

ACADEMIC SENATE MINUTES
(Approved)

October 23, 2002

Volume XXXIV, No. 5

Call to Order

Chairperson Lane Crothers called the meeting to order at 7:00 p.m.

Roll Call

Senator Borg called the roll and declared a quorum.

Approval of Minutes of October 9, 2002

Motion XXXIV-32: By Senator Mehta, second by Senator Waterstraat, to approve the Academic Senate minutes of October 9, 2002.

Senator Feaster: On page 6 at the bottom of the page, it reads: "...non-tenure track faculty representative from the College of Business..." That should be "from the College of Arts and Sciences."

Senator Crothers: That was a quote from a senator, but we thank you for bringing that to our attention.

Revision to the minutes, page 6: "(The non-tenure track faculty Senate representative is from the College of Arts and Sciences.)" The minutes were unanimously approved

Chairperson's Remarks

Senator Crothers: We have items on our agenda that will generate lengthy discussions. Additionally, the Faculty Caucus will meet following this meeting to address several items in executive session.

Student Government Association President's Remarks

Senator Bathauer: Senator Hoover, a student senator, has had to submit her resignation due to time constraints. Therefore, I ask the faculty members to please let their students know that we are accepting applications for an undergraduate, off-campus senator. Applications are available on line at the SGA web site as well as in the SGA office.

Administrators' Remarks

- **President Vic Boschini:** We opened the new Center for the Performing Arts this past weekend; it was a huge success. We also had the thrill that evening of announcing our latest \$1 million gift from Mrs. Barbara Jean Benway, who donated the money primarily in support of the College of Fine Arts and the new Center for the Performing Arts. The usual discussion hour before each Board of Trustees meeting will be held on Friday, October 18, at 8:00 a.m. in the Faculty Commons. Drs. Borg and Shane will speak about the NCA re-accreditation process. At 9:00 a.m. in the Old Main Room, we will hold the Board of Trustees meeting. All are invited to attend. The College of Business building is still on schedule. We continue to make progress on our Provost search. There is no new information concerning the budget. Finally, I don't want to stand in the way of the discussion of the Freedom of Expression Policy, which is on this evening's agenda, but I want to make it clear that, as President, I will not endorse any policy that governs where, when or how individuals choose to exercise their rights of speech and expression, so long as that expression respects our existing laws and policies and the rights of others to express different opinions.

Senator Razaki: At what stage is the Provost search?

Senator Boschini: The search committee is down to 12 candidates and they will interview them in Chicago next weekend.

- **Provost Al Bowman:** The Commission on Collegiate Nursing Education has granted accreditation to the Mennonite College of Nursing for the baccalaureate and masters programs. The information on FY03 salaries will be available at

Milner Library by October 31.

- **Vice President of Student Affairs Helen Mamarchev:** We wrapped up a very successful Family Weekend this past weekend with lots of activities and participation. Our Parents Association Advisory Board gave out two scholarships to recognize academic excellence. The recipients are Giselle Lepe and Stacy Haack.
- **Vice President of Finance and Planning Steve Bragg: No Report.**

Committee Reports:

Academic Affairs Committee

Senator Lindblom: The committee received a report from Joe Rives of University Planning and Vice President Steve Bragg, who explained to us the process by which performance indicators will be taken from the *Educating Illinois* document and worked to satisfy the IBHE's *Illinois Commitment*.

Administrative Affairs and Budget Committee

Senator Lartz: The committee met with Sharon Stanford regarding the Consensual Relations Policy. We will meet with the Rules Committee to come together on committee recommendations. We are also anticipating a lively discussion on the Freedom of Expression Policy this evening.

Faculty Affairs Committee

Senator Winchip: We are now reviewing the University's policies, procedures and guidelines for Distinguished Professors and hope to reach a resolution at our next meeting.

Planning and Finance Committee

Senator Kurtz: The committee continued its discussion of ways of integrating shared governance structures into the budget planning process. We also have a subcommittee discussing prioritization of the action items in *Educating Illinois*.

Rules Committee

Senator Reid: The committee discussed the final draft of the College of Education bylaws. We will bring it to the next Senate meeting. We began discussion on the Consensual Relations Policy. We will not be ready to meet with the Administrative Affairs Committee regarding that policy for at least two more Senate meetings.

Action Item:

09.27.02.01 Lab School Senate Representative Proposal (Rules Committee)

Motion XXXIV-33: By Senator Reid to approve the proposal to add a Faculty Associate representative from the Lab Schools to the Senate.

Senator Reid: Two years ago, the Senate accepted the principles of shared governance, constructed by the President's shared governance committees. Those principles state that the decision-making processes require active participation of the stakeholders. The inclusion of a stakeholder is dependent upon the degree to which a decision has direct consequences to a member of a group or its central mission. We demonstrated at the last meeting that the decisions of this Senate affect the Faculty Associates and their mission.

Senator Crumpler: I believe that this is simply an issue of employee rights. The Faculty Associates are a constituency of this University. They are the only personnel group that does not have representation on the Senate.

Dr. Robert Dean, Director of Lab Schools: The Faculty Associates, in addition to providing field experiences for the teacher education students on campus, are also active as instructors in many of the academic departments on campus, so they do fulfill a teaching role as well. We are very much linked to the University, the issues that come before this body are certainly of importance to us and we have much to contribute.

Senator Winchip: The Faculty Associates make enormous contributions to teacher education at the University by working with 18 departments on campus. They have a long history with the University, in fact, starting in 1857.

Senator Armstrong: Permitting this constituency to become a part of shared governance is a great misreading of shared governance. With the same logic, one could argue for the inclusion of Metcalf and U-High students in SGA and on the Senate. They are another constituency. This is not an issue of fairness, but an issue of responsibility.

Senator Nur-Awaleh: In principle, exclusion of Faculty Associates is simply inconsistent with the notion of a democratic system of shared governance. One Senator objected to the inclusion of Faculty Associates because their roles and responsibilities are different from those of the faculty. Civil Service employees and students do not have the same responsibilities as faculty, yet both groups have representation on the Senate. Is this consistent with the principles of Shared Governance?

Senator Lartz: The Lab School faculty have made it possible for my department to be a strong and thriving department. If we did not have them, we would not have the program that we have today.

Senator Maroules: I have had the opportunity to see the significance of the work and the considerable amount of time that Lab School Faculty Associates spend teaching, mentoring and advising students here at ISU, in addition to their primary students in elementary and secondary grades.

Senator Landau: The College of Education should provide a medium for Faculty Associate representation on the Senate.

Senator Nur-Awaleh: The College of Education does not provide representation for the Faculty Associates because, per the Senate bylaws, only full-time faculty, with the rank of professor or associate professor, are eligible to vote in the Senate elections.

Senator Landau: If this resolution is passed, it will necessitate a change in the Constitution. That is the way in which we can address Senator Nur-Awaleh's concerns about the voting restrictions.

Call the Question: By Senator Crumpler. There was no objection.

Vote on Motion to Approve Lab School Senate Representation: By a vote of 46 to 4, the motion was approved. The senators who voted against the proposal were: Armstrong, Coliz, Deutsch, Landau. There were no abstentions.

Senator Crothers: Prior to the approval by the President and the Board of Trustees of the addition of a Lab School Representative on the Senate, I would recommend that the Faculty Associates chose one or more observers to attend the Senate meetings.

Information Item:

08.13.02.02A Freedom of Expression Policy (Administrative Affairs and Budget Committee)

Senator Lartz: The Administrative Affairs and Budget Committee brings to you tonight the Freedom of Expression Policy. It was unanimously forwarded to the full Senate by the committee. I ask that Brent Paterson, Associate Vice President for Student Affairs, join us for this discussion. Dr. Paterson has the history of the development of the policy.

Dr. Paterson: In the summer of 2001, an individual, who wanted to conduct a protest on campus, was referred to me. I discovered at that time that there was no specific policy to which I could refer on this issue. After discussion with Dr. Mamarchev, in the fall of 2001, I put together a small task group to begin discussions about such a policy. As we were working through very early drafts of this, we discovered that the Administrative Affairs Committee of the Senate was also discussing this issue. At that time, I met with committee chairperson, Ed Wells, and asked that we work together on this. In the fall and spring, we shared drafts with the committee and with the Student Government Association. SGA had representatives on the task group as well.

The policy was then forwarded to the Administrative Affairs Committee this fall. The intent of the policy is to simply have something in writing so that individuals who may want to protest on campus would know what the University policies are.

We looked at policies at other colleges and universities, legal issues and landmark court cases.

Senator Coliz: I viewed this policy as not necessarily restricting protest to any particular area, but if protests are done in the specified areas, one is far less likely to violate policy and laws.

Dr. Paterson: That is correct. Those areas were chosen because of their high visibility. It is possible to have protests in other areas. That is why there is a registration process, although that is only a recommendation.

Senator Razaki: A number of institutions have tried this and have dropped the practice; also, there have been court rulings against policies of this sort. If freedom of expression is to occur anywhere in the entire universe, shouldn't it be on an American campus? How did you come to these decisions?

Dr. Paterson: The fundamental concept is the importance of not disrupting classes and other operations of the University.

Senator Bathauer: This policy refers to amplification restrictions, but we already have an Amplification Policy, which is currently under review by the Senate. Why do we need this policy?

Dr. Paterson: It was the feeling of the task force that we wanted to alter the current Amplification Policy. Also, amplification is only one issue in this policy.

Senator Bathauer: Does this policy require that all groups register?

Dr. Paterson: The main purpose of having registration is to deal with outside groups.

Senator Bathauer: Does it state that you must register?

Dr. Paterson: No.

Senator Brasseur: On the second page, you have sentences that seem to contradict each other regarding use of designated forum areas. In black type, it reads, "...it is recommended that reservations for forum areas be made at least 48 hours in advance of the event..." Then in capital, red underline, it reads, "**RESERVATIONS FOR THE DESIGNATED FORUM AREAS MAY ONLY BE MADE ONE YEAR IN ADVANCE.**" Which is it?

Senator Lartz: The sentence in red is the one sentence that the Administration Affairs Committee added. Its purpose is to not allow the same group to choose the same date each year on a perpetual basis.

Senator Brasseur: Don't you think that needs some clarification?

Senator Reid: If you add after the words, "at most" after "only be made", it will cease to say the opposite of what is intended.

Senator Brasseur: On the first page, paragraph one, "Illinois State University maintains its right to regulate reasonable time, place and manner restrictions concerning acts of expression and dissent as established by law." Does this conflict with the statement by Dr. Paterson that not everyone is required to reserve a forum area for a protest?

Dr. Paterson: I think that the various drafts were not always in parallel and need to be reconsidered. The concept behind regulating reasonable time, place and manner was for outside groups who might interfere with other activities that the University had planned.

Senator Brasseur: Could you revise the policy so that this is clarified?

Dr. Paterson: My belief is that we could not adequately put that in writing without being in legal jeopardy. If we set a different standard for student groups and groups outside of the University, we would be violating the intent of the law.

Senator Lacio: How were students involved in the drafting of the policy?

Dr. Paterson: We had representatives from the Student Government Association on the task force, as well as a graduate student. The Administration Affairs Committee also has student representation.

Senator Deutsch: How does this policy affect moving demonstrations, such as the march for “Take Back the Night” event? Would the organizers of that event have to register to have a demonstration in a non-designated area?

Dr. Paterson: That would be the intent--that they would register for the event--and all appropriate preparations would be made.

Senator Pryor: “Take Back the Night” calls attention to sexual violence against women. Do think that you can permit this march, but prohibit others? Are you prepared to make those kinds of judgments?

Dr. Paterson: We cannot make a decision based on content. The idea of registration is perfect for this example in that, in some situations, there are certain precautions that the University should take for such an event--ensuring the safety of those who are protesting, as well as the safety of those who may be counter-protesting and observers. Another issue is sticks for placards. Sticks can quickly become weapons in protests. You can still carry your sign or banner, but it doesn't necessarily need to be on a stick.

Senator Reid: If I understand correctly, you can go to one of these designated forum areas without a reservation or any kind of registration. However, at any other place or time, you must have approval from the appropriate officials?

Dr. Paterson: No, the language means that reservations are recommended. As long as what you are doing elsewhere on campus is not disruptive, then the intent is that those protests would be permitted, if those facilities were available.

Senator Reid: Secondly, I am confused about statements in the policy concerning counter-demonstrations. One would *not* need prior approval for counter-demonstrations, such as the Disney protest?

Dr. Paterson: That is correct.

Senator Reid: Is the message of this policy that carrying sticks is potentially dangerous, so freedom of expression is a potentially dangerous activity?

Dr. Paterson: I don't see it that way. I think we have a responsibility for the safety and security of our faculty, staff and students.

Senator Kurtz: One of the statements in the policy reads as follows: "Any acts that are disruptive to the normal operations of the university, including classes and university business, or that invade the rights of others will not be tolerated." Who makes the determination as to what is disruptive?

Dr. Paterson: Officially, that has not been determined. That would be an administrative procedure that follows the policy. The intent of this was to move that decision from the University Police to Student Affairs.

Senator Kurtz: So, you have discussed this, but you are leaving this open-ended, as well as the sanctions for any violations?

Dr. Paterson: If it were a violation of the Code of Conduct for students, it would go through the University disciplinary process.

Senator Kurtz: Another statement refers to silent protests. Who determines what is preventing the audience from being able to pay attention if the protest is silent?

Dr. Paterson: It would depend on the forum of the event. It might be the police, Student Affairs or the officials that are with a particular event.

Senator Kurtz: You also say that the “list should not be considered exhaustive”, so there are other kinds of expression that are potentially disruptive, according to someone. Who will make those determinations?

Dr. Paterson: It would be behavior that would be a violation of the Code of Conduct.

Senator Kurtz: If we have a Student Code of Conduct, then why do we need this?

Senator Nur-Awaleh: Suppose I violate the orderly manner of picketing using sticks or poles? What are the consequences of my actions?

Dr. Paterson: I can't answer that. That would be up to the University Hearing Panel that might hear the case if it is a violation, though I doubt that carrying sticks or poles would be a violation that the University would pursue, other than perhaps by reprimanding someone.

Senator Burk: Was there any staff representation on the task force? Was there any consideration of future union efforts?

Dr. Paterson: I don't know if any of the members involved in the task force were union members. I don't believe so.

Senator Fowles: What concerns me is this notion of "designated areas", which is limiting, as opposed to “recommended areas” of gathering. Can you change that and keep it in the spirit of what is intended? Do you foresee University police imprisoning and fining students or faculty who don't follow this policy?

Dr. Paterson: The police would need to respond to what the state law is and not policy.

Motion XXXIII-34: By Senator Lindblom, seconded by Senator Jerich, to table the proposed policy. By voice vote, the motion to table the proposal did not pass.

Motion XXXIII-35: By Senator Landau, second by Senator Lindblom, to move the proposal to action. By voice vote, the motion was unanimously approved

Motion XXXIII-36: By Senator Lartz to approve the proposed Freedom of Expression Policy.

Senator Lartz: I to want to remind everyone that the Administrative Affairs Committee voted unanimously to bring this policy forward, not because everyone supported it, but so that the full Senate could discuss it.

Call the Question: By Senator Chusid. There were no objections.

Vote on the Motion to Approve the Freedom of Expression Policy: There was one yes vote by Senator Lartz and one abstention from Senator Coliz. The remainder of the Senate voted against the proposed policy.

Communications

Lifetime Achievement Award

Senator Razaki: Chris Mushrush, who was formerly a graduate student senator and is now a temporary, full-time faculty member, was given the Lifetime Achievement Award by the National Association of Graduate and Professional Students.

Diversity Workshop

Senator Virgil: The Office of Diversity and Affirmative Action will conduct a two-day workshop on November 19, 8:30 a.m. to 4:30 p.m., and on November 20, 8:30 a.m. to 1:00 p.m., on the foundations of diversity and cultural competence. This workshop supports the University's value of diversity. The deadline for registering for this workshop is November 1

and we strongly encourage everyone to attend.

SGA Fundraiser

Senator Mehta: SGA is doing a fundraising selling coffee and tea. Please contact any SGA representative for more information.

Adjournment

Motion XXXIV-37: To adjourn. The motion was approved by standing vote.

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ATTENDANCE AND MOTIONS

Date: 10/23/02		NV = NON-VOTING					
		Approve Minutes	Approve Lab School Rep.	To Table Freedom of Expression Policy	To Move Freedom of Expression Policy to Action	To Approve Freedom of Expression Policy	Adjourn
Names	Attendance	Motion 32	Motion 33	Motion 34	Motion 35	Motion 36	Motion 37
		Unanimously Approved	Approved	Voice Vote - Motion Did Not Pass	Unanimously Approved	Motion Did Not Pass	Unanimous
ALLEN	X		YES			NO	
ANDERSON	X		YES			NO	
APER	X		YES			NO	
ARMSTRONG	X		NO			NO	
BARONE (Chair of Chairs Council)	X	NV	NV	NV	NV	NV	
BATHAUER	X		YES			NO	
BAUM	X		YES			NO	
BERG	X		YES			NO	
BORG	X		YES			NO	
BOSCHINI	X	NV	NV	NV	NV	NV	
BOSER	X		YES			NO	
BOWMAN	X	NV	NV	NV	NV	NV	
BRAGG	X	NV	NV	NV	NV	NV	
BRASSEUR	X		YES			NO	
BURK	X		YES			NO	
CHUSID	X		YES			NO	
CLEMMONS	X		YES			NO	
COLIZ	X		NO			ABSTAIN	
CROTHERS	X		YES			NO	
CRUMPLER	X		YES			NO	
CUNNINGHAM	X		YES			NO	
DEUTSCH	X		NO			NO	
FEASTER	X		YES			NO	
FOWLES	X		YES			NO	
GAYLOR	X		YES			NO	
HAMPTON	X		YES			NO	
HOLLAND	X		YES			NO	
HOWARD	EXCUSED		ABSENT			ABSENT	
JERICH	X		YES			NO	
KUGLIN	X		YES			NO	

KURTZ	X		YES			NO	
LACIO	X		YES			NO	
LANDAU	X		NO			NO	
LARTZ	X		YES			YES	
LIGUNAS	X		YES			NO	
LINDBLOM	X		YES			NO	
MAMARCHEV	X	NV	NV	NV	NV	NV	
MAROULES	X	NV	NV	NV	NV	NV	
McGINNIS	X	NV	NV	NV	NV	NV	
MECKSTROTH	X		YES			NO	
MEHTA	X		YES			NO	
MEYER	X		YES			NO	
MOHAMMADI	X		YES			NO	
NIEMANN	X		YES			NO	
NUR-AWALEH	X		YES			NO	
O'BRIEN	X		YES			NO	
O'DONNELL	X		YES			NO	
PATEL	X		YES			NO	
PLANTHOLT	X		YES			NO	
PRYOR	X		YES			NO	
RADHAKRISHNAN	ABSENT		ABSENT			ABSENT	
RAZAKI	X		YES			NO	
REID	X		YES			NO	
REYNOLDS	X		YES			NO	
THOMAS	EXCUSED	NV	NV	NV	NV	NV	
THONGSITHAVONG	X		YES			NO	
TRITES (Deans Council Rep.)	X	NV	NV	NV	NV	NV	
TUDOR	X		YES			NO	
VIRGIL	X		YES			NO	
WATERSTRAAT	X		YES			NO	
WINCHIP	X		YES			NO	
GUEST: DR. ALFERINK FOR SENATOR THOMAS	X	N/A	N/A	N/A	N/A	N/A	N/A