator Cline: But in the short term, members could say that they want to join remotely because we’re still under the declaration?

Senator Horst: What do people think of that? Because we don’t have video hookup.

Senator Villalobos: Yeah. I would just say in our experience in SGA in terms of, because you’re talking about for the whole Senate floor, it is one, difficult logistically and also more importantly perhaps difficult fiscally. When we were doing these meetings last year, I think they were getting to the tune of $900-$1,000 at some point. So, it is difficult from a logistical and fiscal regard to do this because they have a whole team that comes and sets it up. It takes 2-3 hours to set it up for both a video as well as multiple mics, as you said. How many mics was that?

Senator Horst: 32. Cera, what was the cost the Bone quoted?

Ms. Hazelrigg: So, it was almost $600 extra just for Zoom. And so for every Senate meeting from 7:00-10:00 p.m. it would be over $1,000 per meeting.

Senator Villalobos: Yeah.

Senator Cline: So, but in the case of just committee meetings, right, where we could accomplish that in a classroom or on someone’s Zoom, do we just assume that it’s okay for people to opt into remote attendance?

Senator Horst: As long as the emergency declaration, I mean I can check that over with Legal, but as long as that emergency declaration is what is controlling everything, I think we’re in the scenario of last year. I mean, I would like us to move forward to in person meetings. But that Open Meetings Act is not trumping everything. But as soon as that goes away then it does.

Senator Garrahy: When I hear the emergency declaration because in my mind, the students are on campus, we’re back on campus, I have personally lost sight of that. That we are still under an emergency declaration. So, I think reminding us all of that is something that we’re going to need. And then I think for the general university community population who are used to tuning in on Zoom, you know, that’s not necessarily going to be an option anymore. And I think that some people, University community members will need to have that clarification as well to why everything was on Zoom last year and how it’s even a little bit more different now than last year, while we are still under an emergency declaration there are still things that we may not be able to do. We may not be able to do a video, but you may be able to do an audio.

Senator Otto: I agree, Deb.

Senator Spranger: Is it a choice to opt in virtually or do you have to go through accommodations? Like, it’s not a choice.

Senator Horst: Are you saying what we’re proposing in the bylaws?

Senator Spranger: What we’re doing in the future.

Senator Horst: Yeah. The Open meetings has three criteria. I am only proposing the official accommodations. There’s other criteria that the Rules committee can kick around but I’m only proposing that we do the one.

Senator Spranger: Okay. Thank you.

***08.09.21.03 From Martha Horst: Memo Internal Committees Priority Report 2021-2022***

***AABC IP 2021-2022***

***AAC IP 2021-2022***

***FAC IP list 2021-2022***

***PF IP 2021-2022***

***08.11.21.01 Horst email PF issues pending list changes***

***Rules IP 2021-2022***

Senator Horst: Over the summer I went through all the Issues Pending lists. Well, first off, we used to do that on Exec regularly. We used to do that at the beginning of the year and at the end of the year. We stopped that. So, I hadn’t seen some of these Issues Pending lists in a while even though I’ve been on Exec for a couple of years. And I noted that we have 20+ policies in the Faculty Affairs Committee. Last year there were some internal committees that were missing some deadlines, and there was a little bit of confusion about when things have to be at the Senate, like when we roll over from one year to the next.

And so, I’m proposing that we pick up this tradition that’s from around 10 years ago or so, where we just offer our insight to the internal committees as to how they might consider conducting their year. And just get in the habit more of reviewing the Issues Pending list, cleaning them up, and giving our insight as the managing board as to what we think, do we want to shuffle things around, or do we think everything is fine with the Issues Pending list, that kind of thing. So, in all of that light, I made these memos. And what I’m hoping today is that you can just endorse the idea of the memo. Then if we could discuss the idea of what to do with the Planning and Finance Committee, and then we can hash out the language, and talk about which policies to move (if you like that idea) next week. Because at our first meeting we don’t do much in the internal committees. So, that’s really all I’m looking for. Do you like the idea of the memos? And what about the idea of moving some of the things over to Planning and Finance?

Senator Spranger: I like the idea of the memos because I sat on Faculty Affairs last year and seeing the list of issues pending was a lot. So, I think having some direction to guide, like here’s what we need to get done first instead of just getting a huge list of 20 issue that need to be addressed. I think that’s a good idea.

Senator Stewart: Yeah. I generally think it’s also very helpful. There might be new chairs and other things, this gives a lot of guidance. The one thing I just wasn’t sure how you were thinking of it is the overall spirit I really like, which is, look, this is a suggestion. But then you’re also saying, and by the way in some cases we’re going to be reassigning these things, and that doesn’t now seem like a suggestion, if you see what I mean.

Senator Horst: Right. But we are the ones that delegate the policies out. And so, maybe if you want to suggest some language. But I’m just saying that in the interest of slimming down the Issues Pending list we’re going to shift over these policies, because that’s what we do do.

Senator Stewart: If this committee can set the agenda then it’s not up to them, so fair enough.

Senator Horst: Because we take things off the Issues Pending list and we put things on the Issues Pending list. And then if the committee wants to have things taken off the Issues Pending list, they have to ask us. But if you have some suggestions for some language, I’d be more than happy to edit it. I think we can work a little bit more on this for two weeks, and then send. Because the committees are just going to elect their chair on Wednesday night. Right? So, really, we could just give it to them not this Monday but the next Monday.

Senator Stewart: Yeah. I’m not so sure its language as much as it is, imagine that one of these committees came back and said, hey, you want to take something off of our list that we really want on it.

Senator Horst: Yeah. So, if you could look at it and suggest some language, I’d be willing to…

Senator Villalobos: Is there an explanation as to why, for example, these policies are being transferred to Planning and Finance? Like as to why that’s the case? Because I get what he’s saying. Because for me I don’t see a problem with language either, I mean it says… there’s a line that says the memo does not bind a committee. But then one might ask why is it moved.

Senator Horst: Yeah. I did say that the Executive Committee is concerned about the large number of policies on the FAC issues pending list. The Executive Committee acknowledges that COVID crisis slowed down the policy review work of many of the internal committees of the Academic Senate further the2020-2021 FAC spent a significant amount of time on the Academic Integrity policy which is quite technical ad complex. So, that’s where I tried to say, yeah, you have a lot on your Issues Pending list but there’s all these other things going on.

Senator Villalobos: So, is that communication given to both sides of the equation? Both one, who it’s getting taken from and who it’s being given to?

Senator Horst: Yeah. So, I could add a line, because of the large amount of work that’s on your Issues Pending list and because we have this other committee that doesn’t have so many things, we’re going to be shifting this. Something like that?

Senator Stewart: I think maybe unless this committee can find a good reason not to, or something like that.

Senator Cline: Right. I was wondering, I mean I agree with all of this, but what if we gave those committees the first right of refusal. Allow them to elect their chair, present them with the memo, and say do you object. Right? Because if someone on the committee does object and they really want that to be in their committee then they’d have that opportunity. I mean, is that going to happen? It’s not going to happen. But it maintains the sense of choice without really delaying things much. So, if you let them meet once and give them that first right of refusal and then proceed.

Senator Horst: All right. If you want to hold on to those 20 policies and promise to get them done…

Senator Cline: Right. Have at it. Right. And you know that I support this. As Academic Affairs, there are so many things on Academic Affairs pending that do not deserve to be there. They’re just languishing and need to be restfully put away.

Senator Horst: Yeah. But I think that committee was in pretty good shape.

Senator Cline: No, in terms of the active work that needed to be done it was. But there was this sort of dead weight that hangs, that nobody knows what to do with. So, I think this is very helpful to get a sense of clarity on the committee.

Senator Garrahy: And, Martha, I don’t have a good sense of how many of the members on that committee are returning members, so it may not be an issue at all, but I think for people to understand when policies are delayed for whatever reason, it impacts a lot of other things. It’s not just moving a stack of papers. So, for those of us who are new on a committee we may not see or really get the impact of that. And I’m going to use my example from a couple of years ago when Martha was diligently the chair of the Rules Committee and we finally got to the Council for Teacher Education bylaws that had been out for two and a half years. And this is not on the Rules Committee, but by the time the Senate got to review them the committee members were gone. I mean they weren’t even on the Council for Teacher Education; some had left. So, when we have those kinds of delays it really is highly, highly problematic.

Senator Horst: Yeah. It slows us down. It makes us inefficient. We experienced that all last year. We were dealing with four-year-old policies that nobody who proposed it was even around. So, if people could craft some language and send it to me, I would really appreciate it. And I’ll try to do some language as well. But I’m hoping this comes from Exec and I welcome you’re input.

Okay. How about the idea of shifting things over to the Planning and Finance Committee? So, the Planning and Finance Committee is traditionally the long-range Planning and Finance Committee. And they have little to nothing on their Issues Pending list. The crowning achievement, as I said in that talk I gave, was the College of Engineering idea really came from discussions in that committee. Has anybody served on the Planning and Finance Committee? They are the one committee that we have that currently has little to nothing on their Issues Pending list.

And so, one thing that I became aware of when I became Senate chair was that we review policies every year. We have a list of how many, Cera, like 140, and everything is on a five-year cycle. So, every year a new batch of policies comes through Exec and then is distributed to the internal committees. We did none last year. None. So, that’s 20+ policies that weren’t even distributed to the committees. And now there’s another 20 policies in the queue that have not even gone through Exec yet that need to go to the internal committees. So, I added them all up and it was 80 policies. There’s no way the Senate can do 80 policies. So, I’m just suggesting this temporary shift for a year where the Planning and Finance Committee does more policy review than it traditionally does.

Senator Garrahy: Is there a possibility or a reason why other subcommittees might not be asked to do the same? I don’t know the workload. I only know the one that I was on.

Senator Horst: Other internal committees you mean?

Senator Garrahy: Other internal committees perhaps being asked to consider doing the same thing we’re asking Planning and Finance to do. Would there be a reason not to say that possibility given the workload?

Senator Horst: Everybody has a pretty hefty Issues Pending list, and then we haven’t even done the delegation of all the policies. There are these policies waiting in the wings so to speak. And then traditionally, Deb, they go according to categories.

Senator Garrahy: Okay.

Senator Horst: And at one point a lot of policies got to the Faculty Affairs Committee. Right. So, I think if you look at the Issues Pending lists, I think for most of the committees it would be a challenge to get through all of that material in one year. And a lot of it looked really important. So, does everybody agree with that approach?

Senator Cline: I think it’s a real hands-on deck kind of moment and pitched like that I think it’s the right thing to do.

Senator Horst: So, if we all agree to that approach, how should we do that? Maybe I’ll turn that over to Dimitrios.

Senator Cline: You know, whatever was supposed to come up last year, you know, just start there.

Senator Horst: Dimitrios and I had some conversations about if we give a lot more policy review to the Planning and Finance, are we actually changing the function of the Planning and Finance Committee? And if we do that, do we need to go to the full Senate? Dimitrios, do you want to talk a little bit more about that?

Senator Nikolaou: Yeah. So, when talking with Martha, my question was pretty similar to what you mentioned earlier that, I’m in the Faculty Affairs Committee this year, and I think, okay, what if you’re trying to remove a policy that I think it is totally Faculty Affairs. And one of the reasons is that if it is a policy that it is totally related to faculty and it is remotely related to students or civil service or A/P. If it went to Planning and Finance where if you look at the composition, you could have the majority of non-faculty voting in favor of a faculty policy. That’s why I was thinking because we are going to slightly adjust the function of the committee even if it is temporary, that we need to have approval by the full Senate. And because in the bylaws there is a sentence where it says that if there is a change in the function then it needs to have approval by the whole Senate. So, that goes back to what you said earlier that it could be that it is just a proposal that comes in front of the Senate and then we say (what Martha just explained) that we have all this backlog. Planning and Finance doesn’t have any policy per se that it needs to review so we would appreciate if they could work on a few policies. And also, we shouldn’t just transfer policies all over to the Planning and Finance. We can give them some so that they can address them here, but they will also have time to do some of their more long-term planning so that there is a good balance so that we give them enough policies that they would be able to accomplish within the year and they are not going to remain in their issues pending while doing their own work as well.

Senator Horst: But each committee does have a line that says duties assigned to it from Exec. So, we could think of it as just we’re giving a whole bunch more duties to them with these policies and they could theoretically still do the Planning and Finance.

Senator Cline: Considering your concern, Dimitrios, all of these if they were routed 100% faculty related and they make a recommendation to the full Senate to remove a certain policy, it still goes before the full Senate. Correct? So, there’s still an opportunity for the faculty senators at large to have a point of objection.

Senator Nikolaou: So, let’s use a specific example. For example, the Academic Freedom. Academic Freedom is totally about faculty research. It should be a policy that is reviewed by a committee where the majority of the committee is faculty. Because they are going to have more information when they are going to make the adjustment in the policy.

Senator Cline: Right. Understood.

Senator Nikolaou: But then if a committee where the majority is not faculty does the review and then goes to the full Senate, and then all the faculty say well, what about that, and that, and that, and that? It goes back to the committee. So, it’s going to add more time.

Senator Cline: I understand that as a structural problem not so much a bylaws problem. Right? I mean functionally that would mean that we have issues. Right. But the question was do we have to get permission from the full Senate to allow them to make review of these non-pertinent bylaws. I mean, to me that seems less a concern in terms of bylaws, more a concern of the second thing is that it might gunk the system up if they’re making poor decisions because they’re not adequately equipped to make those decisions. So, I wouldn’t think we have to go to the full Senate to ask permission to shift policy to them. But we ought to be mindful about which policy we send to them.

Senator Horst: Yes. And the chair of the Senate does sit on the Planning and Finance Committee.

Senator Cline: Okay.

Senator Horst: But as Dimitrios is saying, there are these tasks for every internal committee and the last task is things assigned to it by Exec. So, are we changing the function at all temporarily enough that we have to have permission, or can we just do it? And I think we can do it either way. We can go to the Senate and we can make a memo saying due to all these circumstances we’re going to be shifting these policies and we’re going to say we’re going to temporarily suspend the long rang planning and finance function (3 and 4). Or we can just say, you know what, we’re going to give you all of these policies to review, and you make up your mind what you’re going to do. And then the committee can basically do what last year’s committee does and just not issue a report. Right? They didn’t issue a report last year. Nor did Rules Committee deal with their constitutional issues that were tasked to them. So, a committee doesn’t have to do everything that it’s assigned. Right. And we can just ask them to prioritize the policies.

Senator Cline: Right.

Senator Horst: I mean we can do it either way, we just have to decide.

Senator Cline: In my opinion, I don’t think we have to ask the full Senate’s approval for that because we have the fail safe that the full Senate gets to see what they’re doing anyway. So, that’s my opinion.

Senator Garrahy: I would agree with what Lea said in terms of the Senate’s going to see it eventually.

Senator Cline: Yeah, but we shouldn’t be giving them stuff that’s totally outside of their purview.

Senator Horst: Right. But we have the right to give things to this committee.

Senator Garrahy: I believe so. I mean that’s my opinion.

Senator Horst: And they have the right to not do everything on their Issues Pending lists and they have the right to try to do all their functions but not necessarily accomplish everything.

Senator Miller: So, my only question is the policies that we’re moving to Planning and Finance aren’t really Planning and Finance things, so I don’t know, like you were saying, because I think I’m on that committee… but there are some so I don’t think it would be too much backlash but like Academic Dean Responsibilities, I don’t know anything about that. And I don’t know how many members of the committee would either. So, that would be my only issue.

Senator Horst: Well, that is actually a balanced committee.

Senator Miller: Is it?

Senator Horst: Yeah.

Senator Miller: Okay.

Senator Horst: Thank you for bringing that up. But before we get to which ones to shift, could we just talk about whether or not we feel that we’re shifting the function of the Planning and Finance Committee enough that we have to go to the Senate?

Senator Miller: I don’t think so.

Senator Spranger: It’s planning.

Senator Villalobos: I think probably not. I would say I don’t think it’s big enough.

Senator Cline: I think as long as it’s a one-year situation until we get caught up, and we have the full Senate gets to put eyes on everything that they do.

Senator Stewart: I think I’m inclined to agree that we do not need to go to the full Senate, and I’ll suggest that these memos also provide a mechanism for the committee chair when they see, hey, you want to reassign this to us, for the committee chair to say no. So, that also helps if we’re going to do that stage with a memo.

Senator Horst: yeah, they can always say no we’re going to do our long-range Planning and Finance.

Senator Stewart: Right.

Senator Horst: They don’t have to listen to us. Okay.

Senator Nikolaou: well, you know I’m going to agree because I think the bylaws are clear. It says that modifications in the functions of committee must be approved by the Academic Senate. And even if it is a one year, it is still a modification in the function of the committee. So, I’m going to say that even if it is just… because if we do it in one year and the Senate doesn’t know about it, what prevents the next Executive to do the same. And then all the functions are all over the place.

Senator Horst: But we’re actually not changing the functions in the bylaws and we’re not preventing the committee from doing their functions that are listed in their bylaws. We’re just asking them to prioritize these things. And we are allowed to give that committee policies. We are allowed to assign things; Executive Committee can assign duties.

Senator Nikolaou: Consistent with the committee though.

Senator Villalobos: I think it just becomes kind of subjective in terms of whether you think you’re actually modifying the function, or one could argue we’re giving them more tasks to prioritize rather than modifying a function. So, I think it is in a sense subjective in which it kind of seems to have like competing definitions of it.

Senator Nikolaou: Well, but some of this policy, well pretty much all of the policies they have already been assigned in a certain committee in the past. It’s not that they are new policies and now we are assigning, subjectively or not, where to allocate them. So, the Dean evaluation, for example, that Chloe brought up it’s always going to AABC. So, if we say that now it’s not going to AABC we’re going to reassign it to Planning and Finance, we are changing the function of the Planning and Finance, because if it was Planning and Finance it would be allocated to them from the beginning.

Senator Horst: But the functions are defined in the bylaws. So, I think we’ve hashed that out, Dimitrios.

Senator Nikolaou: Yeah. And that’s why I’m saying that I’m not in agreement but that’s fine.

Senator Horst: I respect what you’re saying, but I think we’re going to go ahead with the plan with the memos and if next meeting everyone could look at the policies that we’re going to shift; if you want any more information Cera has all kinds of information on the issues pending and the background. But if we could just finalize the memo and finalize the decision about which policies to shift so that the Planning and Finance Committee can do some policy review. And just in terms of the bigger picture, three or four years ago I made a proposal to redo the committees and it’s been sitting on the Rules Issues Pending list for four years. So, that the bigger plan is that we just need more committees. Susan and I mapped out how to create another committee.

Senator Garrahy: Yeah, the issue that I just keep hearing over and over again is that we have this backlog, we’ve had this backlog, we’re going to continue to have the backlog unless we do something just a little bit differently even if it’s only temporarily.

Senator Horst: Yes. And ultimately maybe we need to rethink our committee structure.

***08.09.21.01 AAC request to remove IP items***

Senator Nikolaou: So, there were five policies that we talked about in Academic Affairs. So, it was the UCC AMALI recommendation which Amy Hurd sent me several emails and documents about AMALI, and she didn’t find anything that is pending, and it’s out of the UCC. So, we voted in the Academic Affairs last spring to have it removed.

Then the English 101 and the ISU writing program they were based on a recommendation from two faculty who were retiring from 2014ish. Because there was a restructure in the writing across the curriculum, and now the ISU writing program has a new director compared to when the report was written, when we talked in Academic Affairs, we didn’t think that there was a need for us to do something at that point. And that we also give the opportunity to the new director to show us where we are heading in the future.

And then it was the 3-week course. So, for this one we looked into what type of course are offered during the summer and we were worried that maybe there were some four credit hour courses that are offering in three credit hour slots which wouldn’t make it feasible for students to get the material, but Amy also looked into if there are any such courses. So, there are no such courses. And that’s why we recommended all these five policies that you see over there. And actually, we voted in Academic Affairs to have them removed from our Issues Pending, and that’s why we brought them to Exec. So, Lea was there. So, if you remember anything else.

Senator Cline: These were just really old and often times are no longer applicable given the change of curriculum structure. And also some of them just seem to have been grievances by faculty who retired eight years ago, and they don’t seem to bear any resemblance to what is currently active policy at ISU. So, it just seemed like the dead weight could be dropped.

The Executive Committee unanimously approved removing the 3-week courses, UCC AMALI recommendation, English 101 and ISU writing program, review of WAC report and recommendations, and cost/benefit analysis of CTLT items from the Academic Affairs Committee issues pending list.

***From Janice Bonneville: (Dist. to Faculty Affairs Committee)***

***07.07.21.01 Presidential approval form***

***07.07.21.02 Policy 3.1.30 Criminal Background Investigation Previous Copy***

***07.07.21.03 Policy 3.1.30 Criminal Background Investigation Mark Up General Assembly Changes***

***07.07.21.04 Policy 3.1.30 Criminal Background Investigation Current Copy
08.10.21.01 Policy 3.1.30\_Criminal Background Investigation MARK UP***

Senator Horst: At a meeting with President Dietz this summer I was presented with this policy and the Office of General Counsel had suggested some changes. They had wanted to do this revision where every single hire for ISU is subject to a criminal background investigation, and they did it. And they said if you would like it to go through the Senate you can do that in the fall. But it’s already policy. It’s already been signed by President Dietz.

So, you have the previous copy which is the old policy before it was altered. Then you have the mark up, General Assembly changes from Teri Hammer 07.07.21.03, that is the mark up of the policy that they passed. And the confusing thing is the Current Copy is the clean copy of what is currently on the website. And then in a discussion with HR today, we talked about if you include the word promoted, if you are going to require a background check for every single employee who is being promoted you are talking about every single tenure case or anyone whose going up for full would be required to get a criminal background investigation and then that goes against all of the ASPT processes and you’d really have to address it there. And they agreed. And so, they have supported further changes to the policy that they passed. Okay. Does that make sense? And so, the issue is that this is already a standing policy and all employees, including all faculty who are hired in the near future, would get a criminal background investigation.

Regardless of what happens we need to make sure to get rid of the word promoted. But if we want to at all have this go through the Senate it needs to go through quite quickly if we want to have a discussion on the floor because it’s already a policy.

Senator Garrahy: So, if its already a policy it’s not really a discussion it would be an FYI?

Senator Horst: It could be an FYI, but it is a policy that we should have some say on because it does involve the hiring of faculty. Right? It involves all hiring practices. And so, if we at all want to say something about it, we need to do it fast. Now, the most important change is to get rid of that promotion because otherwise everybody who’s going up for tenure in October would have to do a criminal background check.

Senator Cline: What do you mean when you say they would have to do a criminal background check? The faculty would have to do something, or the University would have to run a background check?

Senator Garrahy: University.

Senator Horst: Because they’re going up for promotion, the language right now says promotion.

Senator Cline: Right.

Senator Horst: So, included in all of the processes of the tenure application would have to be this background check and we have all of those processes decided in the ASPT. So, if that change would have to occur it would have to go to URC. We can’t just change the way we do our tenure process. Right? We can’t add another step where another committee has to have a review and a say. And HR realized that that was a big mistake and Roberta Trites said there’s no way you can have a tenure application be denied because of a criminal background check. Right?

Senator Cline: I have some questions because I have a relevant case in my mind. What is here is any employee who is convicted of a criminal offense after their initial hire date must inform HR. Is there any enforcement of that?

Senator Horst: Yes. That’s a new reporting requirement for all employees.

Senator Cline: So, say I am convicted of shoplifting or something like that.

Senator Garrahy: It would have to be, I’m assuming, a felony conviction.

Senator Horst: No. Anything worse than a traffic ticket. Dr. Kinzy?

Senator Cline: It says criminal, not felony.

President Kinzy: I would ask HR that question. There is a limit. It’s not absolutely everything. But I would get that description from HR and not from me.

Senator Horst: Yeah. But they do say anything worse than a traffic violation. But they consider that a new reporting requirement they’re adding.

Senator Cline: Okay. But the question for me is the policing of that reporting requirement. So, if I were to get convicted of shoplifting and I just didn’t tell you and my application for full professor comes before Dr. Kinzy and I just let it happen, and I don’t tell anybody, whose to know?

Senator Horst: That’s why they’re taking out the promotion part. But the part that they’re not taking out is if you apply for chair.

Senator Cline: But you think that I should, if I have a criminal conviction, that I should be promoted without anybody knowing? I chose shoplifting because that was the first thing that came to mind. Say it was a drug offense.

Senator Horst: Well, I’m just saying that if you do anything to change the process regarding how somebody gets promoted it has to go to URC and it has to be in the ASPT.

Senator Cline: But is that a process or is that like an HR check?

Senator Horst: If you decide you want to add a step and that information is going to the DFSC it would have to be part of that document.

Senator Cline: No. So, I must not understand. So, I understand the SFSC process. But for me, this is an internal to HR situation. So, HR would run the criminal background check and they would have the information. There’s lots of information SFSCs don’t receive from HR about the candidates going up for promotion and tenure. So, if there is something in their records that they have failed to notify, I don’t think they’re going to tell the SFSC they’re going to speak to the dean or whomever.

Senator Garrahy: No because they can’t.

Senator Cline: It’s not going to be an internal department issue because that’s a private HR issue. So, I don’t think there needs to be any change to the actual DFSC process because that information never comes. But I have a very specific case in my mind where this person was promoted and no one ever knew about the criminal background situations that were going on in the background because no one ever checked, and nobody was ever asked, and no report was ever done. So, the question is if you’re going to make it a requirement that you must notify what is the mechanism for checking that? Or is there a mechanism for checking? Is there an enforcement mechanism?

Senator Horst: So, that’s a perfect question.

Senator Cline: But I don’t think it involves the DFSCs process. I think that’s an HR, but I’m not an HR person.

Senator Horst: Right. And so, that’s where if Janice Bonneville were in the room, she would have an answer. Roberta Trites would be in the room. So, that’s why I think it needs to go in front of the Senate. My question for you is we send it to an internal committee the policy has already been signed.

Senator Nikolaou: Is this one of those cases where we want to do it Information/Action Item?

Senator Horst: Do we want to send it from the Executive Committee directly to the floor and have an information… I think we probably need an Information Item because, for instance, Lea has some questions. Just get some questions out there to our experts and then approve it. But if we do nothing, if we send it to an internal committee and it sits on their Issues Pending list for five years, it’s passed. It’s already passed. That’s why I would like the Executive Committee…

Senator Cline: But the striking of promotion and the additional after their additional hire date, that’s in there, right? This is post Dr. Dietz’s signature so does that require approval?

Senator Horst: That is now further changes that they are requesting that have not been changed.

Senator Cline: Requesting of us?

Senator Nikolaou: Oh, so crossing out the “or promoted” has not been approved yet?

Senator Horst: That’s correct. The one that was signed was the first mark up and then they realized that it was going… Well, anyway, I think it’s a really bad idea to include those words. So, yes. The one that is the current copy is the one that’s up on the website. So, would you like to send this to the floor?

Senator Nikolaou: So, should we ask the President if she’s going to sign off this policy with the “or promoted” like relatively soon? It might appear on the Senate like an Advisory Item. Like when the HR did for the FMLA last year, so, it has been signed, but here is information because it is related to you. But if it is not in the plans to be signed pretty quickly, then it might go directly on the floor instead of going to an internal committee. And if it was going to an internal committee, I would actually say that this might be a good example of going to the Planning and Finance and saying that it needs to be expedited so do it in your first meeting, because it talks about all employees, it doesn’t restrict it only to faculty.

President Kinzy: The answer I have is I would like to confirm with HR that they’re in agreement with removing the promoted before saying whether or not I’m going to sign it. I just want to make sure. I mean just due diligence on my part to make sure that they didn’t intend for it to say or faculty promotions and they want to keep it for promotions outside of the faculty ranks. I just want to confirm… that’s the only thing in the back of my mind where they may have agreed, yes, it shouldn’t be there for faculty, but they may still think that it needs to be there for non-faculty positions. That’s the thing I would like to confirm with Janice.

Senator Horst: But I don’t necessarily think it’s a good thing for this precedent that the President is signing these policies and then the Senate has to scramble to give its input.

Ms. Hazelrigg: I just wanted to add, this has been determined a Senate policy, so it is supposed to go through Senate, but because of the General Assembly changes they had to push this through fast.

Senator Garrahy: That’s what I was just going to say because I’m looking at the document that says approval for General Assembly changes. So, when I see that it’s already a done deal, right, and we are a state institution. So, I think what I was going to respectfully suggest, even for those of us who are not new members, but especially for a new colleague, to share this information that we are a state institution and when we’re told we have to do something we don’t have to like it, we don’t have to dislike it, but we have to do it. And personally, I think everybody who works at a university should have a criminal background check, but I come from teacher education and we have 4,000 criminal background checks for 18-19 year olds. So, for me as a faculty go ahead.

President Kinzy: They did three on me, just so you know.

Senator Otto: I think that since this is a condition of employment that it really should go to the floor and have discussion amongst even our larger set of faculty colleagues.

Senator Horst: Okay. And do you agree that we should expedite it? Because I’m concerned about the hires that are going to be happening right now. And so, as opposed to sending it to an internal committee, does everybody agree to expedite it and send it from Exec straight to the floor?

Senator Spranger: So, we’re going to be like, this happened, we’re just letting you know, and letting people discuss or are you proposing the change? What are we putting on the agenda, I guess?

Senator Horst: We are technically in charge of this policy. This happened before with the Alcohol policy that the President signed the policy but then the Senate had to catch up. It’s not a good place for us to be in but we basically have to catch up and I think we have to catch up rather soon.

Senator Garrahy: Because it’s required by law.

Senator Horst: It is required by law, but we do have some questions we should address.

Senator Cline: The only question I have is it’s required by law, and are the changes we made here in accordance with the state law? I mean that’s really our only question. If they mandate it at the state level then it is what it is. But these changes at the last minute, which were not included maybe there’s a reason. So, I think maybe the question does it apply to all staff at all kind of promoted levels and things like that is a good question to have Janice answer.

Senator Horst: So, maybe we’ll get to it at our first meeting. But at some point, send it directly to the floor from Exec.

***\*\*Approval of Proposed Senate Agenda – See pages below\*\****

**Reception with the President**

**Wednesday, August 25, 2021**

**5:00 – 6:30 p.m.**

**President’s Residence**

**1000 Gregory Street**

**Normal, Illinois**

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***Proposed* Academic Senate Meeting Agenda**

**Wednesday, August 25, 2021**

**7:00 P.M.**

**OLD MAIN ROOM, BONE STUDENT CENTER**

***Call to Order***

***Roll Call***

***Chairperson's Remarks***

***Student Body President's Remarks***

***Administrators' Remarks***

* ***President Terri Goss Kinzy***
* ***Provost Aondover Tarhule***
* ***Vice President of Student Affairs Levester Johnson***
* ***Vice President of Finance and Planning Dan Stephens***
* Sick Leave Policy revision update

***~~Advisory Item:~~***

***~~Surveillance Equipment memo (President Kinzy)~~***

***Action Item: None***

***Information:***

***08.11.21.05 Academic Senate Bylaws Current Copy***

***08.11.21.02 PROPOSED REMOTE ATTENDANCE EDIT TO AC SENATE BYLAWS Mark Up***

***08.11.21.03 PROPOSED REMOTE ATTENDANCE EDIT TO AC SENATE BYLAWS Clean Copy***

***~~02.18.21.12 Academic Planning Committee Blue Book page Current Copy (Rules Committee)~~******~~02.25.21.05 Academic Planning Committee Blue Book page Mark Up (Rules Committee)~~******~~02.25.21.06 Academic Planning Committee Blue Book Charge Clean Copy (Rules Committee)~~***

***~~02.23.21.02 Administrative Affairs and Budget Committee Blue Book Charge Current Copy (Rules Committee)~~***

***~~02.23.21.03 Administrative Affairs and Budget Committee Blue Book Charge Mark Up (Rules Committee)~~******~~02.23.21.01 Administrative Affairs and Budget Committee Blue Book Charge CLEAN COPY (Rules Committee)~~***

***~~02.23.21.04 Planning and Finance Committee Blue Book Charge Current Copy (Executive Committee)~~******~~02.26.21.01 Executive committee minute excepts 08-22-17 AFAC report~~******~~02.26.21.02 Planning and Finance IP list AFAC report~~***

***~~03.25.21.10 Textbook Affordability Committee charge – current copy (Rules Committee)~~***

***~~03.25.21.11 Textbook Affordability Committee charge – markup copy (Rules Committee)~~***

***~~03.25.21.12 Textbook Affordability Committee charge – clean copy (Rules Committee)~~***

***03.25.21 IDEAS Graduation Requirement Proposal Recommendation from AAC (Academic Affairs Committee)***

***05.01.19.03 UCC\_IDEAS\_Executive Summary (Academic Affairs Committee)***

***05.01.19.04 ProvostCharge\_AdHoc\_Report-Jan2018 (Academic Affairs Committee)***

***05.01.19.05 UCC\_Subcommittee\_Report- Nov2018 (Academic Affairs Committee)***

***05.01.19.06 45 PAGES- Summary\_UCC\_Campus-wide\_Survey\_2018(Academic Affairs Committee)***

***~~IDEAS - response from History chair Ross Kennedy (Academic Affairs Committee)~~***

***Committee Reports – Report Elected Chairperson and Secretary***

***Academic Affairs Committee***

***Administrative Affairs and Budget Committee***

***Faculty Affairs Committee***

***Planning and Finance Committee***

***Rules Committee***

***Communications***

***Adjournment***

Motion by Senator Spranger, seconded by Senator Small, to approve the proposed Senate agenda. The agenda was approved with friendly amendments, as noted in the mark -up above.

***Adjournment***

The meeting was adjourned.

**Attendance**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **SENATE****REPRESENTATIVES** | **Attendance** | **MOTION:** | **MOTION:** | **MOTION:** |
| Name |  |  |  |  |
| Cline, Lea | Present |  |  |  |
| Garrahy, Deb | Present |  |  |  |
| Horst, Martha | Present |  |  |  |
| Kinzy, Terri\* | Present | NV | NV | NV |
| Miller, Chloe | Present |  |  |  |
| Nikolaou, Dimitrios | Present |  |  |  |
| Otto, Stacy | Virtual |  |  |  |
| Small, Maddy | Present |  |  |  |
| Spranger, Avery | Present |  |  |  |
| Stewart, Todd | Present |  |  |  |
| Tarhule, Aondover \* | Present | NV | NV | NV |
| Villalobos, Rodrigo | Present |  |  |  |