

Executive Committee Minutes
Monday, November 10, 2003
(Approved)

Call to Order

Senator Lane Crothers called the meeting to order at 4:00 p.m.

Present: Lane Crothers, Eileen Fowles, John Presley, Ryan Meister, Barry Tolchin, Jim Reid, President Bowman, Hassan Mohammadi, Josh Garrison, Susan Winchip, Paul Borg, Josh Rinker

Guest: Jim Coliz, Senate Rules Committee Chairperson

Approval of Executive Committee Minutes of October 27, 2003

Motion XXXV-39: By Senator Fowles, seconded by Senator Tolchin, to approve the October 27, 2003 Executive Committee Minutes. The minutes were unanimously approved.

Discussion:

04.02.03.01 *Consensual Relations Policy (PAC Policy as revised by 2002-2003 Rules Committee)*

11.10.03.01 *Consensual Relations Policy (PAC Policy as revised by 2003-2004 Rules Committee)*

11.10.03.02 *Code of Ethics Excerpt Re: Consensual Relations (As revised by 2003-2004 Rules Committee)*

Senator Crothers: The Consensual Relations Policy was assigned to both the Senate Rules Committee and Administrative Affairs Committee. The Civil Service Council and Administrative/ Professional Council endorsed the policy developed by the Provost Advisory Council (PAC) a year and a half ago. The Student Government Association agreed that the policy review should go through the Senate. The Rules and Administrative Affairs Committees have taken divergent paths in the policies they propose. It is the Executive Committee's task to resolve this problem. Jim Coliz, Chairperson of the Rules Committee, and Josh Rinker of the Administrative Affairs Committee are here to represent each committee's perspective.

Senator Coliz: The Rules Committee has unanimously approved a policy proposal that it would like to forward to the Senate. We are recommending a policy that we think satisfies 90% of the problems that everyone has brought up through the process of hearings, discussions and e-mails. The original policy, drafted by PAC, was approved by the Civil Service Council and the A/P Council and those councils have moved it forward for their people. It has really been the faculty and Senate members who have had some trouble with this. That makes sense because faculty are in a profession that is under a norm of a Code of Ethics that dictates how we behave and what we do. The Rules Committee, therefore, would prefer to see the Code of Ethics governing our behavior rather than the policy approved by the Civil Service and AP Councils. Civil Service and AP tend to supervise a person for a longer period of time, where as faculty and students are coming in and out of the supervisory-grading relationships much quicker. We thought we should, therefore, look at staff and faculty consenting relationships as two different situations.

The Civil Service and AP Councils seem to be ok with the policy as was previously written, so the Rules Committee simply exempted faculty and faculty associates from that policy, which is the draft policy I am now distributing (11.10.03.01). Additionally, the committee added one sentence to the policy from PAC to emphasize the fact that personnel decisions are kept confidential. The committee felt that reminding Civil Service and AP that these were confidential matters like all personnel decisions was a positive thing to do. Sharon Stanford did not think that that revision would effect the need for the policy to go back to the two councils for approval.

The students were concerned primarily with two things. They did not want professors engaging in romantic relationships with students in their classes. Also, they felt that the Code of Ethics should require that grading is fair and impartial in all situations. Therefore, the committee revised the Code of Ethics to reflect that anytime there is a conflict of interest, which could be in regard to consenting relationships or other conflicts of interests, faculty are expected to document that grading was being done fairly and impartially. We also added that it is unethical to enter into a sexual or romantic relationship with a student during the time that a faculty member is supervising that particular student.

Senator Reid: With this proposal, when it comes to punishment, what will have changed here is that the faculty member's supervisor cannot bring any sanctions on their own, but would have to go through the ethics and grievance process?

Senator Coliz: For faculty, that is correct, but not if the grievance is against a staff member. The civil service and AP employees would have their normal procedures that they would follow.

Senator Rinker: The Administrative Affairs Committee reviewed the policy that was in our packets today, the Consensual Relations Policy from PAC that was revised by the 2002-2003 Rules Committee. We have not seen the policy to which Senator Coliz has referred. We felt that we only wanted to bring forward the first sentence of that policy as the policy on consensual relations: "Illinois State University employees--faculty, administrative professionals, civil service and students employed by the University—are expected to be aware of their responsibility to avoid apparent or actual conflicts of interest, favoritism, or bias in their relationships with other members of the University community." It was the majority opinion of the committee that we want to govern as little as possible, but we also want to cover the University legally. We did recently get to see the revised Code of Ethics document and agreed that if consensual relations logistics and details were to be anywhere, we would like to see them in the Code of Ethics.

Senator Crothers: Does the Code of Ethics cover graduate students dating undergraduate students?

Senator Coliz: Not at this point; they would be covered under the Student Code of Conduct.

Senator Crothers: Procedurally, the Executive Committee could instruct the Administrative Affairs and Rules Committees to reach a consensus; or, we could say that we are comfortable with the Rule Committee's proposal and remove the charge from the Administrative Affairs Committee.

Senator Reid: I see an area for compromise. The Rules Committee is saying that the other governance groups can do what they have agreed to---they agreed to the PAC policy. It seems that Administrative Affairs is saying the same thing--faculty are exempt from the policy and that the Rules Committee will address faculty responsibilities in the Code of Ethics. I think there is a possibility of sending it back to both committees and saying that you have a common ground.

Senator Borg: In the past, were not the ethics policies forwarded to the Faculty Affairs Committee?

Senator Crothers: Now, the ethics and grievance document comes to the Faculty Caucus and not to the Faculty Affairs Committee.

Senator Borg: In which case, this would not come to the Senate anyway?

Senator Crothers: In this case, it would come to the Senate because the Faculty Caucus is acting as an internal committee.

Provost Presley: Does PAC have any continuing involvement at this point?

Senator Crothers: Sharon Stanford sits on the Rules Committee as the Provost's designee, but we could certainly ask the committee to consult with PAC. Technically, that body gave up authority when it forwarded the document to the Senate.

Provost Presley: I think it is a fundamental error to exempt faculty from the policy. In my last conversation with legal counsel about this policy, the concept of instantaneous liability still applies. By placing it into the ethical area, it takes longer and longer to effect a grievance and a solution. During all that time, the institution and the faculty member's supervisor bear liability, as might the members of the Ethics and Grievance Committee. The policy that came from PAC allowed the supervisor to effect a distancing of the parties in a disproportion of power relationship so that liability would not enter into the situation. That's not here now for faculty.

Senator Reid: It is possible that one can put together a solution where in fact the supervisor would have the power to mitigate without sanctions.

Senator Crothers: That is not in the policy proposed by Senator Coliz' committee.

Senator Reid: Yes, but if we, as a committee, feel that this is not going to be signed by the President without the supervisor having the power to mitigate, then it our responsibility to send this back to the Rules Committee with that recommendation for revision.

President Bowman: Whatever policy is recommended must pass legal muster. The attorneys have to say what you are working with is palatable.

Senator Reid: Perhaps we need feedback from the attorney.

President Bowman: That is where PAC began a year ago.

Senator Crothers: Can I assume that if the appropriate committee should contact the University attorney, the attorney would be available to discuss this policy?

President Bowman: I think a better suggestion is to consult an attorney who has expertise in this area. I would be willing to do that.

Senator Crothers: Is it the decision of the Executive Committee to ask Administrative Affairs to work within the framework established by Rules, particularly given this current framework that Jim is looking at, or is it our decision to remove this charge from the Administrative Affairs Committee? Do we wish to centralize authority over this policy into one committee?

Motion XXXV-40: To remove the jurisdiction of the Consensual Relations Policy from the Administrative Affairs Committee. The motion was approved by a majority of the Executive Committee by voice vote. The policy is now solely within the purview of the Rules Committee.

Senator Crothers: I recommend that the Rules Committee contact the President about consulting with an attorney concerning the policy. I also strongly encourage the Rules Committee to have a conversation with PAC as it goes forward.

Senator Reid: Can we also recommend to Rules to include in the policy the ability of the faculty member's supervisor to mitigate without sanctions? This would give the supervisor the immediate possibility to step in. If the supervisor still wanted to sanction after mitigation, he/she would have to go through the Code of Ethics grievance process.

Provost Presley: If the policy allowed for the mitigation of the circumstances, I think that would be ultimately fairer and leave the institution as having made a good faith effort to deal with the problem. You would still have the grievance committee there as due process for either party.

Distributed Communications:

10.27.03.01 From Gary Klass: Enrollment Management Memo

Senator Crothers: Professor Klass' memo concerns the issue of enrollment management. In the past, we have endorsed things like the tiered admissions policy and University Studies Degree. He does not think this was a good idea. He asserts that enrollment management ten years ago caused the decline in enrollment. That, however, is inaccurate. He talks about the difficulties for students in changing majors when the standards are higher in the major in which they seek to enroll. That is a legitimate issue to raise. We could send this to Academic Affairs and have them look at his concerns.

Senator Borg: We could refer this to Academic Affairs and recommend that that committee work with the Academic Standards Committee, which is the committee that deals with these particular things.

Senator Crothers: Let me suggest that we send it to Academic Affairs with particular attention drawn to how standards influence enrollment.

Provost Presley: I would like to have a dialogue with whatever committee to which it is referred.

Senator Crothers: You have structural representation on the Academic Affairs Committee through your designee, Betty Chapman.

10.28.03.01 From President Bowman: Approval of Senate Actions

President Bowman approved the items endorsed by the Senate on October 8, 2003 and October 22, 2003. Those endorsements were the Religious Observances Policy, for which there were no recommended revisions to the current policy, a proposal to provide University priorities to the Senate Planning and Finance Committee, the 2003-2004 Dean Search Committee Waiver and the award money usage clarification proposal from the Faculty Affairs Committee.

10.29.03.01 From Provost Presley: Inclement Weather/Disaster Closing Procedures for Final Exam Schedule

The inclement weather/disaster closing procedures for the final exam schedule will be advisory to the Senate on November 19, 2003.

11.04.03.01 From Joe Rives: Educating Illinois 2003-2010 Draft (To Planning and Finance Committee)

Senator Crothers: The individuals who have completed this most recent draft of the 2003-2010 *Educating Illinois* document have asked for the Senate's endorsement of the document prior to the February Board of Trustees' meeting. The Chair of Planning and Finance seems to think that is an overly ambitious timetable.

Senator Reid: The Planning and Finance Committee needs to receive a summary of the changes to the document. You would have to read through this document and the current *Educating Illinois* document to discover the revisions.

Senator Borg: This draft of the document is not ready to go to the Senate for endorsement. There are editorial changes that still need to be made.

Senator Crothers: Is the February 2004 deadline credible or is Planning and Finance correct in seeking endorsement at the April meeting?

Senator Borg: If we can have the final wording by January, I see no problem.

Provost Presley: The editing of the document by PAC will be completed by January.

Senator Borg: I recommend that Planning and Finance discuss this draft in full committee by the end of the fall semester with the hope that it will be able to forward it for Senate endorsement at the January Senate meeting or at the first meeting in February. I would include in that recommendation the proviso that the final editing must be done prior to the first meeting in January.

Senator Crothers: We could even ask Planning and Finance to forward it to the Senate for endorsement by the February 18 meeting. I will ask Joe Rives for a summary of the revisions tomorrow so that it will be available to the committee.

ADDENDI:**Academic Calendar Policy**

Senator Crothers: Through communications from Amy Mersinger of the Office of Enrollment Management, we found that there was a need to update the guidelines for the approval process for the Academic Calendar. Those guidelines were approved by the Senate in 1996 and do not reflect the current calendar approval process. I sent out an e-mail asking people if they had any comments about adding language to the Academic Calendar Policy and received only one response. So, the University has moved forward with a change to the calendar policy, which essentially says we will follow the procedures that we currently follow for the calendar's approval. (The policy, submitted by Sharon Stanford and approved by the President, is located in the Policies and Procedures Manual on the web at:

http://www.policy.ilstu.edu/policydocs/academic_calendar.htm)

ASPT Committee

Senator Crothers reported that two faculty members have volunteered to serve on the ASPT Committee. Senator Borg stated that he might be in a position to serve on the committee in the spring.

11.07.03.01 From Provost Presley: Distinguished Professor Recommendations

An Executive Session for Distinguished Professor recommendations will be held during the Senate meeting of December 10, 2003.

Proposed Agenda for Academic Senate Meeting of November 19, 2003 at 7:00 p.m.**Call to Order****Roll Call****Approval of Minutes of November 5, 2003****Chairperson's Remarks****Student Government Association President's Remarks****Administrators' Remarks**

Committee Reports

Advisory Item:

10.29.03.01 Inclement Weather/Disaster Closing Procedures for Final Exam Schedule (Provost Presley)

Communications

Adjournment

Motion XXXV-41: By Senator Meister, seconded by Senator Reid, to approve the Academic Senate Agenda of November 19, 2003.

Motion XXXV-42: By Senator Fowles, seconded by Senator Borg, to cancel the Senate meeting of November 19, 2003, as there were no action or information items to come before the Senate. The internal committees should still meet on November 19. The motion was unanimously approved.

Discussion:

Team Excellence Awards

Senator Borg nominated Senator Crothers as a representative on the Team Excellence Awards Committee. Senator Crothers accepted the nomination. Senator Ken Jerich will continue to serve on the committee for another year as a faculty representative appointed by the President. The term of service on the committee is two years.

Adjournment