Regular Meeting of the University Senate
Institute for Peace and Justice, Room A
October 29, 2015

Attendance
Arts & Sciences: Ellis, Chair; Besnoy Friedman; Glick; Moran; Nadkarni; Nelson; Pachence; Pierson; Reifer; Sheehan
Business: Rebman; Gin; Rothman; Sumner
Engineering: Kim; Schubert
Leadership & Education Sciences: Ammer; Quezada
Law: Kelly; Lawrence; Lazerow
Nursing: Burkard
Peace Studies: Sharp
Ex-Officio: Allen; Harris; Norton
Student Representative: Fox; Keith Van Wagner
Guest: Tom Herrinton; Julie Hess; David Light; Alma Ortega; Laura Turner

Ellis, Chair, opened the meeting at 12:17 p.m.

I. Announcements
A. Chair: None.

B. Provost’s Office: Allen stated that the university is considering moving the Graduate Commencement ceremony from 1p.m. on Saturday to Saturday morning to allow more time for the set-up of Baccalaureate Mass at 5 p.m. on Saturday in the JCP. He asked senators to send him their comments.

Options are being considered to relocate classrooms on hot days, particularly in Camino Hall, until air conditioning can be installed.

Allen provided information about the new strategic planning process that President Harris will begin soon. Heron Consulting Group has been selected to help support the strategic planning process. Allen explained that preparation of a new strategic plan to be approved by the Board of Trustees at the September 2016 board meeting will start in November. A Strategic Planning Steering Committee has been formed, that he and Associate Provost Del Rio will co-chair. Sub-committees will be added to assist in the strategic planning process and to incorporate more community members in the process.

At a later point in the meeting, Harris added that it will be as open and inclusive a process as possible. The initiatives will come back to the Senate and other faculty groups for feedback. Approval of a vision statement and general directions is anticipated at the April 2016 Board of Trustees meeting. The details of the plan will then be developed and presented to various groups through the semester and summer 2016 before it is presented to the board for approval in late September 2016.

C. Associated Students: Fox reported that the AS research grants will be awarded soon. He announced two new AS initiatives: Torero Spotlight and Faculty of the Month to recognize students and faculty that go above and beyond in community involvement.

D. Other announcements pertaining to the business of the Senate
Sheehan distributed a CARE flyer titled, “Responding to Sexual Assault: A Guide for Faculty and Staff.” He inquired about the reporting guidelines, his concern with student confidentiality, and suggested the Senate discuss this matter. Senators discussed the reporting requirements and the need for additional guidance.
Ellis said there is a need to understand the requirements of the law, what the university can do in addition to that, and issues that faculty are uncomfortable with. He will invite Kelly Douglas and number of others to the next Senate meeting along with a Senate motion to consider.

II. Approval of the Minutes for the meetings of Oct. 15, 2015
The minutes of October 15, 2015 were approved by acclamation.

III. IRB Committee
Ellis stated that Sarina Molina, SOLES, has been recommended as an IRB committee member. The Senate approved of Sarina Molina as a SOLES representative on the IRB Committee by voice vote.

IV. Business
A. Consideration of Dr. Lyons critique of the ARRT policy (4.2)
Ellis said the following motion is before the Senate.

Motion: IN II.G.4, AFTER THE WORD “CANDIDATE” INSERT “, IN CONSULTATION WITH THE APPROPRIATE DEAN,” TO READ: “A candidate, in consultation with the appropriate Dean, may seek an accelerated tenure decision for exceptional performance.”

Ellis asked Kelly to present the additional Executive Committee motions which do not require a second.

Motion to amend: IN II.G.4 INSERT A SECOND SENTENCE: “A FAVORABLE DECISION WILL RESULT IN THE AWARD OF TENURE WHILE AN UNFAVORABLE DECISION WILL DEFER THE TENURE DECISION TO ITS NORMAL TIME.”

Kelly said that the language was proposed by Lyons and discussion at the last Senate meeting indicated it is an important component. He clarified that a person would only be able to come up once for an early tenure decision as an unfavorable decision will defer the decision of tenure to the normal tenure decision time. Additionally, in the event of an unfavorable decision, the candidate will be considered for reappointment.

Vote: 22 – Approve; 0 – Oppose; 0 – Abstain. The motion to amend passed.

Vote on amended motion: 21 – Approve; 0 – Oppose; 1 – Abstain. The motion passed.

Motion: AMEND THE FIRST SENTENCE OF IV.B.2. BY STRIKING OUT THE WORDS “IF THE FACULTY MEMBER IS UNABLE TO RETURN TO WORK FOLLOWING THE CONCLUSION OF AN APPROVED LEAVE OF ABSENCE OR”.

Kelly said IV.B.2. deals with when a tenured professor can be removed for inability to perform the job. A provision is needed about dismissal for disability or inability to do the job because it doesn’t appear anywhere else. The remaining sentences relate to the disability portion of the rule and would remain unchanged. Ellis said there is the dismissal for serious cause provisions for failing to return from leave.

Vote: 21 – Approve; 0 – Oppose; 1 – Abstain. The motion passed.

Kelly said the motion relates to the provision in the current policy and unchanged in the proposed policy that appears to allow severance pay for a person terminated for serious cause, which Lyons thought was inappropriate. The motion states terminated “due to retrenchment” and deletes the paragraph that limits pay if serious cause involves moral turpitude. Severance pay would be available for retrenchment, but not for termination for serious cause, and it does not authorize severance pay for termination for inability to perform the work.

Vote: 21 – Approve; 0 – Oppose; 1 – Abstain. The motion passed.

Motion: STRIKE OUT SECTION II.G.6.E. AND INSERT IN ITS PLACE THE FOLLOWING PROVISION: ”A FACULTY MEMBER MAY DECLINE ANY AUTOMATIC EXTENSION AT ANY TIME UP TO THE FIRST DAY OF THE ACADEMIC YEAR IN WHICH THE PERSON INTENDS TO SEEK TENURE. A PERSON MAY REVOKE A PREVIOUS COMMUNICATION DECLINING AN EXTENSION AT ANY TIME UP TO THE FIRST DAY OF THE ACADEMIC YEAR IN WHICH THE TENURE DECISION WOULD HAVE BEEN MADE IF THE REVOCATION HAD NOT OCCURRED.”

Kelly noted that this rule applies only to automatic extensions (for births or deaths) for those seeking tenure, not for negotiated extensions for leaves or hardships. The effect of leaves must be negotiated at the time the leave is granted (II.G.5.). Hardship extensions sought by the applicant cannot be revoked once granted. The proposed policy states that a revocation would be before the tenure decision is made. Lyons’ suggested that it occur by the beginning of the sixth year. The motion suggests to separate them out but that it occur by the beginning of the year that one would seek tenure if you don’t revoke and postpone it. It is the beginning of the year in which action would have been taken or needs to be taken.

Herrinton stated that Lyons’ concern was, for instance, if someone in year eight, who has had extensions and now revokes all of them, that the university may be in violation of due process because the person should have gone up in year six without the extension. Does the new provision prevent that? Can an extension be revoked that was already used? Kelly responded that adding the word “remaining” to the first sentence would not allow revoking an extension already used.

Motion to amend by Gin/Sheehan to: ADD IN THE FIRST SENTENCE “REMAINING” BETWEEN “ANY” AND “AUTOMATIC” TO READ: A faculty member may decline any remaining automatic extension at any time up to the first day of the academic year in which the person intends to seek tenure.

Vote: 22 – Approve; 0 – Oppose; 0 – Abstain. The motion to amend passed.

Sumner said the first day of the academic year may be problematic. The School of Business sends a memo in the fall semester notifying faculty regarding submission of ARRT binders for ARRT decisions. Should that memo be sent before faculty would need to respond to revoke the extension? Kelly responded that that is the date that Lyons suggested but it could be October 1st of the academic year. Moran noted that the first day of the academic year is too specific and limiting because ARRT reappointment files are due in the college the first week of October. She suggested before the deadline of file submission (not a specific date), however, that deadline would be different in each unit.

Motion to amend by Reifer/Moran to: IN THE FIRST SENTENCE REMOVE “UP TO THE FIRST DAY” AND REPLACE WITH “WITHIN THE FIRST TWO WEEKS” TO READ: A person may revoke a previous communication declining an extension at any time within the first two weeks of the academic year in which the tenure decision would have been made if the revocation had not occurred.

Burkard stated that that delays the ARRT committee for two weeks in making ARRT assignments; the committee needs to know earlier that a faculty member is not ready.
Nadkarni noted that faculty in the college may come up for reappointment and tenure in the fall or spring depending on when they were hired with different ARRT file submission dates. The motion does not address these situations.

Ellis asked that senators obtain information from their units of how this change may affect them.

The meeting adjourned at 1:45 p.m.

Submitted by,
Steve Sumner
Secretary

Peggy Agerton
Recording Secretary