

#10

INDIANA STATE UNIVERSITY

FACULTY SENATE, 2015-2016

EXECUTIVE COMMITTEE

November 10, 2015

3:30pm, HMSU 227

Final Minutes

Members Present: C. MacDonald, T. Hawkins, S. Lamb, V. Sheets, D. Hantzis, E. Hampton, J. Conant, C. Paterson, L. Brown

Members Absent: none.

Ex-Officio Present: President D. Bradley, Provost M. Licari

Ex-Officio Absent: none.

Guests: R. Lotspeich, R. Guell, K. Butwin

1) Administrative Reports:

a) President D. Bradley:

- i) D. Bradley: There are 520 undergraduate non-compliers for the *It's On Blue* training. Two-thirds of these are men. We also have two faculty members who have yet to complete their training.

b) Provost M. Licari:

- i) We had a good All-Chairs check-in meeting for the Strategic Plan. Key-question subcommittee progress reports are due on November 16th. We will have a check-in opportunity there. All the material being generated by the Strategic Plan process will be placed on the website. Everyone should be able to go in and see what is being produced. Nothing should be going on under the table. If you are curious, after the 16th, check the website to see the materials. Two surveys will go out this week. One will be for faculty and one will be for staff. Watch for those and encourage your colleagues to respond to those surveys. The turnaround time will be quick. We hope to find out much more information about the university from the responses.

(1) C. Paterson: If we have sent a message expressing our interest to participate and haven't heard back, will we hear anything next semester?

(2) M. Licari: I need you on a particular committee, so we should have a conversation after this meeting. Thank you for your willingness to step up.

2) Chair Report:

a) C. MacDonald: I would like to remind you to attend commencement. It is shortly upon us. An announcement was in the *Global* this morning. Please encourage your faculty to attend.

i) V. Sheets: I noticed that it said faculty are to be there at 9:30. Is this a mistake?

ii) C. MacDonald: That probably refers to last spring. Faculty are asked to be there by 11:15 for a noon commencement.

b) C. MacDonald: We have a pretty big agenda today. We only have one more formal meeting for the semester. We will meet here on December 1. Our last informal meeting will take place on December 10.

3) Approval of Minutes of November 3, 2015

a) Motion to approve as amended. (D. Hantzis, E. Hampton) Vote: 9-0-0

4) Fifteen Minute Open Discussion

a) C. Paterson: I have a question that was brought to me by a number of faculty members regarding clinical agreements. There appears to be a significant slowdown in items sent to the Legal Affairs office. One sent in February has yet to move forward. This relates to physical therapy, and the faculty are concerned about the pace at which these agreements are moving. This is the primary reason why physical therapy programs lose accreditation.

i) M. Licari: I have had several email conversations with K. Butwin this morning.

ii) K. Butwin: We have taken care of many of them. The Franciscan alliance was rejected. I'm not the negotiator. That is at the department level. It has to go back to them with the request for changes.

iii) D. Bradley: The one from February must have slipped under the table...

iv) M. Licari: At the end of the day, we will get these pushed out and then revisit the communication flow so that everyone will at least know where we are in the process.

v) K. Butwin: I'm not sure what the complaint is. I need them to prioritize. If they have a rush, they can call S. Gambill, the paralegal at Legal Affairs. A priority list is critical, so I can manage the complaint from this morning.

b) L. Brown: I've had several faculty approach me about advising and MySam. They have been getting emails from S. Powers' office about four-year plans and the requirement for updating them. However, each advisor had more than one student who wouldn't come see them even though they needed to update their plans. The advisors feel like they are doing clerical work. Is it possible for the students to update their plans independently and have a faculty member approve it? We are talking about sophomores, juniors, and seniors. This would ensure more student ownership.

- i) D. Bradley: What does the statute say? Probably no.
- ii) D. Hantzis: We have to complete a plan for them even if they don't meet with us. S. Powers said this. I can't find that language in the statute. I'm hoping that some of the response to the Taskforce report will address this. Every faculty member is offended by the idea that students can avoid a meeting, and we are still responsible for the plan.
- c) J. Conant: At Chairs' Council in Arts and Sciences, we talked about the summer course budget. Several years ago we went to a model that stated if we could get enough students in to cover the costs then go ahead. What went into the decision to return to a fixed budget?
 - i) M. Licari: Regarding scheduling in the summer, there was a concern about ensuring that these are the most useful courses for students to progress to their degree. Simultaneously, we want to stay away from classes with low enrollments and little value. It goes hand in hand. Students will gravitate toward the courses that help them graduate. That's the conversation I've had with the deans.
 - ii) J. Conant: If the numbers don't work, then let's change the numbers. But, to restrict the number of classes we can offer doesn't meet any objective.
 - iii) S. Lamb: Every summer we develop a cost model. R. Guell has helped us work out the costs, including unemployment compensation and social security. There is a 17.65% mark up. We have used this multiplier to determine the revenue from each course. Each year the department has been a conduit for more than \$100,000 of profit to the university. I shared this with some of the administration. They responded that this was reasonable. You can rely on Business. It is reasonable that we don't offer multiple sections of the same course if they don't meet enrollment.
 - iv) M. Licari: It is just wise use of time and money. Within the financial constraints we do have, we need to keep in mind the classes that students really do need to progress towards their degree. We want to make sure that component gets put into the mix. There is no edict that here is the slate of classes for you to teach.
 - v) J. Conant: That's not how it was presented today.
 - vi) V. Sheets: My understanding was that we never spent the entire summer budget anyhow. Where is the problem if we switch to this model?
 - vii) M. Licari: If you have two classes, pick the one that is most likely to get students.
 - viii) J. Conant: Instead of making policies over exceptions, watch those who schedule incorrectly.
 - ix) M. Licari: It's not a policy.
 - x) S. Lamb: Given the pay schedule that was developed by R. Lotspeich some years ago, every one of these courses makes money.
 - xi) B. Guell: The old system created an entrepreneurial spirit among faculty to teach courses that students were asking for. I didn't have any interest in teaching certain courses in the summer until students asked. If you don't unleash this spirit, you don't get the benefit of it.

- d) D. Hantzis: I wanted to mention a few things. We continue to need to address faculty workload across all categories. However two recent issues have been brought to my attention. I understand from a long serving Instructor that it is common practice in the SCOB for the Instructors to teach 5 classes and advise 30 or more students. I told the Instructor who shared this with me that the definition of Instructor workload is violated by that assignment, unless the Instructor is compensated for additional work. We surveyed Instructors informally the last two years on FAC and learned surprising differences among work assignments expected of Instructors; some Instructors in CAS are teaching 5 classes and serving as faculty advisors to highly active student organization; some are organizing accreditation materials without course reassignment or additional compensation. The second issue arises in the CAS proposal to equate 2.5 hours weekly with 1 credit hour of teaching; this appears in the proposed Instructor Evaluation policy and the stipulation is intended to protect Instructors from exploitation. However, if left alone, there would be a College definition of workload and that definition would mean that a faculty member would have to spend 7.5 hours weekly on an assignment to meet one-course equivalency. Since we don't routinely assign 1 or 2 credit hour courses, how does such a definition support Instructors? Working with 64 advisees, my calendar shows I spent 70 hours to support advisees; of course there is much work done that doesn't appear on the calendar, but will most advising loads reach the 7.5 weekly need to reduce class load for Instructors and, if not, how will Instructors be compensated?
- e) D. Hantzis: As we approach the end of term, I also want to revisit at least one item I raised during our first meeting—creating a common curricular exception petition. At that meeting, I explained the way in which the current process disadvantages students and the Provost said it was something we could fix in an afternoon. Then the President observed that there are several other of those kinds of obstacles and we need a taskforce to identify them and fix them all at once. As far as I know, nothing has been done on this issue and students continue to be treated differently, potentially and actually unfairly, as a result. If someone asks me to do so, I will volunteer to organize a quick-turnaround taskforce to create a list of these kinds of common acts and send it to FAC and SAC for review and implementation.
- f) D. Hantzis: Finally, I want to share a couple of student concerns. First, I'd like to thank Rich Toomey for his quick and very helpful responses to emails I sent him about advisees in distress. My concern is that all advisors might not feel comfortable writing someone like Rich (or others) directly on behalf of students. I checked the Financial Aid website to find out how to contact them and I was surprised to read that emails sent to Financial Aid will be responded to in 4-6 business days! Faculty are constantly told that waiting even 48 hours indicates a cavalier attitude toward students. I'm wondering if we might not be able to identify a set of "Ombudspersons" or "Ask Me" sites that can address the key issues that arise, especially during registration periods, in Financial Aid, Res Life,

and Advising. I know that the FCTE identified the need for a “call list” available easily and publically to faculty from discussions during the success conference. This list would provide specific names of people to whom students could be referred or from whom quick answers would be available to faculty trying to help students.

- g) D. Hantzis: Today students in my first-year learning community asked me to talk with them about Free ISU and we discussed it in the context of their work on public communication as social action near the end of the class. I think students are becoming more aware and have questions.
 - i) S. Lamb: Has any of that been solved or addressed? Are the tempers still flaring?
 - ii) D. Bradley: They didn’t want to talk to me. They wanted to talk to three trustees. They had a list of demands, most of which were already going to happen. Now the demands have shifted. I am meeting with SGA to talk about our goals for diversity and to ask for input.
 - iii) D. Hantzis: I think talking with SGA is good. Students are starting to be interested at the national level. If SGA is in the position to talk with the *Statesman* that might be a wise thing.
 - iv) R. Guell: I am a graduate of the University of Missouri and a native of Columbus, Missouri. One of the central problems there was the systematic downplaying of the issues by the administration. YikYak messages have been abhorrently hateful regarding ISU. It is being suggested that the #FreeISU movement wants to fire white faculty and replace them with African American faculty. I have never heard a responsible person say that. If someone isn’t reading YikYak for you, you need to do it so that you are on top of the social media talk about this right now.

5) AAUP Report

- a) R. Lotspeich: AAUP~ISU Chapter believes the following issues warrant the attention of the top faculty leadership at Indiana State University.
 - i) Need to State Reasons in Biennial Reviews
 - ii) We are concerned about the potential abuse of the Biennial Review policy because the procedure does not require a stated rationale for an evaluation above or below Meets Expectations. We have been informed of a case in which a Chairperson’s evaluations for two faculty members were Below Expectations in two domains, but no reasons or evidence were provided. Our review of the University procedure showed that it does not require any such statements or evidence. Moreover, the rubric used for Biennial Reviews specifically states that comments of this nature are not required.
 - iii) The lack of this requirement is problematic in at least two ways. First, it allows – indeed invites – unjustified assessments to go forward from a department, which is the only practical place to acquire the relevant information. Second, faculty members have only five days in which to respond to a review that concludes inferior

- performance. The lack of specific information hampers his or her ability to compose a response. If reasons and evidence are provided later, outside of the review itself, its lateness again imposes unwarranted burden on a responding faculty member.
- iv) We recommend that the Biennial Review procedure and the related rubric be amended to require the statement of specific evidence to support evaluations of superior or inferior performance.
 - v) Need for Grade Appeal Committees to Consult with Faculty Involved in Disputes
 - vi) In a case brought to our attention, a student complained about a grade assigned and followed through with a formal appeal, because after considering the student's complaint the instructor felt that the assigned grade correctly reflected the student's performance in the course.
 - vii) The grade appeals committee found in the student's favor. This decision by the committee was reached without any consultation with the instructor. The instructor was aware of the appeal filing and expected to be consulted by the committee about the matter. But that never happened. Instead the instructor was surprised to learn about the decision through an e-mail message from the associate dean that was addressed to the student and copied to the faculty member among others.
 - viii) While we recognize that grade appeal committees have the authority to supersede faculty judgment regarding student performance, we believe it is not appropriate for these committees to change grades without first directly communicating with the instructor whose grade is in dispute.
 - ix) We recommend that the Senate leadership direct all colleges to require that grade appeal committees consult with the relevant instructors before overturning a grade that the instructor has assigned.
 - x) Student Course Evaluations: Linkage to Violations of Academic Integrity, Other Concerns
 - xi) We are concerned about the uncritical use of student course evaluations in appraising faculty performance when faculty members have submitted reports of student violations of academic integrity. Recent research from the University of Texas has demonstrated a substantial and statistically significant downward bias in student course evaluations when faculty members pursued disciplinary action against a student in a class. This has created an atmosphere in which faculty are reluctant to pursue disciplinary measures for cheating and plagiarism. We believe that such an atmosphere also exists at Indiana State University, and that this is ultimately harmful to the process of education here.
 - xii) We recommend that a charge be given to the Faculty Affairs Committee to review the University of Texas research and develop a plan to address the downward bias in evaluation scores associated with disciplinary measures against violations of academic integrity. A policy designed to address this is needed in order to provide faculty members, especially assistant professors and contingent faculty, with

confidence that pursuing disciplinary measures will not harm their own professional careers.

- xiii) This particular concern is but one of several reasons to be wary of student course evaluations. Another reason is the broader incentive they establish for instructors to teach at a lower level of rigor and to be less demanding of students. A third reason is that student course evaluations are highly imperfect as an indicator of the quality of instruction, yet the provision of specific numbers in this role induces belief in their validity.
- xiv) Because the University is implementing a new student course evaluation system, AAUP~ISU Chapter recommends a comprehensive review of the process and results. The University needs to know a number of things about student course evaluations, including the following:
 - xv) What percentage of students complete the surveys?
 - xvi) How are the data generated used by faculty, chairs, and deans?
 - xvii) What impacts do evaluations have on teaching? Are they providing valuable feedback? Do they incent less rigor and fewer disciplinary measures?
 - xviii) What other problems do administrators, students and faculty see in them?
- b) D. Hantzis: I was thinking of the centralized university grade appeals process. According to the guidelines, contact with the instructor is built into the process.
 - i) R. Lotspeich: There were some discussions, but they were limited.
 - ii) R. Guell: Is the issue whether the process was followed or whether the process is flawed?
 - iii) R. Lotspeich: Our concern is that the process is flawed. In our opinion, the faculty member should be contacted.
 - iv) R. Guell: Is this FACs responsibility or an intersection of FAC and SAC?
 - v) C. MacDonald: FAC and SAC. I will write something up and send it to you both formally.
- c) E. Hampton: To comment on the first piece, this seems entirely reasonable. We have overlooked that.
 - i) C. Paterson: Departments that fail to write comments even for those they rank highly put these individuals at risk at the next level.
 - ii) D. Hantzis: I was astounded at how few comments were provided. We need comments.
 - iii) M. Licari: There's no formative guidance at all. If you're at the top or bottom we need formative feedback and information for every faculty member.
 - iv) R. Guell: On the Biennial Review I have a question of understanding. In it, it says effective Fall 2015 faculty must submit evidence of teaching effectiveness. It is my recollection that this must be during the "review period of 2015". In this review period you cannot be penalized for omitting it.

- v) C. MacDonald: The IOTA evaluations do not need to be used this time, although faculty must still provide other evidence of teaching effectiveness.
 - vi) R. Guell: We have a number of violations of process that we will be working through. Some of them are completely obvious misreadings of the policy, whereas with others the document is vague.
 - vii) C. MacDonald: We did address this in the FAQ.
- 6) Minor change to Handbook 305.1.9
- a) Motion to submit to the Board as a minor change: (L. Brown, S. Lamb) Vote: 9-0-0.
 - b) C. MacDonald: We made two changes after a review by D. Hantzis: numbering and parenthetical references to Handbook numbers. We are deleting all such references to Handbook numbers, because they tend to change.
 - c) D. Hantzis: At the Senate deliberation, we noted that some of the numbering was going to shift.
 - d) R. Guell: Numerical references of the Handbook are from 245, 246, and the 300s. I have tasked L. Eberman to go through these sections and make a recommendation for a global change.
 - e) K. Butwin: She can work with S. Gambill to link those.
- 7) FAC items:
- a) Progressive Discipline (Amendments to 246 and 350)
 - i) Motion to approve as amended (S. Lamb, C. Paterson). Vote: 9-0-0
 - ii) C. MacDonald: We did discuss this 2 weeks ago.
 - iii) R. Guell: A discussion occurred last year regarding the lack of progressive discipline for faculty. You are certainly aware that having options would have been useful. We looked at the desire for having progressive possibilities for the system. We made the decision that we didn't want to build an entirely new system but, rather, use the existing dismissal process with a renamed committee. This would create intermediate options beyond the chair's letter of admonishment: for example, the possibility of a reduction in rank, suspension, and ineligibility for salary increases. We agreed last year that there is a need for intermediate measures.
 - iv) T. Hawkins: I would like to suggest that 246.13.6.5 be renamed "Findings and Disciplinary Options."
 - v) R. Guell: We should strike the comma after pay.
 - vi) D. Bradley: Are the procedures after a recommendation parallel to dismissal? If the President and Provost don't agree with recommendations, can you still go forward?
 - vii) C. MacDonald: Most of the changes simply add "discipline and" to the language.
 - viii) D. Hantzis: In 246.13.1.1, five lines from the end, could we strike "which" and substitute with "that"?
 - ix) E. Hampton: Regarding 246.13.6.5: Could suspension be "up to" one semester?

- x) R. Guell: We don't have any objections to that.
 - xi) D. Bradley: This would be problematic. To allow for something like that you would have to use language regarding reduced compensation.
 - xii) R. Guell: There is suspension without pay.
 - xiii) D. Bradley: For faculty member, you could go to 75% pay.
 - xiv) R. Guell: We can add that as an option. If you want to add a monetary dock as another option...In both of the cases where this happened the grounds were shaky.
 - xv) D. Bradley: This should be a prelude to termination.
 - xvi) R. Guell: It has been a prelude to nothing in the last few years.
 - xvii) S. Lamb: But there have been instances before where people were removed for substance abuse.
 - xviii) R. Guell: There is a difference between that and accusations of incompetence.
 - xix) C. MacDonald: Where are we with "up to"?
 - xx) R. Guell: I think it needs to be there.
 - xxi) D. Bradley: What is the likely timeline for the use for this policy?
 - xxii) R. Guell: You have to assume that it is extraordinary or systemic and that you've already got the letter from 350. Once you're on that track, the Provost says the issue needs to be fixed and you go from there.
 - xxiii) D. Hantzis: We need to make sure that chairs respond to faculty performance according to the available process. This ties back to 350. You can't use other processes. I have heard that chairs don't feel like they have enough tools. I don't believe it. You use what is available. This is now available. I'm hopeful this will clarify how careful we need to be.
 - xxiv) Motion to add: "up to" to section 246.13.6.5 (V. Sheets, S. Lamb) Vote: 9-0-0
 - (1) D. Bradley: I'm hesitant about doing this. We need to restrict this for serious stuff. Either you are gone for a semester or you're not.
 - (2) R. Guell: We can keep "up to" because the president retains the power to differ from the committee recommendation.
 - (3) C. MacDonald: I would suspect that these situations will be rare.
- b) Anti-Bullying (creation of 906)
- i) Motion to approve as amended (C. Paterson, S. Lamb). Vote: 8-0-0.
 - ii) R. Guell: You expressed the desire that we simply refer to the procedures that exist to resolve grievances without creating anything new. This does that. It also has the benefit of being easily adaptable to any future changes to the grievance process. Except for 906.5, this is almost entirely drawn from the University of Wisconsin-Madison's policy that was adopted in January. There are some specific changes in 906.1c—and it should say "or targeting" there; 906.5 is entirely new language. 906.6 refers to our disciplinary actions. There is no language in the Handbook on professional staff and the executive.

- iii) S. Lamb: I was bothered by the last sentence in the first paragraph. “The person need not be” is that transparent?
- iv) C. MacDonald: Yes, I think so.
- v) D. Hantzis: Since the executive includes the Vice President and President, discipline can be imposed by 906.6.3.
- vi) R. Guell: If you want a dean to discipline an associate dean, “supervisor” is appropriate.
- vii) M. Licari: That’s what I want.
- viii) R. Guell: There are no Handbook protections in the form of due-process rights for staff. That is not our job. You made the Staff Council out of the Support Staff Council, but none of the underwork got done. It still remains undone.
- ix) D. Bradley: We have policies about the creation of hostile work environments and discrimination. What does this add?
- x) R. Guell: If you look at the COACHE data, 25% of our staff reported behavior listed here.
- xi) D. Hantzis: There is a tendency for policies that address hostile workplace climates to be limited to protected identities: e.g., gender, ethnicity, and race. Many people are not covered.
- xii) C. MacDonald: If I’m bullied by another female in my department I have no place to go.
- xiii) D. Hantzis: You have to create this protection because the law doesn’t.
- xiv) K. Butwin: It is based on protected classes.
- xv) D. Bradley: I don’t want to create the ability for litigious behavior that amounts to hostile behavior itself. Think what would happen in a dysfunctional department. How can we avoid these situations?
- xvi) M. Licari: And we then have grievances everywhere.
- xvii) R. Guell: We do not have a grievance-happy faculty now. We do not have that many grievances filed now. This is largely because the process starts informally, and then the formal steps proceeds slowly. The faculty who have grievances know that if you can’t resolve it informally, you will waste your life for two years doing it the other way. Any faculty member who wants to spend two years on a grievance has to have a serious case. This preserves the informal route.
- xviii) S. Lamb: How? I appreciate that.
- xix) R. Guell: 906.5: Those policies imagine meeting with *someone*—a chair or supervisor—in search of some kind of mediation. It’s only the ones that are unresolvable at that stage that move on to the university level. This body has seen three university grievances in the past few years, only one of which was an actual grievance.
- xx) D. Bradley: When you say class...?
- xxi) R. Guell: Faculty, staff, support-staff, EAP.

- xxii) D. Bradley: We have no EAP – just faculty and staff.
- xxiii) R. Guell: All of the due process is entirely about the hourly employees.
- xxiv) D. Hantzis: None of the protections exist.
- xxv) R. Guell: I am referring to last year’s procedures between employee groups.
When I say employee class, I hope you fix that. There are still faculty and non-faculty. We are addressing that problem.
- xxvi) D. Bradley: There seems to be a difference in how a grievance is handled between two faculty members and a dean and a faculty member.
- xxvii) R. Guell: That’s a fine point to open. That is not our system. Ours has a local grievance, within the college, and a university grievance.
- xxviii) E. Hampton: I would like to make a motion to amend the first sentence of 906.1.
Can we remove “and that does not further the University’s academic or operational interests”?
- (1) Motion to strike sentence (E. Hampton, C. Paterson) Vote: 9-0-0.
- xxix) V. Sheets: The president raises a concern that dysfunctional departments will have people go back and forth with litigation. I know some of these people. Dysfunctional departments persist over time because senior faculty create and sustain a culture of bullying new faculty. This policy should be seen as an instrument that will allow people to challenge such cultures.
- xxx) S. Lamb: We’ve had programs where senior faculty members tended to dominate the system, so we finally redesigned the department and the voting process so that it was no longer possible.
- xxxi) R. Guell: At FAC, L. Eberman noted the issue of “academic hazing” in her investigations. We can’t allow senior faculty to believe they have the right to act this way to junior faculty.
- xxxii) C. MacDonald: One minor correction to 906.5. The last sentence is missing a verb. It should read: "When the complainant and the respondent are from different employee classes, the *Grievance Procedures between Employee Groups* **will be used.**"
- xxxiii) D. Bradley: I’m less troubled about this now, but I’m still not sure that we shouldn’t be discussing this in the context of how were going to deal with our grievance procedures overall. I’m not questioning the work or the concern to protect these classes.
- xxxiv) R. Guell: Let me add my perspective as the previous Senate chair regarding issues like this where the administration has not been comfortable. Let this go through governance and expect the Senate officers and Exec to make a reasonable compromise with the Administration. I suggest you vote on this and let everyone know there will be a further conversation.
- xxxv) D. Hantzis: I think this kind of policy is desperately needed. It takes an inordinate amount of courage to take action. Too many people who have experienced demeaning

and diminishing behavior feel they have no recourse. I am not worried about frivolous lawsuits.

xxxvi) D. Bradley: My big concern now is putting this into the context of our grievance procedures. I told Cabinet this morning that we have to have a student grievance procedure in place before the next student grievance. We can come up with something quickly, but the final policy will take time to negotiate. We need something for the interim.

xxxvii) R. Guell: What is taking so long?

xxxviii) J. Conant: Prior to the five years I have served on the Executive Committee, I would never have believed some of the things that happen on this campus. I am appalled at how some of the people have been treated by the chairs. We have got to do something to protect people.

xxxix) C. MacDonald: If we are serious about creating an atmosphere of courtesy and respect on campus, we need to do this.

c) Window for Promotion to Senior Instructor

i) Motion to approve as amended. (S. Lamb, D. Hantzis). Vote: 8-0-0.

ii) R. Guell: This was an item that S. Lamb requested we consider. Our solution was to create a new subsection of the Handbook. It opens a window during the next academic year to allow faculty with five consecutive or six total years as full-time instructors at ISU to go up for promotion to Senior Instructor. We have many people who fit that description. I feel this would be an appropriate way to at least try out our standards for Senior Instructor on the people who have been here a long time. The onus will be on Academic Affairs to get deans to generate the process.

iii) D. Hantzis: We may need to look at the language again. We need language in the proposed text that ensures that the application for promotion does not mean promotion is guaranteed. People would apply under the same rules as existing instructors. We can copy the language about promotion to Senior Instructor in 305.11.2.2 and move it down. Departments will still need to do a review. Endurance is not enough.

iv) R. Guell: You would make a motion to copy the language “following the calendar, rights, roles, procedures, and appeals for promotion of tenure-track faculty specified above except where specified here” in 305.11.2.2 and insert it prior to the period after Senior Instructor?

v) C. MacDonald: We have a motion to amend (D. Hantzis, S. Lamb) Vote: 8-0-0

(1) C. MacDonald: If I were to apply and not receive promotion, would I be out of luck until I had 5 consecutive years?

(2) D. Hantzis: Yes.

d) Interpretation of Handbook Elements

- i) Motion to approve (T. Hawkins, L. Brown) Vote: 8-0-0
- ii) R. Guell: Currently, with anything that is in the Handbook, it is unclear who has the authority to interpret what a clause means and does not mean. I believe the Constitution and Bylaws belong to the faculty. This particular issue came up as a result of one of the summer grievances in which due-process rights were violated. As chair of the Senate at the time of the violation, I was not asked to weigh in. It was simply the interpretation of the University General Council and the Administration. The president's letter stipulated to the failure to follow established precedent. Much of that mess would have been avoided had it been understood who has the authority to interpret the Constitution and Bylaws.
- iii) D. Bradley: It would have been avoided if college policies had been followed. My feeling on this is that between meetings of the Board of Trustees, I serve in place of the trustees. I am happy with language that the President will make a decision in consultation with the Senate officers.
- iv) R. Guell: I will stipulate that you have a greater voice in what the Handbook means everywhere outside of the Constitution and Bylaws. The Handbook is a joint compact between the faculty and the administration. 245 and 246 are different.
- v) D. Bradley: I don't concede that.
- vi) D. Hantzis: I think this is a good idea. We have had occasions in the past to argue about the meaning of clauses. I believe that D. Bradley has raised an issue that shouldn't slip away. We have a body that is called PTOC that is not doing its job. I don't understand why we can't make them do their job.
- vii) D. Bradley: We have university guidelines.
- viii) D. Hantzis: We need to have a body that reviews policies.
- ix) D. Bradley: Colleges and departments can make up the policies they want, and in thirty days it becomes their policies.
- x) R. Guell: Colleges routinely send language to FAC.
- xi) D. Hantzis: I am very frustrated about PTOC. Faculty are being reviewed without standards. We should have a policy-review body.
- xii) D. Bradley: First you need an upper-level default policy. Then you can judge the college and department rules.
- xiii) R. Guell: I have given you a list of changes we have made to the Handbook to counter misinterpretations that one individual has made. Four changes were made to 305 to counter the misinterpretations. We can't be in the business of re-writing policies for individuals.
- xiv) D. Bradley: I am fine with everything except for who renders the decision.
- xv) J. Conant: What about if you disagree...it would go to the Board at the next meeting?
- xvi) D. Bradley: The language I suggested would work for me. It basically says that in consultation with the Senate chair and council the President would make an interpretation that can be appealed or overridden at the Board of Trustees meeting.

- xvii) R. Guell: Would you feel comfortable with the 399.1 language in the 245 and 246 sections? The president would be the tie breaker.
- xviii) D. Bradley: That would be fine.
- xix) R. Guell: I still maintain that the faculty should own the Constitution. I can understand that a compromise may ultimately be needed. I want 399.1 in.
- xx) K. Butwin: In terms of public copy, what do you have in mind?
- xxi) R. Guell: There would be links to interpretations on the Faculty Senate website, etc.
- xxii) D. Bradley: What about something where there is clear room for disagreement this process would result in amendment.
- xxiii) L. Brown: This interpretation would be there until the Handbook is changed.
- xxiv) R. Guell: It's either interim or it sends a message to those who misinterpret it.
- xxv) D. Hantzis: I do think it could give rise to issues of voting rights with students. We need a reasoned voice with a clear interpretation.
- xxvi) D. Bradley: I worry about setting up a Supreme Court type of process. When there is a disagreement, we need to change the Handbook. If the Senate chair and provost agree on an interpretation, then that is what it means. I don't want an addendum to the Handbook.
- xxvii) R. Guell: The reason for recording it is so that one doesn't go to a different Provost or chair expecting a different answer. Precedent should be respected. The status of an interpretation should be protected.
- xxviii) D. Bradley: We could have an informal file system. It can't be binding on the Chair of the Senate or Provost. We're talking about short periods of time. Both offices should keep a record of when these changes happen.
- xxix) J. Conant: Someone has to be the voice that settles the argument right now.
- xxx) R. Guell: It's the issue of respect.
- xxxi) D. Bradley: We agree.
- xxxii) R. Guell: There is a reason why people respect precedent.
- xxxiii) V. Sheets: I understand what the President says about not wanting to skirt around the way we do policy. But, the membership on the Executive Committee changes.
- xxxiv) D. Bradley: If the Provost and Chair see that this is anything other than a frivolous interpretation, then we need to clarify the language.
- xxxv) S. Lamb: When questions arise the chair of Senate and the Provost can confer to reach an agreement.
- xxxvi) T. Hawkins: I will make a motion that we use the language of 399.1 for sections 245.10 and 246.16: "...shall be directed to the Faculty Senate Chairperson...."
(1) Motion to amend the language (T. Hawkins, S. Lamb) Vote: 8-0-0
- xxxvii) V. Sheets: Do the President and Provost want this responsibility?
- xxxviii) D. Bradley: If someone says to C. MacDonald "I think it means this," and she says, "it means this," then that is what it means.

- xxxix) R. Guell: If we are going to follow the 399 model, doesn't it make sense for the Provost to get the question first?
- xl) D. Hantzis: No, it is intimidating to approach a Provost versus the chair.
- xli) C. MacDonald: I am fine that they start with me.
- xlii) K. Butwin: You can always make the interpretation public.
- xliii) D. Hantzis: C. Paterson asked that when we introduce this we provide a rationale.

8) Adjournment 5:47pm