

Academic Senate Executive Committee Minutes
Monday, October 1, 2007
(Approved)

Call to Order

Senate Chairperson Dan Holland called the meeting to order.

Approval of Executive Committee Minutes of September 5, 2007

Motion XXXIX-10: By Senator Borg, seconded by Senator Fazel, to approve the Executive Committee Minutes of September 5, 2005.

Revision, Page 1: Senator Holland: "Some of them, you can ~~probable probably~~..."

Revisions, Page 2: Senator Borg: "That information does not necessarily need to come to the Executive Committee..."; "...~~unless so if~~ there is an issue of jurisdiction, ~~Then~~ we would discuss it."

Revision, Page 3: Senator Borg: "We could talk about ~~where~~ this as one of the university's priorities..."

The minutes, as revised, were unanimously approved.

Oral Communication:

09.18.07.01 *From Provost Presley: Request to Place Faculty Salary Increment Summary of Recommendations on Faculty Caucus Agenda of 10/24/07*

Senator Holland: A summary of the FY08 recommendations for salary increments will be presented to the Faculty Caucus in Executive Session on October 24, 2007. The summary of the FY08 salary increment recommendations to the President will be made available in the Provost's Office from 8:00 a.m. to 4:30 p.m. on Monday, October 22, and Tuesday, October, 23.

Senator Fazel: Would this cover both the mid-year and the end-of-the-year raises?

Provost Presley: Mid-year in the sense that the ones that were given last year will be calculated in the base salary.

Senator Fazel: So they are not separate?

Provost Presley: No, they are not calculated separately.

Oral/Distributed Communications:

09.10.07.01 *From Susan Kalter: Dress Code Effect on Grading (Oral Communication)*

09.28.08.01 *From John Wilson, EAF Ph.D. Student: Dress Code Effect on Grading (Distributed Communication)*

Senator Holland: We have an oral communication from Susan Kalter as well as a distributed communication from John Wilson, who is a Ph.D. student, concerning the dress code.

Senator Kalter: The communication from a faculty member to me took place before the negotiations on this issue ended, but that person wanted the Senate to look at the issue in terms of whether or not the dress code as originally written violated the requirement that faculty not grade on the basis of nonacademic criteria.

Senator Horstein: The negotiations between faculty and the Student Government Association have not ended. I will give you an update as soon as they are finished.

Senator Holland: Do we want to make it where anyone and everyone on campus can bring something directly to the

Senate or should this have gone to the SGA first?

Senator Borg: I don't know that there is any restriction on people bringing things directly to the Senate.

Provost Presley: I think that that is a precedent that this group ought to consider very strongly. For example, this person is a student, so he can't file an academic freedom grievance. Your colleague, a faculty member, could. There are lots of ways to get these kinds of things done. The first student who believes that he or she has been graded because of their dress can file an appeal. Mr. Wilson is completely wrong about there not being an appeal policy. He simply has not found it yet. In fact, it is under the domain of the Vice President of Student Affairs, which complicates his request. I don't know that this is a Senate issue in that one student has made a proposal that the Senate take on the issue in an academic unit.

Senator Borg: This is not a student who has a personal grievance, is it?

Senator Holland: No, they have no personal grievance and they can't use our grievance process.

Provost Presley: Well they can't use AFEGC.

Senator Holland: I have also been contemplating this from the aspect that it is in the Student Bill of Rights, that there can't be a dress code, but it is not officially under an ISU policy. If it were, we would definitely have to abide by it; but it is not, so I don't know what the legal standing is.

Senator Borg: I think the other complicating question has to do with the faculty member's obligation to grade fairly. However, the criteria that a faculty member uses are normally determined by the faculty member, not imposed from the outside. People can disagree, but if someone actually chooses to use dress as a criterion and has a legitimate reason for it, I am not sure there can or even should be something that would prevent it.

Senator Alferink: Other than that could be subject to appeal to determine whether or not it was a completely capricious decision.

Senator Borg: But then you get into the fact that you are dealing with consistency within a class, not necessarily the rubrics by which one grades.

Senator Fazel: The ethics document that we put together states that it has to be based on performance, so the question is, 'what is relevant?'.

Senator Borg: And who determines that? I think we have a real faculty freedom issue.

Provost Presley: I consider the solution Mr. Wilson is offering as a violation of academic freedom. The classic analysis to this approach to grading, the way in which this is factored in and the way I understand the dress code, is that the institution has the right to decide that it is an academic freedom to do this. That is pro forma. Particularly, if a department has agreed upon it, then it is a legitimate expression of academic freedom to grade it. They have every obligation to be consistent; they have every obligation to make really cogent, public statements that it is in some way related to an academic pursuit. The check against that is the appeals process. If a complainant of the dress code were to go through the appeals process and the student was judged to have been graded incorrectly, then the Provost's Office is required to change the grade. There are lots of dress codes, safety goggles, band uniforms, etc. There is a process by which this one might be found to be a violation of the student's academic freedom no matter what the institutional or faculty academic freedom might have been. I find that the proposal that the Senate become involved and change it a little strange.

Senator Alferink: Also, it would be a little premature if the discussions are still going on.

Senator Holland: I certainly don't want the entire Senate jumping onto this. I can imagine that lasting for days with no determination.

Senator Kalter: We are obviously not permitted to grade on race or gender. I think we are on somewhat of a slippery slope because clearly this is not a protected class issue, yet on the other hand, it is not clearly avoiding the arbitrary. A feeling among a lot of the faculty is that a student is given the right of an appeal, but putting the burden on an individual student to go against a particular faculty member, who has their grade in their hands, is unfair and it has been demonstrated on this campus to be rather unlikely that a student would appeal. Students tend to be very reluctant to put themselves in that position. I think that that is something that whomever deals with this needs to take seriously because it is not clear to me, at least, that it is the burden of an individual student who feels discriminated against, to have to put themselves head to head with a person who they may have to encounter in other classes in the future.

Provost Presley: I am sorry. That is a very nice touch-feely approach to it, but, in fact, it is a confidential process so you don't hear a lot about it, but there are a lot of appeals. Students do this fairly frequently, sometimes for good reasons and sometimes for bad reasons, but it is by no means rare and it is not, I don't think by any means, too demanding of either party. No one has been discriminated against yet, so I think deciding how to try to put aside university rules is a little premature as well. In fact, we don't even know the current standings of the negotiations.

Senator Horstein: I would ask that we that we have the Senate hold off for now on addressing the issue because negotiations are continuing and I would hate to put anything on the agenda that would be preemptive. Basically, I have an obligation to uphold our Student Bill of Rights; whether the university does or not is irrelevant to me. Therefore, I have to seriously consider any comments that people make about the validity of a dress code.

I think it's great that they are going to class in business casual. What upsets me is that they are being forced to do so at a public institution. I understand that they are trying to raise the standards, trying to set our students above the others when they are going for job interviews, but, to me, this dress code is what a private institution should be pushing. We are a public institution pressing upon our students the ideals of a private institution. If we are requiring our students to dress in certain colors, to have certain skirt lengths, then it seems to me to kind of cross the line and we have to ask, 'are we a public institution or are we a private institution?' So that is one issue for me.

Also, I need to make sure that our Bill of Rights is followed because our constitution is being questioned right now by the Marketing Department and by every other person who is watching this situation as it proceeds. So, I am not going to stop until I can show that we have this in place for a reason and that we can enforce it.

I had been under the impression that my dealings with the department chairperson had been a positive experience until the compromise that he communicated to students was inconsistent with what we had agreed upon; therefore, I will continue to meet with him. I have received record numbers of e-mails from students complaining to me about even compromising on their Student Bill of Rights, which every student had the opportunity to vote on just a few years ago.

Senator Holland: I am still not exactly sure of the legal standing of the SGA Constitution. Was that voted on by the Senate and approved by the students?

Senator Horstein: That was voted on by the students, so I understand that the university has no obligation to uphold it.

Senator Holland: Has it been signed off on by the President?

Senator Horstein: No, that is an issue that came up during this situation.

Provost Presley: Moreover, there has been legal advice that that language about dress code means that we can't argue that every student who walks onto campus for whatever reason has to wear a green blazer. That would be a clear violation of it, but is a dress code for a particular class or set of classes a violation of their constitution? So, there is that legal issue as well.

Senator Holland: I can understand this as part of professional practice, but if a great deal of a grade is based on that, then I would say no to the dress code.

Senator Borg: The question I would be interested in having raised, in respect to the Student Bill Rights is, ‘are there *any* circumstances in which a dress code is appropriate?’.

Senator Horstein: The dress codes, for example, in nursing and for physical education are in place for the physicality of the course. This is a dress code that is supposed to prepare you to know how to dress.

Senator Holland: Student teachers have to wear a particular type of clothing when they do their student teaching.

Senator Alferink: Students in Education Psychology, when they go to University High School, are expected to dress a certain way.

Senator Fazel: Yes, when they are at University High School. That is a different story.

Senator Alferink: Our students in the Psychological Services Clinic, whether they are in the clinic because they are currently seeing a client as part of a class or whether they are just walking through the clinic, have a dress code. When they are in the clinic, there is an expectation that is part of the professional grading standards.

Senator Horstein: I will admit that we need to add some flexibility.

Senator Holland: If we actually do take this up with the Senate, it would go to the Rules Committee.

Senator Fazel: In the College of Business, we have asked students to dress differently if they are making presentations, have interview days or if we have speakers coming in. One thing that we have not done is to ask them to do it all the time for every class. So there is purpose to it, but this one is basically covering everyone who goes to every one of these classes. I have had mixed reactions from my students and if we don’t discuss this in the Senate, where else will we discuss it? Where else do we have faculty and students in one place to share opinions? I do, however, think that it is a good idea to postpone that discussion until the negotiations are done.

Provost Presley: The fact that there is only one place does not mean that it needs to go there.

Senator Alferink: It also is the case that the notion of slippery slopes has been brought up and it is the same issue that arises if an individual faculty member chooses to place this in their syllabus as part of their grading standards.

Senator Holland: We did specifically put that in the policy—that it was the faculty’s responsibility to students to include any special requirements for the class in the syllabus.

Senator Alferink: So, if the syllabus exclusively states this and the student makes the decision to stay in the class, have they then basically agreed to the rules for grading? Do we want every syllabus on campus to be subject to the review of the Senate? I would hope not.

Senator Kalter: I don’t think it would open up every single syllabus on attendance, but I think it should open up all of our syllabi to scrutiny on whether we are on grading based on arbitrary factors.

Senator Alferink: I was not arguing that syllabi could not have bad provisions in them, only that the Senate should not discuss them, not individually.

Senator Fazel: Not individually, but, for example, on the Rules Committee we discussed the responsibility of faculty to students and that irrelevancies should not be included as a part of grading. Maybe we need to have a discussion on what is relevant and what is not, but not necessarily come up with a rule on these items. I think it is useful to have a conversation about these things. As faculty, we talked about why this is a good idea, but I would like to have as much information as I can about what is productive, how this is affecting our students, and if they are learning something from it.

Provost Presley: Would the Senate be taking over power that legitimately belongs to the disciplines, much less the

departments?

Senator Borg: It is a danger to have this type of discussion certainly if it leads to decisions of appropriateness. I would hate to see that take place outside of the discipline.

Senator Kalter: I would resent it just as much if my neighbor in English told me what to put in my syllabus. I am wondering if there are provisions in departmental votes that allow individual faculty to dissent. Does the department have the right to tell an individual faculty member whether to grade on a certain basis?

Provost Presley: Yes, the oldest cases tested agree with exactly that.

Senator Borg: One presumes the reasonability within a discipline.

Provost Presley: Tenured faculty members have been fired and have gone all the way through the appeals courts and the firings have almost always been upheld if the person's firing was based on their refusal to follow the majority rule in terms of methodology and/or content.

Senator Kalter: Can I find out what those cases are from you so I can report back to my constituents?

Provost Presley: I would be happy to show you.

Senator Fazel: So the information on the ISU web site is not accurate?

Senator Horstein: Right, I should have an update for you in two weeks.

Senator Alferink: Will you be responding to John Wilson?

Senator Holland: I will send him an e-mail saying, 'we have received your communication and discussed it. Since the issue is still in negotiation between the College of Business and SGA, it would be premature for the Senate to do anything at this time'. I can copy it to everyone who was on the original e-mail list.

Proposed Agenda for Academic Senate on October 10, 2007:

Academic Senate Meeting Agenda
Wednesday, October 10, 2007
7:00 P.M.
OLD MAIN ROOM, BONE STUDENT CENTER

Call to Order

Roll Call

Approval of Minutes of September 12, 2007

Introduction: Enid Cardinal, Sustainability Coordinator

Presentation: Educating Illinois (Jan Shane, Deb Smitley)

Chairperson's Remarks

Student Body President's Remarks

Administrators' Remarks

- *President Al Bowman*
- *Provost John Presley*
- *Vice President of Student Affairs Steve Adams*
- *Vice President of Finance and Planning Steve Bragg*

Committee Reports:

Academic Affairs Committee Chairperson: Senator Waterstraat

Administrative Affairs and Budget Committee Chairperson: Senator Lonbom

Faculty Affairs Committee Chairperson: Senator Preston

Planning and Finance Committee Chairperson: Senator Fazel

Rules Committee Chairperson: Senator Alferink

Communications

Adjournment

Motion XXXIX-11: By Senator Borg, seconded by Senator Alferink, to approve the proposed Senate Agenda for October 10, 2007. The agenda was unanimously approved.

Adjournment