

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 confidentiality 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

Council for Teacher Education – Election of Senate Faculty Representative - Term 2004-07

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

Academic Planning Committee - Election of Senate Faculty Representative – 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 or 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. However, the caucus might want an additional representative to share the work on the Academic Planning Committee. There were 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 – Election of Senate Faculty Representative 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