



## Called Faculty Senate Meeting 528

July 3, 2012

12:45 p.m. in BAB 121

**Present:** *Wai Mok, Eric Fong, Charles Hickman, David Stewart, Laurel Bollinger, David Neff, Bhavani Sitaraman, Jeffrey Kulick, Ina Warboys, Marlena Primeau, Philip Bitzer, Roy Magnuson, Carmen Scholz, Peter Slater, Tim Newman, Richard Miller*

**Absent with Proxy:** *Carolyn Sanders, Eric Seemann, Kathy Hawk, David Pan, Brenda Talley, Louise O'Keefe, Max Bonamente*

**Absent without Proxy:** *Eletra Gilchrist, Derrick Smith, Kwaku Gyasi, Deborah Heikes, Ramon Cerro, Mohamed Ashour, Jason Cassibry, Kristen Herrin, Nathan Slegers, James Baird, Ramazan Aygun, Claudio Morales, Dongsheng Wu, Nikolai Pogorelov*

- ❖ Approve **Agenda**—No quorum in Executive Committee.

The desired agenda is before you. David Neff moved, seconded by Charles Hickman to approve agenda. Ayes have it.

- ❖ **Minutes** approval for 526 and 527. Minutes 526 Laurel Bollinger moved, seconded by David Neff to approve the minutes. The ayes have it.

**Minutes 527**—Bhavani Sitaraman moved, seconded by Marlena Primeau to approve the minutes. The ayes have it.

- ❖ **Senate Executive Notes**— no approval needed.

- ❖ **Faculty Handbook**—on the floor for approval of **Chapter 7**—amendments and back to main motion. Roy Magnuson proposed an amendment regarding the qualifications for the peer reviewers—**7.10.3.1**—there is a problem with this section. Some people work on books with many contributors, I wrote a paper with many contributors. This is a technicality—I have several examples from Biological Sciences with 700 signers. All these people should not be barred for reviewers. “Ideally peer reviewers should be both expert and objective, should have outstanding qualifications. Any significant relationship (supervisory, collaborative, and social) between peer reviewer and candidate should be disclosed in nomination of the peer reviewer

and in the letter from the peer reviewer. “Richard Miller seconded. Disclose rather than prohibit. Peter Slater asked will the paper appear in the CV. Wai Mok asked does this open up who makes the decision to say yes or no. Is it the Chair and the candidate? If the burden is on the Chair then you open another can of worms. Jeff Kulick stated they anticipated in discussions and 10.4.1 allows other materials. Richard Miller stated there are some fields where there is never a single author for a paper. This should not count against the candidate. All of this is a judgment call—simply disclose rather than prohibit. Laurel Bollinger—proposes “ordinarily would not serve.” Accepted as a friendly amendment—amending an amendment is not allowed—this is out of order but if there is unanimous consent then you can change to a new statement.

- ❖ Chair objects. I would like to step aside and I wish to speak.
- ❖ David Neff presides.
- ❖ Tim Newman requests to speak. There is a minor flaw—and that is the dissertation advisor. The dissertation advisor should never serve as a letter writer. NSF will not allow it. Co-authors can. We need to revisit this with different language. Bhavani Sitaraman proposed a change to remove “dissertation advisors” and make it two sentences. “Dissertation advisors may not serve as external reviewers.” “Co-authors of the candidates would not ordinarily serve as external peer reviewers.” Peter Slater stated “co-authors and dissertation committee members of the candidates would not ordinarily...” Laurel Bollinger stated “Ideally reviewers will not have relationships with the candidate”.
- ❖ David Neff turned the gavel over to Wai Mok so that he and Tim Newman could continue in the discussions.
- ❖ David Neff stated there was discussion regarding disclosure and cooperation and that the group was mixing the two. Roy Magnuson read language from the Science Promotion and Tenure manual. Peter Slater stated he would like to include someone who says they have co-authored several papers and I am good with what you are saying. We could include it and make it clear they are a co-author but would like to see others included that are not co-authors. Tim Newman supports Peter Slater’s statements. “Whenever feasible the set of peer reviewers should include members with no significant relationships with the candidate.” David Stewart commented on a contradiction in language. It was found to be ok. Peter Slater moved to remove next to the last sentence. There was unanimous consent to replace this with the original amendment. It is replaced. Vote on amendment: Vote: **2 nays. Ayes have it.**
- ❖ Tim Newman took the gavel back as presiding officer at this point.
- ❖ Amendment to “Additional Information **7.10.4.2**”—Permit additions—may have folder entitled updates. “Any documents added to comprehensive digital file after the review by department committee or equivalent shall be placed within subfolders, indicating date of placement, within

this update folder. Nothing shall be added to the file however without the written consent of the candidate.” Charles Hickman and Jeff Kulick are concerned about adding without a process. The way it is written it is not clear when or where it is added. Roy Magnuson stated the administrator that is in possession of the document can add. Carmen Scholz spoke against this. There is a point when the review process ends and the candidate is reviewed at that point. There should be a fixed point in the timeline at which this ends. Laurel Bollinger stated I would rather default in favor of the candidate---no negative material added. Peter Slater stated the department made the decision and the candidate knows what the vote was and if material will come. Roy Magnuson stated there is confidentiality. Peter Slater stated confidentiality does not cover this. The Candidate may decide not to put in a document because a department member does not like them. This keeps it out and then when it gets passed the department someone can put it in. The Department should vote on the material there and then add. Carmen Scholz was referring to things the candidate nor the committee influenced. If it is not on the tenure clock it is not there. David Neff stated if publications get published and are added that should be ok. It is legitimate. Peter Slater stated updates on documents already submitted are allowed. Roy Magnuson stated I don’t have a problem with language. Peter Slater stated he defeats this amendment. Propose other language. Vote: **The nays have it. Amendment fails.**

- ❖ Laurel Bollinger proposed that after “equivalent”, “other than updates on the status of existing publications, creative works, grant proposals, etc.” David Stewart seconded. Peter Slater asked who does the updating. Jeff Kulick asked what time is it added. Need clarification of when we have to stop. Roy Magnuson stated the way it used to be is the candidate would request to have material included—the Chair, Dean and Provost, could at their discretion do or not. It did not stop until the final decision. Vote: **Ayes have it.**
- ❖ Laurel Bollinger stated that section 7.14.2 regarding dismissal for the conviction of a crime needs to be modified to at least serious crime. Marlena Primeau seconded. Vote: **Ayes have it.**
- ❖ Richard Miller stated that 7.10.5.1 needs a wording change in the second sentence. Administrators may not serve on these faculty promotion and tenure committees.” Bhavani Sitaraman has an objection because if you are in a place you do not have a significant number of faculty members, the chair can write. State "university administrators". The motion fails for lack of a second. Laurel Bollinger suggested “except in situations where small departments requires their participation as specified in Section 7.10.5.2” David Stewart seconded. Punctuation change. Vote: **Ayes have it.**
- ❖ Laurel Bollinger stated in Section 7.14.2.3 we have the same problem with the word “crime” and we need to amend to say “serious crime.” Marlena Primeau seconded. Vote: **Ayes have it.**
- ❖ The appeal process is in Appendix E.

- ❖ Vote on Chapter 7 and clean up questions—Tim Newman or Richard Miller will harmonize everything.
- ❖ Roy Magnuson stated section **7.10.3.1** needs to be copied to **7.11.4.1**. Replace the first two sentences of the current language with new language. David Neff seconded. Vote: **Ayes have it.**
- ❖ Confidentiality sections—letters are kept confidential but let the candidate know the outcome but letters are not given to the candidate. The current document suggested the documents are provided to the candidate in redacted form. **7.7.1**—full and frank disclosure without fear of being hurt or fingers pointed. Noted documents—Carbondale—signed statement from candidate with exception of confidential letters. John Shriver stated we need strict confidentiality and the candidate signs a waiver. May make letters of little value. This is involved—it involves 4 sections—move to reconstitute the Handbook committee and send it back or send it to the Personnel Committee—send back to personnel to address confidentiality. The document is procedural and would like to see more values. Tim Newman stated in light of time and this body’s time spent many things could be reopened and renegotiated. We would be best served if we give very specific directions on what we want the Committee to do. If we send it to personnel it would be to address confidentiality only. The Personnel Committee has been involved throughout the review process. **The motion fails.**
- ❖ Peter Slater stated he would be in support of the confidentiality for external letters. Find out at each step. Jeff Kulick—comments on discussion—if it goes to court everything is out. Charles Hickman stated if it goes to legal the person has a right to see everything. The reviewers could be concerned about what is in the letter. They should be willing to stand behind what they say. Bhavani Sitaraman—how does this affect appeals? Eric Fong stated if the person appeals is there no right to see anything. No it means they have a right to whatever they need to defend their position. Carmen Scholz—when you write a letter for someone in another university and when it gets back to that person what is the retaliation. Roy Magnuson stated this is a controversial issue. I understand redaction, understand disclosure, understand confidentiality. Charles Hickman stated full and frank are false. We need complete discretion. It could torpedo because of a grudge—there needs to be disclosure and the process should be transparent—everyone knows the cards that on the table. Need to be careful writing letters. Put in letter “in my opinion” or have facts to back it up. Do not rely on confidentiality to make assumptions. We can have an opinion but be ready to share the facts. Carmen Scholz—could be the reason why reviews are not public. Charles Hickman stated you can argue both sides—society benefits from disclosure and transparency. Ina Warboys stated transparency is better because the torpedo occurs because it is under cover—this can ruin a life.
- ❖ **Ayes have it. Chapter 7 is adopted.**
- ❖ **Chapter 8:** David Neff moved, seconded by Peter Slater to adopt Chapter 8. Bhavani Sitaraman moved to delete **8.4** because it is out of context. David Neff seconded. This allows policy to be

implemented anywhere anytime without shared governance. It allows lot of power to the President's cabinet and allows them to seek input. This is very vague. They could say we sought input and here is the policy. Ina Warboys stated she sees the opposite. This protects the unit. I see as the opposite. Tim Newman asked does this give up rights of the Faculty Senate on the Handbook, etc. Charles Hickman asked do they already have that power and these things are not relevant. Bhavani Sitaraman stated it creates a very general policy on policies. This is a general statement overriding those sections coming under shared governance. Worried this is a rubber stamp and any policy can be established anywhere. Laurel Bollinger stated this is a description of what is currently going on. Might be appropriate to add a statement to make it clear this does not abdicate shared governance. David Stewart stated he is agreeing with Bhavani Sitaraman because Bylaws and things have to go by the Senate end this just says tell the Faculty Senate. David Neff stated some things are in the purview of students living on campus, etc., things like an open door does not have to do with the Faculty Senate. Richard Miller spoke in favor of the motion and the idea for substitution. Charles Hickman—amend to include “Consistent with support of shared governance” add wording. **Vote on amendment—9 in favor 8 against. Amendment adopted. 8.4 deleted.**

- ❖ Richard Miller—motion to incorporate values—The University must preserve the primacy of shared academic governance in planning development and implementation of policies. Faculty should have direct influence and control over departmental and institutional priorities as well as the institutional mission, including curriculum planning, faculty hiring and scholarly activities. Hope to grab back ability to influence certain things while not having to separate out forms. David Neff seconded. **Ayes have it. Change title to Policy Formation.**
- ❖ **Chapter 8 adopted: Ayes have it.**
- ❖ Laurel Bollinger moved, seconded by Eric Fong to adopt **Chapter 9**. Laurel Bollinger is in favor of editing section **9.16**—there is no clarity for summer obligations with regard to service. Insert “In principle while there are minor service obligations, officially we are not required to be here.” David Neff seconded. Carmen Scholz—is there something about we have benefits and therefore administration considers these obligations. The Provost agrees faculty are on leave and do not have obligations. Vote—**ayes have it.**
- ❖ **Section 9.15:** Summer Teaching, move out of **9.16.1** and add new paragraph. David Neff seconded. Wai Mok-- why have number changes—strike the number—this is a maximum number as established by university policy.
- ❖ **Lost Quorum and adjourned at 2:20.**
- ❖ Note: Tim Newman and Wai Mok made all changes to the Handbook on the screen during the meeting.