

**Executive Committee Minutes
Monday, November 12, 2001
(Approved)**

Chairperson Curt White called the meeting to order at 4:00 p.m.

Present: Mark Albrecht, Lane Crothers, Khalid Razaki, Curt White, Susan Winchip, John Walker, Ziggy Kowalski, Carolyn Bathauer, la'Rufus Mitchell, Vic Boschini, Sharon Stanford

Excused Absences: Eileen Fowles, Al Goldfarb

Approval of Executive Committee Minutes of 10/29/01

Motion XXXIII-46: By Senator Razaki, second by Senator Walker, to approve the October 29, 2001 Executive Committee meeting minutes. The minutes were unanimously approved.

Communications (oral):

- 10.29.01.02 From Al Goldfarb, Provost: Request for Senate Executive Session for Selection of Distinguished Professors
- 11.06.01.02 From President Boschini: Approval of Senate Action of October 24, 2001 (Senate Approved Graduation Rate Goal Policy)

ADDENDUM:

11.09.01.01 From Helen Mamarchev: Installation of Security Cameras in Chatters Dining Center

Communications (distributed):

- 10.30.01.01 From President Boschini: Memo Regarding Fiscal Overview
- 11.05.01.01 From Paul Walker, University Review Committee: Draft of Discretionary Language in ASPT Policies

ADDENDUM:

- 01.23.01.01C From Paul Borg: Revisions to Mission Statement**
- 10.15.01.02A From Paul Borg: Revisions to Proposed Admission Requirements**

Proposed Agenda for Academic Senate Meeting of 12/12/01 at 7:00 P.M.

Approval of Minutes

Remarks

Committee Reports

IBHE-FAC Report (Senator Crothers)

Action Items:

Non-Tenure Track Faculty Senate Representative Election Process:

10.12.01.01 Revisions to Constitution (Rules Committee)

10.29.01.01A Revisions to Bylaws (Rules Committee)

Information Items:

**10.15.01.02A Proposed Admission Requirements (for students entering in fall 2003)
(Academic Affairs Committee)**

01.23.01.01C Revision of University Mission Statement (Academic Affairs Committee)

Communications
Report from ISU Foundation Board (Senator Razaki)

Adjournment

Motion XXXIII-47: By Senator Razaki, second by Senator Walker, to approve the Senate agenda for November 28, 2001. The agenda was unanimously approved.

Discussion

11.05.01.01 University Review Committee's Draft of Discretionary Language in ASPT Policies

Senator White: It appears that the University Review Committee is holding the line it held when this was discussed in the faculty caucus, but it doesn't really placate anyone. My suspicion is that for COE to get any satisfaction, it will have to deal directly with the Provost and make the argument that whatever claims it has for an early promotion are truly exceptional. I think that the Provost is open to that argument. Is it the Executive Committee's feeling that we should do anything more with this issue?

Senator Razaki: I would like to see that policy debated again, because I don't think that the College of Education or any other college should have exceptional treatment, such as when you say that COE is able to talk directly to the Provost and he would be willing to listen to them.

Senator White: I am not saying he would make an exception for any specific college, but he is open to argument from any college.

Senator Crothers: Since I was not a part of the discussion when this policy was being addressed, what was the underlying logic that if you were a B+ or an A- faculty as opposed to an A+ faculty, you could not be promoted early? Essentially what the exceptional requirement insists is that if you are anything less than exceptional, then you must wait for an extra couple of years for promotion, in my opinion, for no good reason. I think that is a perverse set of incentives, particularly as faculty shortages are intensifying nationwide.

Senator Razaki: I think the reason is that in general there are standard amounts of time. For students, we expect them to take about four years to graduate from college.

Senator Crothers: But if they graduate in three, then we are very happy.

Senator Razaki: But it is an exceptional student who does that and the same applies with faculty.

Senator Crothers: I disagree entirely.

Senator Razaki: I disagree with the contention that everybody in a college is so exceptional that within three years they can perform in terms of research and everything else what it would take people in other colleges five years to do. That is why to me this wording is proper, that if somebody were exceptional, he or she would be promoted in the third year.

Senator Crothers: I will give you my specific case.

Senator Razaki: You are arguing with the application of the policy in terms of what your dean did.

Senator Crothers: No, I am arguing with the underlying premise of the policy. I am arguing that if there are some discrete standards in terms of what we expect, in terms of service, research, teaching qualifications and whatever else, and if you have met those after four years, then it makes no sense to wait for another year.

Senator Razaki: And that is exactly what this policy says.

Senator Crothers: No it doesn't, because that is not considered exceptional. Exceptional means that you are far above everyone else; but if you have met the requirements after four years, why should you have to wait for promotion?

Senator Razaki: Because ASPT and everyone else have found it very difficult to come up with standard models for every discipline.

Senator Crothers: Except for time, which you impose automatically makes you eligible.

Senator Razaki: No, you may not be promoted within that period of time either. Even then, you must have produced enough to get promotion. Promotion is not automatic with the passage of time. The point is that you have to accomplish enough in various areas and nobody has been able to develop models.

Senator Crothers: On the other hand, the ASPT process as such imposes a model of time as a standard.

Senator White: Can I suggest that this is a moot point and what you might do Lane if you feel strongly about this is to draft language that could be considered as a substitute for what is in here now, forward that to the appropriate committee and ask them to consider bringing it to the floor.

10.19.01.01 Proposed Revisions to Sexual Harassment Policy

10.19.01.01A Current ISU Sexual Harassment Policy

Senator White: We were not sure what to do with the proposed revisions to the Sexual Harassment Policy. The issue is basically related to language regarding consensual relationships.

Sharon Stanford, Associate VP Academic Administrative Services: This originally began because of a question that I received from the Office of Diversity and Affirmative Action. We began to do some work to see if the University had a consensual relationship policy. In that research, we found what appeared to be in your Senate minutes from March 23, 1994, the work of two committees that asked that this statement on consensual relationships be attached to the Affirmative Action Policy to be put in the University Handbook along side the Sexual Harassment Policy. However, it has never appeared anywhere. What I hope would happen here is that the Executive Committee would send this to Rules to decide if this statement should appear anywhere and where it should appear, and if not, what should the institution do in the area of consensual relations. On a separate issue, there have been requests for this language from a faculty member and from a dean.

Senator White: I think I was on record from last time saying clearly that I didn't think that a purely advisory document had any business being close to the Sexual Harassment Policy, something that is federally mandated. If it should be anywhere, it should be in our ethics documents. That doesn't really answer the concerns that you have that this should apply to more than faculty and students. I also have a problem with the term "power in the relationship" because I think it is very vague. You have the potential for power relationships between a tenured faculty member and an untenured faculty member.

Dr. Stanford: What most policies do from the broadest sense is to explain the source of the responsibility for the person who happens to have the power in the relationship.

Senator Crothers: I appreciate that consensual policies are broadly in use, but what does it add beyond the Sexual Harassment Policy? I know that the Sexual Harassment Policy gets into the area of federal law and remedies, but the truth is there is nothing in consensual relationships that cannot be covered in the context of sexual harassment.

Dr. Stanford: I would ask this group to let this be a broader faculty or community debate than what we have in this room. I would suggest that two committees have already spent an inordinate amount of time on this issue. It got lost somewhere and I suggest that we send it to Rules and try to sort some of these issues out.

Senator Boschini: Why would we not want to do that?

Senator White: I don't have a problem with sending it to Rules as part of their discussion on the Ethics and Grievance

Handbook, but this body always serves as a sounding board for potential problems. At this point, I see grave problems with how something like this would actually function. I wouldn't want it to be legislative. If it is advisory, I am not sure where to put it. I agree with Lane that most of what it covers is already in the Sexual Harassment Policy.

Dr. Stanford: We have a nepotism policy, but we don't have a policy that says if you are dating someone, you could not be his or her supervisor. We don't say that anywhere in any document. It may be that we need to expand the nepotism policy, which talks about the supervisory relationships.

Senator White: If you wanted to narrow it down and you wanted to legislate a very narrow idea, which would be faculty should not have consensual relationships with students who are in their classes or under their advisement, that is something that could be debated and acted upon. That is something that might be reasonable to be put in the Ethics and Grievance Handbook.

Senator Crothers: I assume that there are similar documents for civil servants and APs.

Senator Razaki: I now remember part of the discussion the last time this came up in 1994. Again, it is not to be seen anywhere because similar discussions came up and nobody knew what to do with it. That is why it just lapsed.

Dr. Stanford: The AAUP has looked at this as a way to protect student exploitation, so I think we have a broad area of why we would have a reason to discuss this.

Senator Razaki: I think those things are already forbidden.

Dr. Stanford: We have one statement in the Code of Ethics, but it is not very clear. It talks about exploitation of students, but then in the next sentence, it says that 'it is expected that a student's assistance in writing a book or article be properly acknowledged'. At least we need those two sentences separated.

Senator Walker: Did we determine that what was drafted in 1994 was just left hanging somewhere?

Senator White: I think that Senator Razaki's recollection is correct; it was deliberately left hanging. There was a determination that the conversation was not heading in any clear and definite direction and my suspicion is that unless we are very specific, this one will have the same fate.

If we are going to send it to Rules, I think it would be highly advisable for us to send it to them in a way that is as focused as we can make it. The first area of confusion for them is 'are you asking us to look at a faculty ethics and grievance problem or you asking you asking us to look at something that would be applicable to all employment classes on campus?' If we are asking the first, then we can send it to Rules, but I don't think that addresses all of the concerns that Dr. Stanford has brought to the table. If we are asking the second, then some of those things are going to be out of their jurisdiction. Rules has no jurisdiction over documents that exist for civil servants. I don't know about APs. The most we could do is offer a Sense of the Senate Resolution that is addressed to civil service and APs.

Dr. Stanford: What if we gave them a three-part charge? We ask to them if the old version is warranted for their consideration. If not, which is kind of the conclusion that we have come to here, we would ask them to consider the addition of a consensual relationships policy in the Faculty Ethics document that is being reworked. Then the third would be if they think that a broader policy needs to be employed for all groups, then to make a recommendation to the administration to develop a policy applicable to all groups.

Senator Razaki: Why are you asking them the third question? If you believe that all classes of employees should be covered, then a university-wide committee should be looking at this.

Senator White: You could argue that the Senate is now a university-wide committee.

Senator Razaki: No, we cannot with only one AP and one civil servant. Let the President set up a committee. Let them look at that issue and wherever the faculty is involved, we would take it to the Rules Committee.

Senator Boschini: Why don't we send it to Rules, just ask the first two things, and simultaneously start the third?

Senator White: Another way of doing it is like, for example, what we did with the Secondary Employment Policy. That initiated in the Provosts Advisory Council (PAC). A recommendation was then sent to the Senate to either endorse or not endorse it. If you have a global consensual relationship policy that you want to affect all classes of employees at the university, you could identify first the places where this policy would need to be and PAC could draft specific language for those documents

and then forward them to those bodies for their consideration. I would think that PAC would need to consult very carefully beforehand with some of the principle players in the bodies to which it is going to send this policy. We might want this to go into the Student Code of Conduct as well.

Cynthia James, Secretary: Could I get a summary of where this is going to go? First, it is going to PAC, and then PAC will send recommendations to the Rules Committee, SGA, AP and civil service?

Senator White: That's correct.

Non-Tenure Track Faculty Election Process

Senator Crothers: To say that a number of non-tenure track faculty are angry about the process by which their representative was appointed is to mildly understate the level of anger and frustration that has been experienced. There has been a lot of frustration about the underlying process. There was supposed to be some kind of self-nomination system; however, I believe that the department chair or dean in some cases just decided who the NTT nominee was going to be without any discussion among the NTT faculty. This raises some deep questions, which includes abrogation of that election and a new process. I believe that the NTT are going to be organizing to that effect.

Senator Walker: Did they have recommendations?

Senator Crothers: Part of it has to do with recommendations that they claim that they made which was that the NTT's ought to hold a meeting among themselves and designate some representatives in kind of a primary process.

Senator Walker: To whom did they make this recommendation?

Senator Crothers: To Provost Goldfarb, who they claim solicited it, said it was a good idea and then ignored it.

Senator Razaki: Why didn't they nominate themselves?

Senator Crothers: Apparently the communication never made it down to them. At no point in time did they even know that the nominations were being solicited. There was no general announcement.

Senator White: Essentially they had no representative for the first part of this year. Why weren't they pushing for representation?

Senator Crothers: I think a lot of it had to do with communication and that they are isolated and out of the loop. In a general, they feel that they get what rolls down hill and this is just another example of it. That makes this particular situation a symbol of their overall frustration. They are also deeply skeptical about the future process.

Senator Boschini: The NTT will go to the meeting with Senator Goldfarb tomorrow and express that.

Senator Crothers: It is my strong sense that they will do so. They are going to ask for relief and more or less ask us to un-elect and re-elect.

Senator Razaki: I would not support that at all.

Senator White: Gretchen Knapp sent me a recommendation that information about the NTT rep be put into the *ISU Report* and I thought that was a good idea.

Senator Walker: One thing we could think about doing is that since we are basically at the end of the semester, they could remain unrepresented until elections are held next semester. It does, however, delay any representation that they might have now until well into next semester.

If they are nominated by their department chair to run for the Senate, and they may not want to, then they may not feel that they cannot say no. On the other hand, if they want to run and their department chair feels that they have no business serving, then they may be discouraged from running. That is why we tried to open it up and bypass any of the structure that lies between the Senate and those people wanting to serve. I think it would be beneficial if there were some sort of NTT organization. Really, they should be handling the elections on their own, just as colleges are handling them.

Senator White: Are the non-tenure track faculty covered by the Faculty Ethics and Grievance Handbook?

Dr. Stanford: By definition, they are not considered faculty, so they are not covered.

Senator White: So you are saying that almost 50%, or whatever the percentage is of courses delivered by NTTs at this university, are delivered by people who are not compelled by the Code of Conduct in the Ethics and Grievance Handbook? That is a rather staggering fact.

Dr. Stanford: By definition, non-tenure tracks are "non-continuing employees". They have a one-year contract.

Senator White: The department chair is surely covered by the Code of Conduct; so if the NTT is claiming that that faculty member has violated the Code of Conduct, then the NTT would still have an avenue for redress in the Faculty Ethics and Grievance Policies and Procedures. That does not clear up the point that the Code of Conduct, a lot of which affects behavior in the classroom, ought to apply to anybody in the classroom, including NTTs. That seems like a rather serious oversight in our Ethics and Grievance Handbook.

Dr. Stanford: I will do research and see how that might be tied in with the constitution. Maybe the definition is broader than I am allowing.

Senator Crothers: I guess I don't understand this. If a student has a grievance with a faculty member, they don't file under Faculty Ethics and Grievance, they go through SCERB. The FEG is a mechanism for faculty to file against other faculty or administrators. How then can NTTs, if it is true that they are not faculty, file under the Faculty Ethics and Grievance?

Senator White: That can't be. That's what Sharon is going to look into.

10.30.01.02 Memo from President Boschini Regarding Fiscal Overview

Senator Walker: I have a question for the President about the fiscal overview memo. The first bullet point talks about the 4% tuition increase and expecting that about two-thirds of the revenue from this increase will go for salary increases. Then in the last sentence it reads, 'should there be any remaining funds, these would be allocated to actions in *Educating Illinois*.' It is my understanding that some increases go to enhancement funds that departments and colleges use to fund new programs.

Dr. Stanford: That is unique to each appropriation year, which you may or may not get.

Senator Walker: So that is not part of the 4% ?

Senator Boschini: No, this is the 4% that we will raise from increased tuition.

Senator Walker: So none of that tuition increase would go into any enhancement dollars; only appropriated dollars go into enhancement?

Senator Boschini: Right, and also this year, there won't be anything left anyway because we are not going to get money for many things, so it is going to be tight.

Senator Razaki: I have heard rumors that you have asked for a 2% rescission.

Senator Boschini: No, we are waiting to be asked by the governor, but we hope it does not happen. I have asked Dr. Bragg to come up with scenarios for if we have a 1% cut, 2% or even a 3% cut.

Senator Walker: There is already a lot of anxiety if we are looking at a 2% rescission in a half-year budget. Even though 2% doesn't sound like a lot, everything has already been spoken for.

Senator White: Where are we with 3 + 2 + 1?

Senator Boschini: The IBHE is coming back to us with a response on that. In my opinion, the IBHE is trying at every cost to maintain some semblance of 3 + 2 + 1 or 3 + 1 + 1 to enhance salaries. We have made it a top priority on our campus and I think it is safe to say that Keith Sanders has also made it his top priority. I think that the governor has encouraged him to do that.

Adjournment

Motion XXXIII-48: To adjourn. The motion was unanimously approved by standing vote.