SENATE FACULTY CAUCUS MINUTES September 1, 2004 (Approved)

Call to Order

The Senate Faculty Caucus was called to order immediately following the Senate meeting of September 1, 2004.

Approval of Faculty Caucus Minutes of May 5, 2004

Motion: By Senator Wylie, seconded by Senator Schlenker, to approve the Academic Senate Faculty Caucus Minutes of May 5, 2004. The minutes were unanimously approved.

Confidentiality of Documents – ASPT and AFEGC

Senator Crothers: According to the ASPT rules, the deliberations of committees engaged in ASPT work are confidential. However, the University had to get a ruling from legal counsel on the question of whether the documents created through such deliberations are also confidential. The ruling of the external counsel is that the documents are not confidential. The University Review Committee (URC), therefore, is being asked to draft some language about the confidentiality of documents in the ASPT process.

Provost Presley: We have sent forward a summary of what we learned from counsel about this. Mainly the documents are not confidential for a couple of reasons. First of all, there is no language in our policies that says they are. Secondly, you can't deliver a letter to a party to an application and then demand that it be kept confidential; the person who receives the letter owns it. Confidentiality is also limited in the sense that the courts have the right to subpoena the documents and actual testimony about the process. Additionally, when the Academic Freedom Ethics and Grievance processes are a part of the ASPT process, then neither their documents nor their procedures, at this point, are confidential. The AFEGC procedures will only be confidential after we acknowledge that in the language within the policies. I will be suggesting to the University Review Committee that we need to be much more directive about the ways in which certain committees publish their findings and how they notify the parties of what their findings are. When the Academic Freedom Ethics and Grievance Committee is dealing with an ASPT matter, the committee needs to use a very truncated, even a template, form of communication. There are morale issues and legal issues each time someone's actions are characterized with words like 'unethical' or 'unprofessional'.

Senator Crothers: This is actually grounded in some actual experiences of the last year, so this is not an abstract conversation. We need to consider what the caucus wishes to direct the URC to do. Last year, we asked the URC to take a look at the post-tenure review question. My personal sense is that I would rather that the URC work on this first, as the ASPT process is more fundamental to more people and more people are vulnerable to that process.

Provost Presley: I have prepared a suggested revision to the five-year-post-tenure review for the URC. That might go more quickly than one would think.

Senator Wang: I think that the confidentially issue should be resolved first. It is more important in that it affects the whole University's operation. This could have serious legal implications once everyone knows that these documents are not confidential.

Senator Reid: Does all of this have to go to the URC first or can the Rules Committee consider changes in the AFEGC policy to respond to these issues.

Senator Crothers: That is an interesting question. The Rules Committee never oversees ASPT matters; those matters are overseen by the Faculty Caucus. However, the consideration of the AFEGC document would certainly be a Rules Committee process. In this case, the AFEGC is working as part of the appeals process through the

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Faculty Review Committee (FRC). I am not sure to whom FRC reports.

Provost Presley: It might be more efficient if we left this with the URC. The AFEGC and the FRC probably both need direction from the URC about the rules and nature of evidence and the format of hearings that they should be following. We don't have descriptions of how the process should go; I did give Senator Crothers a CD called the *Harvard Project on Personnel Policies*, which contains the personnel policies of about 75 universities.

Senator Crothers: We need to decide on the first question. Should we ask the URC to expedite the work on confidentiality?

Senator Hammel: Are the basic communications in the ASPT process, for example, from the DFSCs to faculty, considered confidential?

Provost Presley: At this point, they are not confidential documents.

Senator Crothers: For example, your evaluation letter is not confidential because you own it.

Senator Hammel: What is the limit of the non-confidentiality? Is it limited to the individual to whom such docume are sent?

Senator Crothers: I think that there is an important distinction here. The annual performance letter has with it certa professional expectations that are contained in the ASPT document and it has to answer those. There are no such expectations in the appeals processes.

Motion: By Senator Borg, seconded by Senator Wang, recommending that the URC, in conjunction with the Provos take up the issues of confidentiality. Additionally, the jurisdiction questions concerning which committee deals with these issues should be reviewed and reported back to the Caucus at its next meeting. The motion was unanimously approved.

Election of Honors Council Faculty Representative – Term 2004-2005

The candidate for the Honors Council was withdrawn. As there were no additional nominees, the election was rescheduled for September 15, 2004.

Election of SCERB University Hearing Panel Faculty Representative – Term 2004–2007

The caucus unanimously elected Professor Aaron Moore of the College of Applied Sciences and Technology to the Student Code Enforcement and Review Board's University Hearing Panel for the 2004-2007 term.

Council for Teacher Education - Confirmation of Faculty Appointments - Terms 2004-2007

The caucus unanimously confirmed the Provost's faculty appointments to the Council for Teacher Education for the 2004-2007 term. The faculty members appointed to the council were:

College of Education:

Patricia Klass, EAF 2004-07

College of Arts & Sciences:

Beth Schlemper, GEO 2004-07 Tami Martin, MATH 2004-07

College of Fine Arts:

Ed Stewart, Art 2004-07

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Council for Teacher Education – <u>Election of Senate Faculty Representative</u> - Term 2004-07

Senator Deb Trissel was unanimously elected as the Senate Faculty Representative to the Council for Teacher Educa for the 2004-2007 term.

Academic Planning Committee - <u>Election of Senate Faculty Representative</u> – Term 2004-05 (Senate Faculty Representative required from college other than CFA or CAS)

Senator Boser inquired as to whether one of the committee representatives from the Planning and Finance Committee the Academic Affairs Committee appointed to the Academic Planning Committee could also represent the caucus. Senator Crothers stated that it was possible for someone from those committees to also represent the caucus. Howev the caucus might want an additional representative to share the work on the Academic Planning Committee. There w no volunteers to serve on the Academic Planning Committee from the Faculty Caucus at large. The election was rescheduled for September 15, 2004.

University Anniversary Steering Committee - <u>Election of Senate Faculty Representative</u> Term 2004-2007

There were no volunteers to serve on the University Anniversary Steering Committee to plan the sesquicentennial anniversary for the University. The election will, therefore, be scheduled for the caucus again on September 15, 2004

Faculty Liaison - Election of Senate Faculty Representative from CAST

Senator Boser agreed to serve as the CAST Senate Faculty Liaison for the 2004-2005 term.

Adjournment

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