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Academic Senate Executive Committee Minutes
Monday, April 14, 2008, 4:00 P.M.
(Approved)

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Call to Order
Senator Holland called the meeting to order.

Present: Larry Alferink, Ted Mason, Dan Holland, Susan Kalter, Ed Stewart, Paul Borg, Farzaneh Fazel

Absent: Allison Graham, Mark Cassata, David Horstein, Acting Provost Jan Murphy, President Al Bowman

Approval of Executive Committee Minutes of March 31, 2008
Motion: By Senator Stewart, seconded by Senator Fazel, to approve the Executive Committee Minutes of March 31, 2008. The minutes were unanimously approved.

Distributed Communications:
04.10.08.01   From Larry Alferink/Rules Committee: Appropriate Use of Information Technology Policy (Senate Information Item on 4/23/08)

Senator Alferink: This draft is not a markup copy of the revised Appropriate Use of Information Technology Policy. I have a markup draft, but it is not very helpful because the majority of the information has been moved around in the document. This is a complete reorganization and rewrite.

Senator Borg: Can we ask what is new—what has been added?

Senator Alferink: The language has been tightened. University Legal Counsel found that when the university was in court, it was not able to prevail, given that the language was sufficiently loose. Some revisions have to do with new laws at the both federal and state levels. The policy is written not to be specific to those laws, but to be compliant and yet generic. Therefore, every time the name of a law changes, you won't have to revise the policy. There is a new section on software, page 4, Section D. There has never been a policy addressing that and it was been handled on an ad hoc basis. This sections says that, basically, if it's legally yours and it's ok with your unit, you can have it on your computer.

Senator Kalter: Given what you said about legal counsel, there is a line in here that says, 'unlicensed software that has been installed without authorization may be subject to removal and discipline'. What does that mean? It is the second to last sentence in that section. They say that you may be disciplined, but they don't spell out the limits of that.

Senator Alferink: My assumption would be that the unit director would be responsible for that.

Senator Borg: The grammar logic is incorrect. The way it's written, you are disciplining the software rather than the individual.

Senator Kalter: That's correct, but that is not my precise question. What are the limits?

Senator Alferink: I can talk with Mark Walbert (Associate Vice President of Academic Information Technology) about that. In addition, if something goes wrong and your software does not work, the university is not responsible for making the software work. That is a bit of a problem, in some cases, if it is directly necessary for your work.

Senator Holland: In all likelihood, if it is necessary, the department would support it.

Senator Kalter: Do you have any examples wherein the language was tightened?

Senator Borg: Yes, I think we need references to the legal language. I would suggest a separate sheet containing examples of those items because I can anticipate questions that might arise about legal issues.

Senator Alferink: The other thing that is new is Section E, the personal employee use. I did talk to Mark about that because I did have some concerns about it. One of the things I noted was that the language here is actually fairly loose; that is intentional.

Senator Kalter: Isn't this against the ethics code.

Senator Fazel: I believe, in reference to personal use, it says 'whatever is specified by your institution'.

Senator Alferink: Yes, it is up to the institution.

Ms. James: Senator Alferink, are you going to provide the examples of the changes or shall I ask Mark for that?

Senator Alferink: I have a markup copy, so I will take another look at that.

Senator Holland: Do we need to invite legal counsel to the meeting to address this policy?

Senator Alferink: I think that Mark will do fine. One example of a legal issue is in the copyright section, which is written very tightly. You are not allowed to violate copyrights, period.

Senator Fazel: Is that something over which the university has no control unless it concerns the use of university resources?

Senator Alferink: Part of the concern here is illegal downloading.

Senator Fazel: Correct, it limits the university's liability.

Senator Borg: Theoretically, I should be able to download certain things for class according to the fair use copyright.

Senator Alferink: Right, you would be able to download something if it's a "fair use". You would just have to observe copyrights and intellectual property rights.

04.10.08.02   From Dave Horstein/Student Government Association: Student Code of Conduct-Revised
Senator Holland: Senator Mason, in Senator Horstein's absence, do you have any comments about the revisions to the Student Code of Conduct. There are no indications of any changes that have been made to the current policy in this revised document.

Senator Mason: I was not on the committee that made those changes, so I don't know what they are at this time.

Senator Alferink: I have a procedural question. Did SGA make changes to the document that it received from SCERB?

Senator Mason: I will check with the committee that reviewed the code.

Senator Borg: SCERB made its own changes?

Senator Alferink: Under the code, all amendments to the code are to be initiated by SCERB and then the proposed changes 'shall be reviewed and approved by the Student Government Association'. So my question is, did SGA make changes to the document that it received from SCERB, because, procedurally, they would not be allowed to do so.

Senator Kalter: The memo from SGA says 'revisions to the Code of Student of Conduct." Shouldn't it say "proposed" revisions to the code? It says so in the body of the document, but not in the memo. It seems that it ought to be clarified that they are sending it to us with proposed revisions. Do they have the power to make changes to the Code of Student Conduct without the approval of the Senate?

Senator Holland: No, we have to approve it.

Senator Mason: We have an SGA Executive Committee meeting right after this meeting, so I can send an e-mail to Cynthia after we discuss that.

Senator Kalter: I would not want to see this on the Senate agenda until we get to talk about it with a document before us that indicates the changes.

Senator Alferink: It would go to committee first anyway.

Ms. James: SGA is actually considered as an Internal Committee of the Senate, so they may bring forth documents on their own.

Senator Borg: Yes, that was part of the reorganization.

Senator Holland: So since it has gone through that, it could be brought as an Information Item.

Senator Kalter: I am saying that I would rather not see it appear on the Academic Senate Meeting Agenda for April 23rd until we have had a chance to see what the changes are.

Senator Mason: Is there another meeting after the 23rd.

Senator Holland: There is one more meeting on May 7th, but it will be a new Senate.

Senator Alferink: And there is one more meeting of Exec before the new Senate is seated.

Senator Kalter: Whether there is or not, I think is irrelevant, because I think it still needs to go through the Executive Committee. We actually need to have to a real discussion of it; we are not just here to rubber stamp it.

ADDENDUM: From Kathleen Lonbom/Administrative Affairs and Budget Committee: Academic Impact Fund – Questions from Faculty Caucus following 4/9/08 AIF Report Presentation
Senator Holland: This is not actually on the agenda as a distributed communication, but Kathleen Lonbom of the Administrative Affairs and Budget Committee has been collecting questions about the Academic Impact Fund (which was discussed by the Faculty Caucus on April 9). I don't know if you received her e-mail soliciting questions. She says that she has received about ten so far and she wants to know what we want to do with them. Do we want to collect them and have them addressed, not at the next meeting since Kay Moss is not available, but at the meeting following that? Since that meeting would be the first meeting of the new Senate and no one will have been assigned to an Internal Committee yet, should we just collect them as information to be passed on to the new Provost, Dr. Everts, when she arrives, and then address it in the fall?

Senator Borg: I suggest that we don't tackle it as an Action Item until the fall, but perhaps have Senator Lonbom's committee draw up a resolution stating something to the effect that the Faculty Caucus has these questions in response to the review of the Academic Impact Fund and would encourage working together with her to address changes that may be necessary. In other words, get something officially on the record stating that we want to be involved. That way, it is an open process.

Senator Holland: So just a Sense of the Senate Resolution asking that we be involved?

Senator Kalter: I don't think that we should ask to be involved when we have the right to be involved.

Senator Holland: Do we want to provide the list of questions or just refer to a list in a resolution?

Senator Borg: What kinds of questions are they?

Senator Holland: I have not yet received the questions.

Senator Fazel: It was my observation, when we discussed this at the Faculty Caucus meeting, that some of our faculty members have the answers to some questions because of their institutional memory. If someone has been in that office for five or six years, they probably don't know the history. So my suggestion was to actually have a discussion by the Faculty Caucus about narrowing down, especially if we have a list of questions, what we really don't know and what type of things we would like for them to review and bring back to us. I think that the (Administrative Affairs and Budget) Committee should be in charge of getting the responses from the Provost's Office and then bringing them back to the Faculty Caucus for discussion.

Senator Borg: Are you suggesting that that happen at the upcoming caucus?

Senator Fazel: Yes, because this caucus only involves elections, which will probably take no longer than 15 minutes to complete.

Senator Holland: So you want the Faculty Caucus to discuss this? The Administrative Affairs and Budget Committee is the committee that is actually supposed to receive the report about the AIF every year.

Senator Fazel: But, as faculty, we could make suggestions about the types of things the committee could ask the Provost to respond to.

Senator Holland: There is a kind of a separation in that you have a committee receiving a report every year and then you have the caucus receiving the long-term report.

Senator Kalter: I don't believe the wording in the *Blue Book* is that they only receive it as a yearly report. I think they have the right to review it.

Senator Fazel: I see it as a continuation of the discussion on April 9. It was a long evening, so the discussion was cut short. So let's continue that conversation and then come up with some recommendations. Of course, the committee will have the authority to add any questions and recommendations.

Senator Borg: That was done at the Faculty Caucus, so I think that that is the appropriate place for the discussion. I like your idea of figuring out which questions to forward for review during the summer and then having a discussion early in the fall semester with the new Provost.

Senator Stewart: Also, I see it as informational. There are historical issues involved and I really appreciated receiving the information in the ten-year review. Since we have a new Senate coming on board, I think that it would be unlikely for them to pass those questions on.

Senator Holland: It would be a good issue for people to start working on early so that we have more than one meeting to think about it. The question, at this point, is, since we can't look at the questions before the meeting, and there is only one more meeting of the current Senate (do we include it on the agenda for the upcoming meeting of the Faculty Caucus).

Senator Fazel: Could we call it a continuation of the previous meeting? People who have submitted questions would probably present those questions themselves.

Ms. James: I could get the questions from Kathleen.

Senator Fazel: Are you thinking that, procedurally, that might not be the right thing to do?

Senator Holland: Yes, if we bring it up in the caucus, it is kind of a Sense of the Caucus Resolution, as to 'this is what we want to do, these are the questions we would like to have answered, and we need to be involved in answering

them', yet we don't know what those questions are right now.

Senator Borg: Can we get the questions from Kathleen and place them in the packets? We would receive them a couple of days before the meeting.

Senator Holland: Then we can go ahead and add it to the agenda.

List of Panel of Ten and Academic Freedom, Ethics and Grievance Committee Nominees
The elections of the members of the Panel of Ten and the Academic Freedom, Ethics and Grievance Committee will be conducted by the Faculty Caucus on April 23, 2008.

ADDENDUM: 04.14.08.01   From Frank Waterstraat/Academic Affairs Committee: Ten-Year Limit for Courses as Prerequisites Sense of the Senate Resolution
Senator Holland: We just received a Sense of the Senate Resolution from the Academic Affairs Committee to limit the acceptance of a course as a prerequisite to ten years.

Senator Borg: If this is a change of policy, they would have to present the policy and their recommendations for revision.

Senator Holland: I think that they were looking at this as an editorial changes to the catalog.

Senator Borg: The catalog is a policy document.

Senator Fazel: The second paragraph actually says that this is academic policy.

Senator Holland: So this would be an Information Item rather than a Communication. It probably won't become an Action Item at that meeting.

Senator Borg: Probably not. They wanted it in right away, but I think we need to match whatever catalog copy and policy that exist now with their proposal and work from there, rather than from just a resolution. It must come from somewhere, so we need to work with Senator Waterstraat on this so that he knows what we are suggesting.

Senator Alferink: There won't be much policy there to address, because there will be just the statement on prerequisites; so we are going to have to add something to that statement.

Senator Borg: Yes, that is, essentially, what they are asking to do.

Senator Alferink: But you would have to add the policy language as a change to the existing language in the catalog.

Ms. James: So shall I just request another document from that committee?

Senator Borg: I think so; it's pro forma. If we can get it done in a couple of days, I would be happy to have the committee replace that with this resolution.

Senator Kalter: It would be good, for things like this, to keep them as an Information Item so that the two -week cycle could go around while the senators let their departments know. For things like the SCERB Hearing Panel, it seems to be fine to move it from information to action at the same meeting, but I would prefer that we do that sparingly.

Senator Holland: That is the intent—to give people a few weeks to think about it. So the resolution goes back to Senator Waterstraat and the Academic Affairs to see if we can't bring it as an Information Item.

Senator Alferink: There also isn't any rush on this because the catalog copy deadline is well into the fall semester.

Ms. James: So there's no rush to get this on the next agenda?

Senator Alferink: That's what I would say.

Senator Fazel: Actually, it might be a good idea not to include it since the membership of the Senate will change after the next meeting. Perhaps it could come before the Senate in early fall.

ADDENDUM: 04.14.08.02   From Farzaneh Fazel/Planning and Finance Committee: 2008-09 Priorities Report – Revised (Action Item on Senate Agenda of 4/23/08)
Senator Fazel: After the Faculty Caucus meeting on April 9, one of the faculty members talked to me about including the issue of salary inversion and compression in priority one, faculty and staff salary increases, of the 2008-09 Priorities Report. I thought that that was a good idea, made the change and sent it to the Planning and Finance Committee. Almost all members agreed with the addition, so the second sentence now reads, "This plan should continue to intermix annual, general merit-based raises with mid-year, targeted pay raises to address salary inversion and compression and under-rewarded merit within categories of employees who are below peer group medians." I basically reformatted the sentence so that it would flow more smoothly, but there was no substantive change other than adding salary inversion and compression.

Senator Kalter: Perhaps we should highlight the revised sentence.

Senator Borg: You could just distribute that one sentence with a strike-through of the previous language and with the new language in bold.

Senator Fazel: Do we really need to do that since we have not yet approved this document? I think that that would be more confusing than just saying we have added a statement here. If it were a substantive change to an existing document, I think it would be worth it.

Senator Borg: What has happened is that the committee has enlivened the information, taken it back to committee, made the adjustments and so it is no longer an amendment, but part of the document that they are presenting. It is different, however, from the previous version that everyone saw.

Senator Fazel: Correct, so I will bring that change to the sentence to the Senate's attention.

Proposed Agenda for Academic Senate Orientation and Meeting of April 23, 2008:

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Academic Senate Orientation
Wednesday, April 23, 2008
5:30 P.M.
FOUNDERS SUITE, BONE STUDENT CENTER

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5:30 p.m.   Reception

5:45 p.m.   Introduction to the Academic Senate for New Senate Members

6:15 p.m.   Faculty Caucus (New and Returning Faculty Senate Members):
Nomination of Senate Chairperson
Nomination of Senate Secretary
Nomination of Executive Committee Faculty Representatives
(Elections will be held by Full Senate on 5/7/08)

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Academic Senate Meeting Agenda
Wednesday, April 23, 2008
7:00 P.M.
OLD MAIN ROOM, BONE STUDENT CENTER

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Call to Order

Roll Call

Approval of Minutes of April 9, 2008

Campus Construction Projects Update (Richard Runner, Director of Facilities Planning)

Chairperson's Remarks

Student Body President's Remarks

Administrators' Remarks:
- *President Al Bowman*
- *Acting Provost Jan Shane-Murphy*
- *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 Borg*
- *Planning and Finance Committee Chairperson: Senator Fazel*
- *Rules Committee Chairperson: Senator Alferink*

Action Item:
04.03.08.01   04.14.08.02   2008-09 Priorities ~~Report (Please see Academic Senate Packets of 4/9/08 for this document)~~ (Planning and Finance Committee)

Information Item:
04.10.08.01   Appropriate Use of Information Technology Policy (Rules Committee)

Communications:
~~Sense of the Senate Resolution: Ten-Year Period for Accepting Previous Coursework (Academic Affairs Committee) (Not Yet Received From Academic Affairs Committee)~~

Adjournment

Motion: By Senator Borg, seconded by Senator Stewart, to approve the proposed Academic Senate Agenda for April 23, 2008.

Senator Kalter: Are we eliminating the ten-year limit for prerequisites Senate Resolution or are we moving that to the Information Item category?

Senator Borg: We are removing that completely.

Senator Alferink: It is going to have to be reworked rather substantially.

Senator Fazel: On the proposed agenda, it says, "Please see Academic Senate Packets of 4/9/08 for this document" for the Priorities Report. Cynthia, you may want to remove that since we are presenting this revised document.

Ms. James: Are we distributing a whole new document?

Senator Fazel: That's correct.

The Executive Committee briefly discussed procedural issues and upcoming summer construction projects.

Motion: Senator Borg called the question, which, in essence, was to redirect the discussion to, and vote on, the issue immediately before the Executive Committee, the motion to approve the proposed Senate Agenda. There were no objections to calling the question.

Senator Borg: I did note at the last meeting that we are becoming very lax.

Senator Kalter: Perhaps we need to review Robert's Rules of Order.

Senator Stewart: Did we decide not to include Senator Horstein's revised Code of Conduct?

Senator Borg: Yes, it is not on the agenda before us.

The Senate Agenda for April 23, 2008, as revised, was unanimously approved.

Adjournment