**Faculty Caucus Minutes**

**April 6, 2016**

**(Approved)**

***Call to Order***

Senator Kalter called the meeting to order immediately following the Senate meeting.

***Action Items:***

***Revised ASPT Article XIII***

Senator Kalter: Welcome to what I hope is our last of the 2015-16 ASPT revision sessions. Give yourselves a hand before the fact. Fantastic. Alright, we have, as usual, our guests here from URC, Doris Houston, Diane Dean, Angela Bonnell, and Sam Catanzaro, and Bruce Stoffel over there taking notes. And, we’re going to start with action items this time, starting with revised ASPT article XIII that you just got the most updated revision of, I think it was yesterday. Can I have somebody put a motion on the floor to approve that article XIII?

Motion: By Senator Hoelscher, seconded by Senator Clark, to approve the proposed changes to Article XIII.

Senator Kalter: Senator Clark. Terrific. So this article, let me go through it a little bit because there are some things to point out here. One thing, by the way, that I did not do last time but only because I feel that it was assumed, anything that’s a must/shall will not change in any of our votes, and anything that has anything to do with the four new articles that we won’t actually be approving until sometime next year, none of that will change either. So one of those is actually on the first page of the revisions to XIII. It’s in XIII.A the third paragraph down that begins, “Appeals, Policies, and Procedures.” That last sentence there, “Appeals procedures for disciplinary actions which only occur as needed are provided in the articles XI-XIV of these policies.” That actually is not a true statement yet because those new articles are not in there yet. So when we vote on this, we’re going to be assuming that’s not there. There are, again, no must/shall changes, and then I did have a question for Doris and Sam to clarify a couple things, but I just also wanted to make sure about four little things that need to be clarified. One of them is on page 8, and it’s comment SC28, another one is SC32, and then the other two are what appendix are we actually voting on? So let’s look at SC28. It says, “Faculty caucus asked whether this should be at the discretion of the committee. URC voted to leave the language as proposed in August 2015. In debating the issue, members of URC noted that appeal is always available to faculty who believe a party to the ASPT process did not act in good faith and also that any information added to a tenure and promotion dossier is available for review by all parties to the process.” So just reminding everybody, this is the appeals section that tells people how to appeal various kinds of things in the ASPT policy. It might be about promotion and tenure. It might be about performance evaluation, and that particular one is about deans and chairs/directors and those kinds of meetings. So, I’m wondering if you might be able to just tell us verbally what that was about because I can’t recollect from the note exactly what our conversation was or what that note was about in the URC. And, reminding everybody just once again that this section that that note is related to is a new insertion. So this will be the first time that there have been instructions about how to appeal a negative recommendation if it was by your chair or your dean.

Dr. Catanzaro: And more specifically, there was arguably a gap in the existing policy because chair/director, and dean reports may be appealed to FRC. And there’s a provision that a formal meeting is a preliminary step in all appeals, and there’s no procedure for having a formal meeting about that report. So this new section, as probably people are starting to recall, lays out a procedure for having a meeting analogous to the formal meeting with the full committee at the faculty member’s choice with just that one individual. In fact, if I can use the language of a precedent-setting case, the question did come up a few years ago, how would we proceed? And the chair of the URC at the time and the chair of the faculty caucus at the time and I kind of worked out this as an ad-hoc procedure. It was agreeable to all parties. And, in fact, in that particular case, the individual who wrote the negative report, after the meeting and the faculty member having the opportunity to clarify and expand some of the information, actually changed his or her vote. And, so actually the process worked. So, that’s some of the context. So thank you for listening to that. So, item 3 in that last sentence, I think in the original draft the idea was if the meeting is occurring with one person, then the discretion that is given to the committee when the committee is having the formal meeting, then analogously is in the hands of the individual having the meeting, that is, the chair/director, or the dean. And if memory serves, I think you, Senator Kalter raised the question, let’s think about this being at the discretion of the committee or the discretion of the individual, and as URC considered that, they felt that it made more sense. Because if the meeting was happening with just the individual, then bringing in the committee just seemed to create a complication. So that, I hope, answers the question.

Senator Kalter: It does, actually. You’re now, I think, refreshing our memories. So there the issue was if there is information that wasn’t originally presented in the application, the chair/director can say, “Okay, that’d be fine.” Or, they can say, “No.” And it looks like what the URC is saying in this note is that in debating that, they said, “Well, it doesn’t need to be at the discretion of the whole committee,” because they already have that right to appeal to the entire DFSC or CFSC so they could invoke that, and also that any information that the chair decides to admit would then be available to the entire committee because it’s part of the dossier. Is that correct?

Dr. Catanzaro: Right. That is correct.

Senator Kalter: Okay. And then the only other one that I was hoping that you might clarify there that was a bigger clarification was we have F, the appeals process; and then G, the nature of promotion or tenure appeals. And, you have a note there that says, “URC chose not to include language from IV.C.2 and V.A about the disposition of negative DFSC/SFSC recommendations for promotion because the substance of that language was repeated in the sections describing the duties of the CFSC and DFSC and further was not germane to appeals policy per se.” I believe that has to do with the suggestion that Senator Bushell raised, and he wanted to make sure that it was always clear, anywhere pertinent, that if you’re going on a promotion from associate to full, not just tenure and promotion, that it was clear to the person that they didn’t have to have the DFSC be the final word on that. They could always send it to CFSC or ask CFSC to review the case, right?

Dr. Catanzaro: Correct.

Senator Kalter: And so, what you’re saying here is we didn’t feel that in the appeals section it was appropriate to include it there, we included it in XII and somewhere else, I think in IX, or something like that.

Dr. Catanzaro: Correct.

Senator Kalter: So the only other thing that I wanted you to clarify was on the next page in G.3, there’s an appendix change that I can’t quite decipher. Is that going from appendix Roman numeral I.B to appendix Arabic numeral 1?

Dr. Catanzaro: Yes.

Senator Kalter: Okay.

Dr. Catanzaro: So it’s an edit from a Roman numeral I to an Arabic numeral 1.

Senator Kalter: To clarify that we don’t have any Roman numeral appendices, we only have Arabic.

Dr. Catanzaro: That’s right.

Senator Kalter: Okay, gotcha. Okay. So you’ll see then that most of the rest of it is fairly straightforward. And, we are in the motion to approve, so do we have any debate? And, you can include, of course, questions in that. It was a very long prelude to a very simple action item, but any debate on that one at all? Alright. All in favor of passing the changes to article XIII except where I noted.

The motion was unanimously approved, with exceptions as noted.

***Revised ASPT Article II.D***

Senator Kalter:Wonderful. That was the longest discussion that we had because it’s the longest article, and it was the easiest one to pass. The next one we’re going to go to revised ASPT, it’s actually article II section D. Can I have a motion to approve that one?

Motion: By Senator Troxel, seconded by Senator Hoelscher, to approve the proposed changes to Article II.D.

Senator Kalter: Wonderful. So you might remember that we’ve actually already approved most of the changes to Article II, but we left Article II.D alone until we had figured out the equity stuff. So what we have in front of us is just a motion to approve the change to D, and it would be changed to read, “Every five years the URC will oversee a university-wide equity review with designated portions of such review conducted annually. Based on the results of the review, the URC shall develop an appropriate equity distribution plan. This plan must be approved by the faculty members of the Academic Senate prior to its implementation. The Office for Equal Opportunity, Ethics, and Access shall determine the criteria for affirmative action equity reviews in consultation with the URC.” Do we have any debate on that?

The motion was unanimously approved.

***Revised ASPT Article XII***

Senator Kalter: Fantastic. And, finally, revised article XII, do I have a motion to approve revised article XII?

Motion: By Senator Lim, seconded by Senator Hoelscher, to approve the proposed changes to Article II.D.

Senator Kalter: Thank you very much. And, Sam, I’m going to ask you to refresh our memory. We also already approved, as I recall, this one. So we’re just looking at an isolated change to this, but I can’t quite recall where that was.

Dr. Catanzaro: Thank you, Diane. It’s page 8, subsection 5, that last sentence, and the comment in bold italics is the pertinent comment. So I will give you a moment to read that and entertain questions.

Senator Kalter: I believe once again this was one that Senator Kalter suggested, and I have been overruled by URC and actually agree with their overruling. So what you’re saying here is that I had suggested that perhaps the DFSC wants to suggest to faculty members if they have weaknesses how they might correct them. There was some conversation about that in the caucus where people said, “Well, they could go very overboard on that; maybe we don’t want to do that.” And, URC agreed. So, I think that what we’re saying here, though, is we’re not changing the wording. So do we really need to vote on that?

Dr. Catanzaro: Well, we’re not adding the proposed requirement to make suggestions for correcting weaknesses, but we are proposing to add a sentence that reflects some of the discussion about XIII. And, URC felt that it was a good point, but it would be better addressed here in XII, so the idea is that DFSCs and SFSCs or whoever is now authoring the letters are required by policy to make sure the letter includes information about right to appeal and the pertinent article of ASPT document that describes the appeal process. And we will clean up that lower-case *a* in ASPT when we go to print.

Senator Kalter: I’m not sure I’m in the right section here.

Dr. Catanzaro: I’m sorry. It’s on page 8, in the newest version of article XII.

Senator Kalter: Oh, I’m sorry. For some reason, I do not have the correct version. So, in other words, we’re adding to the end of existing XII.B.5, yes?

Dr. Catanzaro: Do you want to see this?

Senator Kalter: I just got it, thank you, from Doris. We are adding a sentence that says, “The letter shall also inform the faculty member of the right to appeal the ASPT decision and shall cite the pertinent article of the ASPT document that describes the appeal process.” As I recall, that was Senator Rich’s suggestion.

Senator Rich: Roughly.

Dr. Catanzaro: And, I’ll note, in practice I think many departments and schools already do something along these lines in their boiler plate. So this isn’t going to be an onerous change. It’s just more information available to faculty members.

Prof. Houston: For consistency.

Senator Kalter: Wonderful. Any debate about that?

The motion was unanimously approved.

***Information/Action Item:***

***AFEGC policy (minimal changes version)***

Senator Kalter: Wonderful. We are done with our ASPT work for this semester. This is great! Congratulations and thank you, by the way, to the Provost for the food! Thank you. It has been so nice to be fed during this process. I can’t thank you enough.

Senator Krejci: Well, that’s a really easy thing to do in my list of daily activities.

Senator Kalter: Excellent. The next thing on the agenda, you may remember last time we were talking about how there are some legal problems with the Faculty Academic Freedom, Ethics and Grievance policy as it currently stands. So, you have two versions of this policy in front of you.

Senator Hoelscher: Does this mean we get no more cookies?

Senator Kalter: That’s up to her. That would be above my pay grade, Senator Hoelscher.

Senator Krejci: I think you have to talk to Greg Alt; it’s above mine.

Senator Kalter: You have in front of you two different versions. One of them is what I call the minimal-changes version. It’s identifiable because there are no marginal comments on the first page and not as many cross-throughs and all of that kind of stuff. What the Executive Committee is suggesting for this is that we, at the very least, move from information to action on this tonight because there are some problems with the way the current policy goes. One of them is that we did not have marked out what it means to have a grievance as opposed to an ethics violation or an academic freedom issue, so you see that on page 2, and also just a little bit of cleaning up of the copy on the bottom of that page. We have also gone through and crossed out the word *preliminary* everywhere where it appears. That’s because part of the problem is there is a loop once somebody gets to a hearing committee. The committee is constantly told to go back between a preliminary hearing and a formal hearing, and they can never actually get out of the loop, according to the policy. So the easy fix for that is to eliminate the word *preliminary* everywhere it appears in the policy. So we’ve done that on a couple of pages and especially in the section that begins where it says, “Faculty Hearing Committee… Hearing…” and then at the end of the part that’s called Hearing, it essentially gives the hearing committee three options instead of just two. So that would be that the Hearing Committee can recommend dismissing the complaint. They can say, “You know, we haven’t heard enough evidence. We need to have another hearing about it or a further hearing.” Or, they can conclude that just one hearing was enough and they have sufficient information to move to a decision. So those are the main changes there, and then you see underneath that what the written report will include. Then the only other thing was in company with adding the definition of grievances to make sure that in the complaints and referrals section we also allow for a grievance. And, I think that’s it. So, those would be the minimal changes. The University Counsel, Lisa Huson, has reviewed this. She was the one, actually, who added to the end of the policy the several, very helpful policy references that update that, in fact, our code of ethics a long time ago moved from 3.3.12 into being policy 1.17, 1.17A, etc., etc. So you all see those changes there. So do we have any discussion about that? Any questions, comments about that?

Senator Winger: I kind of like idea of having an infinite loop somewhere in the policy.

Senator Kalter: Senator Winger, when your term ends for Senate, I will nominate you to the AFEGC, and you can be the chair.

Senator Winger: Okay. That would be the punishment for that kind of thing?

Senator Kalter: That would be the punishment, yes. Or, we could make you university lawyer if you want to get a law degree, and then you can deal with the people who might sue us for it.

Senator Winger: You can’t teach an old dog new tricks.

Dr. Catanzaro: I prefer the Sisyphean loop.

Senator Kalter: Yes, it is a Sisyphean loop. A loop like Sisyphus. Any other comments or questions?

Senator Alcorn: I note a couple of typos. Do you want those at this point, or do you want to wait on them.

Senator Kalter: There are several typos, and we’re going to clean that up in the next round.

Senator Alcorn: Got it.

Senator Kalter: Thank you. There are lots of Mennonites with one *n*. Senator Crowley has been taking care of those. So somebody remind me how we can move this to action. I think we need a motion to move it to action tonight, is that correct? Where did my Robert’s Rules experts go?

Senator Daddario: Without Senator Powers, we don’t know.

Motion: By Senator Hoelscher, seconded by Senator Stewart, to move the minimal changes version of 3.3.8 AFEGC policy from information to action.

Senator Kalter: Is there any debate about moving it from information to action?

There was no debate. The motion to move the item from information to action was unanimously approved.

Senator Kalter: And, that, actually takes care of the other question I had, which I think Robert’s Rules requires a two-thirds vote to move something from information to action, so we got that. Does somebody want to put the motion on the floor?

Motion: By Senator Rich, seconded by Senator Stewart, to approve the minimal changes version of 3.3.8 AFEGC policy.

Senator Kalter: Any debate about these changes? As Dan Holland used to like to say, we observe a loose Robert’s Rules of Order. When we don’t do it right, we don’t get too mad about it.

Dr. Catanzaro: Bob’s Rules.

Senator Kalter: We use Bob’s Rules of order.

Senator Hoelscher: Bubba’s Rules.

Senator Kalter: Bubba’s Rules, yes, that’s good. That’s even better. I see no debate about it?

There was no debate. The motion to approve the changes to 3.3.8 AFEGC policy was unanimously approved.

Senator Kalter: Alright, terrific. Lisa Huson will be extraordinarily happy about that as will all of the subsequent AFEGC chairs, and you are removed from the hot seat, Senator Winger. You will never have to serve there, unless you absolutely want to.

***Information Items:***

***AFEGC policy (revised foundational section, revised sections A-C, partitioning of second half into section D incorporating minimal changes revisions)***

Senator Kalter: Alright, we’re going to move to information items. So I’m going to hand this over to Senator Crowley. The Rules Committee passed, I think it was two weeks ago, revisions to the AFEGC policy that are obviously much more extensive than what you just saw. What they are doing, I think it’s clear, but let me just iterate this. One of the things that we found in reviewing a 15-page or a 12-page policy or whatever this is, 5,000 words: Let’s break it up so that no committee will ever have to review all of this or revise it all at once. So what you have in front of you reflects that the proposal is to have a 3.3.8 that basically contains the authority, the jurisdiction, etc., and something about malicious charges, and then starts breaking the policy into sections, 3.3.8A, B, C, and then eventually there will be a D. But, Rules Committee ran out of time this year to forward that to us. So with that, I will hand it over to Senator Crowley.

Senator Crowley: You certainly took over my introductory statements regarding the organization of the document. Let me see now. We tried to, indeed, make it a more manageable document. So the beginning part is simply talking about what is the AFEGC in terms of its authority? And we tightened up the language where we could. Instead of “general authority,” you’ll notice small changes like that. We went through it very, very thoroughly. We also added Roman numerals within the sections. So the Roman numeral II following the introduction to the document combines the things that are within and outside and then, indeed, those things that we might consider malicious charges. So we’re defining all of those, as you see yourselves. And then once we’ve sort of laid the foundation, the logic of this seemed very wisely, now we’re going to think about how will we create this committee? So we’ve established the identity of the committee. And not we’re saying, “How will we go about making it and forming it and establishing procedures that we’ll use to make the work of the committee happen?” So I really appreciate the logic of this versus kind of throwing this all around in one big kind of heap, as though. Now we’ve no longer got a big heap. The identity is established. Now the how will we go about finding ourselves in time and space, and once we’ve got ourselves established, we’re going to think about the work that we’re going to be doing together. And, that’s going to be seen in the B section. So the A section is constructing the body, as though. And then B is constructing the work and saying, “How will we go about doing the work that this committee is designed to do?” And I really appreciate that all the time during our work on this we kept our flowchart because we liked being able to make sense of it logically in a one-page, summarizing, very nicely done, I believe, flowchart. We kept the essence of what’s on our website right now, but we clarified and rethought, and in no way do we see this as final, but, indeed, we believe that we hopefully have improved and made some sense. If one of us were to become the chair of AFEGC, we’d have a sense of what’s happening here, more clearly, at least. And then we went on to talk about the arm of the AFEGC, that is an FRC and CFSC referral arm, and then the other arm of it being the ombudsperson arm. And there are three big activities going on here, and they’re reflected in the B, C, and D parts of our document. The C part is the voluntary conciliation with the ombudsperson, and then we showed exactly the logic of that and how a thing gets resolved and ended, and then how a thing, indeed, doesn’t, and what happens, and then it kind of goes back to the chair and flows through. So even tonight, actually, we were talking about D. We did some work on D, following our other items, which had to do with the external committee memberships.

Senator Kalter: I’m going to stop you there.

Senator Crowley: Yes, yes.

Senator Kalter: Even if D was forwarded out of Rules, it hasn’t gone through Exec yet? So let’s stop at C, the voluntary conciliation part. And, what you were referring to was the flowchart also, so for those of you who were thinking about that, part of that is the visual as opposed to the text. So, thank you, very much. And, one of the things that you will see is that there were some things that the Executive Committee felt should be sent back to Rules for further research, essentially. For example, how do we best protect our staff as opposed to our faculty given that there currently, as far as I can tell, is not a legal environment that is favorable to protecting staff academic freedom. It either doesn’t exist, or things like the Garcetti v. Ceballos case have set up different types of conditions for staff working for public entities. So, we need to do more research on some of the things that Rules wanted to incorporate. So what you’re seeing here is not necessarily everything that was forwarded out of Rules but the things that Exec felt were ready, and there are some things that are going to take several months of trying to figure out how do we do this best and possibly talking to HR about how to best protect people who are in the classroom but are not faculty, and that’s just one example. So, let’s start our information item with any questions about the first section, the 3.3.8, the number I, authority; number II, jurisdiction, exemptions, and malicious charges. Anybody have any comments or questions about the changes there?

Senator Ellerton: I don’t know if you plan having any discussion on the flowchart. I just had a question on that.

Senator Kalter: Sure.

Senator Ellerton: At the very beginning, the complainant can go to the AFEGC chair or to the ombudsperson, but it implies if you go to the AFEGC chair, there cannot be a resolution or an end there. It’s a small point, but it implies that the flow can only go from there to a faculty hearing whereas it’s potentially possible for the complaint to be resolved at that point. Is that not correct?

Senator Kalter: I think you are asking a sticky question. In this sense: It appears that in past years, the Caucus debated issues like that, possibly segments of the Caucus, off-mic, so to speak, in Rules Committee or elsewhere. At some points the AFEGC chair has him or herself served in a kind of voluntary conciliator, ombuds-type role. It appears that that was not preferred by a previous Caucus or a previous Rules Committee who then forwarded it to the Caucus. And I kind of, just in my recent experience being Senate chair, can kind of see why. So when people make their way to AFEGC, the chair of AFEGC can get into complication when he or she tries to resolve the conflict with or for the person as opposed to sending it to somebody who’s supposed to be doing that as their job, either ombuds or the voluntary conciliator on the AFEGC. Because the chair, essentially, if somebody goes to ask the chair, “I want a hearing on this,” the chair should simply form a hearing committee and do that. So you can have discretionary judgment on the part of an AFEGC chair, and that can be good. Like you’re suggesting, it could actually help resolve an issue. But it’s also just as likely to get in the way of the complainant’s preferences, let’s say. I think it’s an open question, but I would say there are some complications in that question.

Senator Crowley: May I enter and see if I might contribute just a little bit in response to Senator Ellerton’s question? I like the fact that we have the duties of the chair, and they are spelled out in 3.3.8A. And, the chair is not a person to discuss things with other than explain the AFEGC process. The chair’s role is spelled out, and we have it numbered now, 1 through 9 or whatever number, maybe 8 in our new numbering, and at no point is the chair supposed to function like an ombudsperson or anything other than being the chair of AFEGC and showing the process involved as opposed to settling, entering any dispute or entering any information or anything else like that. That’s not in the designation of that role at all. So it’s basically almost like somebody saying, “This way, that way, this way, that way,” you know, if you were guiding traffic. You know, you’d be just pointing people in the right direction and maybe explaining if there is a need for explanation, but not entering the dispute experience.

Senator Kalter: Yes, and I think another aspect to that is that if the chair is the one who picks the Hearing Committee, it would probably be best for the chair to be doing that without getting involved in the facts of the case, simply picking people for the Hearing Committee who then hear that case or saying to the complainant, “I think this is a good case for informal resolution; why don’t you go see an ombudsperson first?” Or, in some cases it may actually be, “Why don’t you go back and try to resolve this with the person you have the complaint with, and if that doesn’t work, go to the ombudsperson,” etc., rather than already getting into the nitty gritty of the case before assembling a Hearing Committee.

Senator Ellerton: Just a point, in point 5 of the chairperson’s duties, it does read, “To initiate when deemed appropriate the informal conciliation of complaints filed with the AFEGC as provided in policy 3.3.8C,” and presumably that policy will clarify that role more because that implies there can be informal resolution.

Senator Kalter: Yes. The current process has a member of AFEGC as a voluntary conciliator in case somebody doesn’t feel comfortable going to one of the ombudspersons. The committee, and Senator Crowley can sort of tell us where that ended, was debating whether there should be more than one voluntary conciliator on AFEGC, and I think that you decided it might be helpful to have more than one person be able to function in that role.

Senator Crowley: Yes, I think we would. We didn’t discuss it at great length, and I’m not sure where in the policy it would state how many AFEGC facilitators would be involved, but I think we would appreciate more versus less because of the seven colleges that we have, and we don’t want people from the same college and all of those very important considerations.

Senator Kalter: So we are still, by the way, on the first section before going in, even though we sort of took a little detour into section A. Are there any other comments or questions on the first sections, authority and jurisdiction, malicious charges, that kind of thing.

Senator Lim: Could I go back to the questions of flowchart?

Senator Kalter: Sure.

Senator Lim: Coming from the field of IT where a flowchart has a very specific meaning, you know, a field, and different symbols mean different things, I’d like to offer a friendly suggestion that we make the chart conform to those standards in terms of the symbols and so forth.

Senator Stewart: The choice of shapes.

Senator Kalter: Do you have somewhere to refer us to, to find out what those are? I assume you are referring to the choice of shapes as Senator Stewart just said.

Senator Lim: I’ll be more than glad to give you some references

Senator Kalter: Great. Wonderful. Alright. If there aren’t any other questions about the authority or jurisdiction, let’s move to section A which simply talks about the creation and composition of the committee including the duties and function of the chairperson. Any comments or questions about any of that? A lot of this is mere clarification and rearrangement.

Senator Clark: Under the duties of the chairperson under point 5, it says, “To initiate when deemed appropriate.” Is the chairperson the person that makes the decision that it is deemed appropriate to have the committee? Who’s making that decision? It seems to me the way it’s written that the chairperson, if I’m the chairperson, you could bring a complaint to me and, “Well, that’s not all that important; we’re not going to do anything about it.” Am I interpreting that incorrectly?

Senator Kalter: In my recent experience, the chairperson is the person who is making the decision, not saying, “I don’t think this is an important complaint.” Right? But the way that’s worded is, “To initiate when deemed appropriate the informal conciliation,” in other words, to say to a complainant, “I think that instead of going to a hearing you might have better luck first to try to go to an ombudsperson.” Sometimes also the chair will say, “I don’t think that this is an appropriate case for informal conciliation; I think that we should go directly to a hearing.” But in general, unless there is a pretty major question of jurisdiction, the chair does one or the other. They either say, “This is a great case for resolving informally; why don’t you try an ombudsperson first and then come back to me if that doesn’t work.” Or, they say either, “You’ve already tried that and it didn’t work,” or, “It probably wouldn’t be effective.” So, yes, but your point also is that this is another passive wording. It doesn’t allow us to see for sure who is making that decision. So we may want to change that wording. But I don’t know if that makes sense to you that that person would have that ability to do that. Does that seem appropriate?

Senator Clark: Yes, thank you.

Senator Ellerton: I wondered under the complaints in A.3, it lists, “A faculty member complaint by a faculty member, the action of some person or persons,” etc., “has violated the faculty member’s academic freedom.” I don’t see mention of students in there. And I certainly know of one case where the action of a faculty member did violate a student’s academic freedom, and I don’t know how that should be covered.

Senator Kalter: That is the hundred-million-dollar question. In other words, that is one of the things we’re not leaving that to the side, but we need to investigate more about how best to do that. My understanding from talking to AFEGC chairs is that sometimes they’re having trouble just finding faculty for the hearing committees for faculty, and so one of the questions about how best to protect grad students has to do with a resource issue. Is this committee, as already large, is it large enough to take on that much more of a load of cases involving graduate students? So that’s one question. The second question sort of has to do with how that would work, exactly, given that a graduate student is just learning their profession. So, in some way, we want to get guidance from nationwide standards about how other universities protect graduate students because they’re obviously on a learning curve as to how you teach in a music classroom or an English classroom, or what have you. How do people deal with those cases where there may be a question of disciplinary standards being imposed versus somebody actually violating the student’s academic freedom? So, that’s one of the things that we’ve recommended to carry over to next year for further discussion.

Senator Ellerton: That was a slightly different example than the one I intended. The one I had in mind was to do with a faculty member infringing the rights of a student as against the student being the complainant. In other words, it’s a faculty member complaining about another faculty member who violated a student’s rights. And I don’t know whether that is covered. I think that is a different case. In other words, the complaint is against a faculty member, that the faculty member hasn’t violated a fellow faculty member’s academic freedom, but violated that of a student.

Senator Kalter: So let me just clarify. Are you talking about a student who is a teacher in a classroom?

Senator Ellerton: No.

Senator Kalter: Or a student who is a student in the faculty member’s class?

Senator Ellerton: A student who is a student.

Senator Kalter: I believe that those would generally go through student processes, and Sam is saying yes to that as well, that we have mechanisms in place that are not the AFEGC to resolve those types of complaints. It is, by the way, in our ISU constitution that students enjoy academic freedom, and it’s also in our academic freedom policy. So those policies help to protect students.

Senator Ellerton: So if it’s an undergraduate student, it would be through the Dean of Students’ office?

Senator Kalter: Sam, do you want to say something?

Senator Ellerton: But would graduate students go through the Graduate School? Where would graduate students go?

Dr. Catanzaro: I think that graduate students could go either place. I’m actually not sure if there’s a separate process for graduate students. If they went to the Graduate School, the Graduate School would refer them to the Dean of Students’ office if needed. But that’s certainly where an undergraduate would go, would be the Dean of Students’ office.

Senator Kalter: And certainly the chair would also be the first line, I would think, right? That if a student felt that their academic freedom was violated, they would go first to the department chair to complain about it and see if it could get resolved in that way.

Senator Krejci: I heard Senator Ellerton say it wasn’t the student who was the complainant. It was a faculty who was observing another faculty undermining the academic freedom. So I wanted to make sure.

Senator Ellerton: Right. It’s subtle. There are so many subtleties in specific cases that we can’t cover them all, and I recognize that, but I didn’t want to preclude examples such as that, where it is a faculty member raising a complaint about a fellow faculty. But the person affected happens to be a student, and potentially maybe that is still covered in this. I would like that it could be, but that was why I raised it. Thank you.

Senator Kalter: It seems to me that we could do a better job of clarifying that for both students and faculty. When should students go to various places? And, when should a faculty member get involved in helping the student, etc.? Because, of course, that then puts that other faculty member at risk of an ethical violation, right? If they’re accusing a fellow faculty member to the student of having violating that student’s academic freedom, that could be an ethical violation on that faculty member’s part. On the other hand if they don’t support the student when the student comes to them, we would prefer for them to help that student in some way, to refer them to the right place.

Are there any other comments or questions about either the first section or section A? Alright. Let’s look at section B which is types of cases, procedures for cases. And the Rules Committee has done a great job of rearranging this so it’s much clearer by having first, the general procedures for complaints and referrals, then instructions and procedures about referrals, and then instructions and procedures about complaints. Anybody have any observations to make about that section? And, seeing none, I’ll just include section C in that, which is the section on voluntary conciliation with complaint cases.

Y’all are tempting me to ask if anybody wants to make a motion to move this to action tonight. I hear Senator Troxel chuckling. Would you like to make a motion?

Senator Troxel: I’ll move it.

Senator Kalter: Will you?

Senator Troxel: Sure.

Senator Kalter: Alright. So, Senator Troxel.

Motion: By Senator Troxel, seconded by Senator Chebolu, to move the version of 3.3.8 AFEGC policy revised by the Rules Committee from information to action.

Senator Kalter: Let’s debate that. Anybody have any objections or any debate, I guess I should say one way or another about moving this to action?

Senator Daddario: Is this just sections through C?

Senator Kalter: Sections through C, and then we would also just say that there is a D because that part of the policy has to stay there, but we wouldn’t be making any changes after that. And, of course, if we were to move it to action, we would incorporate any of those minimal changes that we made, so those sort of take priority over anything here, but I think they’re consistent with one another. Any debate on moving it to action?

There was no debate. The motion to move the item from information to action was unanimously approved.

Senator Kalter: Wonderful! Alright. So, Senator Crowley, would you like to put the motion on the floor to adopt this?

Motion: By Senator Crowley on behalf of the Rules Committee, to approve revisions made by the committee to 3.3.8 AFEGC policy, minus any conflicts with the “minimal changes” version just passed.

Senator Crowley: I would love to make a motion, with great gratitude to the amazing work of our committee this year. We worked so hard. We didn’t have one canceled meeting. We added some. And word by word, consideration by consideration, input by input, what date was the most recent revision? We worked extraordinarily hard. And I would also add that we did not deny the other work that we were doing with bylaws and everything else. So our committee needs to do something special at the end of this year. So with great gratitude, I would like to move that we approve the revisions to the AFEGC guidelines from the beginning up to part C of this revised document.

Senator Kalter: Terrific. And we don’t need a second because that is coming from committee, and I will just second everything that Senator Crowley said. You were incredible workhorses all year, and great appreciation to the subcommittee which was Senators Crowley, Cox, and Chebolu who worked on this, to Senator Wortham last year for working on the draft. And, it’s a work in progress. This is such an imperfect policy. I have found a dozen problems that we haven’t even thought of yet or haven’t even talked of yet, so this is one of those *let’s improve it*, but again not make the perfect the enemy of the good at this point. Any debate on the changes to this policy? Alright, seeing none, all in favor of adopting these changes but of course leaving the minimal changes as first priority if there is any conflict.

The motion to approve revisions made by the committee to 3.3.8 AFEGC policy, minus any conflicts with the “minimal changes” version just passed, was unanimously approved.

Senator Kalter: Terrific. Wow, we got a lot done tonight. Thank you very much. And, congratulations Rules Committee, Senator Crowley. Great work.

Senator Stewart: That policy was a mess.

Senator Kalter: It is, indeed, a mess, Senator Stewart, and it’s actually still something of a mess, but we’re going to keep working on it.

Senator Stewart: It is a cleaner mess.

Senator Kalter: It is incredibly cleaner. It’s so much more manageable; it’s not even funny.

***ASPT Discussion:***

***Continuation of first information item session on proposed Article XIV Dismissal and Appendix 7***

Senator Kalter: The only other thing that I wanted to ask everybody about tonight, last time we had a session on the proposed new dismissal policy. Because we were doing 20 minutes, 20 minutes, 20 minutes, and then stopping, I just wanted to make sure that we got all of the comment that we need about the proposed new dismissal policy, which is of course why everybody here has stayed, just in case we have feedback for them on that. Anything to add about the proposed new dismissal policy? And, we’re hitting 9:30, so we’re 15 minutes ahead of time. Senator Banthan will be happy about that. Just to let you know, I think that it’s probably a good idea for us to go over the minutes before we figure out how we’re going to deal with those four new disciplinary things next year. So no recommendations yet about how that process moves forward. We’ll let you know. So the URC can kind of feel off the hook right now. We’re not sending them back yet. We’re going to talk in the Executive Committee about what the next step should be and all of that kind of stuff, and we’ll give an update probably early next year about that, possibly at the end of this year. Anything else?

***Adjournment***

Motion: By Senator Hoelscher, seconded by Senator Dawson, to adjourn. The motion was unanimously approved.

Senator Kalter: Alright. Thanks, everybody. Have a great night.