

11-5-2012

University of Northern Iowa Faculty Senate Meeting Minutes, November 5, 2012

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Special Meeting
UNI UNIVERSITY FACULTY SENATE MEETING
11/05/12 (3:17 p.m. – 4:45 p.m.)
Mtg. #1723

SUMMARY MINUTES

Summary of main points

1. Courtesy Announcements

Faculty Senate Chair **Peters** called the meeting to order at 3:17 p.m.

Press present included Emily **Christensen** from the *Waterloo Courier* and Blake **Findley** from the *Northern Iowan*.

Provost **Gibson** offered no comments today.

Faculty Chair **Funderburk** briefly spoke about the events of the past couple of weeks concerning the University response and press coverage about the student who brought a complaint against a professor for a decision about make-up work when needing to attend a military-required event.

Chair **Peters** reminded everyone of next week's regular meeting with Athletic Director **Dannen** and noted some website details to be added. He also mentioned the set-up today of the mics and the expanded square, asking for everyone to speak up to be heard well.

Chair **Peters** also made some extensive comments on the events of the past couple of weeks as background for today's discussion and to have his thoughts, as Chair, recorded in the Minutes. See the full transcript following for details of these comments.

2. Summary Minutes/Full Transcript

None available for approval today.

3. Docketed from the Calendar (Chair's suggested docket time)

1166 Recommendations to change make-up and attendance policy
(head of the docket)

****Motion to docket this calendar item at the head of today's docket and for the Senate to act as a quasi- or modified-committee of the whole for purposes of an open discussion. (Swan/Terlip)**

4. New Business

Chair **Peters** noted that it was recently pointed out to him that he should have a New Business category on the Agenda for each meeting. He will begin including this category and asked if there were any new business today but heard none.

5. Consideration of Docketed Items

1166 1062 Recommendations to change make-up and attendance policy
(head of the docket) (**Swan/Terlip**)

Discussion included a read statement from Professor Cathy **DeSoto**, remarks by Gayle **Rhineberger-Dunn** on behalf of the Educational Policies Commission, a resolution read by Jordan **Bancroft-Smithe** for NISG, comments from Tim **Tolliver** from UNI VA, and Ron **DeVoll**, a graduate student veteran. The matter was left with the EPC to bring recommendations before the Faculty Senate at a later date.

5. Adjournment

Time: 4:45 p.m.

Next meeting:

11/12/12 3:30 p.m., University Room, Maucker Union

Full Transcript follows of 57 pages, including 2 Addenda.

Special Meeting
**FULL TRANSCRIPT OF THE
UNI UNIVERSITY FACULTY SENATE MEETING
November 5, 2012
Mtg. 1723**

PRESENT: Melinda **Boyd**, Karen **Breitbach**, Gregory **Bruess**, Jennifer **Cooley**, Forrest **Dolgener**, Philip **East**, Chris **Edginton**, Jeffrey **Funderburk**, Deborah **Gallagher**, Gloria **Gibson**, Gretchen **Gould** (alternate for Chris **Neuhaus**), David **Hakes**, Melissa **Heston**, Tim **Kidd**, Syed **Kirmani**, Michael **Licari**, Kim **MacLin**, Scott **Peters**, Jerry **Smith**, Mitchell **Strauss**, Jesse **Swan**, Laura **Terlip**, Michael **Walter**, KaLeigh **White**

Absent: Betty **DeBerg**, Chris **Neuhaus**, Marilyn **Shaw**

CALL TO ORDER

Chair **Peters**: Let's come to order. We do have a pretty tight endpoint to our meeting here, because this room has to be turned around fairly quickly for another meeting, so we have to be done with our meeting at 4:45 so that we can get all the mics and everything cleaned up and out of here by 5:00. Thank you all for coming. I do see a quorum, and so we will come to order.

COURTESY ANNOUNCEMENTS

CALL FOR PRESS IDENTIFICATION

Peters: Let's see—I need—I see press identification. I see Emily [Christensen] from the *Courier* and Blake [Findley] from the *Northern lowan*. And I don't see any others? Ok.

COMMENTS FROM PROVOST GLORIA GIBSON

Peters: Provost Gibson, do you have any comments for us today?

Gibson: No. Thank you.

COMMENTS FROM FACULTY CHAIR JEFFREY FUNDERBURK

Peters: Ok. Chair **Funderburk**, do you have comments?

Funderburk: Very brief. It has been another embarrassing few weeks for UNI in the media. While the initial media coverage regarding military service absences required an official response in order to reassure the public, UNI proved incapable of delivering a message that could allay concerns in one group, without enraging another. An institution that should value and defend due process and individual protections seemed all too willing to abandon them and seek to assign blame elsewhere. I have many thoughts and much I would like to say about this situation. However, as a faculty leader I realize that I must practice restraint and balance in public statements. I hope that more of our local leaders can understand this requirement of leadership.

Peters: Thank you, Chair **Funderburk**.

COMMENTS FROM FACULTY SENATE CHAIR SCOTT PETERS

Peters: I have comments that are a bit lengthier. First a quick programming note for our next meeting on the 12th. This is a meeting about Athletics. There's already one document attached to the petition on the website as a supporting document. That's the football feasibility study. I'm getting a report from the Faculty Athletic Representative tomorrow, which I will upload as soon as I get it, and I believe I'll also be getting some kind of report from the Budget Committee. And then I'll also plan to attach

a summary of the Student Fee Proposal as well. Hopefully, by the middle of the week all of those things will be up there for you to prepare for next week's meeting.

I'd also just like to briefly point out that we're in a different room, obviously. We haven't been miked-up in this room before. We've got good mics now, so the coverage will probably be good, but we had to put them on tables, so if you are near a mic, try to watch tapping or anything like that that might get picked up and be distracting. And then also, given the space here, we might need to speak up a little bit.

Before we get started, I do want to offer some comments on events of the past couple of weeks and about our task today. I drafted these—I started drafting these last week before more recent press reports, especially a very good article late last week in the Northern Iowan (<http://www.northern-iowan.org/grievance-against-professor-resolved-1.2787341#.UJfhf2-HKAo>) spelled out exactly what had occurred.

I apologize for the length of the comments, but I do think it's important that the Senate's Minutes reflects several things.

First, recent press reports have made this clear, but I nonetheless want to state clearly, for the record, that Professor **DeSoto** did not violate University policy, and that nothing in any statements by the University or any press reports should be interpreted to indicate otherwise. Professor **DeSoto** endured an incredibly traumatic week as a result of the undue public attention. She received hateful emails; she feared for her and her family's safety; her car was vandalized; and she had to be escorted by police around campus . I was in touch frequently with her over the last two weeks, but I do want to say publicly that I sympathize tremendously with what she went through and that I was very saddened and sorry to see it happen. And I want to stress that I believe that better University response to the initial publicity surrounding the complaint could have eased the pressure on her.

Second, contrary to some press reports, the matter was resolved by an agreement between the professor and the students involved, not by a grievance panel. As per our policy on make-up work, NISG President Jordan **Bancroft-Smithe** facilitated the meeting between professor and students. A student-faculty panel was present at the meeting and would have resolved the dispute if the parties could not come to agreement. But, as almost always happens when such disagreements arise, the professor and student talked about the issues and found a solution that was consistent with the professor's existing classroom policies and University policy.

Which brings me to my third point: The process worked. That's not to say that it worked perfectly or that there weren't difficulties. But in the end, it did work. Even though press attention and public statements amplified public pressure to levels that were potentially detrimental to a fair resolution, all parties, in the end, worked to find such a resolution and it happened only one week after the complaint was filed. I appreciate the efforts of all involved to achieve such a resolution. Without such public attention, I am confident it would have been settled even sooner, quietly and *confidentially*.

Along these lines, I want to make sure that everybody on campus understands—faculty members, but also students, staff, and administrators—that everybody is willing [*sic* welcome] to approach the Faculty Senate and petition us to address a policy that they consider flawed. It doesn't take press coverage; it just takes a request. The students here today should also know that they should be willing to approach NISG with similar suggestions. NISG can, and does, bring resolutions to the Faculty Senate requesting changes in policy.

There are several things that have spun out of this incident that the Senate may need to deal with in the coming weeks. First, we may want to encourage the University to develop new public relations protocols to guide response to situations where professors have complaints filed against them. Second, we may want to discuss amongst ourselves what our expectations are of the Chair, me, in responding to quickly unfolding

events. As a deliberative body, we haven't been organized in the past to issue press releases and do things when time is of the essence. And while the Chair is authorized by the bylaws to speak for the body, I'm usually wary of statements that would commit us to particular stands on issues without having the chance to thoroughly confer with members. We may also need to revisit our procedures for expedited grievances. The process worked, but we did discover gaps in the procedures that made the NISG president's task more difficult.

Our task today, though, is to ask whether our current policy on make-up work adequately protects the rights of students who serve in the military. Of course, any discussion of this will include a discussion of how to apply the policy in a variety of classroom settings that we find on campus.

The policy we're discussing today was created less than a year ago. Last year we referred it to our primary policy-making committee, the Educational Policies Commission, which debated it thoroughly and reported back to us with recommendations. We passed those recommendations with minimal changes in April, and the President approved the policy over the summer. But our work to review policies never really ends. Sometimes, policies have flaws. Sometimes they don't work as expected. And sometimes, tough cases simply test the outer edges of otherwise sound policy.

Since the recent controversy erupted, the Educational Policies Commission has met twice and exchanged countless emails discussing potential changes to policy. That commission has not reached any conclusion yet about whether changes are necessary. But even absent such a recommendation, our discussion today is important. The students have weighed in. We do have a proposal from NISG to work off of. And this is, of course, an issue of wide interest to the campus and the community. Our work today will take place with the Senate acting as a committee of the whole, working to evaluate policy. We will proceed with these issues expeditiously, but we won't rush into policy changes just for the sake of it. We want to make sure that our students are served well by the decisions we make.

This issue has presented a major challenge to the University; members of the public have every right to expect that the University treats members of the military fairly, and it should go without saying that we strive to do so on campus. If our current policies don't adequately protect students with military obligations, we will adjust them.

As we discuss how to best accommodate their service, let us model the leadership that we expect to see in others on campus. Let us be respectful of the rights of all parties involved in the recent dispute, and also mindful of the real challenges the University faces in dealing with the recent negative publicity. As we proceed, let our discussion today be guided by principles that we want UNI to embody, including civility, collaboration, respect, and professionalism.

With that, we will move on in the Agenda.

BUSINESS

MINUTES FOR APPROVAL

(None available today.)

CONSIDERATION OF CALENDAR ITEMS FOR DOCKETING

Consideration of Calendar Item 1166 for Docket #1062, Recommendations to change make-up and attendance policy (head of the docket)

Peters: We have one item to consider for docketing, and I'd ask for a motion to place it at the head of today's docket, and that is Calendar Item 1166, Recommendations to change make-up and attendance policy. Move by Senator **Swan**?

Swan: Well, but I want to ask you first. So, from your comments, which I very much appreciate, by the way, it sounds as if what you want docketed at the head of the docket for us to move into immediately is to move ourselves into a committee or modified of the whole to discuss this topic.

Peters: Correct.

Swan: If that's correct, then I would move—I would make that motion.

Peters: Thank you, Senator **Swan**. A motion to place at the head of our docket moving into a quasi-committee of the whole, modified-committee of the whole, to discuss changes in policy to the make-up policy.

Terlip: I'll second.

Peters: Seconded by Senator **Terlip**. Any discussion as to this? And just for everyone's information, people who are new on the Senate, the main difference between modified-committee of the whole and our normal course of business is we don't necessarily have to have a concrete motion on the table before us, and, secondly, we are not necessarily expected to take a vote on this. We can report out, based on what we find. We can refer things back to the EPC, and they can continue to work on the item. Yes, Senator **Swan**.

Swan: So, if I could add, it also means that you're going to continue as the Chair.

Peters: I will continue as the Chair.

Swan: The other person won't be chair of the meeting.

Peters: Yes.

Swan: And if we do come to any conclusion in the committee of the whole, it would then be submitted to the Faculty Senate as if from another committee.

Peters: Correct. Yes. Thank you. Exactly, as if emanating from another committee. Any other questions or discussion? [none heard] All in favor then of docketing at the head of the docket, moving into committee of the whole to discuss recommendations to the make-up and attendance policy, please say, "Aye." [ayes heard all around] Opposed, "No." [none heard] The motion carries.

NEW BUSINESS

Peters: It was recently brought to my attention that I have not been including New Business as an Agenda category. It is required by our Bylaws. I apologize that I have not been doing this, and I will do so in the future, starting, well, now. Does anyone have any new business for us to consider? [none heard] Seeing none, then, we will proceed to consideration of docketed items, of course of which there is one.

CONSIDERATION OF DOCKETED ITEMS

DOCKET #1062, RECOMMENDATIONS TO CHANGE MAKE-UP AND ATTENDANCE POLICY (HEAD OF THE DOCKET) (**Swan/Terlip**)

Peters: And we will just proceed immediately into the committee of the whole. I would like to start by reading an e-mail from Cathy **DeSoto**, which she asked me to read.

[reading]

"Because so much has been said, and so much of it incorrect, I want to speak for myself about potential UNI policies regarding make up work for class absences due to military service obligations. I want to

thank the Senate for allowing me the opportunity to do so. It is important for faculty to have academic freedom and they are the experts in their own classes. Faculty are the ones best able to judge what would or would not work in their own classes. I am able to, with some effort, imagine situations where exact make-up of missed work is fundamentally not possible. I hope this is considered.

"I would be fully supportive of a university wide policy that provides guidance (and cover) for faculty to treat Military Duty not only as a reasonable absence, but essentially in the same category as a school sponsored event. This, it seems to me, would work well because much like sports absences that are scheduled well in advance, so too are most military related absences. Student athletes routinely give professors their schedule the first week of classes.

"I am writing because I do not want senators to think I am against passing such a policy, or that voting in favor of a policy is an [sic] any way a vote against me or my policies. This should not be a consideration at all. I feel very supported by UNI Faculty Governance. In fact, I wish such a policy were already in place (and given UNI is a designated military friendly school, and that our President is apparently ardently pro-military, I am sincerely and fundamentally unclear why it is not).

"I also wish to add that one does not have to be pro-military to be pro-soldier, or pro-troop, or pro-serviceperson. Many persons are against war -- often none more than those who have been involved in the combat experience. The students at UNI who have served really have sacrificed, and worse -- many combat veterans do not get needed services upon their return. Regardless of the foolish statements made by UNI Administration and it's [sic] press office, I hope the UNI Faculty Senate will do the right thing.

"Public support of this policy was not part of any agreement, my course policies have been completely vindicated. It is my hope that at least

the UNI Faculty will -- in both words and behavior -- let service people know faculty are with them.” [reading concluded]

And then to start our discussion, I thought we could hear from Gayle **Rhineberger-Dunn** [Chair] from the EPC [Educational Policy Commission], either KaLeigh **White** [Student Body Vice-President] or Jordan **Bancroft-Smithe** [Student Body President] from NISG, and then there was a student military leader who wanted to speak as well. And then we’ll turn it over to the committee as a whole—committee of the whole. So, Gayle?

Rhineberger-Dunn: Thank you, Chair **Peters**. I’ll read a statement that the EPC prepared for the Faculty Senate:

“The EPC has met twice in person and by email several times the past week to discuss, at the request of the Faculty Senate, potential changes to policy 3.06, Class Attendance and Make-up Work Policy. At this time, the EPC cannot make any firm recommendations or changes to the policy. We do not believe we have had sufficient time to adequately consider all of the elements involved in making changes to an important University policy that impacts not only students but faculty and administrators as well. We are willing, however, to continue to discuss this issue and report to the Faculty Senate once we have thoroughly considered the impact of any potential changes to this policy.” [Policy 3.06 can be found at: <http://www.uni.edu/policies/306> and as Addendum 1 to these Minutes]

Peters: Do you want to describe to us some of the issues you talked about?

Rhineberger-Dunn: Some of it relates to what Chair **Peters**—some of the statements he made in his comments. The EPC really had 1week to consider changes to this policy that we drafted in what?—in last Spring and was approved in the policy process in April and in August. At that time many bodies on campus reviewed the policy, and it was passed by the Senate with minimal approval [*sic* changes], and it was passed in the policy review with very minimal changes as well. Many bodies considered this policy. One week to make substantial changes after a crisis event is

irresponsible and dangerous. It leads to potentially bad policy that can harm some students and some faculty and academic freedom. Academic freedom does not mean we get to do whatever we want to do when we want to do it. But it does mean, as Dr. **DeSoto** said in her statement read by Chair **Peters**, that we know what's in the best interest of our students, and we have a right to make some of those policies. That does not mean we get to discriminate against them. But we do not believe a week is sufficient time to make those kinds of changes without seriously considering the impact of 1) making no changes, 2) making changes that might separate the military out from other groups of students, or 3) to consider what other types of students might have legal obligations not to be on campus. Subpoenas, for example. Jury duty. And to figure out where everything fits that makes the policy workable. We're never going to make it work for 100% of the students and faculty and administrators. That's why we have a grievance process. But we have to do our best in making sure that the policy—any changes to the policy aren't unjust or inappropriate. So that's why we are not making any recommendation for a change at this time, because we don't think we've had enough time to adequately consider the impact of any changes.

Peters: Thank you. KaLeigh [**White**] or Jordan [**Bancroft-Smithe**], does one of you—and I've got a copy of your—it's up here [at the lectern projection controls], though, so go ahead and speak, and I'll bring up a copy of the NISG resolution on the screen.

Bancroft-Smithe: Ok. I'm just going to read the resolution to you and then answer any questions you might have or explain some things a little bit more. So this is a resolution that the [NISG] Senate passed 2 weeks ago [http://www.uni.edu/senate/sites/default/files/petition/ssr_2012-10_support_of_a_policy_protecting_the_academic_affairs_of_military_students.pdf], which is

“Support for a Policy Protecting the Academic Affairs of Military Students:

WHEREAS: The University of Northern Iowa has a long and proud history of supporting military and veteran students; and

WHEREAS: The University of Northern Iowa currently has more than 250 military and veteran students on campus; and

RECOGNIZING: The current Class Attendance and Make-up Work policy protects military (active duty/national guard/reserve) students who are called to active duty or natural disaster cleanup lasting longer than 30 days; and

FURTHER RECOGNIZING: The current policy does not protect military (active duty/national guard/reserve) students who are called to basic training, annual training, or natural disaster cleanup lasting fewer than 30 days; and

BE IT THEREFORE RESOLVED: The Northern Iowa Student Government supports a policy granting protective rights in regards to making up missed work to all military students who are called to basic training, annual training, inactive duty training (e.g. drill, battle assembly, etc.), or disaster cleanup lasting fewer than 30 days; “

So, does anybody have any questions or would like me to further explain certain parts of that?

Peters: Let’s hear from

Bancroft-Smithe: Ok.

Peters: one more, and then we’ll just—we’re going to act like we’re a committee and have more of a—kind of a little bit more free-flowing discussion than we would under the normal Senate meeting. Tim **Tolliver**, who is—I’m going to get the name of the group wrong, but it’s the Veterans students’ group on campus. Can you, for the record—can you do us a

favor, and can you spell your last name for our transcriptionist, and then tell us the full name of the student group.

Tolliver: Certainly. My name is Tim **Tolliver**. I'm here representing the University of Northern Iowa Veterans Association. I'm a graduate student here, currently working on my Master's. I received my undergrad from UNI. I'm fairly familiar with what happens at UNI, especially in regards to military and veteran students. I spent about 11 years in the United States Army, including more than 3 years of my life deployed. I'm here to present UNI VA's proposed policy. We would like it to read: "The University of Northern Iowa shall treat all military- and veteran-related absences as University-sanctioned events. Examples include but are not limited to: drill duty, state and federal call-ups, and appointments at the VA." To do so is going to give several benefits. This policy is comprehensive, and it's easy to understand. There are not a lot of ifs, ands, or buts in it. It includes basically every situation that might fall under the sun. A policy such as this would have avoided the current controversy. And for the record, I'd like to point out the UNI VA has explicitly and intentionally stayed out of this. We didn't want to make any statements without understanding all of the facts. Also, one of our other leaders, Ron **Devoll**, has sent e-mails out to various people basically saying that we don't know what's happening; we want calm; and there's no reason at all to make threats or do anything unjust towards Professor **DeSoto**. Thank you. And if anybody has any questions, I'll be available.

Peters: Can I just—I just want to make sure that we all have the basic language down of what your proposal is, that UNI shall treat all military and veterans' absences as excused absences, is that right?

Tolliver: As University-sanctioned events.

Peters: As University-sanctioned. And then this includes drill duty, state and federal call-ups, and appointments to VA.

Tolliver: But not limited to.

Peters: Not limited to. Ok. [pause] Ok. Well, here we are. We're in the committee of the whole, so the first hand I see—I recognize—sorry, I saw Senator **Kirmani** first, and then I'll get you Secretary **Edginton**.

Kirmani: Now, I have never understood this phrase “University-sanctioned events” as in the current policy. The current policy has this phrase “University-sanctioned events.” What exactly are “University-sanctioned events,” and who sanctions them?

Peters: Senator **Edginton**.

Edginton: I want to talk about one of those University-sanctioned events. We operate the largest, and I think the only, outsourced program for children and youth on U.S. military bases around the world. The Camp Adventure Child and Youth Services Program serves about 75% of all the OCONUS—that's overseas Outside Continental United States—military installations. That Program is identified as a University-sanctioned program. And the students who may be in that program, and who may, because of their assignments, have to come back a day or two or sometimes even a week later, like student athletes are supposed to be provided with the opportunity to make up any lost time in the classroom or assignments that they have. That doesn't always occur. That doesn't always happen, and sometimes we have to go in a very aggressive and pro-active way to advocate for those students with selected faculty members. So, it's not always understood that those programs are, in fact, University-sanctioned, and they should be granted those rights. Seems to me this is another case where the University of Northern Iowa should be supporting our military family members. It's not direct service, but it's in support of those family members and very important to the health and well-being of those soldiers, sailors, and airmen.

Peters: Senator **Kirmani**.

Kirmani: Yeah, now I'm not against what Chris [**Edginton**] is saying. I mean, that's fine, University-sanctioned events, of course. But the policy should spell out clearly what the University-sanctioned events are. For example, jury duty, military service, they are—I mean it is—they should be treated as University-sanctioned events, and they should be explicitly mentioned in the policy. The problem with the current policy is it just uses a phrase “University-sanctioned,” and nobody knows what is that. And who sanctions that? Does the sanction have to come from Provost's Office? Or any faculty member can do that?

Peters: Yeah, Associate Provost **Licari**.

Licari: I might be able to offer some clarification there, although not as much as you probably would like, because I, too, would like to see some identification of what this is. But, generally speaking, a University-sanctioned event is participation in a University-sponsored organization that is taking students to some event or is putting on some activity that would draw a student out of class, so participation on a sports/athletic team, debate team, something like that that would involve an activity where a student is going to miss class. These are official University organizations that a student is participating in that sometimes pull a student out of class. So it's not—as currently written, it does not include jury duty or military service. Those are not University-sanctioned events. They are not participation in a University organization or group, and so it would not include those. But it would include, you know, being away for the volleyball team or something like that, or Dr. **Edginton's** Camp Adventure. You know, and so that's the operating definition there.

So, this instance that we're discussing now would not fall under University-sanctioned events, and I'll offer my editorial comment. Take it for what it's worth, but Dr. **DeSoto** raised the idea that military service be considered in the same vein as a University-sponsored activity or sanctioned event, which would automatically mean that it would be considered a reasonable absence and that a student then would not be unjustly penalized for those absences, leaving up to the faculty member to discern how to handle the

situation, but it would be deemed reasonable absence. That's my preferred position. It would mean that the absence policy would need only a very minor change in wording to one particular sentence of the policy, and it would still leave it up to the faculty in the classroom to determine how to handle that absence. It would just mean it would be an excuse. That's my policy preference. It just wanted to say it. Take it or leave it. That's at least where I stand.

Peters: Chair **Funderburk**.

Funderburk: I had a—related to a couple of things that—I agree with Senator **Kirmani** that I actually think we need a better process for determining what is University-sanctioned. We've been working on it internally in the School of Music, since there's not a week that goes by that I don't get a request or a list of students who are going to be out, and it's very hard to tell if it was sanctioned or if that's just a note from one professor, and I think that it would simplify things if we had a University policy that defines these processes, that you qualified for it, so that those of us that get a lot of those understand which ones are really sanctioned and which ones are not. I'm also supportive of the idea that I think military service should fall in that category. The only thing I want to caution is that when we start, as Gayle [**Rhineberger-Dunn**] was talking about initially, that the wording be such that it doesn't cause additional troubles. With some of the make-up work, some things can't be made up. For example, in the classes I teach they are usually performances, and I can't have 30 people come back another night to play a performance if somebody misses it, so the wording just needs to be careful enough that it acknowledges the fact that sometimes make-up work is not an option, but something else has to be substituted for that.

Peters: Senator **East** and then Senator **MacLin**.

East: I agree that it appears that the—that the current policy suggests that certain kinds of absences are reasonable and that the reasonable absences are the ones where we wish to focus our attention, and says University-

sanctioned events are reasonable. It doesn't tell us which ones, which events are University-sanctioned, and it's not clear to me that all—that all policy—all organizations on campus who ask somebody to miss class would be a—would be called a University-sanctioned event. So there does need probably to be some mechanism whereby that occurs, but it does seem like we should consider other things that need to be called or must be prescribed as reasonable events. I think I get a little bit nervous treating all military absences as reasonable events. And I know that at least I had some option of choosing on my military service as a reservist, and if I choose to go—if I make a choice to go or announce my choice to be during a school session, then it seems to me that I've participated in that, and I need to be a little wary about requesting that to be counted as a reasonable absence, if I had any kind of control over that pro—over that being happening. I think the idea of VA appointments is probably one that is necessary, though, because my understanding of many VA appointments is that it is damned hard to get one. You go when you get them; you don't have much choice. So I think we do need to take more care with this but that the key probably is to have some mechanisms by—we establish that other things are also reasonable, rather than just sort of leaving it to the faculty, which I think the current policy does.

Peters: Senator **MacLin**.

MacLin: And then just to be clear since we're talking about policy, terminology matters—as I'm sure the EPC has been debating—is that #5 [see Addendum 1] talks about “reasonable absences” of which military service is included, and reasonable absences are what are under the discretion of the faculty member and certainly can be grieved if there are issues or concerns about how those are handled. But I think what we're talking about when some people have been using the term “reasonable absence” to refer to this other type which is the type of absence that's automatically granted a make-up or some sort of similar that trumps the individual professor's policy. So, if you are football player and you have to go to a game and miss a class, it's not about the reasonable absence issue. It is a University-sanctioned/sponsored event. They get the make-up, no

matter what. And I think what the student leadership is talking about is that military service be counted as that automatic granting of a make-up, just like going—participating in an athletic event is. And so the reasonable absence thing is a little bit different, and I just want to make sure we're clear on that.

Peters: Senator **Swan**.

Swan: So along with that we're saying, or someone's saying, people are proposing to move military service from 5 to 3 [see Addendum 1].

Peters: In the p_____, yes.

Swan: And then it's reasonable and mandatory. Why can't we move all of those in 5 up to 3? "Religious observation," I think I want to advocate for, kind of a for instance. So we might consider making more than the military service listed in 5 moved up to 3.

Peters: Senator **Boyd**.

Boyd: I agree except that now you have to define what "significant personal emergency" is, if you're going to move that up, because what is significant for one individual as a personal emergency may not be significant for another.

Swan: Yes.

Peters: Other comments? Senator **Gallagher**.

Gallagher: I like the idea of not having a lot of wherefores because it—we get right back to where we were before, and I appreciate what Senator **East** said. But my point is that I can't see that just having a blanket coverage of military-required really creates that much problem. We don't have that many veterans on campus that I think it would be burdensome to anyone

or problematic. And I think it would be more problematic if we start parsing it, for what it's worth.

Bancroft-Smithe: I want to respond to what Senator **East** said and some of the other concerns that have been voiced, that we were very specific in the things that we mentioned in our resolution for that reason. We didn't want to include all military activities. We included things that were punishable within the military by federal law, by military law. Those sorts of things are what we've included. And I think, you know, jury duty is also punishable if you don't show up to it. Or if you don't show up for a subpoena, that's very punishable. Those sorts of things we feel like students should have a mandatory make-up for. And to respond to what Chair **Funderburk** said about some things can't be made up, KaLeigh [**White**] and I have been working to figure out some sort of language where you have an equivalent alternative so that that specific thing may not be able to be made up, but the faculty member has the ability to come up with some sort of alternative. You know, maybe they can't go to a concert and write a report on it, but maybe you can have them either go to another concert or listen to a CD. I know that's been something that's offered in my music classes. So that's—those are some of the things that I wanted to throw out there.

Peters: Thank you. Senator **MacLin**.

MacLin: Gayle, I was wondering to what extent did you guys discuss procedure for the whatever—what is it? Number 7?

Female voice [**Boyd?**]: University-sanctioned?

MacLin: No, like for how the make-up work stuff—Scott [**Peters**], help me.

Peters: Are you—are you thinking of the grievance procedure?

MacLin: Yeah, the grievance procedure, the policies about, you know,

Peters: I don't think we've gotten there yet.

MacLin: Very little procedural information. And did you guys get to that point to discuss procedural changes?

Rhineberger-Dunn: No clarification.

MacLin: Ok.

Peters: I think your point is well taken, and everybody involved in the expedited grievance process for make-up work, which is the last section of policy 12.01 [found at: <http://www.uni.edu/policies/1201> and also as Addenda 2 to these minutes]. I think did a—did a very admirable job trying to discern what needed to be done there under intense pressure. And I think we discovered that there are some weaknesses to that expedited process that we set up, that some things might need to be specified more for sure in terms of how the meeting takes place. I think it might be worth talking about, and we'd be interested to hear Jordan's [**Bancroft-Smithe**] view on whether the student leader should have as much responsibility throughout the whole process as he did under this particular process. There's good reasons for it, and he did a good job with it, but at some point when things get thorny, do you want a student who's carrying out University policy? It's a legitimate—there's a good reason; he did a good job. Again, this is not a personal criticism, I want to stress. This is not a criticism of Jordan's performance here because he did a very good job, but it's worth looking at, I think. But for the time being I thought we could focus on the make-up part of things and look at the grievance procedures another time.

MacLin: I just wondered if they had had time to talk about this.

Peters: Gayle.

Rhineberger-Dunn: I will point out that #3 [see Addenda 1, 3.06.B.3], "All absences due to participation in educationally appropriate, University-sponsored activities or sanctioned events must be considered reasonable,

and must therefore not be unjustly penalized for their absences.” This is where Athletics is currently held. This does not actually mean that the student automatically gets to make up a test or an equivalent. It means they must not be unjustly penalized. So if someone had a “drop 5 quizzes out of 15 quizzes,” and athletes missed 2 of those, they would be dropped—essentially, if a faculty member chose to interpret their own policy in that way, because that would not be considered unjust. So the policy—this policy does not guarantee any specific make up; it just means they can’t be punished unjustly for those required absences.

Peters: Vice-President [of NISG] **White**.

White: Well, I guess from inside the Committee as well as from a student’s perspective, part of the student concern with the current language of it being considered “a reasonable event” in terms of military service and also that the fact that whether or not they could be unjustly penalized or not, we had concerns with the “unjustly penalized,” because it implied that some penalty may be implied as long as it was deemed just by the professor. And so our concern is sort of what Senator **MacLin** was talking about, that if it was a University-sanctioned event, then that they were guaranteed an alternative assignment of equal weight to replace whatever missed work that they had. And I think as the students that we’ve spoke to that was the direction that they would have liked to see the policy go, so that the students could still have an equal opportunity to make up those assignments. And, you know, as Dr. **Funderburk** was saying that may not always be possible to make up the exact assignment, but you could make up one in terms of doing an equivalent assignment.

Peters: Senator **Smith**.

Smith: This kind of extends on that and talks to Gayle’s [Rhineberger-Dunn] point and going back to the case at hand is my understanding is that the student was allowed to take the exam that he was going to miss as his dropped exam. If the policy had covered military issues as well as

University-sponsored events, would what the professor initially offered to do in this case have been viewed as unjustly penalizing the student or not?

Rhineberger-Dunn: According to the policy, no, because they weren't, right—according to—but the student could grieve it, and then it would be up to the grievance procedure, but according to the policy that would not appear that the student would have been unjustly punished, because they did not get a zero factored into their grade.

Smith: So that goes back to the point that KaLeigh just brought out, and a concern that students might have. From their perspective, they might view this as being a penalty, as hurting—the student loses his free grade, his dropped exam grade because of military service that he's obligated to do, which from the student's standpoint looks like a penalty.

Rhineberger-Dunn: Correct.

Peters: Senator Terlip.

Terlip: With the language “equivalent assignment,” though, what the professor considers an equivalent assignment, someone might think of as penalizing the student as well, so I think the language is going to have to be incredibly on point so that the issues don't arise.

White: I guess I think in terms at that point then that is where the grievance process would come in, is that, yes, there may be varying degrees of who considers what equivalent, but then at that point, if the student has a grievance, thinking that that they were given too harsh of an assignment or something of that nature, then that is where the grievance process would come in. But I think at this level we could prevent the grievance process from being necessary by adding that language.

Peters: Edginton.

Edginton: I think I could give an example of, you know, how a student was punished harshly. We had a student that came back and missed the first two classes of the Fall semester and was dropped by the instructor even though a note had been sent out to the instructor indicating the students would come back late. So, to me, it's unfathomable in my mind that a professor would do that even though they'd been informed that the student was engaged in an officially-sanctioned University program. That should have been grieved. It wasn't. It's unfortunate.

Peters: Senator **East**.

East: I think it is perfectly reasonable to consider that a faculty member might assume that if you missed the first week of the class, I do something in that first week that sets up the entire rest of the class that says "If you weren't here, you didn't participate in that discussion. You cannot participate effectively in the rest of the class. There's no way to replace it." I think that's possible. I can't imagine it happening in my case, but I certainly think that's possible. I like this notion of not being unjustly penalized. To me, that leaves open the notion that we don't have to foresee everything in advance, which we're not going to be able to. It means that there may be some penalty. For instance, I was—I had this—a similar kind of problem come up in my class where a student was going to be absent for an obviously University-sanctioned event. She was getting an award from the University during my class time. I counted her absent. She got penalized because she was absent from my class. What, I should count her present? I mean, I don't—that notion that there is no penalty if you miss a class and that every student has to be made whole in every situation on the whole University just doesn't make sense. So I think we have something that is very close to a very good policy when it says, "You can't unjustly penalize students. If a student thinks they are being unjustly penalized, then they get to grieve this." And the policy is typically written out in advance, so you know in advance of the class that if you miss an exam, you get to drop one. That's the class policy. So it's not like all of these things are a surprise when they come up, generally speaking. And I think we shouldn't necessarily try to bend over backwards to make sure

that no student is ever—loses a single point for anything that happens in the University.

Peters: Senator **Kirmani**.

Kirmani: Well, but the thing is that if the student is doing, say, military duty, then he or she should not be penalized at all. There's no question of "just penalizing" or "unjust penalizing." I think the policy should take care of this partic—if a student is on military service, then he or she cannot be punished in any way.

Peters: Senator **Heston**.

Heston: I agree in principle that military service is a unique type of obligation. It has legal issues/aspects to it that I think the University must respect. But I also think that jury duty and being subpoenaed, a custody hearing, giving birth or watching your spouse give birth, I think there are all kinds of contexts in which ethically and as a caring community we ought to be taking into account that there should be some sort of accommodations made. And, from my perspective, to single out a particular group who has a unique legal obligation, without also recognizing that other groups have legal obligations or moral/ethical obligations is very problematic. And so I actually think Jesse—Senator **Swan**'s—recommendation that we look to move other things to #3 [see Addendum 1, 3.06.B.3] makes sense. I realize it's a slippery slope, and I realize that students can be quite liberal sometimes in their interpretation of what is a crisis and what they must attend to. However, I would prefer to err on the side of optimism regarding them, that in most cases they're being quite honest and they really are having something that is significant and should be taken into account. If I miss work because of a crisis, I don't lose pay. Nobody writes me up. Nobody docks my merit. There's no consequence for me if I miss work for something I consider a crisis. But we're holding students to a set of rules we are not willing to live by ourselves, and that, to me, is problematic.

MacLin: You also have a special job. If you work for McDonald's, that would not be the case.

Heston: This very true. This is very true. I do have a special job, but I think universities are a unique context in some ways.

Peters: Gayle [**Rhineberger-Dunn**] and then Senator **Swan**.

Rhineberger-Dunn: I do want to point out—one of the things we talked about in our Committee is the practicality of these policies and how—what are instructor resources, department resources, college resources. In a class of 350 students, if everything is considered “reasonable” under #3, then if we change that language so that we take out the “unjust penalize” and everyone gets a make-up or an equivalent, who's going to provide the resources for that? And furthermore defining “no penalty.” If I give a make-up that's all essay, when the other students are taking multiple choice, true/false, and short tests, is that a penalty to take an all make-up test? [*sic*] When we talk about these things in the Committee, we're trying to determine making a policy that is: 1) useable, efficient, works for most people in most situations without unjustly hampering faculty and, for that matter, students. It's not in a student's—in some cases, it's not first—it's not in a student's benefit to continue in a class if they have to be gone for 3 weeks. You cannot meet the educational goals of the class. And trying to put parameters on how many days can you miss before you have to be considered totally absent from the class and in need of being dropped becomes an issue because it's going to depend on the class, and it's going to depend on how that class is designed and carried out. So, when we're talking about making changes to these policies, we all have to be cognizant of how they're going to be carried out logistically; otherwise, we're making policies that are ineffective anyway and won't be followed.

Peters: Senator **Swan**.

Swan: Professor **Rhineberger-Dunn**'s comments right then were extremely important, and so I want us to heed them an awful lot. I say that

because I just wanted to not respond to those but something else that Senator **Heston** at the end said. Faculty who have a crisis of illness do use their sick days, do, you know, not get paid, use up sick days, we wouldn't get paid—are supposed to and then certainly would be docked if they are extended—if they are absent for an extended amount of time and don't do their work. So, it's not right that faculty somehow who miss don't go through administrative protocols and have their remuneration appropriately modified. And I'm sure that the Administration attends to that keenly.

But to the topic again at hand there are lots of things our committees, such as the EPC in this case as Professor **Rhineberger-Dunn** indicates, if are very serious and try and look at absolutely everything, craft language that applies to all of the situations and then, of course, we have a grievance process for anytime anyone feels something's amiss. And it seems like the grievance process worked in this case. It works in all of the cases that I know of, to almost every—usually everyone's satisfaction. And that's because there are so many things that we can't anticipate ahead of time—sometimes feel one way, three weeks later understand it very differently, such as making up coursework that you miss. Sometimes it's really in the student's best interest not to think about missed work anymore, to keep moving forward, do better and better along the way and not be obsessed with something earlier, so there's no unjust penalty. Indeed, there's an enhancement of performance and progress if the missed work is let go. And it can be accommodated. But these other proposals that you must have lots of or different kinds of opportunity to do something that's now already passed when a professor says, "Really, it's not important to do it. In fact, it might be harmful for you to be doing that, concentrating on that instead of going forward," can have its own problems. And that's why the policy as it is stated now allows for the enhancement of the student, even when the student at the moment can't see it's in her best interest, his best interest, to do as the professor is recommending and encouraging. And so we don't want, and our EPC doesn't want, a policy that forecloses the possibility of students actually learning and growing for the sake of the exercise of a bureaucratic policy. And so I'm very appreciative of the work

of this Committee that's so attentive to all of these possibilities and always brings us, I think, and my experience with this Committee—Commission, I guess—in particular, such fine policies. Thank you.

Peters: Chair **Funderburk**.

Funderburk: I had a couple of comments also somewhat related to what Senator **Heston** said, which was about—and then Senator **Swan** says—we actually have a designated number of sick days that we can take and use for whatever, and it is my understanding of this policy that was being used in the class, it was a similar situation going on, is that everybody had a certain number that they could do, and certainly in my own classes, sometimes the motivation has been if I understand that there's a number of people who will be involved in University-sanctioned events that right off the top everybody gets to sanction absences, because it kind of levels the playing field for everybody else. The only thing about this whole thing that slightly concerns me is that it seems now to be a shift from one side to an entitlement of "I am entitled to two, and I don't want to count any one of my two for that," which is maybe what I created those absences for in the first place. "I want more in addition to." So, I like the fact that the current policy is flexible enough to allow that and that there is a process for explaining it. Maybe faculty need to be clearer about why they have a policy on attendance and make-up work the way they do so that everybody understands that it's not that everybody gets two, but it's so that everybody has flexibility to deal with and do whatever you need. And maybe also make a statement that in the event that additional unforeseen circumstances arise, we sit down and talk about it after you've used up your allotted absences as opposed to worry about it before you've used any of them. But that's again going with what Senator **Swan** says. I like the fact that the EPC has been very good about writing policies that are not so restrictive that they prevent things from being creative and more applicable to the given situation. And I worry if we start getting too specific we get back to one of those ideas that one size fits all, and that's not true at a university.

Peters: I'll just take this moment to kind of piggyback on what Chair **Funderburk** said and say that I have heard from some professors who advise a lot of athletes who right now under our current policy their absences would be considered excused absences, that athletes frequently run into this problem where they are in classes that drop a certain number of assignments. Their attendance at those athletic events become one of those assignments that gets dropped, and they think that's unfair, because they have to go do that. Now, there's—obviously there's a question about whether military service and playing on athletic events or other University-sponsored activities should be similar, but I think the point is that merely changing the language will not solve all these problems as people are saying around the table, and that's why we do have the grievance process.

Peters: Senator **Edginton**.

Edginton: The last two comments I made were not in the abstract, as most people have commented around the table here, but were from concrete experiences I've had in terms of trying to address this policy in terms of sanctioned absences, but I did—I want to have it mentioned in the record that Dr. Michele **Devlin**, who's a member of the School of HPELS faculty, has a son, Daniel, who's in the ROTC program, and she's very concerned as a parent of a student who's engaged in the ROTC program that somehow he will be discriminated against in some way because of the requirements that he has in terms of military service. He's concerned also. It's weighing on him. So, although I think, you know, Professor **Swan**'s comments are probably the direction that we ought to head in, I think there's a little bit of angst out there that needs to be addressed, and we have addressed it here at the beginning of the meeting. There are parents who are concerned. There are students who are concerned. And there needs to be some assurance that's provided by the Senate that the issue will be addressed in a forthright fashion, regardless of the way that we move.

Peters: President **Bancroft-Smithe** [of NISG].

Bancroft-Smithe: I feel like we as students are paying a lot of money to get an education at this university, and me personally—and I know these students in this particular case feel this way as well—feel that in circumstances where we as students can be punished under federal law or military law—you know, you can be dishonorably discharged; you can be considered AWOL and thrown in prison; you can have financial penalties, fines, for not showing up—we should not be asked to just let it go, because we are required to go to those things. And there are severe penalties for not doing them, so we feel like in the classroom we should be allowed the opportunity to make up that missed work because we had no choice. In instances where there was a choice, I understand that professors want discretion in determining the reasonableness of that choice, but what we’re dealing with here are situations in which students will be punished under federal or state law.

Peters: Ok. In the queue, I’ve got Vice-Chair **Smith**. I’ve got Senator **Strauss**, and I’ll also remind people who are observing that they are welcome to speak as well. You just need to get my attention. Ok, Senator **Smith**.

Smith: I do believe there is a need to change the policy to allow for the kind of status for military service and other civic responsibilities like jury duty that is currently allowed for University-sponsored events, but policies are guidelines. There are hard and fast rules in some respect and then you can deal with exceptions through the grievance process. I think at least as important is changing faculty expectations about what are reasonable, because if we’re necessarily going to have things that are up to the faculty to make their judgments as “Is this reasonable or not?” and I think that we have to move more towards a culture that is sensitive to and responsive to the needs of our students. And I think we should do that. Mellisa [**Heston**] cited ethical reasons. I think we need to do that for other reasons as well. In my view, the higher education market is—the supply of students is shrinking, and it’s true for UNI. We’ve seen it in enrollment numbers. There is a good reason to believe that’s not going to go away. We need to make ourselves more attractive to students, not by lowering our grading

standards and the rigor of our courses but by being accommodating, by reasonably accommodating to legitimate demands that come up in their lives. And I would hope that—I don't know how you'd do this officially, but at least norms emerge from this kind of a discussion and other things. Most of us probably are appropriateness, but I'm sure there are some faculty who are more demanding or less flexible and accommodating than they should be. And if the Senate can do something to change that, I think we should try and do that.

Peters: Senator **Strauss**.

Strauss: I feel that by Vice-Chair **Smith's** statement, what we have in the policy right now are University-sanctioned events and then reasonable reasons for being out. It doesn't make sense to me to make military duty a "University-sanctioned" event because as Associate Provost **Licari** pointed out, the University doesn't sponsor these military activities, but perhaps there's another category of events like military duty where we encourage the faculty to view it as reasonable unless there are really extenuating circumstances otherwise. And I would be very careful what I would put in that category, but it sounds to me like where you are at risk of running afoul of the law of the military are suitable reasons for it. So there is—ought to be another category is my recommendation.

Peters: Professor **Gorton**, you are up next, and could you do me a favor and say your name and spell it for our transcriptionist.

Gorton: Joe **Gorton** and I'm the faculty advisor to the UNI Veterans Association, so first of all, I know all the veterans on campus, myself included. I appreciate the Senate convening this meeting to take on this issue. Just a couple of comments or observations as I listen to the discussion. One, I think that the proposal from UNI VA was that military- and veteran-related absence be treated as a University-sanctioned event, not that they are University-sanctioned events. So that's just one small nuance I think to keep in mind. How you define University-sanctioned events would—typically would mean a University-approved event, but

what that is would be up to the—to others to consider. The other thing I would point out, and I hope that Ron or Tim will help me remember if I forget anything here, but one of the things as I hear the conversation and I look at the recommendation from Student Government is that we're referring over and over to military-related absences, and really the distinction that you should try to keep in mind is that we're talking about military- and veteran-related absences, because we have active duty military serving and we have veterans serving and then we also have people serving who are a kind of a hybrid, and the absences that emerge out of those arrangements are different. And, by the way, including ROTC should probably be thrown into that category as well.

And this brings me to my final point. I hope that when the Educational Policies Committee [*sic*] or Student Government or anyone who's considering these policies that when you're in that process that you will consider inviting as active participants some of our veterans. I've worked with these young women and men for a good two or three years now, and I'll tell you, they're really thoughtful about things of this nature, policies of this nature, and they will be very, very helpful for you as you move forward to trying to articulate a policy that will benefit the University, the faculty, and the students. I would just say that without their involvement, without their input, that you might be at risk of not really getting it right.

The very last comment I'd like to make is that policies are really great, to have policies that we're going to improve things for students and faculty and everyone. Changing the culture is also important, and so in that response, Tim and UNI VA have organized a veteran panel, "Ask a Veteran," for Wednesday that's going to be right here in this building in Maucker Ballroom. Provost **Gibson** already put it on her calendar. She was quick to—no surprise—quick to accept an invitation. And we hope that everyone will be there, because part of all this is that the veteran population and others in the University getting to know one another better and learn to work with one another better. As these wars wind down, Afghanistan winds down, we're going to be getting a larger veterans population here on

this campus. We have about 250 now. That population will increase over time. Thank you.

Peters: Thank you. I have one person in line before you and then Senator **Terlip**.

Terlip: Much of what I was going to say has already been said. It seems to me that there's consensus around this table that we need to move military and veterans affairs into a separate category, and I think maybe the EPC needs to figure out where it goes in the policy so that it works well. However, I think that—at least I heard a lot of people speak to the notion of some other significant events, things you are legally bound to do like jury duty. I would also add that one of the things in that list of reasonable absences is mandatory religious observances, and I really don't think we should overlook that either, and that that should be considered. That's based on experiences I've had with some students who are from non-Christian faiths who have struggled at times.

Peters: Thank you. And could you identify yourself for us and spell your name, if it's not straightforward.

Devoll: My name is Ron **Devoll**. I'm a graduate student here at UNI. My undergraduate is from UNI. And I would just like to reinforce what Tim [Tolliver] and Dr. **Gorton** had purported as advocating what's coming from the military and student veterans population. As far as what's proposed and it's not being worded kind of encompasses it all, but I would like to put forward suggested stats of it's taking an individual who has served over in Iraq or Afghanistan 6 years to complete an undergraduate, and some statistics have suggested less than 3% of those who do serve over—have served over in one of those wars graduate. And where we have suggested veterans attending VA appointments, the importance of that is that it isn't easy to reschedule or, you know, the time out is—and you can be penalized through the Department of Veterans Affairs for not attending your scheduled appointment. And as you're all educators, to promote healthy education, something that has been in the media on the national

level is mental health as related to veterans and enabling them access to get to those appointments. And here at UNI we'd like to retain veterans and military personnel and graduate from here, and I can appreciate the other voices in the room that brought forward other areas to look at. I'm a graduate student in Social Work, so advocating for all areas is important, but I did, as a veteran myself, look at how the professor involved and how explosive this became and where a professor needed to be escorted by Public Safety, we definitely don't advocate for that. And I encourage all of you and any other involved entities in looking at this to approach the student leadership of the UNI VA and come talk to us. I mean, because we have everybody involved, from ROTC personnel to National Guard and Reservists and veterans.

Peters: Thank you. Yes?

Tolliver: I just have one hopefully quick general comment. As the semantics and the wording are being discussed, I encourage you to bear in mind that if you include certain specific examples, you're then going to be excluding others. For example, I know that you—what NISG has approved includes the words “annual training.” What about someone who goes to “ranger school” over the summer and recycles, which is a very, very common thing to do? If they recycle enough, they might miss class. Things like that are going to fall outside of the scope of this proposed policy, which is why it would be more beneficial in my opinion to maybe have a wider policy that's going to kind of get everything. And I think that will be that.

Peters: Senator **MacLin**.

MacLin: Yes, I'd just like to quickly underscore what Joe [**Gorton**] said about having some sort of category of military service be treated as a University-sponsored event. I mean, anyone who's trying to make policy, like I mentioned earlier, the wording really matters. We're not saying it is a University-sponsored event, but it should be treated as one. My personal opinion is it would, and it does, but it would absolutely stick in my craw that a football player gets different treatment than a military service

personnel. All due respect to football [light laughter around], I just can't imagine how we can feel comfortable with that distinction or without that distinction rather.

Peters: Are there other comments? Senator **East**.

East: It might be important for us to say—to recognize that at least as far as we know no veteran has been penalized. No military—I mean this has done no harm. So, the people who are looking to see what's gone on should take—should come away with good feelings, not bad feelings. Not worry but rather reassurance that no harm has been done to veterans because of absences from classes. And to a great extent, I think, to students for all sorts of absences that at least we know of few, if any, people who have been penalized for missing classes and allowed to make up work, etc. There will be some, but it certainly should not be a case where people should be worried that that's going to happen to them, and—or that there's no venue or no process that allows them to fight back if it appears that it's going to be happening to them. And I think that's a good thing that needs to be recognized by people who examine this.

Peters: Mr. **Tolliver**.

Tolliver: You know, I know that some veterans have—and probably with the military. I don't know of specific examples. I don't know. But just because we haven't heard about things, doesn't mean that they haven't happened. Last year I went to get a physical. I had a bunch of labs come back crazy. I needed further treatment in Iowa City. It took a while to get that appointment, as you mentioned earlier. I told a professor, "Hey, I have an appointment in Iowa City at the VA. I'm going to be gone from class next week," or something along those lines. The professor's response was, "You shouldn't schedule these things during class time." Yes! Thanks. And this professor did actually have a—I think you could have 2 absences. And I'm unsure if I was penalized or not, because at the end of the day, a) my grade in that class was pretty good; and b) I'm going to go get my health taken care of. So, I mean, it might happen; it might not, but because a

grievance hasn't been filed doesn't mean that a military or a veteran haven't faced these issues.

Peters: Chair **Funderburk**.

Funderburk: This is kind of on a separate side. One of the things, notwithstanding my comments at the beginning that were pointed at certain leadership, I do think that one thing we could celebrate out of all of this that I'm really happy to see is the willingness on the part of the veteran student group and NISG in particular getting pro-actively involved right off the bat and our ROTC leadership with the way things were spiraling out of control initially. And I hope that we will be able to include them in this, because I think it's been very helpful, and it's a nice opportunity to all work together on a policy which I hope this time we will actually follow and stay with to see it through in the end, so I wanted to thank those people who put a lot of time in. I know that Jordan [**Bancroft-Smithe**] in particular has put an awful lot of time in on this one in the last 2 weeks.

Peters: President **Bancroft-Smithe**.

Bancroft-Smithe: The way I look at it is not being allowed to make up what happened in that class period as being a penalty. Because as I said earlier, we are paying a lot of money to be here, and I guess I don't have the numbers for how much we're paying for each class period. It's something like a hundred and some dollars or something like that, but to have to go and do something required by law, you are being penalized that amount for missing that class, whatever that is. And so I feel like if we paid that much money for that class period to get the educational experience that's taking place in that class period to not be able to make that up is a penalty of that much money. And so I guess that's where I'm coming from in this. And so if you're required by law to do something, you should be able to make up with some sort of alternative equivalent or the exact material—be given the opportunity either through a discussion or a make-up assignment or a make-up test to be able to do that.

Peters: Secretary **Edginton**.

Edginton: I'm looking at the clock.

Peters: Yes.

Edginton: And there have been a lot of diverging themes that have been discussed, and, you know, you could come down on the side of one view or another; one that says keep the policy open and another one that says have it be a little bit more explicit. And I'm wondering if the best course of action at this point for this Senate would be to refer it back to the Policies committee. They stated that—Gayle stated at the beginning of the conversation that they had not enough time to look at it, to review it. There's been a really good conversation here today, really good dialogue about the issues, and I don't know if we're really prepared to distill it into a motion to change the policy at this point. I'd like to see the committee go back and look at it with the information that we've provided and come back to the Senate and then let us consider it at that point.

Peters: And I think that makes a lot of sense, and I thought that, you know, that's why we're trying to proceed under the committee of the whole and try to do this. I guess from my perspective from what I'm hearing around the table is there seems to be maybe not universal but fairly strong support among Senators for moving military service and possibly other types of issues into some kind of separate category, or that is in some way similar to, similar to—treated similarly to University-excused absences. Now, obviously there's a lot of details there to work out in terms of what else should be moved there, but if my read of the discussion is wrong, now is a good time to correct the record. Senator **Hakes**.

Hakes: Isn't the kind of standard language we're searching for here for you to say

Peters: I'm sorry. Can you speak up a little bit?

Hakes: The standard language for the kind of situation we're dealing with here is "including but not limited to," so in other words we're trying to list things and move things from what's "reasonable" to category 3. That's similar to a University-sanctioned event. But we're afraid if we start listing that the act of listing leaves out something. And as soon as we specifically list, then we run the danger of having purposefully excluded something else which gives the professor the edge to say, "Well, you didn't include it, so I don't have to." So, I mean—but that kind of stuff comes up a lot. So it does seem to me that reasonable language always states when you're trying to list something but not be exclusive you say, "including the following," we list military, jury duty, and so on "but not limited to those." In other words, you're not going to—you're never going to be able to list them so precisely that anything not on the list is not

Swan: Like #5 [see Addendum 1].

Hakes: Yeah, so you--#5 still takes

Swan: Where it says, "not limited to."

Hakes: Yeah. Yeah, it does. And do the same thing up there at 3, if we move more items up there but specifically want to state a handful.

Peters: Senator **Swan**, I think I saw your hand a moment ago.

Swan: Well, yeah. And so the point of #3, though, is to list. The point of #5 is to say, "These are some other things, but we're not limiting it to these," right? Also in #3, a University-sanctioned event doesn't—I mean, I don't even think it should be a University event. The University sanctions that event. So, jury duty is a sanctioned event, so I don't know. We're saying we have some problem with the terminology. It's certainly not a University event, sponsored event, but it can be a sanctioned event. And if we put it in #3, it would be a sanctioned event. So I think that the language is still working there. And the distinction here that is brought before—and this is the other thing I wanted to say earlier—is that we want—I mean, some

people want to change the policy to compel certain specific actions, right? And that's what I heard of substance in Senator **Edginton**'s comments about other events where he reports the chance to make up or even stay in a class was not honored, and that is under—he's already under #3, what he's talking about, right? So we move more under #3. He was pointing out to us that it's not—no specific compelled action does automatically go through, whereas the people who are proposing to make military and veteran service necessarily compel a specific action wouldn't be covered under #3, so it would incur transforming that, even as Senator **Edginton** was pointing out, there are others, University-sponsored events that are supposed to be accommodated, and so he and other people want those looked at and considered again. Yes. She wants to respond to that.

Peters: Sorry. Yeah, Professor **Rhineberger-Dunn**.

Rhineberger-Dunn: I appreciate all the comments, and the Committee certainly has some things to consider. One of our—I can already tell you, one of our issues is going to be “what is a University-sponsored event?”, right? So, if the University sponsors a political rally on campus that—who was just here? Paul **Ryan**? Is that something that, if students missed, that they have to be allowed to make up? If a student, the way that Associate Provost **Licari** defines the “sponsored activities and events,” is that if it's a student—or if it's a University group, the Association of Criminology Students takes students to—you know, they have a field trip set to go to Eldora, does that mean I have to give a make-up, if they chose to go on that? So I think the issue is going to be in some ways limiting but not too limiting what actually—what is a University-sponsored event? True. And defining it is going to be extremely problematic, even listing it, because what actually should be listed and what could be considered optional?

Swan: Can I ask her something?

Peters: Please, go ahead, Senator **Swan**.

Swan: So, how—and I think Senator **Kirmani** began with this, how is that decided now? Because the Criminology Club's events are not, in fact, understood to be covered and typically aren't covered. But athletics is, right? I mean, so there must be a way that University-sponsored events is, in fact, handled and—so how is that handled, do you know?

Rhineberger-Dunn: I don't know, and that's—the issue is that some—you know, the way that we're talking, and if the language gets changed to a certain point, it's going to leave actually more ambiguity of what should be covered, what should be—automatically receive some kind of a make-up or equivalent, or what should count as an unjustly punished. And, I mean, I really don't think it's the job of the EPC to put that list together of what's a University-sponsored event.

Swan: Or even sanctioned event, you want to say.

Rhineberger-Dunn: Sanctioned event.

Swan: Yeah. Ok.

Peters: I have several people in line. We're down to our last 5 minutes. Senator **Terlip**.

Terlip: I briefly talked about University-sanctioned events, which was what I was going to ask, but I had another question. Since this issue has been somewhat of a concern, what's a relevant timeframe for you guys to come up with a policy? I hate to just send it out there, like, "come back to us." Is there a deadline that we could set that would be reasonable for you?

Rhineberger-Dunn: That depends on what else you'd like us to get through [laughter around]. Right now on our plate we are supposed to draft a completely new policy on Administrative Grade Change. We have the two Foreign Travel Policies to consider. We are turning around the Electronic Devices Policy right now, and the

Peters: Dead Days.

Rhineberger-Dunn: Dead Days Policy. And so not until Spring. We accomplished, I mean

Terlip: Unless we ask you to move on it quicker.

Rhineberger-Dunn: Well, we are—already have a meeting scheduled for Monday. [several voices] Yeah, I know. We already have one meeting—we’ve been meeting almost weekly.

Peters: I had Senator **Gallagher** in the queue.

Gallagher: I think in the Board of Regents wording when someone’s participation is obligatory (?) that kind of (?) language might be useful. They have a central role. There’s a requirement that may help.

Peters: President **Bancroft-Smithe**.

Bancroft-Smithe: I think we need to keep certain things separate here. We can’t keep lumping in things that are required by law versus things that are, you know, activities on campus. I feel like it trivializes the situation to equate a Paul **Ryan** rally with military service or jury duty.

Rhineberger-Dunn: Well, let’s be clear. I wasn’t doing that. It was the issue of University-sponsored events generally.

Peters: Ok, I’ve got Senator **MacLin**.

MacLin: Move on to Joe [**Gorton**]. I’ve forgot my question. [laughter all around]

Peters: She yields the floor. Professor **Gorton**.

Gorton: I wanted to follow-up on Jordan's comment. I think we're in simpatico on this so that you—the Education Policies Committee [*sic*] would have the task of determining what is a University-sanctioned event? Thank God I'm not on that Committee. [laughter around] However, I would say in the meantime you can certainly regard military- and veteran-related absences as a University-sanctioned event and then take care of these other issues later. And I would say on behalf of the military, active duty military and veteran students who are here, that's something I'm sure they would really appreciate it. So you can bifurcate those issues, ok? You can deal with one and then deal with the other. You don't have to, you know, satisfy "what's a University-sanctioned event?" and then come back and say, "well, should we put this category in?" I think it's important to put—I think the veterans believe it's important to put that category in there now. Thank you.

Peters: Thank you. And Chair **Funderburk**. And I think that will probably do it for us.

Funderburk: I just had one thing that I think we ought to say publically, and partly in response to what President **Bancroft-Smithe** has been saying, is that in some cases you simply can't make up missed stuff. There is no equivalent for the experience you had during that time. Sometimes you can make up something as—make work to substitute, but sometimes it is—actually involves a social interaction in a classroom, that if you're not there, you don't get the same thing. And I think we all need to be as sensitive. Sometimes it's just simply not an option for making it up. You can not penalize somebody's grade, but you can't always give them the experience they missed.

MacLin: One final thing?

Peters: Sure, very quickly. Senator **MacLin**.

MacLin: And because we're here as a policy discussion and working with a Committee that is—their job is to do this, we may also forget from the

outside view, it may look like faculty need an exhaustive list of rules to, like, act right. And I think that going back with what Melissa [**Heston**] said earlier that I think the vast majority of faculty when approached with lots of very reasonable reasons to miss class, will be accommodating and be able to work with the student. We're talking about specific instances that for some reason or somehow go awry. But I just don't want to communicate out there to the world that I'd better have everything on there or else I'm going to be a curmudgeon and say, "You can't do this," and "You must do that." I don't think that's our intent, but we're operating in a different way here, talking about policy, that can be misunderstood in the outside world.

Peters: I think that is a very valid point and a good point to end on. I want to thank all of you for making time for this special meeting. I want to especially thank our student leaders who are here. I want to thank President **Bancroft-Smithe** for all his work on this individual grievance. He spent many, many hours on this. And also thank Professor **Rhineberger-Dunn** and all the members of the EPC for devoting extra time to it over the past week as well.

ADJOURNMENT (4:45 p.m.)

Peters: And can I have a motion to adjourn? Moved by everybody. Seconded by everybody. All in favor, please say, "Aye." [ayes heard all around] And we'll see you next week to talk about Athletics.

Submitted by,

Sherry Nuss
Transcriptionist
UNI Faculty Senate

Next meeting:

Date: 11/12/12, University Room, Maucker Union, 3:30 p.m.

**Follows are 2 addenda to these Minutes.

Addendum 1 of 2

EDUCATIONAL POLICIES COMMISSION POLICY 3.06

ON CLASS ATTENDANCE AND MAKE-UP WORK

3.06 Class Attendance and Make-Up Work

Purpose:

It is the expressed focus of the University of Northern Iowa to further the educational development of each of its students. On occasion events will necessitate a student's absence from class. This policy delineates the responsibilities of faculty members and students relating to class attendance and make-up work.

Definition:

The term "faculty member(s)" when used in this policy includes all regular, full-time faculty and all part-time course instructors, regardless of any other University employee classification which applies to the individual who teaches on a part-time basis.

Policy:

A. General Provisions

Faculty members who choose to have policies related to attendance and make-up work must distribute those policies on the first day of class. While it is strongly recommended that all faculty members have written policies regarding attendance and make-up work, these policies are not required. However, when such policies are not provided in writing at the start of the class, it is understood that there will be no grade-related penalties due to absences, missed exams, missed assignments or other activities or assignments which would otherwise have an impact on a student's grade, regardless of the cause of those events.

Students must adhere to each faculty member's policies regarding attendance and make-up work.

Faculty members who require attendance at activities or events that may conflict with a student's otherwise regularly scheduled classes are expected to be reasonable in setting these requirements. If a faculty member will require student attendance at an activity or event outside of the regularly scheduled class period, the affected students must be provided written notice at least 10 University class days in advance of the event during the fall or spring semester and by the third day of the course for any summer term class. The faculty member must provide each student with a notice that can be given to the faculty member who instructs another course affected by the required attendance of the student. It is then the student's obligation to notify the other faculty member. In the case of extracurricular activities, a semester-long schedule should be prepared and distributed

to the participating students at the beginning of the semester. It is the student's obligation to provide the schedule to his/her other faculty members.

B. Absences

Occasionally, students will have reasonable cause to miss class. In order for both faculty members and students to plan effectively for these absences, the following procedures have been developed. Faculty members are encouraged to take into account the reason for an absence and make appropriate accommodations.

1. Faculty members have the discretion to determine the reasonableness of an absence.
2. When an absence is deemed "reasonable", the faculty member must provide the student an opportunity to make up missed work, or have in place a make-up policy that does not unjustly penalize a student for the absence.
3. All absences due to participation in educationally appropriate, university sponsored activities or sanctioned events must be considered reasonable, and a student must therefore not be unjustly penalized for these absences.
4. Students participating in educationally appropriate, university sponsored activities or sanctioned events must inform each faculty member of their known and anticipated absences as far in advance as possible.
5. Other types of absences due to extenuating circumstances, either predetermined or unexpected, may also be deemed "reasonable" by the faculty member. Such absences include, though are not limited to, the following: non-university sanctioned educationally appropriate events and activities (e.g., attendance at a professional conference); illness; significant personal emergency; bereavement; jury duty; military service; mandatory religious observances, etc.
6. If a faculty member assigns a mandatory activity or event that encompasses time outside of class or requires students to miss another class, that faculty member assigning the mandatory activity or event must either provide the student an opportunity to make up the missed activity or event, or have in place a make-up policy that does not unjustly penalize a student for the missed activity or event.

Make-up Work Grievances Arising from Absences

Should a faculty member refuse to allow a student to make up missed work, and should this refusal constitute an unjust penalty upon the student, the faculty member's decision can be appealed by the student using the grievance process outlined in Section G of 12.01 Student Academic Grievance Policy.

Faculty Senate, approved April 16, 2012

President's Cabinet, approved July 30, 2012

EDUCATIONAL POLICIES COMMISSION POLICY 12.01
STUDENT ACADEMIC GRIEVANCE

12.01 Student Academic Grievance

Purpose

Provide a process for the redress of academic grievances for graduate and undergraduate students within the framework of academic freedom, the integrity of the course, and the prerogative of the faculty to assign grades.

Policy and Procedures

1. General Considerations

The procedures described in this policy shall be the sole and exclusive means for the redress of a student's academic grievance.

Recognizing that grade determinations are an integral part of a faculty member's academic freedom, administrative officers cannot substitute their judgment for that of the faculty concerning the assignment of a grade except as a result of the grievance process outlined in this policy or as defined by circumstances requiring an administrative grade change as documented in University policy regarding administrative grade changes.

Grievances regarding make-up work for absences should refer to Section 7 of this document. See below.

Grievances involving alleged acts of discrimination or harassment of students based on age, color, creed, disability, gender identity, national origin, race, religion, sex, sexual orientation, veteran status, or any other basis protected by federal and/or Iowa law, should be reported to the Office of Compliance and Equity Management/Title IX Officer no later than the time at which the student files a formal grievance under Section C below.

If the Office of Compliance and Equity Management (OCEM) receives a student complaint of discrimination that also involves an academic grievance, the academic matter will be referred to the Office of the Executive Vice President and Provost and handled through this student academic grievance process. The OCEM will be notified of the findings of the Student Academic Appeals Board regarding the academic matter.

If a faculty member or administrator fails to respond by any applicable deadline specified in this

procedure, the student may move the grievance to the next step in the process. If a student fails to respond by any applicable deadline specified in this procedure, the grievance shall be closed and documentation stating such shall be prepared by the relevant academic administrator, sent to the department and kept in the student's departmental file for ten years.

At any time during the informal or formal grievance process either party may elect to be accompanied to meetings or hearings by an advisor. At the student's request, the Dean of Students Office or Northern Iowa Student Government (NISG) may designate a representative to accompany and assist the student. At the faculty member's request, United Faculty may designate a representative to accompany and assist the faculty.

Throughout this document, "class days" refers to university class days during the regular fall and spring semesters.

2. Informal Procedures

A student who feels academically aggrieved because of something that a faculty member has or has not done shall make every reasonable effort to resolve the grievance informally with the faculty member of record.

1. The student must inform the faculty member of his/her grievance in writing, via electronic communication, within ten class days of the first day of the semester following the semester or summer session in which the alleged offense occurred.
2. The faculty member must respond within ten class days from the date notification of the grievance is sent by the student unless both the student and the faculty member agree in writing to continue the informal process.

If the student is an undergraduate, then the faculty member's department head may act as a mediator to help the faculty member and student come to an informal resolution of the issue.

If the student is a graduate student, the Associate Dean of the Graduate College or the faculty member's department head may assume the mediator role as appropriate.

3. If the student remains dissatisfied with the resolution of the grievance proposed by the faculty member or with the solution offered through the mediated process described above, the student may initiate the first stage of a formal appeal, using the procedures described under Section C below.

3. Formal Procedures

A student who is dissatisfied with the resolution of her/his grievance using the informal procedures specified in Section B above may initiate a formal process by completing the Appeal Form available in the following locations:

- the Office of the Executive Vice President and Provost, Seerley Hall Room 1 *or online at* <http://access.uni.edu/forms/provost/grievfrm.pdf>
- the Office of the Graduate College (*Lang 110*) *or online at* <http://www.grad.uni.edu/sites/default/files/grievance.pdf>
- departmental offices

The Appeal Form requires the student to state the specific nature of the grievance and to describe, in detail and through specific examples, how the faculty member's policy or conduct has affected the student's academic outcomes. Only evidence pertinent to the grievance will be considered.

If the student at any point in the grievance process wishes to withdraw his/her grievance, he/she must notify all parties involved of his/her intent to do so. A copy of this notification shall be kept in the student's departmental file for ten years.

If there is a dispute about the timeliness of sending the Appeal Form, the person responsible for

sending the Appeal Form at that step has the burden of proving that the Form was sent within the time limit specified.

Throughout this policy, whenever the use of e-mail or electronic transmission of a document is specified it indicates that the official, assigned UNI e-mail address for the student, faculty member or relevant administrator must be used for these communications.

Pre-Hearing Stages of Formal Procedure

1. The first stage of the formal appeal must be initiated within five class days following the completion of the informal appeal process. The formal process is initiated by the student sending the Appeal Form electronically to the faculty member who is involved in the grievance at the faculty member's UNI e-mail address.
2. The faculty member has ten class days from the initiation of the formal process to complete the response section of the Appeal Form and send it to the student electronically at the student's assigned, official UNI e-mail address. In the response the faculty member must either propose a means

of redressing the grievance or give reasons why s/he believes the grievance is without merit or cannot be redressed.

3. If the student is satisfied, s/he need take no further action. If no further action is taken within ten class days of the faculty member sending the completed Appeal Form, the student will be deemed to have agreed with the faculty member's response. If the faculty member's response proposes redress requiring an action by the faculty member or student then the responsible party has ten class days from the date the Appeal form is sent by the faculty member to the student to take such action. If the faculty member fails to complete an action proposed in the agreed upon redress within ten class days then the student may resume the appeal process by sending the Appeal Form to the faculty member's department head with an explanation for reviving the appeal. If the student fails to complete an action necessary to achieve the agreed upon redress within ten class days of the sending of the Appeal Form by the faculty member the grievance will be considered closed.
4. If the student is dissatisfied with the faculty member's response on the Appeal Form, the student must indicate her/his continuing disagreement on the Appeal Form and send it to the faculty member's department head electronically within ten class days of the date the Form is sent by the faculty member to the student.
5. Within ten class days (the consultation period) of the Appeal Form being sent by the student to the department head, the department head must consult with the student and the faculty member separately to discuss the basis for the grievance. Based on the Appeal Form and the consultations, the department head has two alternative courses of action.
 1. If the department head concludes the grievance is unfounded or without merit, s/he must complete the department head's section of the Appeal Form, indicating the reasons for his/her judgment. The Appeal Form must be sent to the student electronically with a copy to the faculty member, within five class days of the expiration of the consultation period. If the student is satisfied, s/he need take no further action. If no further action is taken within ten class days of the department head sending the completed Appeal Form, the student will be deemed to have agreed with the department head's response.
 2. If the department head concludes there are reasonable grounds for the student's complaint, the department head may meet with the faculty member and student separately or together to facilitate resolution of the grievance to which all parties must agree. Such

facilitation must conclude within ten class days (the facilitation period) of the end of the consultation period, unless both the faculty member and student agree in writing to extend the time for facilitation. In no case may the facilitation period exceed fifteen class days. If a resolution is reached with which both parties agree, a written statement of resolution will be appended to the Appeal Form, which will be kept in the student's departmental file for ten years.

Alternatively, if the department head is unable to resolve the grievance by mutual agreement between the faculty member and the student within the specified facilitation period, the department head must complete the appropriate section of the Appeal Form indicating that no mutual resolution was possible and making any recommendations s/he has for resolution of the grievance. The department head must send the Form electronically to the student grievant, the faculty member and the appropriate dean within five class days of completion of the facilitation period.

3. For undergraduates, the appropriate dean is the faculty member's dean. For graduate students, the appropriate dean is the Dean of the Graduate College.
6. Within ten class days (the consultation period) of the Appeal Form being sent by the department head to the dean, the dean must consult with the student and the faculty member separately to discuss the basis for the grievance. Based on the Appeal Form and the meeting with the student, the dean has two alternative courses of action.
 1. If the dean concludes the grievance is unfounded or without merit, s/he must complete the dean's section of the Appeal Form, indicating the reasons for his/her judgment. The Appeal Form must be sent electronically to the student, to the faculty member and the faculty member's department head within five class days of completion of the consultation. If the student is satisfied, s/he need take no further action. If no further action is taken within ten class days of the dean sending the completed Appeal Form, the student will be deemed to have agreed with the dean's response.
 2. If the dean concludes there are reasonable grounds for the student's complaint, the dean may either meet with the faculty member and student separately or together to facilitate resolution of the grievance to which all parties must agree. Such facilitation must conclude within ten class days (the facilitation period) of the end of the consultation period, unless both the faculty member and

student agree in writing to extend the time for facilitation. In no case may the facilitation period exceed fifteen class days. If a resolution is reached with which both parties agree, a written statement of resolution will be appended to the Appeal Form, which will be kept in the student's departmental file for ten years.

3. Alternatively, if the dean is unable to resolve the grievance issue by mutual agreement between the faculty member and the student within the period of time specified in paragraph b. above, the dean must complete the appropriate section of the Appeal Form indicating that no mutual resolution was possible and making any recommendations s/he has for resolution of the grievance. The dean must send the Form electronically to the student grievant, the faculty member, the faculty member's department head, and the Executive Vice President and Provost within five class days of completion of the facilitation period.
7. Upon receipt of the Appeal Form, the Office of the Executive Vice President and Provost will send a copy of the Form to the pool of potential Appeals Board members and will initiate the Academic Appeals Board process within ten class days of receipt of the Form.

4. Student Academic Appeals Board

1. Membership of the Board

The Committee on Committees will hold elections each year to create a pool of ten faculty who can serve as appeal board members in the event a student files a grievance appeal with the Office of the Executive Vice President and Provost. The pool shall consist of two faculty representatives who have been duly elected by and from the graduate instructional faculty of each undergraduate college and two representatives who have been elected at large. Faculty members are initially elected for a three-year term and may be elected for additional three-year terms. The faculty members shall be tenured at the rank of assistant professor or higher. The Chair of the Board shall be elected annually from among the pool of ten elected faculty members.

All student members shall be appointed by the Northern Iowa Student Government (NISG) Senate. Student members are appointed for one-year terms; students may be reappointed for additional one year terms. The President of the NISG will notify the Office of the Executive Vice President and Provost of the names and contact information of the students who have been appointed at the start of each academic year.

The Student Academic Appeals Board has final student/faculty authority for adjudicating student academic appeals, except as provided in Part E of this policy.

A student academic appeal will be heard by a panel consisting of five faculty members drawn from the pool and four students who are of the same status, undergraduate or graduate, as the student who is making the appeal to the Board.

When notified of an appeal by the Provost's office, the Chair will randomly select four faculty members from the pool to constitute the panel and will notify the designated administrative assistant for the Board in the provost's office, who will contact the selected panel members. The president or vice president of NISG will also notify the designated administrative assistant with the names of the designated student representatives for the panel.

If a faculty member or student who has been selected for the panel has a conflict of interest, s/he shall recuse him/herself from the Board and not be involved in deliberations involving the Appeal. A conflict of interest for faculty members in the pool is created when the grievance is against a faculty member in the same department, one with whom the faculty member collaborates on scholarly work, or to whom the faculty member is related by blood, marriage or other personal relationship or if the grievant is an advisee, current student of the panel member or is related by blood, marriage or other personal relationship. A conflict of interest for a student panel member is created when s/he has a familial, romantic or friend relationship with the grievant or is in a course with the faculty member, is advised by the faculty member or is related by blood, marriage or other personal relationship to the faculty member.

If a member of the faculty or student pool is unable to fulfill her/his duties or if the faculty or student member has been derelict in his/her duties such as by nonattendance at hearings which have been confirmed, then, as applicable, either – (1) the faculty member may be permanently removed from the pool by a majority vote of the faculty members, including the Chair of the Board, or (2) the student member may be permanently removed from the pool by a majority vote of the student members and the Chair of the Board. If a faculty or student member is permanently removed, the body responsible for electing or appointing that person will be notified by the Chair of the Board of the need for a replacement.

2. Student Appeal Board Procedures

The Executive Vice President and Provost or his/her designee places a case on the Board docket, arranges the time and place for the hearing, and provides the materials for Board review prior to the hearing. Notice of the hearing and rules governing the Board are made available in advance to both parties. The hearing will be held within twenty class days after the appeal has been filed with the Office. The Board Chair in consultation with the Provost or designee has discretionary power to delay the hearing due to mitigating circumstances.

Hearings are closed to the public. Only those individuals with a specific role in the hearing, as described in these procedures, may be present at the hearing. In addition to the parties to the grievance, their witnesses and advisors, and the members of the appeal board, a staff member from the Executive Vice President and Provost's office will be present at the hearing to make an audio recording of the proceedings and the Associate Provost for Academic Affairs or designee will be present to answer procedural questions. In the event that a student or faculty member brings an attorney as an advisor, then the University Counsel will also be present at the hearing.

The audio recording is a confidential record and will not be disclosed except as required by law. After resolution of the appeal, the recording will be maintained in the Office of the Executive Vice President and Provost for a period of seven years.

If the faculty member and/or the student prepares a written statement for presentation at the hearing, the other party to the grievance will be provided with a copy of the written statement at least two class days prior to the hearing.

Both parties to the appeal have the right to present additional evidence to the Board, subject only to the Board's judgment that such evidence is relevant to the case. Additional evidence may include testimony by members of the university community (students, faculty, staff). In making judgments on the relevance of such evidence including testimony, the Board will, consistent with the gravity of such proceedings, admit such evidence unless it is clearly not relevant to determining the outcome of the appeal. Generally, parties are limited to fifteen minutes for presentation of their case.

The student may be accompanied to the appeals hearing by an advisor, who may be an attorney. If a student will be advised by an attorney, written notice must be provided to the Executive Vice President and

Provost or his/her designee at least two class days before the hearing. The Chair of the Board will be notified by the Executive Vice President and Provost or designee. The advisor cannot address the review panel, examine witnesses, ask questions of any participants or otherwise interrupt or interfere with the conduct of the hearing. A student may ask for one recess, not to exceed ten minutes in length, to consult with her/his advisor outside the hearing room. It is the student's responsibility to make the advisor aware of her/his role in the appeal process. The Chair of the Board may exclude the advisor from the hearing if s/he does not comply with these rules.

The faculty member may also be accompanied to the hearing by an advisor, such as a representative from United Faculty or by a private attorney. The advisor cannot address the review panel, examine witnesses, ask questions of any participants or otherwise interrupt or interfere with the conduct of the hearing. A faculty member may ask for one recess, not to exceed ten minutes in length, to consult with her/his advisor outside the hearing room. It is the faculty member's responsibility to make the advisor aware of her/his role in the appeal process. The Chair of the Board may exclude the advisor from the hearing if s/he does not comply with these rules.

Both parties to the appeal have the right to ask questions of the other during the hearing. Questions must be relevant to the issues of the appeal.

The members of the Board may question both parties to the appeal. Questions must be relevant to the issues of the appeal.

Whenever the Appeals Board feels the need for expert advice within a particular area of scholarship, the Board shall have the authority and the University shall provide the necessary means, to seek the advice from experts whether associated with the University or not.

Upon request from the Board, the faculty member shall make available any records which are pertinent to the appeal. The confidentiality of these records will be safeguarded. Failure to provide the records without sufficient cause may result in a finding in favor of the student at the discretion of the Appeals Board.

The student bears the burden of persuasion. Board members will be persuaded by clear and convincing evidence that the faculty member has acted arbitrarily or unfairly. "Clear and convincing" evidence means that Board members must believe that the facts alleged are highly probably or reasonably certain.

Appeals are decided by a majority vote of a quorum of the Board. A quorum consists of six members, excluding the Chair, at least three of whom must be faculty.

The Board's ruling and the reasons for the decision are reported in writing to both parties, to the faculty member's department head and dean (and Dean of the Graduate College as appropriate), and to the Executive Vice President and Provost.

If the Appeals Board makes a decision that a grade must be changed, the Registrar receives a copy of the decision authorizing a change in the grade on the student's official records. If the grade change decision by the Appeals Board affects a decision by the Committee on Admission, Readmission and Retention (CARR) regarding suspension of a student from the University, the CARR should also receive a copy of the decision so that it can reevaluate the suspension decision.

5. Appeal Based on Violations of Student Academic Appeals Board Procedures

Within fifteen class days of being notified of the Board's decision, either party may appeal the decision of the Board on the grounds that stated procedures were not followed. An appeal is initiated by filing a written statement with the Office of the President of the university which clearly outlines the claimed violations of procedure and indicates how the procedural violation prejudiced the decision of the Board. The President or her/his designee will examine the transcript of the Board proceedings created from the recording and all exhibits entered as evidence to make a decision. A decision must be made and communicated within ten working days of the receipt of the appeal. The President or designee may either remand the case back to the Board with direction to reconsider the case in the light of the specified procedural problems or uphold the Board's decision as procedurally sound. The substance of the Academic Appeals Board's decision cannot be appealed.

6. Extension of Time Limits

It may be necessary, in the interest of justice, to extend a specified time limit when the parties involved in a grievance cannot be reached in a timely fashion by telephone, mail, email or other form of communication, or when the principal(s) may be absent from the campus or temporarily indisposed due to illness, accident, injury or other extenuating circumstances. Time limits may be extended in these circumstances by the Executive Vice President and Provost or his/her designee, as appropriate.

7. Special Procedures for Make-Up Work Grievances Arising from Absences

Should an instructor refuse to allow a student to make up missed work, the instructor's decision can be appealed by the student using the grievance process

outlined below. This process reflects the constraints that both instructors and students face in dealing with the timely make up of missed work:

1. The student must contact the instructor, the instructor's department head, the instructor's dean, and a Northern Iowa Student Government (NISG) Executive Officer in writing electronically requesting a review of the instructor's decision within three (3) class days of the denial of make-up work.

The NISG Executive Officer will organize a meeting between the student, the instructor, the instructor's department head, and a minimum of two (2) tenured faculty members drawn from the pool of faculty elected to serve on the Academic Appeals Board and one student who has been appointed to the Academic Appeals Board within two (2) class days of receipt of the letter. The meeting shall take place within five class days of the receipt of the appeal letter. At the meeting the NISG Executive Officer will attempt to facilitate an informal resolution of the situation.

2. If no informal resolution is reached at the meeting, the three person committee (two faculty members and the student representative) shall designate a chair of the committee, and review the cause of the absence and the instructor's reasons for denial and stated policies regarding attendance and make up work. This committee will render a final decision on whether the student will be allowed to make up missed work within two class days of the meeting. This decision is final and binding upon the instructor and the student. Any make-up work or exam must be equivalent in academic demand to the original assignment or exam, although it may differ in form.
3. The specific findings of the committee will be strictly confidential, and reported only to the student, instructor, department head, and instructor's dean to ensure that the committee's decision is acted upon in cases where a student's appeal is granted.

Failure of a faculty member to comply with the committee's decision to allow make-up work will provide the student with grounds for an academic grievance in accordance with the terms of this policy.

Faculty Senate, approved April 16, 2012
President's Cabinet, approved August 6, 2012