

MINUTES

Commission on Faculty Affairs

September 10, 1993
1:15-3:00PM
400D Burruss Hall

Members Present: Larry Shumsky, Don Creamer, Felix Pierce, Jim Buffer,
Marilyn Norstedt, Robert Sumichrast, Golde Holtzman,
Fred Carlisle, Sam Riley, and Bill Williams

Others Present: David de Wolf, Pat Hyer

1. Meetings times were set for 2:15-4:00PM on the following dates:
September 24, October 8 & 22, November 5, December 3,
January 7 & 21, February 4 & 18, and April 1, 15, & 29.
2. Retirement Transition Program Update (presented by Hyer).
Information was presented about the number of participants
by college or administrative area. It also was announced
that the program has been extended indefinitely by action of the
Board of Visitors at its April 1993 meeting.
3. Student/Faculty Relationships (presented by Shumsky). It was
announced that President McComas wants a statement prepared.
The focus of the statement is on sexual harassment.
The matter has been referred to the EO/AA Committee.
4. Election (or Assignment) of CFA Members to the EO/AA Committee
(presented by Shumsky). No action taken.
5. Family and Medical Leave (presented by Hyer). Updated
language of the policy to conform with federal law was
distributed as approved by the Board of Visitors at its
August 1993 meeting. Discussion centered on work load
assignments given by administrators--especially department
heads--and concluded that such assignments are management
issues not faculty governance issues. If handled poorly,
however, such management decisions are grieveable.
6. Liability Insurance for Faculty (presented by Shumsky).
The discussion centered on whether faculty are indemnified
by the University's current insurance policies. Carlisle assured
the Commission that faculty are indemnified; still, he agreed
to ask Jerry Cain, the University counsel, to prepare explicit
language to make the issue clear.
7. Student Attendance Policy (presented by Shumsky). Discussion
centered on whether current policy on student attendance
in class is sufficient. Discussion was far-ranging. The current
policy was read. Though several on the Commission voiced support
of the current policy, others suggested that it be reconsidered
in light of perceptions about it. Shumsky announced that CUS and
CSA will be contacted to coordinate any reconsideration of policy.
8. Extraordinary Faculty Appointments [Eminent Scholars]
(presented by Carlisle). Concern has been expressed about
the explicit role of faculty on extraordinary appointment such as
UDP, ADP, Endowed Chairs, or Emeritus. Discussion reflected
a possible need to clarify these roles; however, discussion also
revealed that the Commission was not sure of the questions to
be answered or the problem to be solved. Shumsky agreed to
convene a group of appropriate personnel to clarify the

questions that need addressing.

9. Tenure and Promotion Procedure (presented by Shumsky). The discussion was prompted by complaints received from some faculty that selected individuals have been promoted by procedures not stated in the Faculty Handbook. Carlisle defended the most recent example of the promotion of Charles Steger by arguing that the decision was authorized by the Handbook. Concern seemed to focus on whether Carlisle had at some point in the process concerning Steger stated that the Handbook served as only one source of authority for taking such action. Carlisle denied making such a remark. Shumsky will take the next step by convening a "working group" to further discuss the CFA's role in this matter.
10. Meeting was adjourned at 3PM.

Don G. Creamer

Minutes
Commission on Faculty Affairs
October 8, 1993
400-D Burruss Hall

Present: M. Norstedt, J. Buffer, L. Shumsky, D. Creamer, G. Holtzman, K. Horstman, B. Aliff, P. Hyer.

The meeting was called to order at 2:20pm by L. Shumsky.

Announcements: Shumsky reported that he recently held a meeting with J. Wolfe, Vice Provost for Academic Affairs, P. Hyer, Assistant Provost for Administration, and W. Snizek about roles for UDPs. Buffer reported that he recently met with the Council of Deans about the same issue and that discussion included the possibility of time limitations of appointments to UDP status. Buffer will provide the Commission with his notes from the meeting. Shumsky reported also on a recent meeting with J. Wolfe, P. Hyer, and R. Sorenson, Dean of the College of Business, about extraordinary promotions. No resolutions were reached, but discussion is continuing. Hyer reported that she is working on several suggestions for language changes to the Faculty Handbook and that these items will be on the CFA agenda for its October 22 meeting.

Minutes were approved for the September 24 meeting. Holtzman suggested that titles of administrators be included in minutes in the future.

The agenda was adopted.

Old Business:

(a) Commission on Faculty Affairs Resolution 93-94A was presented by Shumsky pertaining to proposed language changes to section 1.4.12.3 of the Faculty Handbook which details the structure and work of the Committee on Faculty Ethics. Discussion centered on specific language change proposed by Faculty Senate President DeWolf and approved by the Faculty Senate. Buffer moved and Hyer seconded that the additional phrase approved by the Senate, "... documenting its findings and reasoning" be expanded to include, "... documenting the process, its findings, and its reasoning." The motion passed.

(b) Commission on Faculty Affairs Resolution 93-94B was presented by Shumsky pertaining to section 3.6.1. of the Faculty Handbook which prescribes Syllabus and Performance Expectation and section 3.6.2 which prescribes Class Attendance. Discussion centered on whether attendance should be used in grading and on whether the University Health Services should be involved in providing excuses for students due to illness. After considerable discussion in which a variety of opinions were voiced about the appropriateness of the current policy, Creamer moved and Norstedt seconded a motion to make major changes in the policy leaving only intact four ideas: (a) that faculty and students are expected to attend class, (b) that when faculty are unable to attend class they should inform their department heads so that appropriate measures can be taken, (c) that when students are unable to attend class they should inform their instructors so that appropriate measures can be taken, and (d) that when students are faced with prolonged absence, they may ask their academic deans for assistance to inform their instructors. The motion was passed.

(c) Discussion about appointment of A/P faculty to academic rank was initiated by Creamer and Hyer and focused on the issue of procedures to be used by departments or divisions in initial appointments. The primary question was whether departments should employ their P&T committees at the initial appointment. Some confusion resulted from not having the recently approved policies forwarded to Commission members in advance, and further discussion was postponed until the next meeting.

New Business:

No new business was introduced.

The meeting was adjourned at 3:50pm.

Minutes
Commission on Faculty Affairs
November 5, 1993
400-D Burruss Hall

Present: L. Shumsky, M. Norstedt, F. Pierce, D. Creamer, E. Holford, J. Wolfe, K. Horstman, R. Sumichrest

1. The meeting was called to order at 2:15pm by L. Shumsky.

2. Announcements:

Shumsky informed the Commission that the resolution on faculty ethics passed by CFA has been placed on the agenda of the University Council. Shumsky also noted that he has received minutes from the University Library Committee, the EO/AA Committee, and the Communication Resources Committee should CFA members wish to review them. Norstedt asked whether a commission is permitted to collapse two committees reporting to it into one committee. Shumsky replied that it was permissible.

3. Minutes of the October 22 meeting of CFA were approved.

4. The agenda was modified to add a discussion of class attendance policy and then was adopted.

5. Old Business:

(a) Class attendance policy was discussed. Shumsky reported on conversations with Bud Brown, Chair of CUSP, and Jim McKenna, Chair of CSA about the resolution sent to them from CFA. A memo from Brown to Shumsky was shared with the Commission in which a variety of opinions were noted with some critical of the "vagueness" of the CFA resolution language. Shumsky also distributed a policy and procedures statement about class attendance of the University Registrar that is different from current policy in the Faculty Handbook. Shumsky asked Wolfe: Which takes priority? Wolfe was not certain, but presumed that the University Registrar policy was the official position of the University. Discussions among CFA members continued in which some of the following arguments were articulated: Students will attend class if the instruction is viewed as crucial to success in the class. Attendance should be rewarded. Attendance policy should be left to faculty to create and enforce. Attendance in class is about more than grades on tests. Current policy is inadequate and inappropriate and should be changed. Serious discussion of class attendance should be held by all faculty and students. The discussions ended when Wolfe agreed to ascertain which policy is thought to be in effect and Shumsky agreed to discuss with CUSP Chair Brown whether a simple word change in current Faculty Handbook policy would be well received in CUSP.

(b) Faculty rank for A/P faculty was discussed. Commission members received from Hyer a resolution for changing some sections of the Faculty Handbook to achieve consistency across multiple sections and for specifying certain procedures for implementing the new policy on faculty rank and title. Creamer moved acceptance of the revised CFA Resolution 93B. Pierce seconded. Discussion first centered on the use of language of adjunct status for Library, Extension, and Public Service faculty if invited to serve by an academic department. The discussion soon moved to a larger point by Norstedt that A/P faculty should be "appointed" to an academic faculty when rank is under consideration. The discussion ended when Shumsky appointed Holford, Norstedt, and Creamer to serve on

a subcommittee to draft one of three alternatives for consideration by CFA at its next regular meeting. Alternative #1: Leave Hyer's resolution to stand for a vote as currently stated. Alternative #2: Prepare a modified resolution for a Commission vote. Alternative #3: Write two versions of a resolution that can be voted on by the Commission. No vote on the original motion was taken.

6. New Business: None

The meeting was adjourned at 4pm.

Respectfully submitted,

Don G. Creamer

Minutes
Commission on Faculty Affairs
November 19, 1993
400-D Burruss Hall

Present: L. Shumsky, W. Williams, S. Riley, M. Norstedt, G. Holtzman, P. Hyer, R. Sumichrest, F. Carlisle, D. Creamer, B. Aliff, J. Buffer, E. Holford, A. Swiger

1. The meeting was called to order at 2:15pm by L. Shumsky.
2. Announcement: None
3. Minutes of the November 5 meeting were approved.
4. Old Business:

(a) Class attendance policy was discussed. Shumsky reported that he and Steve Janosik, Associate Dean of Students, had attended a joint meeting of the Committees on Student Affairs and Academic Affairs of the Board of Visitors where policies on student class attendance were discussed. Shumsky reported to the Committees the current status of resolutions pertaining to student class attendance now moving through the University governance system. Janosik reported to the Committees on recent research completed on student class attendance. Shumsky reported to the Commission that several comments were made by Board members expressing a strong preference for a policy that requires students to attend class.

Shumsky also reported on a meeting with Bud Brown, Chair of CUSP, in which Brown expressed the desire of CUSP for a stronger policy than earlier approved by CFA. Shumsky then submitted to the Commission Resolution 93-94B on student class attendance in which several revisions to the earlier approved resolution were highlighted. Creamer moved and Riley seconded a motion to approve Resolution 93-94B and thereby replace the earlier approved resolution. Motion passed.

(b) Resolution 93-94C on faculty rank and promotion policies for Administrative and Professional Faculty was discussed. Creamer reported on a meeting between Holford, Norstedt, and Creamer held to resolve conflicts over the resolution that arose during the November 5 meeting of CFA. The recommendation of the ad hoc group was that the resolution be approved. Resolution 93-94C details changes to various sections of the Faculty Handbook necessary to resolve conflicts between those sections that focus on the same, generally procedural, issue. Considerable discussion followed reviewing several viewpoints on the policy that enables the awarding of academic rank to A/P Faculty under certain circumstances and the procedures intended to implement the policy. Creamer moved and Buffer seconded a motion to approve Resolution 93-94C. The motion passed. Norstedt abstained.

(c) Shumsky reported on efforts by Larry Moore to regularize relationships between Commissions, Committees, and Councils in the governance system. Committees do not have the power to act independently. They report to some Commission. Commissions have been asked to review their committee structures and recommend realignment where appropriate. Three committees report to CFA-- Commencement, EO/AA, and Honorifics. The Commission discussed each and recommended the following: (1) Request CUSP to consider taking responsibility for the Commencement Committee, (2) Reaffirm the charge and status of EO/AA Committee as it currently is aligned with CFA, and (3) Reaffirm the charge and status of the Honorifics

Committee as it currently is aligned with CFA. Shumsky asked whether the Commission had recommendations about other committees. Discussion centered on the Employee Benefits Committee. The Commission asked Shumsky to talk with the Chair of the Commission on Classified Staff Affairs about their views on appropriate alignment of this Committee. Shumsky asked Norstedt to make recommendations at the next meeting about appropriate alignment of the Library Committee.

5. New Business: None
6. The scheduled December 3 meeting of CFA was cancelled.
7. The meeting was adjourned at 4pm.

Minutes
Commission on Faculty Affairs
January 21, 1994
400-D Burruss Hall

Present: L. Shumsky, D. Creamer, J. Buffer, W. Williams, M. Norstedt, R. Sumichrast, G. Holtzman, P. Hyer, M. Lambur, K. Mulzet, A. Swiger

1. The meeting was called to order at 2:15pm by L. Shumsky.

2. Announcements:

(a) Shumsky read a letter from Ann Spencer requesting the appointment of a representative from CFA to a task force to consider compiling a comprehensive handbook for all employees of the University. Williams was asked to serve.

(b) Shumsky asked Hyer whether Provost Carlisle had inquired of Jerry Cain the extent to which faculty liability is covered by the University's insurance policies. Hyer replied that he had. Cain's written opinion follows: "All university employees, while acting within the course and scope of their employment, are covered by the commonwealth's insurance plan and will be defended by the Office of the Attorney General in actions brought against them. Questions concerning any specific situation should be addressed to the Office of the University Legal Counsel."

(c) Shumsky asked of the status of the new sexual harassment policy. Hyer reported that it currently is on the EO/AA Committee agenda.

3. Minutes of the November 19 meeting were approved.

4. Old Business:

(a) Shumsky announced that the CFA Resolution 93-94B on student attendance is on the University Council's February 7 agenda and that he has engaged in some discussion with faculty about their concerns for wording in the Resolution that implies that faculty state an attendance policy in their syllabus. The discussion that followed essentially rehashed previously stated arguments for and against the proposed policy change. No formal recommendations for change in the Resolution were made.

(b) Shumsky informed the Commission of two discussions he had with other commission chairs regarding CFA recommendations for changes in governance structure. First, he discussed with Bud Brown, the chair of CUSP, the recommendation that the Graduation Committee be dropped from CFA oversight responsibilities and assumed by CUSP. The recommendation will be discussed in CUSP. Second, he discussed with Charles Scott, chair of the Commission on Staff Affairs, CFA's recommendation that discussions by the Employee Benefits Committee involve CFA whenever appropriate.

5. New Business:

(a) Concerns about faculty consulting policy were discussed. Some persons within the University community apparently feel that abuses of faculty consulting privileges may worsen the faculty's public relations. Discussion was generally unfocused. It was mentioned that the availability of faculty for consulting is an important service to society, and that it affords faculty an opportunity to learn from "real world" experience and thereby enrich the educational

experience of their students, as well as their own research. Too little information was available to determine if abuses of current policy are real or imagined and, if real, how wide-spread they are among faculty.

(b) Concerns about faculty accessibility were discussed. Shumsky provided a copy of Section 2.2 Statement of Professional Ethics and Responsibilities to CFA members who read the statement then agreed to recommend one change. The recommendation was to change item # 4 so that the two sentences now within the same item would form two separate items in the policy and thus elevate the importance of faculty accessibility as follows:

- "4. Make a thorough and useful criticism of student work and return written work and examinations on a timely basis.
5. Faculty members should be available for consultation on a schedule that is accessible to most of their students."

(c) Shumsky asked whether the Commission was concerned about the wording of Section 3.10.1 of the Faculty Handbook which stipulates requirements for student evaluation of instruction. The discussion was unfocused, seemingly reflecting little interest in pursuing the matter.

6. The meeting was adjourned at 3:30pm.

Minutes
Commission on Faculty Affairs
February 4, 1994
400-D Burruss Hall

Present: L. Shumsky, D. Creamer, A. Swiger, S. Riley, W. Williams,
R. Sumichrast, F. Pierce, M. Lambur, D. Dewolf, P. Hyer,
G. Holtzman

1. The meeting was called to order at 2:15pm by L. Shumsky

2. Announcements:

Shumsky stated that he wanted to revise the published agenda so that item 6a, reduction in force policy in cases of programmatic reduction, be considered first. All agreed.

3. The minutes of January 21, 1994, were approved with one change. On recommendation of G. Holtzman, the following sentence is added to section 5a: "It was mentioned that the availability of faculty for consulting is an important service to society, and that it affords faculty an opportunity to learn from "real world" experience and thereby enrich the educational experience of their students, as well as their own research."

4. (a) Discussion of the proposed reduction in force policy was held. Hyer had distributed a copy of the proposed changes to all Commission members prior to the meeting. First, Shumsky made a formal statement in which he detailed events of his involvement in discussions with members of the Provost's staff wherein he first was convinced that the policy changes were appropriate and with various members of the faculty wherein he heard advice that the policy should not be changed. Shumsky's supportive views toward the policy changed when the announcement was made by the Provost that the College of Education was to restructure itself according to several criteria offered by the Provost. He stated his opposition to the proposed change on the grounds that it appears to be connected to the restructuring mandate and would in effect require that the College of Education be subjected to policies not in place at the time of the mandate. Shumsky concluded by suggesting that the Commission might have three options open to it: (a) do nothing, (b) request changes to the policy change proposal, or (c) separate the restructuring of the College of Education mandate from the proposed policy change so that the College of Education might be allowed to follow existing policy as its restructuring proposal is implemented.

Dewolf made a statement in which he detailed discussions held earlier in the day by the Senate Cabinet on this issue. He confirmed Shumsky's version of events leading up to the current time, then summarized the position taken by the Cabinet. First, he reported that the Cabinet believes that the drafting of the new policy may have violated due process, especially insofar as the College of Education is concerned. Second, he noted that at least the approach taken by the formulation of this policy change represents a serious departure of the more traditional approach of the University administration. Dewolf stated his belief that the College of Education should not be subjected to the new reduction in force process. He further stated that the Cabinet wants to take a very careful look at the new policy proposal, including possibility altering some of the language, and wants to meet personally with Provost Carlisle in an attempt to fully understand all actions taken regarding this matter and possibly to head off a firestorm of faculty resentment. Such a meeting is scheduled for

Tuesday, February 8. The Senate Cabinet is scheduled to meet again on Wednesday, February 9, to consider all evidence available at the time about its position on the matter and what recommendations it may make to the full Senate.

Creamer reported briefly on a conversation with L. Harris, Associate Dean of the College of Education, in which Harris offered his view that the changes to the policy were mainly "procedural" and that the College did not currently intend to object to the changes. He promised to continue to study the proposals in the event that they turn out to be disadvantageous to the College.

All members of the Commission joined in the discussion to explore all sides of the matter. Hyer directed her comments toward the end of assuring the Commission that the changes were proposed only to place the University Advisory Council on Strategic Budgeting and Planning in the review process to replace the ad hoc committee now included in the current policy. The Budget and Planning Committee is thought to be the most informed and experienced group at the University to make the review decision required in the process.

As the discussion continued, it included consideration of the decision-making process used by the Provost to announce the restructuring of the College of Education and included such questions as, "How was this decision made?" "Why was the College of Education targeted?" "Why 1.6 million dollars?" "Was this decision made in secret?"

As the discussion returned to the policy issue, Hyer suggested that perhaps the College of Education could be given a choice of which policy it prefers when its restructuring proposal is considered. This idea seemed to calm the concerns of some Commission members about the motive for making the changes to the policy now.

Shumsky continued to argue his position that if the RIF policy is changed, it should not be changed retroactively to apply in cases that are already being considered.

Shumsky finally summarized the discussion as follows: (a) the Commission seems to agree that the proposed changes to the RIF policy were offered in good faith, (b) the current policy does need to be revised, (c) new procedures should not be used in the restructuring process of the College of Education and/or that the College of Education should be given the choice of policy to be applied in their case.

(b) Shumsky announced that a lively discussion was held recently in the Advising Network in which he responded to many questions about the Commission's proposed changes to the student attendance policies. Most, he reported, seemed to favor the proposals.

5 The meeting was (mercifully) adjourned at 4:55pm.

Respectfully,

Don G. Creamer

Minutes
Commission on Faculty Affairs
March 18, 1994
400-D Burruss Hall

Present: L. Shumsky, D. Creamer, W. Williams, R. Sumichrast, P. Hyer, A. Swiger, M. Norstedt, F. Pierce

Guests: D. DeWolf, D. Martin, P. Shelton, J. Knight, W. Snizek

1. Shumsky called the meeting to order at 1pm.
2. Announcements:

Distribution of the revised Faculty Handbook was noted. Shumsky thanked Pat Hyer for her work on this project.
3. Minutes of February 18 were approved. Minutes of February 25 were approved.
4. The published agenda was adopted.
5. Old Business:
 - a. Resolution 93-94D submitted by the Academy of Teaching Excellence was discussed. The principal intent of the resolution was to make permissible an appeal to the University Promotion and Tenure Committee by an individual who had previously received an research, teaching, or service award but was not recommended for tenure and promotion to the rank of Associate Professor in a mandatory tenure year by departmental and/or college Promotion and Tenure Committees. Academy teaching awards include the Alumni Teaching Award, the Wine Award, and the Sporn Award. Concerns about the resolution centered on whether the resolution might undermine the existing promotion and tenure procedures. Support for the resolution centered on the symbolism of magnifying the importance of teaching in the University. Opinions were voiced that the Resolution might be more palatable if it focused solely on teaching. Others wondered whether there really is something about the current promotion and tenure processes that need to be fixed and, if so, that these flaws should be fixed rather than approving a process to flank the existing processes. Supporters argued that the current system may be unfair to award winners. In the end, the motion to adopt the Resolution was defeated with four members opposing and three favoring.
 - b. The Individual Transition Option Plan (ITO) was discussed. Hyer presented the plan and told of its evolution. She was joined by Doug Martin and Phil Shelton who assisted in responding to questions by Commission members. The key aspects of the plan were outlined in a memorandum to CFA from Pat Hyer dated March 10, 1994. Hyer emphasized that this plan is funded by the University and is intended as a tool of Phase II enforcement. It is, therefore, limited in choices and benefits. It is intended to encourage voluntary retirement in some specific instances--those shown as conditions A, B, or C under Participation Eligibility of the plan. Work to this point has centered on drafting a proposal that conforms to legal constraints of the Code

of Virginia, Sec 23-9.2:3.1.D. Hyer currently is seeking input from faculty and others before finalizing the plan which still must be submitted for approval to the Attorney General and to the Board of Visitors. Hyer emphasized that the plan is not intended to appeal to many people; rather, it is intended to help those either (a) who are very close to retirement and/or (b) who are casualties of a reduction in force from program discontinuation or restructuring. Discussion focused on the benefits of the plan, whether the plan may encourage the very best people to leave the University, whether the mutual agreement clause is entirely clear, whether the salary limit might be raised from 100% of salary to 150%, whether all conditions described in the plan should be based upon mutual agreement, and whether each college might have different priorities (concerning conditions A, B, and C of plan).

- c. The RIF policy proposals were discussed. Shumsky has circulated two versions of the proposal--a consult version and a request version. All discussion focused on the consult version and particularly on some proposed wording submitted by Hyer. Some discussion spotlighted lingering concerns about whether the RIF policy should be changed at all and whether the University Council on Budgeting and Planning should be in the process at all, but such issues seemed largely settled in the Commission in favor of changing the policy and including the Council in the process. Discussion therefore highlighted selective words that needed to express precise intent. For example, Hyer wanted the word "academic" to designate what kind of program would come under the purview of this policy. Norstedt wanted the concept to be expanded to "academic and academic support" programs. Pierce was to delete "expeditiously" from the sentence referring to the Budget and Planning Committee deliberations. In the end, Hyer agreed to circulate the policy proposal including all agreed upon word changes to the Commission. A motion was made to accepted the final wording of the RIF policy and was passed.
- d. A brief discussion was held about the status of the EEOA sexual harassment policy revisions that are underway to bring the University's policy in compliance with federal law. Hyer requested that CFA meet to act upon the proposals prior to its next regularly scheduled meeting on April 1. She and others concerned with the revisions are scheduled to be in another meeting during most of the CFA meeting time on the 8th. Shumsky agreed to place the item on the CFA agenda for 3:30pm on April 8, but not to reschedule the meeting.
- e. The continuing issue about which committees of the University governance system should report to CFA was discussed. The members easily agreed that the Commencement Committee should report to some other commission than CFA, that the EEOA Committee should continue to report to CFA, and that the Honorifics Committee should continue to report to CFA. The discussion was extended about the appropriate reporting process for the Employee Benefits Committee. Most members agreed that it should report to CFA and to the Commission on Staff Affairs. Some wondered whether there should be two benefits committees--one for faculty benefits and one for staff benefits. Swiger agreed to

discuss these options with members of his staff who are actively involved in staff benefits. Shumsky also will continue to pursue the matter.

6. The meeting was adjourned at 4:05pm.

Respectfully Submitted,

Don G. Creamer

Minutes
Commission on Faculty Affairs
April 1, 1994
400-D Burruss Hall

Present: L. Shumsky, D. Creamer, W. Williams, M. Lambur, S. Riley, M. Norstedt, R. Sumichrast, G. Holtzman, K. Horstman, F. Pierce, A. Swiger

Guests: T. Sherman, D. Dewolf, S. Short, A. Spencer, R. Stith, K. Heidbreder

1. The meeting was called to order by L. Shumsky at 2:15pm.

2. Announcements:

Shumsky indicated that the order of the meeting would proceed as shown on the agenda but with an intermission between Old and New Business to allow for the late arrival of P. Hyer to lead the discussion of the sexual harassment policy changes.

3. The agenda was adopted with the announced modification.

4. Minutes of the March 18 meeting were approved following a request by Williams for three minor word changes: (a) delete "academy" from line 5 in section 5a; (b) change "and" to "and/or" in line 21 of section 5b; and (c) change "April 8" to "April 1" in line 6 of section 5d.

5. Old Business:

- a. Reduction in Force Policy and the College of Education was discussed. Shumsky announced that the proposed new policy will go to the University Council for 1st reading on Monday and requested that Williams represent him since he will be unable to attend. Discussion then turned to the question, "Which RIF policy will affect the College of Education--the current one or the proposed one?" Tom Sherman informed the Commission that the College of Education prefers to be able to make the judgment itself about which policy shall apply to its plan to reduce force size. Discussion then turned to perceived ambiguities in the language of the proposed RIF policy. Sherman maintained that the who, what, when questions were unclear in the proposed policy even to the point of not being clear about which plan is to be acted upon. Sherman then raised the question about whether the proposed policy is as explicit as the current one about how tenured faculty will be treated if RIFed. Several members expressed their belief that this issue is clear in the proposed policy; however, Shumsky asked Williams to bring up the wording of this section in the University Council meeting on Monday. Sherman further pointed to the language of the proposed policy regarding the membership of the Budget and Planning Committee when it is expanded to include "those commissions it considers relevant to the review" and wondered whether the commissions should be named in the policy. The Commission thought not. Finally, Riley moved and Creamer seconded a motion that the Commission note its intention to allow the College of Education to have a choice between the old and the new RIF policies if the

proposed RIF policy is adopted by the University. The motion passed.

- b. The Employee Benefits Committee structure was discussed. Shumsky invited Sumichrast, who attended the most recent meeting of EBC, to inform the Commission of EBC's preference for structure. Sumichrast noted that the option of creating two benefits committees, one for faculty and one for classified staff, was rejected by L. Moore; thus, it became the position of EBC that it should report to two Commissions--CFA and CCSA. At the moment, Sumichrast noted, no students are on the EBC, but that they would consider a graduate student representative in the event that health benefits are opened up to graduate students. Shumsky wondered whether only one benefits committee might be problematic for faculty since there are differential benefits between faculty and staff. Sumichrast noted, and Norstedt reinforced, that this is exactly why EBC wants only one committee to guard against inequity between faculty and staff. The recommended new structure of EBC is as follows: 3 ex officio members, including the Associate Vice President for Personnel and Administrative Services, the University Benefits Program Manager, and the Assistant Provost for Administration; 4 faculty, including 3 appointed by the Faculty Senate and 1 CFA representative; 4 Staff Senate representatives; and 1 nominated by the A/P Association. Williams moved and Norstedt seconded a motion to accept the recommended structure of EBC. Motion passed.

6. New Business:

- a. The Commission recessed from 3:05 to 3:30pm.
- b. Hyer presented the revised policy on sexual harassment. She noted first the rationale for making the revisions, including (a) the need to make University policy consistent with federal law, (b) the desire to make it incumbent upon the administration to act immediately upon becoming aware of an incident of sexual harassment, and (c) to make clear that responsibility for sexual harassment does not solely reside with the EO/AA Officer, but with each member of the University community, especially the administrators and supervisors. Many concerns were voiced and questions asked such as: "Is one expected to act on rumor?" "Is one expected to act on information that the third and fourth hand?" Most of these type questions were answered simply that the facts should be determined insofar as possible. Questions also were raised about the standard "... knows or should have known ...". Distinctions between conflict of interest and sexual harassment were discussed. Definitions in the proposed policy were criticized. Many concerns about consensual relations were raised. Hyer pointed out that the proposed changes were drafted to take a "narrow slice" perspective; that is, to make the policy conform as precisely as possible to the law. Questions about who is a supervisor were raised in the context of seeking clarity from the language used. Shumsky asked what happens to records of investigations about alleged sexual harassment and the accused is found blameless. Heidbreder was not sure. More discussions about

language of the policy followed. Dewolf suggested that the entire policy should be rewritten by someone with excellent language skills. Holtzman presented a motion in writing to the effect that the entire policy proposal should be given wide distribution among members of the community and that efforts to approve it should be postponed until January 1995. The motion received no second. Williams moved and Holtzman seconded a motion to postpone further discussion of the proposed policy on sexual harassment until the next meeting of CFA and that the topic be placed as item #1 on the agenda. Motion passed.

7. The meeting was adjourned at 4:45pm.

Respectfully,

Don G. Creamer

Minutes
Commission on Faculty Affairs
April 15, 1994
400-D Burruss Hall

Present: L. Shumsky, S. Riley, W. Williams, M. Norstedt, R. Sumichrast, G. Holtzman, F. Pierce, P. Hyer, M. Lambur, D. Creamer, K. Horstman, A. Swiger

Guest: D. Dewolf, E. Holford, D. Williams, D. Drapeau, S. Short

1. The meeting was called to order by L. Shumsky at 2:15pm.
2. Announcements:
 - a. Shumsky announced that he was elected President of the Faculty Senate and has resigned from CFA effective with commencement of those duties.
 - b. Shumsky introduced Don Williams and Don Drapeau from Virginia Tech Services who discussed a tentative plan to offer a subscription class note taking service to students. Drapeau explained how the University Bookstore might organize and control the sale of class notes. The initiative was couched in the context of establishing a quality program with certain built-in safeguards, such as prior faculty approval and the use of paid graduate student note takers, to possibly forestall other entrepreneurial ventures with fewer quality control measures. Such initiatives as this are not new in some sections of the country, though few currently exist in the Eastern United States. Discussion by Commission members ranged from outright opposition to guarded endorsement. The issue of copyright privileges pertaining to professorial lectures was raised by Pierce. Shumsky asked Williams to seek an opinion from Kay Heidbreder on this matter. Heidbreder will be invited to the next meeting of CFA. Pierce also raised the issue of whether such a subscription service for students might work to contradict the desired effects of the recently approved student attendance policy. Discussion ended on whether the faculty might be polled on the proposal. D. Williams was asked to provide the Commission with a one-page bullet summary of the plan which may be used in such a survey of the faculty.
3. Minutes of the April 4 meeting were approved.
4. The agenda was adopted.
5. Old Business:
 - a. Hyer distributed an updated version of the Individual Transition Option Plan and pointed out changes in it since it was last presented to CFA for discussion. Hyer also noted that the plan still must be approved by the Attorney General. Williams moved that CFA endorse the Plan. Norstedt seconded. The motion passed.
 - b. Discussion of the University's proposed Sexual Harassment Policy continued from the last meeting of CFA. Hyer presented the Commission with Revision 5, dated April 6, 1994, in which several substantive

changes from the proposal discussed on April 4 were noted in bold type. These revisions focused on two sections: Section 2.2 Consensual Relationships and Section 3.0 Responsibilities of Administrators and Supervisors. Several members of the Commission commented that the changes offered were significant improvements from the last draft; still, discussion centered on selected word choices to assist in making the proposal even more precise. Questions continued to be asked about what might occur under some specific circumstance. Responses to these questions by Hyer, Holford, and Short generally were well-received though some concerns lingered prompting Hyer to agree to further refinements of the policy proposal. The Commission agreed to continue discussion of other sections of the proposal at its next regular meeting.

6. The meeting adjourned at 4:10pm.

Respectfully,

Don G. Creamer

Minutes,
Commission on Faculty Affairs,
April 29, 1994,
400-D Burruss Hall

Present: W. Williams, P. Hyer, M. Norstedt, D. Creamer, F. Pierce, K. Horstman, W. Worner, G. Holtzman

Guests: J. Ficenec, D. Beagle, S. Brooker-Gross, C. Burger, S. Short, E. Holford, B. Greenberg

1. The meeting was called to order by W. Williams at 2:20pm.
2. Announcements:
 - a. Williams announced that David Beagle and Bill Greenberg had been elected to CFA.
 - b. Susan Brooker-Gross was invited to describe the faculty rewards reform project. She distributed materials to describe the work of the committee that has brought the project to its current status and asked that the CFA place on its agenda the approval of the principles embodied in the rewards project. She indicated that the details of the project would be negotiated from the many anticipated meetings with faculty throughout the University. A sample of changes necessary to the Faculty Handbook also was distributed. Williams agreed to place the project on the CFA agenda for next year. Greenberg alerted the CFA to his impression that the research faculty likely would not agree with the major tenets of the reform initiative. He also pointed to a possible discrepancy between the mission statement of the project and the bulleted items on the materials distributed. Others on the Commission pointed to the need to clarify the language of the materials regarding service. It was indicated that service to the University, public service, and outreach generally mean different things yet may be interpreted to mean generally the same things in the materials distributed.
 - c. The class notes project was discussed. Williams indicated that he had agreed to pursue some legal matters specifically pertaining to copyright issues associated with the commercial distribution of class notes. He indicated that he had consulted further with Don Williams who sent him an article from the Washington Post describing the legal case at the University of Florida and with Kay Heidbreder who agreed to investigate the issues further. She did indicate to Williams an informal opinion that copyright laws pertain only to the words used and not to ideas used and suggested that the class notes project may not invade protected rights of ideas. CFA was reminded that the University Bookstore proposal does contain safeguards pertaining to these matters, e.g., professors must give their permission to be included in the note taking enterprise. CFA also was reminded that Don Williams agreed to provide an outline of the Bookstore's proposal so that it might be used in a survey of the faculty. Hyer advised that the survey not be conducted by CFA stating that the agenda is already overflowing. Williams agreed to find some other agent to conduct the survey.

d. Dean Worner of the College of Education presented an outline of the process used by the College to arrive at its preliminary plan submitted to the Provost on April 15. He detailed the entire process used including which programs are slated for elimination and his plans for restructuring the new College. He also stated no special preference for the old versus the new RIF policy arguing that the changes made mainly deal with University procedures for reviewing decisions. He indicated that he accepts the proposed revisions of CFA.

3. Minutes for the April 15 meeting were revised to correct the spelling of Don Drapeau's name, then approved.

4. The agenda was adopted.

5. Sexual Harassment Policy

Discussion continued regarding the proposed revisions to the sexual harassment policy. The most contentious issues resided in the Consensual Relationships (section 2.2), the Responsibilities of Administrators and Supervisors (section 3.0), and the Informal Resolution (section 4.1) parts of the policy. Most of the discussion centered on word choices, not substance, of the policy; yet, considerable attention was given to these sections. Several calls were made for greater clarity of language use though few specific suggestions emerged from the exchanges. Arguments were made that the Consensual Relationship section should not even be in the sexual harassment policy; yet, in the end, it remained. Others wanted greater clarity about the reason for its inclusion--the creation of a hostile environment, for example. Other debates centered on protecting the rights of the accused. When should they be notified if a complaint is filed? What records would be kept, if any? Eventually, it was agreed to add a phrase to require notice be given under item (3), page 6 of revision 7. A motion to add an addition sentence requiring specific notification earlier in the process failed. Other word changes were considered. Some were agreed upon.

Discussion then moved to a proposed addition to the statement of professional ethics and responsibilities in the Faculty Handbook. Little discussion followed except to clarify some inconsistent language in items 5 and 6 of the policy. A motion was made by Norstedt and seconded by Creamer to approve the suggested changes. Motion passed.

Hyer moved to adopt the revisions to the sexual harassment policy. Williams argued that he would prefer to wait until more regular members of CFA who have been involved in these discussion for several weeks but who could not attend on this occasion are present. Williams' argument prevailed.

6. New Business:

Hyer informed the Commission that the Board of Visitors agreed to the Individual Transition Option Plan submitted but asked for a study of the 5-year guarantee for tenured faculty who are RIFed under policy in the Faculty Handbook.

7. The meeting was adjourned at 5:35pm.

Respectfully,

Don G. Creamer

Minutes
Commission on Faculty Affairs
May 13, 1994
400-D Burruss Hall

Present: L. Shumsky, A. Swiger, W. Williams, G. Holtzman, K. Horstman, R. Sumichrast, D. Creamer, F. Pierce, P. Hyer, S. Riley, M. Norstedt, E. Holford, D. Beagle, B. Greenberg, D. Dewolf

Prior to call to order, Shumsky indicated that one member of the Commission could not be present but wanted to cast a vote on the Sexual Harassment Policy and asked those present whether they believed he should be able to vote. Following some discussion, Swiger moved and Williams seconded a motion to permit the vote. The motion passed.

1. The meeting was called to order at 1:05pm by Shumsky.
2. The published agenda was approved.
3. Two editorial changes were suggested to the minutes of April 29, then were approved. The changes were to correct the spelling of Holford's name and to replace the phrase "Virginia Tech Bookstore" with "University Bookstore."
4. Old Business:
 - a. Commission members considered revision # 8 of Policy No. 1025 on Sexual Harassment. As in previous meetings much of the time was spent editing selected sections of the Policy. While several small, but important, word changes were suggested throughout the proposed statement, most of the discussion centered on two topics: (1) the issue of notification following a complaint and (2) the issue of when consensual relationships becomes sexual harassment. The issue of notification arose first when Shumsky asked under what circumstances formal records are kept of complaints. Holford reported that the EO/AA office holds some discretion on this matter. Greenberg objected that the issue is not discretion, but justice. He asserted that all parties should be informed when any complaint about sexual harassment is made. He reported the results of an informal poll of members of his department who in large proportion voted that all cases should be reported to the faculty accused. Holford suggested that notification should occur whenever a written record is made. Then the editing began of section 4.1 Informal Resolution. Eventually, agreement on wording was reached. Discussion about the issue of when consensual relationships becomes sexual harassment also turned into an editing exercise. Premised on the point that consensual relationships become sexual harassment when one or more of the prohibited acts as specified in section 2.1 is violated, several word changes were suggested and eventually accepted.

Williams moved and Creamer seconded to approve a resolution to adopt Policy No. 1025 as revised in this session of the Commission on Faculty Affairs. The motion passed.

5. New Business:

- a. Shumsky announced that the College of Education's Executive Committee voted to use the recently revised RIF policy in their restructuring proposals for Phase II planning.
- b. Dewolf asked that CFA be given the authority to resolve disputes in policy that arise from multiple interpretations of policy language. Shumsky asked that this item be placed on the 1994-95 agenda of CFA.
- c. Pierce voiced appreciation to Hyer and others with whom she has worked to bring the new sexual harassment policy to the point of approval. The Commission unanimously agreed.
- d. Williams proposed that CFA meet regularly from 3:15 to 5pm during the 1994 Fall term.

6. The meeting was adjourned at 2:30pm.

Respectfully,

Don G. Creamer
Secretary