

Senate Council
April 28, 2008

The Senate Council (SC) met in regular session at 3 pm in room 103 Main Building on Monday, April 29, 2008. Below is a record of what transpired. All votes were taken via a show of hands unless indicated otherwise.

Chair Kaveh A. Tagavi called the meeting to order at 3:05 pm. He noted that Wood informed the Office of the Senate Council that she could not attend the day's meeting; Piascik had to leave the meeting early.

1. Minutes from April 21 and Announcements

The Chair addressed approval of the previous meeting's minutes. There being no changes, the minutes From April 21 were approved as distributed.

The Chair reminded SC members of the ongoing faculty trustee election. He noted that the election had been delayed to allow the chair (Doug Michael) of the Senate's Rules and Elections Committee (SREC) to preview the site prior to beginning the voting.

With regard to Randall's recent trip to meet with other faculty chairs from Southeastern Conference (SEC), he invited Randall to give a brief overview. Randall shared that all the SEC schools except Arkansas and Georgia were represented, so it was a trip of value to the Senate Council. He said that an association of faculty SEC faculty chairs had been formed. Coincidentally, the provosts of the SEC have also formed an organization. Randall added that President Todd would be the next president of the association of SEC presidents, which means that Provost Subbaswamy will be the director of the academic component – it was a good opportunity to continue to be a part of the group.

The Chair noted that due to Mrs. Brothers' recent extended absence, there were pending curricular proposals that still needed to be posted to a web transmittal for 10-day reviews by Senate Council (SC) and University Senate (Senate) members. He asked SC members to consider allowing a parallel review for expediency, which would decrease the review period to 10 days, instead of the normal 20 days (10 days for SC review and 10 days for Senate review).

Finkel **moved** that any outstanding curricular proposals which could be placed on a web transmittal be reviewed simultaneously by the SC and Senate. Piascik **seconded**. There being no further discussion, a **vote** was taken on the **motion**, which **passed** with five in favor and one abstaining.

2. [Health Care Colleges Professional Student Behavior Code](#)

Everyone present introduced themselves for the benefits of guests and members, alike. The Chair invited Provost's Liaison Greissman to offer

background information, even though the Health Care Colleges Professional Student Behavior Code (Code) had been reviewed once previously by the SC.

Greissman stated that the policy had not been reviewed since 1987, during which time much had changed. He said the review was undertaken to ensure that faculty and students were adequately protected. He said that the only sanction allowed under the Code was in regards to a student's program – a sanction as a result of the Code would be, at most, suspension from the student's program, not from the university. [The revisions](#) attempted to clarify areas of responsibility, but yet make it clear that there were such exigencies in clinically-based programs that the health care colleges needed some latitude to identify unique health care aspects such as licensure, etc. The changes also updated the appeals process. The Code emulated the Student Code of Conduct but would only apply to health care colleges. After approval by the SC and Senate, the newly-revised Code would be sent for approval by the Board of Trustees.

Guest Tony Blanton (associate dean of students) added that the Code was designed to be more specialized for the health care colleges and the health care academic environment. Guest Bill Lubawy (College of Pharmacy's executive associate dean for academic affairs) said that work had gone on for quite awhile to revise the Code; the new language reflected changes that had been made because of an inability of the existing code to deal with certain situations.

Finkel recalled that during a recent past review of the revisions to the Code, SC members had concerns that some portions of the Code could infringe on a student's right to freedom of speech. He offered an example: if a student picketed an abortion clinic and was arrested, the situation could be viewed both as an exercise of free speech, as well as behaving in an intimidating manner, depending on one's perspective. He asked for clarity regarding the line between free speech and acceptable behavior.

Greissman replied that such a concern was an issue in the health care colleges (HCC). He said students might engage in behavior that a reasonable person would consider inappropriate. Because the picketing example involved an off-campus behavior and a behavior protected by free speech, the ultimate answer might be that a student who felt his/her rights were violated could petition in civil court – it would be almost impossible to resolve all "what if" questions. He said that if there was no recourse beyond the university, it would be a much larger problem than the current situation in which there are due process proceedings for a violation of free speech rights in the court system.

Lubawy said that a hearing panel would have to make decisions, as well as an appeals panel. He said it was the hope that the wisdom of those individuals would be appropriate. Lubawy opined that picketing an abortion clinic should be acceptable behavior, while planning to cause physical harm to the clinic would clearly be an unlawful action. He said it would be best for the panels made up of

faculty and students in the HCC to use their best judgments. Greissman added that faculty in such positions on panels would have no administrative appointment and be least beholden to administrative issues.

Piascik said that it looked to her as though the primary change was the creation of an appeals board for the HCC, separate from the University Appeals Board. She asked if there was anything else substantive in the Code, or if it amounted to a clean-up of language. Lubawy replied that the revised Code would make it clear that an HCC student was responsible for his or her behavior regardless of location – the existing code was not clear that standards of behavior pertained to on and off-campus situations. Greissman added that in the existing code, it was unclear who was considered a “professional” student. The revised Code contained language to specifically identify professional students, as well as established an independent appeals board.

Michael and Finkel referred Greissman to a couple of typos in the text – Greissman thanked them and said they would be removed/fixed.

Finkel **moved** that the proposed Health Care Colleges Professional Student Behavior Code (with the discussed editorial corrections) be sent to the Senate for review at the May 5 meeting, with no recommendation, but with an effective date of July 1, 2008 if approved. Randall **seconded**.

Piascik **moved** that the motion be amended to include a positive recommendation to the Senate. Aken **seconded**. In response to a question from Anderson, Finkel explained that he was not confident that he understood the Code and the health care colleges to sufficiently state the changes were positive.

A **vote** was taken on the amendment to change the motion so that the Code will be sent to the Senate with a positive recommendation instead of no recommendation. The motion **passed** with six in favor and one against.

There being no additional discussion, a **vote** was taken on the motion to send the proposed Health Care Colleges Professional Student Behavior Code (with the discussed editorial corrections) to the Senate for review at the May 5 meeting, with a positive recommendation and an effective date of July 1, 2008. The motion **passed** unanimously with seven in favor.

[3. Proposed Change to Senate Rules: Senate Rules 5.1.8.5.B.2 \(Instructor Feedback Forms\)](#)

The Chair reminded SC members about the recent SC resolution that allowed the waiver of an Instructor Feedback Form (IFF) by the college dean only if the instructor was unavailable. He said that a proposed rule change was created for the *Senate Rules (SR)*, but doubted it required review by the SREC prior to being codified.

Piascik **moved** to approve the changes to *Senate Rules 5.1.8.5.B.2* and send them to the Senate with a positive recommendation, to be effective immediately. Michael **seconded**.

SC members engaged in discussion of wording and intent.

Randall offered a **friendly amendment** to include a specific reference to the Instructor Feedback Forms in section A.2. Michael **accepted**.

There being no further discussion, a **vote** was taken on the motion to insert a reference to the Instructor Feedback Forms in *SR 5.1.8.5.A.2* and to change the language in *SR 5.1.8.5.B.2* to clarify that the only reason a dean can waive an Instructor Feedback Form is in the event that the instructor is unavailable. The motion **passed** unanimously with seven in favor.

SC members then discussed the composition of the Senate's Retroactive Withdrawal Appeals Committee.

4. [Proposed Change to Senate Rules: SR 5.4.2.3.C.1 \(Circumstances for Honorary Degrees\)](#)

The Chair led a discussion on a possible change to the *SR* regarding the number of honorary degrees that could be granted. It was determined that the existing language accommodated any need to award honorary degrees to more than three recipients.

5. [Top 20 Faculty Policies](#)

As with the other numbered items in the document "Top 20 Faculty Policies – A Discussion Paper" that was discussed in previous SC meetings, the SC member responsible for a specific numbered item summarized the comments received from the university community about that numbered item and then moved a motion. Below are the pertinent motions; the motion also indicate the results of SC members' discussions.

Item Number 5:

Finkel **moved** that the SC report to Provost Subbaswamy that the SC suggests a revision to Item Five specifying that the Provost must send all tenure and promotion cases to the appropriate area committee, but that the Provost may indicate on some of those cases that the area committee need not pursue a full review. In those cases so marked, the area committee may either concur with the Provost or may nonetheless provide a full review. In those other cases where the Provost requests a full review, the area committee must provide a full review. Swanson **seconded**. There being no additional discussion, a **vote** was taken and the motion **passed** unanimously with seven in favor.

Item Number 6:

Randall **moved** that the SC inform Provost Subbaswamy that the SC was somewhat uncomfortable with the proposal to eliminate the individual faculty letter from consideration in the promotion and tenure process. Aken **seconded**.

A **vote** was taken on the motion that the SC inform Provost Subbaswamy that the SC was somewhat uncomfortable with the proposal to eliminate the individual faculty letter from consideration in the promotion and tenure process and the motion **passed** unanimously with six in favor.

Item Number 7:

Swanson **moved** to report to the Provost that the SC was generally in favor of the stipulations in Item Seven, with the recommendation that there be language clarifying the permitted degree of relationship between the candidate and the outside reviewers chosen by the chair. Aken **seconded**. Finkel offered a **friendly amendment**, which would add the following language: "In those cases where a candidate for promotion or tenure is in a field where it is difficult to identify six appropriate external reviewers, the Provost should give permission for fewer letters to be presented." Swanson and Aken **accepted**.

There being no further discussion, a **vote** was taken on the motion that the SC was generally in favor of the stipulations in Item Seven, with the recommendation that there be language clarifying the permitted degree of relationship between the candidate and the outside reviewers chosen by the chair; and that in those cases where a candidate for promotion or tenure is in a field where it is difficult to identify six appropriate external reviewers, the Provost should give permission for fewer letters to be presented. The motion **passed** unanimously with six in favor.

Item Number 8:

Randall **moved** that the SC inform the Provost that it is comfortable with the current process of substantive second and fourth year reviews and recommends against the proposed elimination of the second year review, which would be replaced by a third year review. Swanson **seconded**. Finkel **moved to amend the motion** by adding the following language to the motion: "However, so long as two full reviews are accomplished during the probationary period, perhaps it could be left up to each college to decide the timing of those reviews." Anderson **seconded**.

There was no additional discussion on the amendment, so a **vote** was taken. The amendment **passed** unanimously with six in favor.

There being no further discussion on the main motion, a **vote** was taken on the motion that the SC inform the Provost that the SC is comfortable with the current process of substantive second and fourth year reviews and recommends against the proposed elimination of the second year review, which would be replaced by a third year review; however, so long as two full reviews are accomplished during

the probationary period, perhaps it could be left up to each college to decide the timing of those reviews. The motion **passed** unanimously with six in favor.

Prior to moving to the next agenda item, Finkel reminded the Chair that he was resigning from the Senate and SC – he was going on sabbatical.

6. [Tentative Senate Agenda for May 5](#)

The Chair engaged SC members in a discussion on how best to work through the pending curricular items, since there was a small amount of time left before many nine-month faculty left the campus. The Chair noted that some of the agenda items (Proposed New Graduate Certificate in Physiology Teaching; PharmD and MS of Public Policy; and Proposed Change to *Senate Rules 5.1.8.5.A.2*) could be put on a 10-day transmittal, instead of placing them on an agenda for a live Senate meeting.

With regard to Top 20 Faculty Policies (T20FP), the Chair outlined four possible courses of action: 1. act on the matter in fall 2008; 2. present the Senate with the original numbered items and the SC suggestions; 3. invite the Office of the Provost to make modifications based on SC input, and return the modified document to the Office of the Senate Council immediately so it could be emailed out to senators the following day (April 29); or 4. solicit input from senators via a 10-day transmittal. Greissman opined that the SC had done such a fine job with the suggestions and ideas outlined in T20FP – he thought it would be best to include the SC input with whatever senators received. He said that the manner and tone of comments received could help guide what happened next – if there were many senators upset about the suggestions, more time could be taken.

The Chair appreciated Greissman's suggestion, and added that if the comments received were primarily complimentary, then there would be no need to bring T20FP to a live Senate meeting. Greissman expressed mild concern that the transmittal might not be reviewed by senators, so the Chair said he would specifically announce the T20FP transmittal during the May 5 Senate meeting.

Randall **moved** that the tentative Senate agenda for May 5 be approved as an unordered list, with the exception of the four items previously identified (Proposed New Graduate Certificate in Physiology Teaching; PharmD and MS in Public Policy; and Proposed Change to *Senate Rules 5.1.8.5.A.2*; and Top 20 Faculty Policies), which will be placed on a web transmittal for Senate approval. Swanson **seconded**. There being no discussion, a **vote** was taken and the motion **passed** unanimously with six in favor.

Prior to adjournment, Michael alerted SC members that there were some colleges who had yet to conduct their Senate elections. Michael **moved** that the SC waive *SR 1.2.2.1.B and 1.2.2.1.C* to allow colleges who had not yet done so to conduct their election for senators early in the fall so that the elections would be completed prior to September 30, 2008, and affected colleges' senators would

remain members until their replacement(s) were duly elected and seated. Finkel **seconded**. There being no additional discussion, a **vote** was taken on the motion, which **passed** unanimously with six in favor.

The meeting was adjourned at 5:02 pm.

Respectfully submitted by Kaveh A. Tagavi,
Senate Council Chair

SC members present: Aken, Anderson, Finkel, Michael, Piascik, Randall, Swanson and Tagavi.

Provost's Liaison present: Greissman

Invited guests present: Tony Blanton, Bill Lubawy and Marcy Deaton.

Prepared by Sheila Brothers on Thursday, May 22, 2008.