

12-2-2013

University of Northern Iowa Faculty Senate Meeting Minutes, December 2, 2013

University of Northern Iowa

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Special Meeting
UNI FACULTY SENATE MEETING
12/02/13 (3:32 p.m. – 4:53 p.m.)
Mtg. #1745

SUMMARY MINUTES

Summary of main points

1. Courtesy Announcements

Faculty Senate Chair **Smith** called the meeting to order at 3:32 p.m.

Press present included MacKenzie **Elmer** from the Waterloo-Cedar Falls *Courier*.

Provost **Gibson** was absent today. Associate Provost **Licari** had no comments.

Faculty Chair **Funderburk** noted that the Library Feasibility Study is coming to a completion and invited everyone to an Open House at the Library on Tuesday, December 10th, from 2:00 to 5:00 to view the final design proposal. He has asked that when the final report is done that it be forward to the Faculty Senate for wide distribution in that way.

Chair **Smith** had no further comments beyond what he shared with all Senators in his Update and Meeting Preview email yesterday .

2. Summary Minutes/Full Transcript

The Minutes/Transcript of November 4, 2013, were approved as distributed (**Nelson/Peters**).

The Minutes/Transcript of November 11, 2013, were approved as distributed (**Dolgener/Edginton**).

3. Docketed from the Calendar

No items were on the Calendar today for docketing.

4. New Business

None

5. Consideration of Docketed Items

1210 1106 Changes to Policy Process (regular order) (Gould/Nelson)

<http://www.uni.edu/senate/current-year/current-and-pending-business/changes-policy-process>

Motion to approve proposal (Nelson/Terlip**). Passed as adjusted/amended.

1211 1107 Proposed changes to Policy #3.06: Class Attendance and Make-Up Work (regular order) (Nelson/DeSoto)

<http://www.uni.edu/senate/current-year/current-and-pending-business/proposed-changes-policy-306-class-attendance-and-make-work>

Motion to approve Proposed Policy (O’Kane/Strauss**).

Motion to amend Proposed Policy by leaving language from the original Policy (Terlip/Heston**). Passed.

Motion to deleted bullet point 3 under B1a (Peters/Terlip**).

**Motion to call the question. [not accepted by the Chair]

**Vote on motion to deleted bullet point 3 under B1a. Passed.

Motion to amend the Policy by using Federal Mandate language as is. (Funderburk/Terlip**). Passed.

**Vote to approve the Proposed Policy as amended. Passed

1212 1108 Request for Emeritus Status, Merrie Schroeder (regular order)
(Walter/Gould)

Motion to approve/support request (Strauss/Heston**). Passed.

1209 1105 Reauthorization of Administrator Review Procedures (tabled)
(Nelson/Heston)

<http://www.uni.edu/senate/current-year/current-and-pending-business/reauthorization-administrator-review-procedures>

Motion to take from the table (Peters/Funderburk**). Passed.

**Motion to reauthorize the Administrator Review Procedures outlined in
1976 (**Funderburk/O’Kane**). Passed.

5. Adjournment

Motion to adjourn (Edginton/Peters**). Passed by acclamation.

Time: 4:53 p.m.

Next meeting:

Date: Monday, December 9, 2013

Center for Multicultural Education 109AB, Maucker Union

3:30 p.m.

Full Transcript follows of 45 pages, including 0 Addenda.

Special Meeting
**FULL TRANSCRIPT OF THE
UNI UNIVERSITY FACULTY SENATE MEETING
December 2, 2013
Mtg. 1745**

PRESENT: Jennifer **Cooley**, Barbara **Cutter**, Forrest **Dolgener**, Chris **Edginton**, Todd **Evans**, Blake **Findley**, Jeffrey **Funderburk** (alternate for Melinda **Boyd**), David **Hakes**, Melissa **Heston**, Tim **Kidd**, Michael **Licari**, Nancy **Lippins**, Jerilyn **Marshall** (alternate for Gretchen **Gould**), Lauren **Nelson**, Steve **O’Kane**, Scott **Peters**, Marilyn **Shaw**, Gary **Shontz**, Jerry **Smith**, Mitchell **Strauss**, Laura **Terlip** (21 present)

Absent: Karen **Breitbach**, Gloria **Gibson**, Syed **Kirmani**, Kim **MacLin**, Jesse **Swan**, Michael **Walter** (6 absent)

CALL TO ORDER (3:32 p.m.)

Chair **Smith**: All right. I’ll come to order, it being something like 3:30.

COURTESY ANNOUNCEMENTS

CALL FOR PRESS IDENTIFICATION

Smith: Press identification? MacKenzie from the *Waterloo Courier*. That would do that.

COMMENTS FROM PROVOST GLORIA GIBSON

Smith: Provost **Gibson** is not going to be with us. I don’t know if our Associate Provost [**Licari**] had any comments in her stead or

Licari: No. Nothing to pass along today.

Smith: No? Ok.

COMMENTS FROM FACULTY CHAIR JEFFREY FUNDERBURK

Smith: Comments from Faculty Chair **Funderburk**?

Funderburk: Very brief. As you know, we have been having a Library Feasibility Study running—building feasibility study running—that that project is kind of coming to the end here pretty quick. On December 10th, there's an Open House from 2:00 to 5:00 in the Library for anybody to come in and see the designs. The design firm was here before Thanksgiving with 3 design ideas on how to restructure things, and they were taking feedback, and they are bringing back kind of a final suggestion for us to look at. So, that would be my—I also asked that once that final report is done that it be sent to the [Faculty] Senate in electronic form so that it can be distributed widely that way.

Smith: Ok, thank you, Jeffrey.

COMMENTS FROM FACULTY SENATE CHAIR JERRY SMITH

Smith: I have no comments having kind of conveyed what might have been comments in the email that I sent out yesterday, so you kind of got the stuff, and that's fine there.

BUSINESS

MINUTES FOR APPROVAL

Smith: Minute for approval. We've got two sets of Minutes for approval, the first being from our special meeting on November 4th. Draft of those Minutes was distributed. We can talk about possible corrections, but first I'd like a motion to approve those Minutes.

Nelson: So move.

Smith: By Senator **Nelson**. Seconded?

Peters: Second.

Smith: By Senator **Peters**. Now, any discussion or suggested changes to those Minutes? [none heard] Then I think we're ready to vote. All in favor of approving the Minutes as distributed, say "aye." [ayes heard all around] Opposed, say "no." [none heard] Those Minutes are approved.

And we also have Minutes from the November 11th meeting. This is our consultative session with Athletic Director Troy **Dannen** and his colleagues, which I was unable to attend but which was very expeditiously handled by our Vice Chair [**Kidd**]. Again those Minutes were distributed in draft form, so first I want to get a motion to approve from Senator **Dolgener** [who indicated] and seconded by Senator **Edginton** [who indicated]. Any discussion or suggested changes to the Minutes? [none heard] Then we're ready to vote on that. All in favor of approving those Minutes, say "aye." [ayes heard all around] Opposed, "no." [none heard] Minutes of 11/11/13 are approved.

CONSIDERATION OF CALENDAR ITEMS FOR DOCKETING

Smith: As you know from the Agenda, we have no Calendar Items for docketing. I'd hoped we would get some curricular stuff, and I would hope that we could get it maybe for next time.

Licari: We can, but the UCC is not quite done with their meetings. We meet again for the last time next week Wednesday.

Smith: Ok. If—if I—we've got to get the Agenda for next Monday's meeting out, and probably have to get it out tomorrow, so I may not be able to have it on there for docketing, but if and when I get those, I'll put the petition on the website and let you know where it is and stuff so that you'd be aware of this before that meeting, and that certainly that you're aware of it before we go on Christmas Break, so that if you want to have time to look at curricular proposals—and we'll talk about this at the next

meeting, how we're going to—how we might want to approach that. I want, to the extent that we have them available to the Senate, I want to make sure that you get them before Christmas Break so, you know, when you're not doing enjoyable things, you can take some time out and, you know, possibly look at those....screw up your Christmas Break [laughter around].

Heston: What a joy we'll have looking at curriculum on Break.

Smith: Yeah, I'm like that, to bring out the holiday cheer. [laughter around]

NEW BUSINESS

Smith: Now, is there any new business? [none heard]

CONSIDERATION OF DOCKETED ITEMS

DOCKET 1106, CHANGES TO POLICY PROCESS (regular order)
(**GOULD/NELSON**) <http://www.uni.edu/senate/current-year/current-and-pending-business/changes-policy-process>

Smith: Then we're ready to consider our docketed items, which is really the intent of this special meeting—was to get on with some things that we've kind of fallen behind on. And the first of those is Calendar Item 1210, Docket #1106, Changes to the Policy Process. I distributed relevant materials via an email several weeks ago, but before we can discuss it, I'll need a motion to approve the proposal.

Nelson: So move.

Smith: Moved by Senator **Nelson**. Second?

Terlip: Second.

Smith: Second by Secretary **Terlip**. And now we are able to talk about this. As I noted in my email, just some background on this, the matter was initiated sometime about a year ago by the [Faculty] Senate which used an ad hoc committee to draft a Revised Policy 0.00. That Policy delineates the process by which University policies are made and revised. And the major intents of the revisions that were made by that Committee were to improve the transparency of the process by providing more time and opportunities for people in the University Community—faculty and others—to comment on proposed policies and also to provide for direct faculty participation in the Policy Review Committee, which is a body that kind of manages the process, does some initial vetting, solicits input from the different parties, proposes revisions, does not make final decisions on policies, but, like I say, kind of manages the process. We haven't had faculty representation on there, and if this Policy is approved, we will have faculty representation. The Committee's Proposal was ultimately approved by the Senate but ran into some objections, in part because a requirement that a representative of United Faculty be included in this Policy Review Committee. The Administration's comfortable with having faculty reps, but they didn't want to mandate a representative from a collective bargaining unit because they felt that might set a precedent where other collective bargaining units would try and get the same thing, which could turn out to be very burdensome. So, I considered the objections that were made and some other concerns in developing a revised proposal that—in my opinion, it achieves the same objectives as our original proposal and, in some ways, provides a clearer delineation of the policy process. At least that's my view on it. So, we're prepared to talk about this and throw the floor open to debate on this item. [pause] It's obviously very contentious? [laughter all around]

Peters: So I'll just—one thing that sort of, I don't know what the right word would be, I guess made inclusion—one thing that made inclusion of the United Faculty representative a little bit less urgent for United Faculty is President **Ruud**'s expansion of and use of the Cabinet. Can you maybe go into that a little bit?

Smith: That's a very good point Scott's [Senator **Peters**] bringing out. The—it looks like the major—I mean, ultimately policies are approved by the President with potentially consultation and the advice of the Executive Management Team, but the way that it's worked so far, at least this semester, and Jeff [Faculty Chair **Funderburk**] has been in on this stuff as well, the Cabinet is a major player, because the Cabinet's very broadly represented across the Community, 40 some people, and so policy proposals get vetted by the Cabinet, and they kind of bounce it back and give us stuff, and the Cabinet includes, as Scott pointed out, a representative from the United—from United Faculty, so they've got a representative there. We, if this Proposal goes through, will have—the [Faculty] Senate will be able to propose or identify two persons, appoint two persons to the PRC, one of which could be by our—at our choice, you know, somebody who is involved in United Faculty and could express their interests there. So we can still have a representative on the PRC, although it's pretty much at our discretion. It's not mandated. And in any event, United Faculty will have a representative in the Cabinet which is directly involved in the approval process. So, I think that concern has been addressed in some ways.

Edginton: And, before this issue was put on the table, there were policies being promulgated throughout the University with no attention to any kind of faculty input at all.

Smith: That is true.

Edginton: So, I mean, they just arrived out of the blue.

Smith: Yeah. Yes. And that's what inspired our formation of the ad hoc committee that developed the initial proposal. Senator **Heston**.

Heston: Just in terms of counting who is looking at the distribution of representation, it does appear that this Committee which previously did not, I assume, have faculty on it, still is very heavily administrative. And I guess I would prefer to see a couple more faculty—different—different—almost one per College perhaps, just because Colleges do have different ways of thinking about certain kinds of policies. And I don't know that I—I

don't know this—I don't want to say this should be a faculty committee per se, but, having 2 representatives, I'm not sure that that will carry a whole lot of oomph, given that the other six members are Administrators.

Smith: I'll offer my views on that. I view the PRC as basically kind of—it's not a major decision-making body here, more coordinating and getting input, and then doing—potentially making revisions but ultimately the Policy would—the Proposed Policy would have any work by the PRC have to go back to the originating Body, and I don't—I mean, I agree strongly with the need for faculty representation on this Body, but I don't think it's the case where we should—we need to have, you know, a strong contingent and be able to offset the weight of Administrators. The Administrators are there because you need people from the different kinds of—parts of the University that are potentially affected by policies.

Heston: Ok, how—how would 2 faculty, given how distributed we are as faculty across this campus, have access to how faculty are thinking? What kind of mechanism could we create so they could actually consult with the faculty that they're to speak for in a sense on this Body.

Smith: My sense would be that what we would want to do is just let those—our representatives know that if policy issues come up that they feel are pertinent or particularly, you know, relevant to particular faculty bodies, that it's on them to kind of consult with those bodies. There will be—I mean, faculty under this Policy—proposed policies will be widely vet, you know, distributed. There's going to be broad knowledge, and so any, say, Department or College that had particular views on a policy would be aware of it and able, through the [Faculty] Senate to, you know, be in touch with our representatives on there. I think there's plenty of transparency here that provides for that.

Heston: Communication is always difficult.

Smith: Senator **Nelson**.

Nelson: If these 2 individuals are Faculty Senate representatives, could we not just have the expectation that they would funnel information back to

the Senate Chair on any policy being considered so that we'd all know at least what's come up, because I think it would be hard for 2 individuals to decide what would be of interest or wouldn't, but if they'd just say, "Look, this is what's on the Agenda for our next meeting, let the faculty know," because the [Faculty] Senate does in fact represent a broad constituency.

Smith: Yes. Well, let me give you another example. You just saw we got the Policy Proposals regarding—there are several of them, but....I can't even think of what they were now....but it came down and then they came from the Cabinet to everybody on the Cabinet, which included myself and Jeff [Faculty Chair **Funderburk**], and then I send them out to the [Faculty] Senate, so in that way they're getting vetted. In fact, Scott [Senator **Peters**], you said you'd gotten those by some other mechanism. [**Peters** nods] So, they are being spread around quite a bit, and I think through the Cabinet, if we continue to have that practice of when something comes up, it goes to the Cabinet, it gets spread around, there's lots of opportunity for faculty to get engaged. Jeffrey [Faculty Chair **Funderburk**].

Funderburk: I would also say that, at least recently, given our University Counsel is interested in knowing who he needs to consult with, so I think a couple of times it had been an oversight. They didn't think a policy was going to have an impact on faculty, so I think one of the biggest things these two faculty will do is point out when some policies do have an impact. But at last thus far I feel like they're more than willing to consult when he realizes it affects us. I think the recent one, like the Building Policy, was one they really didn't think about its impact on faculty before the fact.

Smith: Senator **Terlip**.

Terlip: Yeah, going back to the communication issue, in the Proposal it says that the Proposal's going to go on the Policies and Procedures website. Unless we know it's been posted there, there needs to be an intermediate step where it's put in UNI Online or something so that people know to go to the Policies and Procedures website. Otherwise, I don't think all of us are going to daily check that to see if a policy's been up and we've got 2 weeks to comment. So, I don't know if we need to do some sort of modification

or what you're looking at there, but I think that initial step needs to be made there.

[discussion among Senators as to location of this information]

Peters: Do you have the page?

Marshall: Well, you do, too.

Peters: Yeah, I can't

Terlip: Ok, well, maybe I'm looking at the wrong place. It—go ahead, go ahead.

Marshall: See, I don't know if I'm looking at the correct document. I'm looking at this Policy Proposal: 0.00: Policy.

http://www.uni.edu/senate/sites/default/files/policy_proposal_rev.1.pdf

Peters: Yeah, that's the right one. [other Senators agreeing]

Marshall: So, on the 3rd page of it, it says Dissemination of Policies, and then the 3rd, no, the 2nd sentence says, "Each University policy shall be broadcast in summary via e-mail through UNI Online" which actually I don't think it

Terlip: Well, that's after it's done. I'm talking about in the preliminary stages where they want public comment. Unless I know I need to go there and read it and comment, they're not going to

Marshall: Well, they're calling that the "comment period," I believe, but that's ok.

Terlip: Well, maybe I've got the wrong document.

Marshall: No, maybe I'm—you might be right. Yeah, I'm probably jumping two pages together here, so

Heston: This--what I'm seeing in Dissemination of Policies speaks of "new or revised policy." I'm not seeing anything about proposed policy that particular for this.

Marshall: Yeah, that's what I—it needs to be though.

Peters: We could in—under Review and Approval Process [pg. 2], under Proposal, the third bullet point [*"Posts a draft of the proposed policy or revision on the University Policies and Procedures website and accepts public comment for a period of at least two weeks."*] put "Posts a draft of the proposed policy on the University Policies and Procedures website and" maybe a comma "notifies

Terlip: Makes a public announcement.

Peters: makes a public announcement via

Terlip: Electronic sources or I don't know. If you say UNI Online, that is out of date. So, yeah

Peters: So, you could just use the same language from the Dissemination of Policies part, so "Each proposed policy shall be broadcast" [pg. 3 *"Each University policy shall be broadcast in summary via e-mail through UNI Online to University students, faculty, and staff."*]*—*you could take that sentence, that exact sentence, and copy it into the proposal stage, say "Each proposed policy shall be broadcast in summary via email through UNI Online to University students, faculty, and staff." [**Terlip** vocally agreeing throughout this turn at talk.]

Marshall: If you point out it's not called "UNI Online" anymore. [voices agreeing]

Peters: Might, yeah.

Terlip: That's why I kept saying "electronic format" because I never know what it's now called.

Smith: Senator **Nelson**.

Nelson: There is the first step there on page 2 [**Proposal:** *An originating body identifies the need to propose a new policy or to review/revise an existing policy. This body then: Notifies the University community of its intention to do so and asks for input concerning the policy.*] that is notification of the University Community of an intention to propose a policy or a revision to a policy and then ask you for input, so certainly the very first step will get everybody alerted to a possible policy change.

Terlip: And I read that part, but I was thinking, "Ok, I know you're going to do it, but when does the Policy actually go up when they revised it?" So, it seemed to me there needed to be another step.

Smith: Well, it's my understanding particularly of Scott's [Senator **Peters**] comment, there would be an addition to under Proposal, the bullet point "Posts a draft of the proposed policy or revision on the University Policies and Procedures website and broadcasts in summary via email through UNI Online to University students, faculty, and staff, broadcast the proposed policy..." blah, blah, blah "and accepts public comment for a period of at least two weeks." If I add in language in there

Terlip: Yeah, that would be great.

Smith: of that sort, you're comfortable with that. [nods around and a few vocalized "uh huhs"] Ok, I can do that. Any other discussion, suggestions? [pause] Are we ready then to vote on this proposal as amended, so to speak? Adjusted. All in favor of approving this proposal, say "aye." [eyes heard all around] Opposed, "nay or no." [none heard] All abstentions? [none heard]. I guess I should call for them. It passes and is approved. Ok. Now, I suspect that might have been the easy one.

DOCKET 1107, PROPOSED CHANGES TO POLICY #3.06: CLASS ATTENDANCE AND MAKE-UP WORK (regular order) (**NELSON/DESOTO**)
<http://www.uni.edu/senate/current-year/current-and-pending-business/proposed-changes-policy-306-class-attendance-and-make-work>

Smith: Our next item of business Calendar Item 1212, Docket #1108—no, no, no. I’m jumping. 1211, Docket #1107, Proposed Changes to Policy #3.06: Class Attendance and Make-up Work. Now, what we have is the Proposed Revision to this Policy coming to us from the EPC [Educational Policies Commission], revision that was necessitated by a “Dear Colleague” letter from the U.S. Department of Education’s Office for Civil Rights which requires educational institutions to excuse student absences resulting from pregnancy or childbirth. The EPC has proposed revisions to our existing Policy that should satisfy this mandate and have gone a bit further in proposing another revision that excuses student absence for legally-mandated civic duties rather than for legally-mandated absences, but we’ll talk about that. Before we talk about that, I need to get it on the floor with a motion to approve this Proposed Policy.

O’Kane: So move.

Smith: Moved by Senator **O’Kane**. Second by Senator **Strauss** [who indicated]. And now we can talk about it. Again, two thrusts of the revision. One was to satisfy the Federal Mandate regarding students who are pregnant or have given birth, and secondly suggested by members of the EPC to narrow an exception that we made for legally-mandated absences that—so that—and the basic intent was that faculty wouldn’t have to automatically excuse absences, say, to a student’s having to spend a day in court because they were picked up on drunk driving or something like that. If it’s a certain kind of legal—“You got yourself into legal trouble. That shouldn’t give you a free pass out of class. That’s kind of your problem. It’s not one that faculty should excuse you for.” So, they proposed to revise the language to instead of “legally-mandated absences” to “legally-mandated civic duties,” which is more like jury duty and things like that. So, with that background, open this to discussion.

Strauss: What are “things like that” besides jury duty?

Smith: What else would be legally-mandated civic duty?

Heston: Court appearances of a child's custody issues. You're getting a divorce, and you have to be in court, because if you're not

Smith: You've been issued a subpoena to appear [voices offering suggestions overlapping]

O'Kane: Military, National Guard.

Smith: Military is a little different. That's covered by a different provision. [voices overlapping with suggestions and laughter]

Strauss: Jury duty is clear to me. You gave an example earlier of being in trouble because you got caught driving and drinking, and so that's not faculty's problem. Now, a divorce issue, that seems to be more of the "not faculty's problem" than a—than, you know, civic duty, like jury duty. [voices joking and laughter]

Smith: All right. Do we want a job as Chair? I will ask Secretary **Terlip**.

Terlip: I am opposed to doing this because I think everyone is innocent until proven guilty, and so I think we should allow them to go to their trial. That's it.

Smith: Senator **Heston**.

Heston: I guess I was actually part of the group that wanted that in there because the legal system is not necessarily equitably—doesn't treat all people the same. Puts people of color at higher risk than people who are not of color, and it will—I think we have to treat people who are mandated to be in court because they've gotten in trouble, the assumption is would we say that they're guilty? I think we cannot make that assumption. We have to treat them as innocent. Now, once they're convicted, and they may have to go to jail for 48 hours, that's their problem.

Terlip: And we have another Policy that deals with that, actually.

Heston: But I also think that when we're making accommodations for pregnant women, when we're making accommodation for military veterans, that accommodations for parents or people who are facing legal issues that cannot necessarily be of their control and managed by them, that it's about making it a humane institution and recognizing that students are no longer 18-22 and supported by their parents. They come from a wide variety of backgrounds, and we need to be a Community that is understanding of the realities of 21st Century life. It doesn't look like it did when I was in college, not at all.

Smith: Senator [*sic*, NISG Vice President and student representative]
Findley.

Findley: I agree with both of you, so you made 2 of my strongest points. But essentially the 3 students on the Committee agreed entirely that we should not just have civic duties be mandatory excused because we are innocent until proven guilty and minority students are disproportionately affected. Our suggested language is that—that it would read “all legally-mandated absences, including but not limited to jury duty, responding to a court subpoena, etcetera.” It gets rid of the “civic” and would incorporate what we want it to as well. And I also have other concerns about the other parts but I'll come back to that later.

Terlip: I would like to move that we amend the Policy with his language.

Heston: I second.

Smith: Ok, so now we've got a motion on the floor [laughter around]—this is where life gets complicated. We've got a motion—a move to amend, and so we have to discuss that.

Peters: Can we repeat the language?

Smith: Yeah.

Findley: All legally-mandated absences including but not limited to jury duty, responding to a court subpoena, etcetera.

Strauss: The “etcetera” makes me uncomfortable. That leaves a lot of [male voice finishes with “slippery slopes”]

Heston: Well, we—yeah, I don’t mind the “etcetera” but I think just saying “legally-mandated” should be in and of itself sufficient to cover things where you are legally required to be somewhere by a judge.

Peters: The current Policy states “legally-mandated absences such as jury duty or court subpoena.” [voices mumbling comments]

Smith: So the proposed amendment would then—to go with the Policy as currently stated in that particular provision. Oh, ok. Any discussion of that amendment, proposed amendment. Further discussion? Are we prepared to vote on the proposed amendment? All in favor of that amendment, which is to say we’re going to leave that particular provision of the Policy as currently stated, not switching to the language proposed by the EPC, all in favor of doing that, say “aye.” [ayes heard all around] Opposed, “no?” [none heard] That passes. Ok, now back to the Policy as—again, comes down from the EPC but with that amendment, any further discussion of it? Senator **Peters**.

Peters: Yeah, under B. Absences, 1a, the third bullet point [[changes to 3-06 attendance and make-up work policy passed by senate 2-18-13 3-11-13 w revisions.doc](#)] “appointments relating to medical necessity or where missing the appointment could result in loss of benefits rather than convenience,” so the Policy that we ended up with last year read—made medical appointments specific to military or veteran status, and it reads as follows, it reads: “Absences due to military duty or veteran status including service-related medical appointments where failure to appear might result in a loss of benefits.” Now, we had a discussion at that time, and obviously the Senate can change, but we did have a discussion at that time about whether that language should be broader to include other people who might have medical—might have other types of government benefits tied to some kind of medical claim, and the Senate decided to limit it to service-related medical appointments. So, my point is to say that this would be a

change, and in my view a pretty significant change, and what I'm particularly concerned about is the appointments relating to medical necessity seems to me like an unbelievably broad phrase that could pretty much apply to any medical appointment for any reason. What's not a medical necessity? If I'm sick—if I'm sick and I need to get better, that would be, unto my mind, a medical necessity. Now, we could go that route, and there's part of me that thinks, heck, maybe we should just make it excused for people when they're sick. Maybe we should say that people should be excused when they're sick. There are certainly good public health reasons not to have sick students in our classes. But that strikes me—this language as it states now strikes me as a pretty major change to what we had before.

Smith: So, let me just clarify for myself and everybody else. What we had before was medical necessity vis à vis military duty or veteran status, correct?

Peters: Yeah. The current Policy reads “Absences due to military duty or veteran status (including service-related medical appointments where failure to appear might result in a loss of benefits).”

Smith: I see. Yeah. Senator **Heston**.

Heston: I just am wondering if there is some overlap, depending on how you want to define disability, because the next bullet down is “absences due to medical necessity or disability”. And how do you define—how broadly is disability defined within this context? Does it have to be—they have to be going to the Disability—Student Disability Services for their needs to be recognized? Or—so I just think that there's overlap, and I think that this actually creates a bit more confusion about who will “qualify” in quotes than we had when we restricted it to veterans, although that doesn't mean I'm in any way opposed to—because I'm a person that believes doing this broadly, in broadening how this Policy works.

Smith: Chair **Funderburk**

Funderburk: My concerns are somewhat similar to Senator **Peters** in that I don't see these as being very enforceable since we don't really have any procedure laid out here for how you document whether something was necessity or a convenience. And then it seems to me to be just asking for more trouble when it gets down to trying to apply it.

Smith: Senator **Cutter**.

Cutter: And, you know, I'm all for a broad—broad definitions for absences, but my concern is the time that faculty are going to end up putting into this, where, you know, we're going to have to like start asking for all kinds of paperwork and trying to make these complicated decisions, because is there a way that this could be funneled through [laughter beginning around], like, through the Provost's Office, and we can just, you know, be, like, told if excuses are legitimate rather than having to, you know, ask individual students, so that it will be, you know, the same student in 5 different classes all along for this personal information that's very sensitive and that, you know, brings up all these issues?

Smith: Associate Provost **Licari**.

Licari: Thanks. Since I was posed that question, you know, I'm, of course, happy to help in the administration of whatever policy is put together, but I would suggest, and I do agree with Jeff [Faculty Chair **Funderburk**] that whatever policy is created be enforceable in the classroom, because really if it becomes something that a faculty member can't enforce in the classroom, it will become a mess. And so if it's going to be something where faculty are going to need to, you know, collect an unreasonably large amount of documentation from students, that's probably not going to be enforceable. If it becomes perhaps unnecessarily broad and faculty seem to be excusing more absences than they would be comfortable with, then it also on the other direction has become unenforceable, because faculty will start to say, "No, you have to be in class." And the students will respond, "Actually, I don't." And then we've got another _____ [cough in room covered words] on that end. So, I guess, you know, it would be smart to, you know, have I think as tight of a definition of what you want here as possible.

Cutter: Can I just follow up on that?

Smith: Ok.

Cutter: I mean, because that—you've kind of addressed my question in the reverse. So, if faculty are going to have to enforce this, I kind of feel strongly the same way, that I don't want it to be taking up immense amounts of time and, you know, just being very awkward having to get all this documentation from students to try to make these determinations.

Peters: Just really quick. My understanding is that the Student Health Center doesn't give confirmations of student visits anymore [many voices agreeing], which also complicates that.

Smith: Secretary **Terlip**.

Terlip: I would like to keep the same language for the veteran status, because that was language written by them to cover their specific needs. We need to do something separately for other students. I would prefer we write something different to cover other things, or maybe add appointments due to, instead of "the absences due to medical necessity," maybe we could put something there like "for major illness" or "emergency care" or get very specific there rather than muddling the veterans affairs in there. So, I would be—would like to keep the same language as we had before regarding veterans and then work through the other issue.

Smith: Senator **Peters**.

Peters: I'm going to then take that invitation. I'm going to move to amend the proposal by deleting that 3rd bullet point altogether and adding behind "absences due to military duty or veteran status" the language that's in the current Policy parentheses (including service-related medical appointments where failure to appear might result in a loss of benefits).

Terlip: Second.

Smith: Ok, so it's been moved and seconded that we delete the 3rd bullet point under B1a, "Appointments related to medical necessity or where" blah, blah, blah and revert to

Strauss: Can we put this up on the screen?

Smith: I'm sorry [hadn't noticed that the projected image had gone black]. I can go get that up in a minute. And return to the previous language on the previous point "Absences due to military duty or veteran status" and then [many voices problem solving about the projection issue]. Yeah, I'm going to try and bring it up. [pause while working to bring this document onto the screen for everyone to see] [voices sharing "off the record" but picked up on the mics] Ok, this is the part we're looking at, and it's been proposed to—if I understand correctly—proposed to delete this and go back to the original language here. And I probably

Peters: It would read in full "Absences due to military duty or veteran status, including service-related medical appointments where failure to appear might result in a loss of benefits."

Smith: Ok, so that's been moved and seconded. Let's discuss that.

Edginton: I just wanted

Smith: Senator **Edginton**.

Edginton: I just wanted to make one point, and I don't have an alternative to this, but in light of what Melissa [Senator **Heston**] said earlier about the humane institution, and, you know, dealing with a different set of individuals who are a little bit older than what we dealt with 20 years ago or 30 years ago in higher education, in my mind is the Policy sufficiently broad enough to address that broader issue that Melissa's put on the table. And I have no alternative in terms of language to deal with it, but if, in fact, our intent is to create a more humane institution, are we really doing that by, you know, focusing in? I don't think so.

Smith: Just to—I'll throw in 2 cents here. I can do that. I mean, I think there's a trade-off between do you want to do it, but do you want to leave it up to the discretion of faculty versus having it mandated as a policy? And, I mean, many faculty will be as humane as you want. I mean, I'm quite humane in those kinds of things, but, if—when you make a policy, then you create some of the troubles that Senator **Cutter** was talking about and the administrative kinds of things, so it—then it becomes arguably, you know, you kind of are—you're hurting yourself in many respects in this attempt to be really humane and considerate. But I do for....Senator [*sic*, NISG student representative] **Findley**.

Findley: I'm on the EPC actually, and I think the intent of that third bullet point was exactly as you're changing it right now, it was to make sure that it was a loss of benefits not just like convenience for like veterans and military. But I also agree with Senator **Edginton**. There are other circumstances of medical necessity that I do feel should be medically excused. For example, I had to set up an appointment with a neurologist a while ago that was incredibly difficult to do, and if I didn't get it when they told me, it was going to be 6 months later. Situations like that I think should be mandatory excuse. Language to that? I'm not sure, but there are faculty—and very few, but policies are written for like the one or two who cause problems—that wouldn't let that count. If that happened to be on a test day, then I, as the Policy would read, then if that neurologist appointment is like critical to my health and I don't go, then I'm going to miss a test and fail the class. Well, maybe not fail but possibly. I think those situations should be looked at, too. I don't have language that gets at that, but I do feel that that's incredibly important to an institution.

Smith: Senator **Heston**.

Heston: I did want to point out that we do have, technically, an appeal process for all students. I mean, it's awkward and cumbersome and needed to be refined. I am empathetic with this whole notion of obtaining pieces of paper and "Prove to me." I mean, I know faculty—a few faculty, at least students have told me—who want to see the Death Notices for the grandparents or whoever and you bring in the little piece of paper they handed out at the funeral. I can't go there myself, but faculty—I do want to

be respectful of faculty's different views on what their responsibilities and obligations are, but I think we have a really challenging situation here in that there are medical appointments that are necessary but not of an emergency nature, in a sense, such as the 6-month delay that we've heard about. But it does affect very few students, I think, as a whole. So the question is, "Do we rely on our appeal process, which puts more burden on the student, creates more paperwork in other ways, because that's got to be managed by somebody," or "Do we create an advisory directive?" something, you know, that says, "When in doubt, give the benefit of the doubt to the student." I don't know how you balance in this case the needs of the few, which are the students who have legitimate reasons for having to miss class, against the needs of the faculty who should not be asked to do an excessive amount of additional work because a student has to miss class for legitimate reasons.

Smith: I've got Chair **Funderburk**.

Funderburk: I'm speaking in favor of the motion to delete that. I think unless we have a procedure put in place that says how you document this, how to go through it, we're going to be making a lot more trouble than we should be. If we want to do that, we need to step back and design that first, because if Blake [student representative **Findley**] comes to me and says that, I can't ask for him to prove that. There're certain privacy issues that come into play, and now what do I do? You're left with, "Ok, just take their word for it." I think right now our Grievance Process is the best option we have, so that if it happens, and it wasn't worked out—hopefully most of my colleagues will actually just work it out with the person when it goes on, and it's not directly of that, but the other thing I would point out here is that in the next one down it does say if that is a gender issue, so there's some other questions to these things, too, we're creating, questions as to the childbirth thing, is that only the female, or is it the father as well? And that's an important issue that needs to be dealt with clearly in the Policy, if we're going to have a Policy.

Heston: Or is it, "I'm an aunt"?

Funderburk: Where's the limit, yeah?

Smith: I think I had Senator **Strauss** on board.

Strauss: I was wondering. We have this kind of hard Policy here, but is it possible in the Policy also to say, “Faculty preference—we prefer that our faculty try to be humane and work with students to the extent possible. If it’s falling outside of this Policy, to demonstrate a level of humaneness.”? I don’t know. So that we give a message to the faculty that we are trying to protect you from being taken advantage of and being overwhelmed by paper, but UNI is still a place where we want to try to be flexible, if possible.

Smith: Senator **Peters**.

Peters: There would certainly would be room for that, like in the—even in the opening statement there to this section of the Policy. I think kind—I mean, we have a sentence in there now that sort of gets to it, but is not nearly as strong as Mitch’s [Senator **Strauss**] language that he just suggested, but where it says, “Faculty members are encouraged to take into account the reason for an absence and make appropriate accommodations.” It could be stronger.

But I just wanted to say that in my objection to that third bullet point is I just don’t—I think the terms are too broadly defined. I think it opens up a big can of worms that the Policy gives no guidance to faculty on how to sort out. I am open—I would be open to broader, more humane as we’ve heard it, ways to do this. And just as one example of a way to do that, when we were in the thick of this last year, I was looking at policies from all kinds of different universities trying to come out—come up with some way out of the bind we found ourselves in, and this one, I remembered this one because of how broad it was. This is from the University of Minnesota. “Students will not be penalized for absence during the semester due to unavoidable or legitimate circumstances. Such circumstances include illness of the student or his or her dependent, participants in an intercollegiate athletic event, subpoenas, jury duty, military service, bereavement, and religious observances.” Now, that’s an extremely broad policy, and somehow a university with 60,000 students manages to make it

work. Like I say, I don't know that we would be ready with so little debate to completely change the nature of our Make-Up and Attendance Policy [laughter around] to adopt that kind of broad policy, but I just want to point out that I think it's possible to do it. But for the time being I don't think that that bullet point 3 is a very good way to try to do it.

Smith: Ok. Senator **Terlip**.

Terlip: Yeah, I would be in favor as well, but I don't like this language. The issue I was going to bring up, Scott [Senator **Peters**] actually brought up in the quote from the University of Minnesota, and I actually had a couple of faculty members ask me about this, that they do have a number of students who are parents, and they can't help it if their child gets sick or has to go to the doctor, and that's nowhere reflected in this, although we rec—I guess, we only recognize you when you have the child and not taking care of it.

Peters: How many people around this table have had to cancel classes because their kids are sick? I mean,

Terlip: Yeah. So, I mean, I think that's a hole that could be put in. I think it was actually in the initial Federal Policy about parenting and childbirth, and parenting has got washed out of our Policy.

Smith: Senator **Findley**.

Findley: I'm not really a Senator.

Smith: Whatever, yeah. [laughter all around] Student representative then.

Findley: I would be more comfortable waiting to come up with language that actually gets at that humane aspect that we want than just saying, "We encourage faculty. Faculty are recommended to do this," etc. Because that doesn't actually do anything, and I don't mean to be disrespectful, but like the Policy isn't written generally for faculty who like would do that anyways. It's—there's—possible that some faculty wouldn't do that, and so if you like encourage it, that actually doesn't really do anything except say on paper that we're like trying to get at the problem. So I'm

uncomfortable with that because then it's going to be like, "Oh, well, we tried to do this, but it doesn't actually accomplish anything." I like the idea behind it, but I would rather have something that we put more work into, come up with language that gets at what we want, that actually accomplishes something than just say, like, "Ok, let's encourage this."

Smith: Vice-Chair **Kidd**.

Kidd: I actually like the new language. I think it's not going to add any paperwork because it's—the burden of proof that it's medical necessity is on the student, not on me as a faculty member, so if they think that they're going to have an excused absence for something, then they have to prove it to me if I find it acceptable anyway, which is pretty much how class is as it is. So I don't think it would change how I do anything. That's just my comment.

Smith: Senator **Edginton**.

Edginton: I'd like to see us table this motion and charge Senator **Peters** and **Hess, Houston, Heston**—whatever it is. [laughing] I always do that.

Heston: Whatever the h--- my name is. [more laughter]

Edginton: And student representative Senator **Findley** to come back to us with some alternative language that can go inside of that Policy that will make it more humane and reflect some of the concerns that are expressed in that Minnesota language.

Smith: Ok, so let me get back to where we're at. We're considering a proposed amendment here. That's still where we're at on that. So, we might decide on that and then decide to table. I think we'll go [voices sorting out what to do next]. Ok, that's fine.

Peters: I think we have to act on at least the part of this Policy that deals with the Dear Colleague letter, because that has to be done. So my recommendation would be if we want to go that route that Senator **Edginton** raised would be to go in favor of the motion to amend, which

essentially keeps us at the status quo, and then you can always—you can always revisit—you can always revisit and bring it up yet again, because it's our favorite Policy [laughter around] and move to change it again, to add something else in. But we have to, at the very least we have to deal with the Dear Colleague portion of it, the part dealing with pregnancy, so

Terlip: Well, there is a motion on the floor to restore the veterans' language. That's what we should be voting on now.

Smith: Uh huh. Senator **Strauss**.

Strauss: I was wondering if we could save that point three if you put in the word *demonstrable* medical necessity and that way you clearly state that the student has to demonstrate that it is a medical necessity, which would mean the proof—I think it would suggest the proof with a document and a doctor—that I have to go to a different neurologist or something. Rather than forcing the faculty member to say, “Demonstrate or prove to me.” It's in the Policy. That's another idea to add a little teeth to it, because if you have a student coming in saying, “Well, I got to get a filling.” You know, I'm not sure that's a demonstrable medical necessity, unless they are in an incredible amount of pain, then it is. [laughter all around]

Smith: Senator **Heston**.

Heston: Oh, I was just going to kind of try and get us to move to go forward with the vote. [several voices offering “call the question” with laughter all around]

Smith: Forget about calling the question. There is no more discussion on this, so that we're prepared to talk about the—we're prepared to vote on the amendment. What the amendment will do, if I'm not mistaken—and correct me if I'm wrong, Scott [Senator **Peters**]—

Terlip: We have to vote on calling the question, Jerry [Chair **Smith**].

Smith: I wanted—I didn't accept that motion. I dropped it, because we're going to get there anyway.

Terlip: Ok.

Smith: That just clogs things up. So the amendment would drop the point 3, “Appointments related to medical necessity” etc. and go back to the original language “Absences due to military duty or veteran status,” adding the extra parenthetical comment there that deals with medical necessity but specifically limits it to the veterans military kinds of things.

Peters: And the language is “including service-related medical appointments where failure to appear might result in a loss of benefits.”

Smith: Ok, so that’s the motion on the floor. All in favor of approving that amendment to this, say “aye.” [ayes heard all around] Opposed, “no.” [a couple heard] Ok, the amendment does carry. Now we’re back to the Policy as amended. We’ve already made 2 amendments to it, and now we might want to talk about—we might want to approve this as amended so that we satisfy the concerns of the Department of Education, and then we might want to commit ourselves to getting into this again and addressing some of the concerns that we’ve raised about the medical issues, etc. etc.

Strauss: Humanity concerns.

Smith: Yes, humanity is the word.

Strauss: Openness. [laughter around]

Smith: That’s right, Senator **Strauss**. Senator **Peters**.

Peters: Does anyone actually have the Dear Colleague letter?

Smith: Yeah, I do.

Peters: And what language does the Dear Colleague say? Because Chair **Funderburk** raised an interesting point that the language that the EPC has sent us leaves open the possibility that—and again, I’m not necessarily opposed to this, but we should at least consider it—it leaves open the

possibility that if a male student's wife is having a baby, it would be—we would be required to. But I don't think that's what the Dear Colleague letter says. So, I think we should at least be clear that the recommendation we're getting from the EPC is broader than what the Dear Colleague letter says.

Smith: Oh, I think I can get you to the relevant parts of the Dear Colleague letter. "Schools must treat pregnant students in the same way that they treat similarly situated students. Thus, any special services provide the students with temporary medical conditions must also be provided to pregnant students. Likewise, a student who is pregnant or has given birth may not be required to submit medical certification for school participation unless such certification is also required for all other students with physical or emotional conditions requiring the attention of a physician." Actually, here's where I think it comes in, "A school must excuse a student's absences because of pregnancy or childbirth for as long as the student's doctor deems the absences medically necessary. When a student returns to school, she must....SHE must be allowed to return to the same academic and extracurricular status as before her medical leave began. By ensuring that the student has the opportunity to maintain her academic status, we can encourage young parents to work toward graduation instead of choosing to drop out of school." Ok? Now, I mean, it's various places it talks about pregnant and parenting and that parenting kind of seemed to suggest that dads and etcetera could kind of be subject to this, but pregnant and after childbirth seems to restrict it to females. Is there any concerns about—I mean, does that seem to be overly broad? Jerilyn [alternate Senator **Marshall**]?

Marshall: I just have a concern about it. I think that when I see the phrase *medical necessity*, I don't think that would apply to the father. Usually that would apply to the mother and baby probably, and that's what strikes me about it.

Smith: Yeah, I guess I don't—I'm having trouble seeing anything here that a guy could use to justify absences under this. But whether that's what we've got in here may not be the case.

Kidd: I mean, you could have something where they have another child. That child is sick. Or the mother's unable to care for the baby for some reason. I mean, there's medical necessity for that point.

Smith: It seems like it—Chair **Funderburk**.

Funderburk: Call on Marilyn [Senator **Shaw**]. She's been up for a while.

Shaw: Well, I understand that, you know, a father needs to be there at the presence of their birth, so you could change the wording there where it says "or childbirth" to "birth of a student's child" which means that he may be there, too, because it's his child.

Edginton: Or one's partner.

Shaw: Or one's part—well, [voices joking about grandchildren, too]

Smith: So, we're discussing that specific provision that responds to the Dear Colleague letter, any—Senator **Edginton**, did you have

Edginton: Well, I think—no, I don't. I just think that if we're going to broaden this thing out that, you know, when we say "she" we ought to add "and her partner" because I'm, you know, I don't see any reason why a person's partner wouldn't want to be present at the birth of their child, and if there were serious illnesses that would have to be addressed, why they wouldn't also be included in this Policy. So, I think we need to give some consideration to inserting that.

Smith: Ok, but the Policy has stated, "Absences due to medical necessity for disability, pregnancy, or childbirth" in principle that could include under *childbirth* being present at the birth of your child for the dad, right?

Edginton: But as you read through that, it seemed to

Nelson: Well, that's not the Policy.

Smith: This is the Dear Colleague letter. This is what our Policy—and Policy language doesn't have gender in it at all. Senator **Funderburk**.

Funderburk: I agree. I think it could apply, but I like Marilyn's [Senator **Shaw**] idea better of being very specific, if we really do mean to imply that the father can be there. And I believe we should, that it should say that. I don't—I think there are other issues that Tim [Vice-Chair **Kidd**] referred to as well that the mother may have a medical situation that requires she be in the hospital, so that's covered under this. But if the other two kids are at home and the father's the only one that can take care of them, that would also seem to me to be covered.

Smith: Senator **Cutter**.

Cutter: Yeah, and that makes sense to me. And my concern now is that the Dear Colleague letter seemed to be limiting this to medical necessity, which doesn't just limit it to women, but it limits—if everybody's healthy and it's the first child, it seems to exclude any partner from going, because it wouldn't be a medical necessity. But—and I like the idea that, you know, somebody should be allowed to be at their child's birth, but then for me this brings up the issue of we're making your family's funerals optional still, right? So there's a kind of bizarreness about what's included and what's not included in the policy as we're currently constructing it.

Smith: Representative **Findley**. [light laughter around]

Findley: I also have a somewhat relevant point. It's relevant but not necessarily to that specific part. I just want to make sure that I say it before, like, you vote on it. That in the Federal Department of Education Handbook I'm going to read, because I'm better at reading than speaking—or writing than speaking, that supporting the academic success of pregnant and parenting students, an explanation of Title IX found on page 16 of document states "when the student returns to school, she must be reinstated to the status she held when as the leave began which should include giving her the opportunity to make up any work missed." Well, students—and we also have some other concerns with this particular line that I'm going to read next. In the Policy it says, "Some course

requirements may not require make-up, such as in cases where the classwork has a very minimal point value or where the course requirement of minimal point value is a part of a series of dropped assignments.” That’s not really any work missed. That line invalidates that part. And we had several other concerns that I could get into in a little bit.

Smith: Let me suggest that one possibility here would be to approve of the language as is so that we have—we satisfy the Federal Mandate, and then, again, go back as we’re talking about with some of these other things and then at that point we could make revisions to some of this stuff. But if we get something on to satisfy the Mandate, I think that’s a significant concern. Senator **Peters**.

Peters: I was going to suggest that based on what you read from the Dear Colleague letter, because it is exactly the issue that Vice-President **Findley** raised, I don’t think we—I’m not sure that the University is satisfying the Federal Mandate because of that requirement that the woman, once she’s missed her time for taking her medical leave—family and medical leave—that she be allowed to go back in the same status she was before she took the leave. There’s nothing in this draft that says that. And so one thing I wonder is—and maybe Associate Provost **Licari** can answer this—what happens if—what are the conse—like, ok, say we decided to just send the whole darn thing back to the EPC, what happens then? Is there a deadline by which the University has to change its Policy?

Licari: We’re basically already out of compliance, and we have been since the start of this semester, which is why we sent around some of that information to faculty at the beginning of the semester to say, you know, if you have a student who is pregnant or is going to give birth during the semester, here are the terms that are in operation basically for the University in terms of the Attendance Policy. So, that’s the way we’re handling it right now. Policy-wise, technically, you know, our policies are out of compliance and have been, you know, for 5 months.

Peters: Does the Provost’s Office have a position on whether it would be better to be slightly more in compliance [light laughter all around] than we

were an hour ago? Or whether it would be better to just wait and take another crack at it and do it in one fell swoop?

Licari: Since we've already operated now for almost the entire semester under basically Provisional Attendance Policies [sigh and pause], I guess I'd rather have the [Faculty] Senate craft careful policy so that it is one and done and it's set so that we don't revisit this Attendance Policy on this issue—we can address it on others—but at least on this issue of parenting and childbirth, so that we are able to just put it to rest. Knowing though that, you know, the absence of a Senate-passed policy, knowing though that that does not mean that students do not have these rights, ok?

Lippins: Rights, right.

Licari: So that's an important caveat. Ultimately, if the Senate fails to act and change the Policy, it does not mean that pregnant students or those who have given birth do not have access to those rights. It just becomes very complicated and potentially, you know, a big headache for students if we don't have this in place.

Smith: Ok, Senator **Terlip**.

Terlip: I don't know that—whether we want to fix this today, but I'm wondering if it would be simpler rather than us trying to reinvent language if we said “students who fall under the provisions of that particular Act,” and just put that in the Policy. Would that be—absences must, you know, just follow the language of the Policy and put that in our provision—is there a problem with that?

Smith: Senator **Heston**.

Heston: Well, I was just going to say why don't we just take the language out of the letter very specifically because it's not a letter about—and I do agree that we might want to readdress this differently, but if we want to be in compliance, it's very specific that this is to female students who are pregnant and that they get to both leave when they should according to their doctor and return when they should, according to their doctor, at the

same academic sta—with the same academic status and all rights and privileges to make up any and all work. And I think that that’s what the policy in the letter says, and if we would use that language exactly, I think that would at least put us in compliance with that, and then we can deal with other things, if we want. I’m not happy with that, but it does match the issue.

Licari: I appreciate that, and indeed, you know, the other thing about not having anything in policy on this is that it does expose the University, and it would be good to have some kind of language sooner rather than later on this. And I just will say that I wasn’t, unfortunately, able to attend the EPC meetings that were on this, but via email I did advocate that we simply borrow the language from the Dear Colleague letter because it’s right there for us. And that was set aside, unfortunately.

Heston: It’s clear. It’s pretty clear.

Licari: Yeah. So my ultimate recommendation would be if we could, you know, have that put in place, it seems to be the most sensible route and one that requires a minimum amount of debate because the Federal Standard is already set for us. We don’t really have a choice.

Smith: Chair **Funderburk**.

Funderburk: And the other thing that had bothered me about this language was grouping the medical necessity for disability with the pregnancy/childbirth issue, because I think you need clarification on both of those, and they’re not necessarily the same. [voices notifying the Chair about the status of the power to the computer projection] So I would make a motion that we substitute the language from the letter for this.

Terlip: Second. [along with other voices saying “Second” and then laughter and joking about voting right now]

Peters: Can we have the Chair read that language again? So the motion is to substitute the language from the Dear Colleague letter for bullet point whatever that is? [voices saying “4” and “3”]

Smith: Ok, so I think this is what you want. “The school must excuse a student’s absences because of pregnancy or childbirth for as long as the student’s doctor deems the absences medically necessary. When the student returns to school, she must be allowed to return to the same academic and extracurricular status as before her medical leave began,” and I don’t know that we need the rest of it. “By ensuring that the student has the opportunity to continue” blah, blah, blah. Just that.

Peters: Can I just suggest then that we start with the word *absences*.

Funderburk: Yeah, that’s my suggestion as well.

Peters: So in the Dear Colleague letter there’s some preparatory language there that you started to read. Read the—yeah.

Smith: Oh. “Absences because of pregnancy or childbirth”—it’s still going to have to work the language out. So, “following absences must be excused, absences because of pregnancy or childbirth must be excused for as long as the student’s doctor deems the absences medically necessary” and then “when a student returns to school, she must be allowed to return at the same academic and extracurricular status before her medical”

Peters: Cross out the words “must be excused.”

Smith: Would that be doable there? Are you comfortable with that? [heads nodding; some vocal assents] Ok, so that now is a proposed amendment to the Policy. If I’m going to get this on the floor as an amendment, moved by [pause] Chair **Funderburk** [who indicated]. Seconded by Secretary **Terlip** [who indicated]. Any further discussion of that amendment? [none heard] Then all in favor [voices interrupting saying some want to speak] Yours is discussion of that amendment?

Findley: Yes. It

Smith: It’d better be to that amendment.

Findley: Yes, yes, to that amendment. It's that when we had talked about, that I mentioned earlier, that some coursework requirements were not required make-up, and then that language is conflicting in the Policy. Is that?

Terlip: It conflicts with existing UNI Policy, yes.

Heston: Yes, it does.

Terlip: It does.

Heston: And in this case, Federal Policy has to take precedent over

Findley: Ok.

Smith: Ok. Any further discussion of the amendment? [none heard] All in favor, say "aye." [ayes heard all around] Opposed, "no." [none heard] That amendment passes. So, we've amended this Policy in 3 ways, and I'm not going to go over them [laughter around]. Do we have any further discussion of this with the idea now that we might want to pass it as we've amended it with the thought that down the road, and the road might be pretty quick coming up here, we might want to get back into it again to cons—to address some of the other concerns that we've raised. So, with that kind of understanding, are we prepared to vote on the Policy as amended? All in favor of approving the Policy as amended, say "aye." [ayes heard all around] Opposed, "no." [none heard] It passes as amended. Now, before we move on, do you want us—should we kind of take some efforts to make further revisions to do other kinds of things? Scott.

Evans: Todd.

Smith: Todd [Senator **Evans**], of course.

Evans: That's ok. Close enough. I don't have a name tent in front of me. [laughter around] There's a definition in our Master Agreement that could be wordsmithed into something for the students. That would just seem to

make a lot of sense, and it includes pregnancy along with illness in the same little—it just would seem to make sense, like, what’s good for the faculty is good for the students. It talks about personal injury, illness, going down. It also lists number of days, but it’s also—ok. Do you want me to read it? [voice saying “yes”] This is a good brain exercise [as he tries to read from his small phone; laughter all around]. It took me a long time to find it. “Sick leave is leave with regular pay granted for personal injury or illness, including pregnancy.” So, illness is lumped with pregnancy. “A faculty member may use sick leave not to exceed 5 days per academic year for serious illness involving necessary care and attention for the faculty member spouse, minor child, domestic partner, or parent or adoption of a child.” I mean, one start would be to take out *faculty* and substitute *student* in that language, and then, you know, the 5 days, that’s where it gets kind of weird, so—but that would seem to be a good starting point and then wordsmith it in, and say, “Well, what’s good for faculty should be good for students,” and then put parentheses and use common sense and a humane approach to dealing with this.

Peters: I would just say one thing we could do would be to have you [Chair **Smith**] send a message back to the EPC explaining the changes we made but also explaining that there is a—it seems to me, if I’m reading the room right, I mean, there’s a lot of sympathy for a policy that has a broader categorization of excused absences. But it just—it’s—we want it drawn up in such a way that it’s administratively possible to do and not a burden.

Smith: There was also sentiment, though, you know, kind of cut the other way, that if you open it up too much, then you create all sorts of hassles for faculty, and it gets abused. But—so I—that may be a good thing to do. I’m a little concerned about how the EPC is going to react to getting this thrown back at them again. [laughter around]

Heston: I mean, I think that I might propose that perhaps the students should look at this and bring an alternative suggestion or version of the Policy for us to look at. I—sending this back to the EPC, I think, will be—we’re going to get something back, and we’re going to wordsmith it again because it doesn’t do what we want, and then we’ll have this debate. I think at some point we have to either decide—we have to make a

philosophical judgment about what's in our best interest, to be narrow or to be broad as an institution, and I would like to see what the students would propose as the students, and if they can get something through their Body, then we could look at that and ask the EPC to consider it or ask the EPC to consider what Minnesota has. I don't want to just send the Policy back and say—I think they need way more guidance about what we think we need to see than just sending it back.

Smith: Chair **Funderburk**.

Funderburk: I pretty much agree with that idea, and I think that if we put on there that we are going to need more specific definitions on some of these things, and in the case of the thing we didn't talk about, because it's deleted, the medical necessity for disability. Are we going to have a defined disability? Is there a procedure where there has to be registry in advance? We're going to need a little more definition on—when we get in this area, we're dealing with so many issues of privacy that we can't just kind of broadly say something, then make it where you can't even ask the question to determine whether or not this is legit.

Terlip: Let's create a new committee. [laughter all around] Merry Christmas to you. [more laughter]

Smith: Yeah, I'm assuming we don't want to do it ourselves as a committee. [laughter around] And maybe Melissa's [Senator **Heston**]

Findley: Yeah, Student Government is looking at this because we had significant concerns with the line about some requirements—or like cannot be made up, etcetera, etcetera, and then some other things, so we should have something to you soon. So I don't know if that—the issue is that—and I can cover this with Dr. **Smith** and Dr. **Licari** and Dr. **Funderburk**, too, is sometimes students mess up or include and don't necessarily have the best idea of, like, how policies should be, like, written. I'm on 3 different policy committees, but this my first year doing that, so if anyone has thoughts that they would like to share that'd be cool to pass along.

Smith: So, it sounds like we can, following Senator **Heston**'s suggestion, kind of pass it along to students as suggested, and maybe you guys can get the ball rolling for the next round of changes to this Policy. And there's time, you know, and that, of course, will go through the EPC and ultimately through us, but rather than us right away kicking something to the EPC, I think it's best for us to kind of let that trickle. So, are you comfortable with that disposition of this issue? For we have passed the Policy as amended, and so we've satisfied some of the concerns that we have with the Feds and other stuff, so that's fine. So I guess that particular topic now is completed.

DOCKET 1108, REQUEST FOR EMERITUS STATUS, MERRIE **SCHROEDER**
(regular order) (**WALTER/GOULD**)

Smith: We have time to move on to the next item on our Agenda, docketed item—this is 1212/1108, which I think will be less controversial, request for emeritus status for Merrie **Schroeder**. I do have a statement of support for Ms. **Schroeder**, but first I need a motion to approve her request.

Strauss: **Strauss** moves.

Smith: Moved by Senator **Strauss**. Seconded by Senator **Heston** [who indicated]. And again, I'll read the statement that I have, once I find it. Voila. This is from Greg **Reed** who is the Interim Head of the Department of Teaching. "This letter is being written in support of Merrie **Schroeder** as she applies for faculty emeritus status. Merrie has served in many roles at our University, including: as Student Teacher Coordinator assigned to the Clark County School District in Las Vegas, Nevada; the Coordinator of Professional Development of Iowa Educators at UNI; and as the Associate Director of Teacher Education. Her final role at UNI was serving as the Director of the Regents Iowa Teacher Intern Licensure Program (ITILP). Her responsibilities included sharing the Regents Collaborative Team Meetings and Faculty Meetings for Program Development, organizing outside evaluators, organizing/leading selection sessions for interviews, and conducting meetings with the leaders of all the State Intern Programs. She

designed the webpage and content for the ITILP program. Merrie has been an outstanding faculty member at UNI. She always placed students first. Her work effort and dedication to our students in UNI have been outstanding. I believe we should grant Merrie **Schroeder** faculty emeritus status.” Are there any other comments or testimonials in support of Merrie’s application?

Heston: Well, contrary to my colleague shaking his head at me [laughter around]

Smith: Senator **Heston**.

Heston: Actually, I have worked with Merrie **Schroeder** for a very lot of years, and she did a huge amount of work as the, really, as the Director, although that wasn’t her title, of Teacher Education in getting us ready for our last State visit and in holding things together for a good 5 years while we were going through a number of Dean changes, etcetera. So I heartily support this emeritus status request.

Smith: Thank you, Senator **Heston**. Any other comments? [none heard] Then I believe we are prepared to vote on this. All in favor of supporting/endorsing Merrie **Schroeder**’s request for emeritus status, please say “aye.” [ayes heard all around] Opposed, say “no or nay.” [none heard] That motion carries.

DOCKET 1105, REAUTHORIZATION OF ADMINISTRATOR REVIEW PROCEDURES (tabled) (**NELSON/HESTON**)

<http://www.uni.edu/senate/current-year/current-and-pending-business/reauthorization-administrator-review-procedures>

Smith: Now the final item on our docket is Calendar Item 1209, Docket #1105, Reauthorization of Administrator Review Procedures, an item that we discussed at our November 4th meeting but tabled at that time, and we’ve got a few minutes. I’m going to propose that we take this item off the table and try to reach some closure on the matter. To do that, I will need a motion to take it from the table.

Peters: So move.

Smith: Moved by Senator **Peters**. And I'll need a second.

Funderburk: Second.

Smith: Seconded by Senator **Funderburk**. All in favor of taking this item off the table, please say "aye." [ayes heard all around] Opposed, "no." [none heard] Ok. So now that is open for discussion. And, again, to frame the discussion I'll just—correct me if I'm wrong, but I'll try and put out my understanding of this issue. The immediate matter that triggered this issue is the need for a Faculty Review of Provost **Gibson's** Performance. That led Faculty Chair **Funderburk** to ask us to consider or reconsider our process for reviewing the performance of senior academic administrators, and that led to a discussion of how frequently such review should be conducted and to discussion of whether the results of those reviews should be made public. And there were a couple of other things, but those are the two main issues that came out. We don't need to resolve all those matters today or, quite frankly, we don't need to ever resolve them, but at some point we'll have to give Faculty Chair **Funderburk** some guidance on how to proceed with the Faculty Review of Provost **Gibson's** Performance, and I think we should at least consider that today. So discussion on

Heston: Will there be a specific motion regarding that?

Funderburk: I would move that the [Faculty] Senate reauthorize the original procedures that were outlined in 1976. That gives us a starting point to work from.

Smith: That's a motion. Any second?

O'Kane: I'll second.

Smith: Second. I'll take Senator **O'Kane**. Now, discussion of that.

Marshall: I just have a question because I wasn't at the previous discussions, but have the 1976 Policies been changed? Is that why it's being proposed to reauthorize them?

Funderburk: Can I respond?

Smith: Yes.

Funderburk: There was talk last year about revisiting them in the [Faculty] Senate, and that was when it was brought forward, was if the Senate wanted to change it, it seemed like the time to do that at the moment, since we needed to do one [a review], and it is a lot of work.

Smith: Yeah, I think there's a feeling that it would be good to reconsider and possibly change our review policies, but—and this particular issue kind of brought that to the fore—but they are still kind of separate issues.
Senator **Peters**.

Peters: So, the basic process is that the Committee is set by the Policy, and that's Faculty Chair, Senate Chair, Graduate Chair

Funderburk: Chair of the Faculty, Chair of Faculty Senate, Chair of the Graduate Faculty, Chair of the Graduate Council, and Director of the Center for Social and Behavioral Research has normally been there to do the _____.

Peters: And then you do—that Committee has done a survey, and this was just done a couple of years ago with President **Allen**, so presumably much of the—many of the survey questions would be the same or would be adjusted as appropriate for the Provost.

Funderburk: Right. Right. And then in the case of all of them that we—I can't find the documentation of a Provost Review, but in a President's Review, it involved interviews and Director Reports as well for that part of the process.

Peters: And then

Funderburk: And the results are made public, but they are delivered to the [Faculty] Senate as a report.

Peters: As a report, but the raw results—the Committee issues a

Funderburk: The raw data not.

Peters: report, the report is what's public.

Funderburk: Right.

Peters: Ok, thank you.

Smith: Senator **Hakes**.

Hakes: Does it need to be reauthorized? Or did it expire? If we don't change it, do we need to do anything?

Funderburk: No. There just seemed to be enough sentiment last Spring. It seemed like a lot of people wanted to change it that it seemed like we need to answer the question now. I think there's good reason to start deciding that 5 years is too long between them at this point. The one thing that's not very good in the thing from 1976, it doesn't really define who upper level administrators are. So, the de facto has been that it's been just the Provost and the President, but there are more administrators now.

Hakes: But I'm just saying, if we do nothing, then that's in force already?

Funderburk: Unless we were to vote down that we didn't want to do that anymore.

Smith: Any further discussion? [none heard] Which would suggest that we're ready for a vote. All in favor of reauthorizing the existing Administrator Review Procedures, please say "aye." [ayes heard all around] Opposed, say "no." [none heard] They are reauthorized. And good luck.

ADJOURNMENT (4:53 p.m.)

Smith: And I think we've done what we needed to do. Before we adjourn, let me just say for—I'll send out an email about this. One of the things we'll be doing next week—we do have our regular meeting next Monday, back in CME. One thing we're going to be doing there is electing members to our finance committee [Senate Budget Committee] and talking about how to charge that Committee maybe more specifically for what we want them to be doing during the Spring semester, but I've got a set of candidates, and we'll sort out and get our nominees done that meeting. And then some other things, I hope to have a discussion of a few other things that we've had kind of floating around, but we've cleaned up our docket, so I'm ready for a motion to adjourn.

Edginton: So move.

Smith: I always get those. Senator **Edginton**.

Nelson: Second. [others also saying "second"]

Smith: Second by Senator **Nelson**. And those are approved by acclamation. Thank you very much.

Submitted by,

Sherry Nuss
Transcriptionist
UNI Faculty Senate

Next meeting: Monday, December 9, 2013
Center for Multicultural Education 109AB, Maucker Union
3:30 p.m.

Follows are 0 addenda to these Minutes.