

Senate Council Minutes
October 31, 2005

The Senate Council met on Monday, October 31, 2005 at 3:00pm in room 103 Main Building and took the following actions.

1. [Approval of the Minutes from October 24, 2005](#)

The Chair asked if there were any corrections to the minutes. In the section regarding Tagavi's comments, Grossman noted the parenthetical statement of the final sentence in section three should read, "since E's earned for other reasons *may not be* calculated into the GPA." The minutes were then approved.

2. [Announcements](#)

The Chair noted that due to an administrative error, the posted agenda did not reflect his decision to remove the item "GR changes regarding Student Government." They will be revisited upon receipt of written rationale for the changes.

3. [Academic Offenses](#)

Tagavi inquired as to whether or not Joe Fink had been invited to attend Senate Council meetings. Ernie responded that he was invited, but that his schedule prevents him from attending. Grossman noted that Fink's comments on the proposal were solicited. Tagavi expressed an interest in the comments. Grossman recalled that Fink thought some of the wording in the proposal was cumbersome and that there was an additional comment that he could not recall. The Chair suggested that Grossman send those comments to the listserv.

The Chair stated it was time for the Academic Offenses proposal to come to a conclusion. There had been ample opportunity and time to resolve the issues surrounding the proposal. The Chair said that although he had proposed following through on the initiative started the year before by Dembo and Grossman, has supported reform of the current Academic Offenses policy, and is in favor of most of this proposal, he has striven to be even-handed in Senate Council deliberations over the proposal.

Tagavi stated that although there has been no indication of any bias, it would be better for the Chair to refrain from making known his position on issues. Tagavi was concerned that procedural actions of the Chair made during Senate Council meetings could be misconstrued as an indication of

bias. Dembo disagreed, stating that it was the duty of the Chair to exercise control over meetings in order to maintain forward motion. Tagavi replied that they were truly in agreement on this issue.

Liaison Greissman referenced his non-voting status as a precursor to a suggestion to help the academic offenses proposal move to the University Senate. He suggested that the Senate Council discuss three salient issues separately, so as not to tie down the entire proposal. Greissman suggested discussing the following sub-issues separately: 1. the minimum grade or alternative to minimum "E" penalty; 2. the "XE" grade; and 3. the issue of multiple jurisdictions. Grossman mentioned adding the sunset issue (4.) as a fourth item to discuss separately. Grossman wondered about the time at which a particular grade related to cheating would no longer be on the transcript.

The Chair queried the Senate Council members about their general feeling about parsing out the three or four issues. Grossman stated that differences had been narrowed down over the weekend, and a synopsis had been posted on the web. He stated that while there were two sides to each of the (2.), (3.) and (4.) sub-issues, there was no alternative for (1.). He further stated that it would not damage the whole proposal to separate the parts, including that of the sunset issue.

Duke suggested the Senate Council focus on the multi-jurisdiction issue first. She recommended the rule consider using the college in which the student is enrolled to be the same college whose rules should be followed in punishment. The Chair suggested beginning discussion with Duke's suggestion.

Grabau wanted to ensure that the student representatives offer their opinions and suggestions on these matters. Grossman noted that former student representative Braphus Kaalund was on the committee until he graduated. Ellingsworth stated her concern regarding the rights of students and agreed that one jurisdiction was preferable.

Hobson commented on the sunset issue and began a discussion of said topic. Further discussion ensued about how discipline for an academic offense would affect the student in the future.

Tagavi asked for clarification regarding the issue that was then up for discussion. The Chair reinforced the importance of hearing the students'

comments. Grossman said that the Ad Hoc Committee on Academic Offenses worked hard to do away with the minimum penalty, as that is unfair to students. Tagavi suggested that under the new proposal, even small violations would require a student to reply affirmatively if asked about whether he or she had ever been accused of being caught cheating.

Duke suggested that a student accused of cheating should follow the policy of the college in which the student is enrolled. Discussion began on this topic. Lesnaw indicated a confusion surrounding who/what entity would take control of the disciplinary procedure, especially in instances involving an honor code college. Dembo offered a brief explanation of college's honor code.

Questions then arose as to whether or not an honor code takes precedence over University Senate rules. Greissman noted that the rules of an honor code college are part of the University Senate Rules, because they are approved by the University Senate.

Moore stated that with regard to jurisdiction, it was important to keep the rule as simple as possible and the lines of jurisdiction should be very clear. Moore noted concern regarding general knowledge of these processes and the potential for students and faculty becoming bogged down. Moore spoke in favor of jurisdiction residing in the student's own college.

Tagavi stated he could accept Duke's suggestion, and noted agreement with Moore. Tagavi suggested using either the college of the student or the college of the course. Grossman replied that if two students were involved in one offense, two different colleges could have different determinations of guilt and enforce different punishments. Grossman stated that by enrolling in the course, the student acknowledges jurisdiction, and said this information should be reflected in the course description.

Discussion continued regarding jurisdiction of the student's college versus that of the course's college. Given the time, Tagavi suggested stopping debate in order to give time to the other three issues. Thelin expressed concern over honor codes in general. Greissman suggested allowing the dean of the instructor making the accusation of cheating be responsible for deciding who would rule on the issue. Tagavi said he had suggested that idea previously. Tagavi also suggested allowing the provost to adjudicate in the event that the involved deans/Registrar could not decide among themselves. Grossman stated this was more complicated.

The Chair requested Duke make her original suggestion into a formal proposal. Duke made a **motion** to amend the proposal's language to read, "When an offense is alleged, the rules of the college in which the student is enrolled prevail." Tagavi **seconded**. The Chair invited discussion on the motion.

Grossman wondered aloud how this motion could be worked into the University Senate Rules. Current practice allows an honor code to take precedence over another college's rules of conduct.

A vote was taken, with nine in favor, one against, and no abstentions. The motion **passed**.

The Chair directed the members to begin discussion on the XE issue. Jones recalled from listserv comments that a three-tiered system would eliminate the need for XE. Tagavi wondered if Grossman could accept a friendly amendment to this proposal. Grossman replied that he could not accept a friendly amendment on behalf of the Academic Offenses committee.

Discussion continued regarding a "cheating E" and ramifications of this on a student's transcript. Grossman added that the second offense begins the paper trail.

Jones asked Grossman to describe the three-tiered system in detail. Grossman stated that for the first offense, there is no minimum penalty. For the second offense, the minimum penalty is an "E," removable from GPA calculation by the repeat option. The third offense is punishable by suspension. Davy made a **motion** that the Senate Council accept the three-tiered system as described by Grossman. **Tagavi** seconded the motion.

Discussion ensued regarding the motion. Cibull was concerned about the severity of punishment for the second offense. Tagavi explained that the punishments were minimum penalties, not maximums. Clarification was offered regarding the calculation of a GPA including an E due to cheating. Lesnaw stated concern that not allowing a student to repeat a required course in which s/he received an E for cheating was essentially expelling the student. Dembo stated that were he a voting member, he would vote against the motion, citing concern that a student could be caught cheating twice and still not suffer any lasting punishment. Tagavi agreed with

Dembo, but said that concern would not necessarily require a vote against the motion because these are minimum punishments.

Grossman stated he could accept Jones' motion, but also suggested using the three-tiered system with the option to utilize "XE." Jarvis agreed with the principle that a freshman might make an honest mistake and not deserve harsh punishment, but also that a grade of "XE" would require the student to be held accountable for cheating. Cibull voiced concern that all sorts of fairly minor infractions could be defined as cheating, and indicated support for use of an XE. Grossman reminded the Senate Council members that as it was written, the proposal allowed "XE" to be converted to "E" after one year through the University Appeals Board.

Moore wondered about punishments for students not enrolled in a class, but still guilty of cheating. Grossman stated that there are currently additional provisions for offenses of cheating in a class in which a student is not enrolled. The penalty is decided by the dean, which can vary from no punishment to expulsion. Grossman noted the action would still be on record with the Registrar.

Lesnaw wondered about a sunset clause, and how this would affect the penalties. Grossman stated there was no automatic sunset. The Chair noted that the sunset clause was not a part of the motion.

Tagavi noted that an "E" could be removed from GPA calculation by a Repeat Option. Cibull expressed concern over this, stating that a penalty due to cheating should be noted as such, and that an implication of cheating was not sufficient; the student should be identified as a cheater. Tagavi suggested suspension, and said that "XE" was not necessary. Dembo replied that many faculty members would not be comfortable suspending a student, and Cibull commented that an "XE" was an intermediate punishment. Dembo agreed, saying that suspension for cheating makes it more difficult to identify the punishment for cheating.

Grossman suggested an amendment. Grossman made a **motion** to amend Jones' motion to add the "XE" as a potential penalty to the current system but that the "E" as a minimum penalty for the second offense would be retained. Cibull **seconded** the motion.

Discussion on the motion began, with an emphasis on separating punishments for ignorance from punishments for maliciousness. Jarvis stated

it was important for the student to be informed of the entire process from the outset, so the student has an opportunity to appeal even a first offense.

Lesnaw wondered who would be responsible for setting a penalty. Grossman responded that as the proposal was currently written, if "XE" was an option and not a mandatory minimum, the instructor could choose a penalty up to and including "E." If the instructor wants to impose "XE," the instructor must go to the dean first. At Lesnaw's request, Grossman referred to that language in the proposal.

Jones **called the question** on voting on the amendment to the motion. A vote was taken, with nine people in favor, one against and none abstaining. The motion **passed**.

A vote was then taken on the original motion as amended. Ten people were in favor, none against and none abstaining. The motion **passed**.

The Chair noted the time was then 4:58 pm. After a very brief discussion, he stated that various Senate Council members could not remain to continue to deliberate over the remaining issues. The Chair noted that the remaining two items could still be discussed at the November 7 Senate Council meeting, with the recommendations going to the University Senate on November 14.

Grossman confirmed that the two remaining items were: 1. minimum penalty for the first offense; and 2. whether or not a sunset clause would be in effect for various punishments. Lesnaw thought there would be little dissension regarding the first item, and wanted to proceed with a vote. The sense of the Senate Council was that there was not going to be a consensus, and the meeting was adjourned at 5:02 pm.

Respectfully submitted by Ernie Yanarella
Senate Council Chair

Members present: Cibull, Dembo, Duke, Ellingsworth, Grabau, Grossman, Hobson, Jarvis, Jones, Lesnaw, Moore, Tagavi, Thelin, Yanarella.

Liaison present: Greissman.

Guests present: Ches, Dippery, Lyle.

Prepared by Sheila Brothers on November 1, 2005