

**Academic Senate Executive Committee Minutes**  
**Monday, April 3, 2006**  
**(Approved)**

***Call to Order***

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

***Present:*** , Marian Hampton, Lane Crothers, Dan Holland, Ross Richards, Lynsey Wright, Nathalie op de Beeck, Eileen Fowles, Farzaneh Fazel

***Absent:*** Provost John Presley, President Al Bowman, Josh Garrison, Brett Schnepfer

***Guest:*** Chuck McGuire, Assistant Provost

***Approval of Executive Committee Minutes of March 20, 2006***

**Motion XXXVII-61:** Motion by Senator Hampton, seconded by Senator Fowles, to approve the Executive Committee Minutes of March 20, 2006. The minutes were unanimously approved.

***Oral Communications:***

***Senate Orientation – Request for Suggestions for Official Seating of New Senate***

**Senator Crothers:** One of the things we have always talked about doing is having a bit more formal welcome to the Senate for incoming senators. So, you have in front of you a couple of ideas for that We have ordered certificates and we are soliciting ideas for things you might want to see on the certificates.

**Senator Fowles:** At the April meeting, I think it would be good to recognize the ones that would be leaving as well as recognize the new Senate members at the May meeting.

**Senator Crothers:** We can do it both ways. The only thing is that people don't always tell us when they are leaving.

The Executive Committee discussed the suggestions for the seating of the new Senate and recognition of outgoing senators. The committee agreed that a more formal seating and recognition would be appropriate.

***Senate Membership – Absence of Senate Member***

**Senator Crothers:** We gave Joe Blaney, a faculty Senate member, permission to be excused from the Senate meetings during the fall 05 semester. However, he has not shown up for any Senate meetings during the spring. I don't know if he was just elected for a one-year term and someone replaced him, but I wanted to let you know that I will need to inform the dean of his college.

**Senator Fowles:** I would contact him first and then the dean.

**Senator Crothers:** If he was a one-year fill in, that's fine, but I can't find that out by going to him. I would need to speak to the dean.

**Ms. James:** I do have a list of everyone that was elected.

**Senator Crothers:** Does it show that he was elected for only one term?

**Ms. James:** I will check our records.

***Distributed Communications:***

**03.08.06.01 From Curt White, IBHE-FAC Representative: Eight Theses on Higher Education In Illinois (Senate Communication Item for Endorsement on 4/12/06)**

**Senator Crothers:** You have from Professor Curt White the *Eight Theses on Higher Education* that we are going to

be asked to endorse. The IBHE Faculty Advisory Council will be taking this to the IBHE tomorrow.

**03.21.06.01 From Suzie Zeigler: CAST Bylaws – Revised**

**Senator Crothers:** The revised bylaws for the College of Applied Sciences and Technology will be forwarded to Rules Committee for review. There is language in the revised draft that changes the review from three to five years, so I would hope that the committee will look at that carefully.

**03.24.96.01 From Jan Shane: Service Awards – Request for Nominations**

**03.29.06.01 From Jan Shane: Academic Planning Committee – Recommendations for Revisions to Membership**

**Senator Crothers:** The proposed revisions to the membership of the Academic Planning Committee will be forwarded to the Rules Committee. If there is any way that the Rules Committee can act on those recommendations this semester, that would be great.

**Senator Holland:** We do have one additional item that was just given to us, the revisions to the Student Center advisory boards.

**Senator Crothers:** I would consider that a lower priority item. I would like to start the year with the Academic Planning Committee in place.

**Ms. James:** The Rules Committee will have one additional task and that is the assignment of faculty members to the External Committees of the Senate.

**Senator Crothers:** All we are doing with the Academic Planning Committee is formalizing what we did this year and it worked really well.

**Senator Holland:** We should be able to address this before the end of the semester.

**03.31.06.01 From Lane Crothers: Classroom Disruption Policy (Senate Action Item on 4/12/06)**

**Senator Crothers:** We have Dr. McGuire with us since the Provost could not be here today. He has made recommendations for further changes. This is a bit of a circuitous route, but I was out of town during the weekend before the last Senate meeting on March 29. The Provost believed that changes needed to be made, changes which I think actually strengthen the faculty's position. However, since Academic Affairs made no changes, I asked to pull this item from the last Senate Agenda and discuss it here. So, you have in front of you revisions that Chuck has recommended; he also has an additional minor recommendation that is not included in this draft. I plan to send the revised draft to Paul Borg to see if the Academic Affairs Committee endorses it and we will then have it on the Senate Agenda of April 12 as an Action Item.

**Asst. Provost McGuire:** The additional change would be in the paragraph denoted, "Prohibited Acts." The term prohibited acts includes behavior prohibited by university policy or by the instructor." So the addition to the first sentence in that section is "university policies or". The sentence would now read, "The term "prohibited acts" includes behavior prohibited by university policies or the instructor..."

**Senator Fazel:** Does university policy also include standards of conduct, which the College of Business has? Those do include no eating, drinking or cell phone use in classrooms.

**Senator Crothers:** They have been approved within the university system, so I would assume that they would be included. Similarly, the Student Code of Conduct would be considered university policy.

**03.31.06.02 From Lane Crothers: Academic Freedom, Ethics and Grievance Policy – Revised (Faculty Caucus Agenda of 4/12/06)**

**Senator Crothers:** There is one substantial change in this document from the one we discussed in the caucus on March 29<sup>th</sup>. After the meeting, Paul Denhardt, Brian Clark, the Provost and I, as well as a couple of other people,

talked about the ombudsperson and voluntary conciliation. What emerged and what you have in this document is a slightly revised process that does allow a mechanism by which someone on the AFEGC can serve in the conciliator role, with the exception of the chair. The idea was to keep the chair exempt from the details and independent of the arguments at hand.

If you go to the new Section VII, page 5, there is a new third paragraph, in bold, which reads, “If, in exceptional circumstances, a complainant or respondent is concerned about or unwilling to work with either the University or an appropriate College Ombudsperson in pursuing an informal and voluntary resolution to the issue of concern, they may contact the AFEGC member who has been elected by the committee to serve as a voluntary conciliation facilitator.” On page 4, Section IV, there is a new letter H, which refers to the election of a voluntary conciliation facilitator. That individual would be elected at the first meeting in which the Chairperson and the Vice Chairperson of AFEGC are elected. Note also that no one ever has to use the conciliation process; you can file a complaint directly at any time.

**Senator Fazel:** Could the chair be elected to that role?

**Senator Crothers:** No, the chair has to be independent of the details.

**Senator Fazel:** But, it does not say that here.

**Senator Crothers:** I guess I could add a word there, but if the chair is overseeing the election, it would seem obvious that he/she is exempt from being a candidate. But, I can insert, “other than the chair” if you want.

**Senator Fazel:** That would clarify it.

**Senator Crothers:** In the section on malicious charges, on page 1, it reads that bringing unfounded charges motivated by malice constitutes a violation of the Code of Ethics. However, there is no such language about such a violation in the Code of Ethics.

**Senator Holland:** I recall that I said during the caucus that that would fall under the statement about treating people fairly. We would be happy to add an extra line to the Code about bringing malicious charges.

**Senator Fazel:** The Code has already been approved. Do we need to bring it back to the Senate?

**Senator Holland:** We have a number of changes to the policies attached to the Code that we hope to bring before the Senate before the end of the year; we could add it in at that time.

**Senator Crothers:** Perhaps we could change the language in this policy.

**Asst. Provost McGuire:** I think that there is language broad enough in the Code to cover malicious charges.

**Senator Fazel:** The statement in the Code reads something like ‘failure to treat colleagues respectfully, without discrimination....’

**Senator Crothers:** Why don’t we just copy the exact language from the Code and insert it into this AFEGC Policy. Additionally, I have created a flowchart for hearings and appeals which describes the new, simplified process. I do not imagine placing the flowchart in the document; I think that that would be a mistake. There are two routes for the complainant—an AFEGC hearing or voluntary conciliation efforts.

If the case is not resolved in conciliation, then the complainant may request a hearing. Following the hearing, there is an option of an appeal hearing. If the case is a referral from FRC or a CFSC, it goes directly to an appeal hearing. If the case is an ethics appeal, it first goes to the Senate Chairperson, then to the Executive Committee. The Executive Committee decides if it should go before the Faculty Caucus or directly to the Provost. If it goes to the Faculty Caucus, the caucus’ recommendations are then forwarded to the Provost. If it is a grievance appeal, it goes directly to the Provost.

**Senator Fazel:** Can you give me an example of a grievance that would not be based on unethical conduct?

**Senator Crothers:** If you have a notion that your administration is assigning course times using an inappropriate formula. That would not be an ethics violation, but a managerial dispute. Even as John and I have revised it, the language is contradictory in two sections. On page 5, Section VI, in the first paragraph, line three, it reads, "The AFEGC shall have the discretion to proceed directly to a hearing or an appeal hearing." On pages 8 and 9, Section X, Appeal Hearings, it reads, "If after a hearing, the AFEGC receives a request for an appeal hearing, or on referral from a CFSC or FRC, then the Chairperson shall constitute an Appeal Hearing Committee..." One says that the AFEGC has the discretion to have an appeal, while the other one says that it goes directly to appeal. AFEGC wants it to go to an appeal hearing right away.

There are two paths to reconciling that. We could change the language in Section X to say that it can be either an appeal hearing or a regular hearing. That would make the language consistent. Or, in Section VI, page 5, we could strike the language, "shall have the discretion" and simply say, "shall proceed directly to an appeal hearing." In other words, it would constrain their choices, which is actually what AFEGC would prefer because it would mean two hearings instead of three. I will chat with the Provost about this.

**Senator Fowles:** So a complainant goes to AFEGC then they can have a hearing and then an appeal. If they are coming from FRC or a CFSC, it goes directly to an appeal?

**Senator Crothers:** That is correct. It would be the only place in the system that there would be three instead of two hearings. In talking to Paul Denhardt, the Chair of AFEGC, it was clear to me that they wanted it to go directly to the appeal hearing because they are getting the case on appeal.

**Senator Holland:** Do the AFEGC and FRC represent different constituencies?

**Senator Crothers:** Not in general; they represent faculty university-wide. They are both university faculty committees.

**Senator Holland:** From that point of view, they are basically the same.

**Senator Crothers:** If it were a two-stage process, then they would have to come up with two committees. I am going to recommend that we strike "have the discretion" in Section VI and say that "the AFEGC shall proceed directly to an appeal hearing." I will make sure that Paul is comfortable with that.

**Senator Fazel:** You need to delete CCT in two places, on page 5 and on page 10.

**Senator op de Beeck:** Since we are talking about an ombudsperson and the website address is "ombudsman", can it be changed to ombudsperson?

**Senator Crothers:** I will e-mail Ira and ask if he would change that. Finally, you don't want to include the flowchart, correct?

**Senator Fowles:** I think that the flowchart simplifies it.

**Senator op de Beeck:** I think it is helpful to see it visually.

The policy will come before the Faculty Caucus on April 12, 2006.

**Proposed Agenda for Academic Senate Meeting of April 12, 2006:**

*Call to Order*

*Roll Call*

*Approval of Minutes of March 29, 2006*

*Guest Speaker: Chuck Scott, Green Team – Annual Report*

*Chairperson's Remarks*

*Student Government Association President's Remarks*

*Administrators' Remarks*

- *President Al Bowman*
- *Provost John Presley*
- *Vice President of Student Affairs Helen Mamarchev*
- *Vice President of Finance and Planning Steve Bragg*

*Committee Reports*

- *Academic Affairs Committee: Senator Borg*
- *Administrative Affairs and Budget Committee: Senator Smith*
- *Faculty Affairs Committee: Senator DeSantis*
- *Planning and Finance Committee: Senator Burk*
- *Rules Committee: Senator Holland*

*IBHE-FAC Report*

*Action Item:*

*03.31.06.03 Classroom Disruption Policy (Academic Affairs Committee)*

*Communications:*

*Panel of 10 (Administrative Selection Panel) and AFEGC Committee Vitae for Review (Elections will be held by ballot on April 26, 2006)*

*03.08.06.01 Eight Theses on Higher Education In Illinois (Prof. Curt White, IBHE-FAC Representative)*

*Adjournment*

**Motion XXXVII-62:** Motion by Senator Richards, seconded by Senator Wright, to approve the Senate Agenda of April 12, 2006.

**Senator Holland:** I can't imagine the proposal for the revision of the Academic Planning membership being even remotely controversial. I will discuss it with the committee by e-mail, so we can add that as an Information Item.

The agenda, as revised, was unanimously approved.

*Adjournment*