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Faculty Senate

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## FACULTY SENATE MINUTES FOR 12 January 2010 (Vol. XXXVIII, No. 10)

The 2009 – 2010 Faculty Senate minutes and other information are available on the Web at <http://www.eiu.edu/~FacSen> The Faculty Senate agenda is posted weekly on the Web, at McAfee Gymnasium 1102, and on the third-level bulletin board in Booth Library. Note: These minutes are not a complete verbatim transcript of the Senate meeting.

### **I. Call to order by Chair John Pommier at 2:00pm.** (Booth Library Conference Room)

Present: J. Best, A. Brownson, J. Coit, M. Fero, A. Methven, F. Mullins, M. Mulvaney, R. Murray, J. Pommier, J. Russell, D. Van Gunten, D. Viertel, A. White, M. Worthington, S. Lambert. Excused: M.L. Li, K. Padmaraju.

Guests: Jim Littleford (Charleston CUSD #1), Michael Smitz (Oakland CUSD #5), Larry Lilly (Mattoon CUSD #2), John Dively (Educational Leadership), Gail Richard (Communication Disorders and Sciences), Jill Owen (Kinesiology and Sports Studies), Barbara Burke (Intercollegiate Athletics), Jeanne Snyder (Associate Dean Lumpkin College of Business and Applied Science), Blair Lord (Provost/VP of Academic Affairs), Grant Sterling (Council on Academic Affairs), Courtney Bruner (DEN).

### **II. Approval of the Minutes of 1 December 2009**

Senator Murray (Methven) moved to approve the minutes. Motion passed with one abstention (Mullins).

### **III. Announcements**

### **IV. Communications**

a. Email of 8 December, from Larry Lilly, re: County Sales Tax Referendum

Littleford, Smitz, Lilly, and Dively gave a brief report and answered questions regarding the proposed referendum to add a 1% sales tax in Coles County. Senator Fero asked what facilities would be upgraded in the schools with any new money from the referendum? Littleford stated there were no specific plans in Charleston. He stated that the Charleston High School roof is the original installed 1953 and needs to be replaced, and there are several new construction needs, including renovating the front of Jefferson Elementary, and replacing a modular classroom at Mark Twain with a more permanent structure. Lilly stated that in Mattoon, the two “new” schools are 7 years old. In addition to recent significant renovations at the high school and middle school which need to be repaid, other parts of those buildings need renovation, and other district buildings that date from 1950/1960, including special education. Smitz stated that Oakland high school was built in the 1920s and needs to be renovated.

Senator Viertel noted that the sales tax would not go towards salaries, but asked whether it frees up other moneys in the budgets. Littleford stated that \$500,000 of general state aid currently goes into maintenance, and the sales tax revenue would enable us to move \$500,000 back into education. Lilly stated that Mattoon would get \$2.3 million. The revenue would fully the district’s bond payment for elementary renovation, over \$1 million per year, thus eliminating a .52/\$1000 assesment to make that. He said 2/3 of the revenue would go to property tax relief, including an additional \$400,000/year to make payment on debt certificates for the high school renovation, which are currently coming out of general revenue.

Senator Brownson asked if sales tax is simply for schools, not for anything else in the county. Lilly said yes.

Senator Russell noted that Champaign passed a similar measure in April 2009, and asked if there have been unintended outcomes or issues that their district has that we need to be aware of? Littleford said he had not heard of anything, and stated that some Champaign schools have moved forward with bonds. Lilly mentioned the district has also retired debt.

Senator Coit asked if more information is available about the tax’s effect in Iowa. Littleford stated that counties in Iowa began passing these measures in 1998, and eventually every county adopted this measure. He noted that at a presentation to Lakeland College Student Senate, a student from noted that with the new funding school facilities were kept up to date, and people who move to the Illinois/Iowa border region go to the Iowa side.

Coit asked if sales tax revenue would fluctuate with the economy. Lilly stated that it does fluctuate but not significantly, and that there has been a roughly 2% growth rate in the county in last two years in consumption of taxables.

- b. Report of 16 December, from Blair Lord, re: Academic Freedom and Responsibility
- c. Report of 17 December, from Gail Richard, re: Intercollegiate Athletic Board

## V. Old Business

### A. Committee Reports

1. Executive Committee: Chair Pommier stated that the committee met with the President and Provost regarding the statement President Perry sent January 7. So far EIU has received \$11.5 million of the \$50.6 million the Legislature appropriated. Perry stated that at a meeting with Governor Quinn's staff it was stated that EIU will receive the money, but it may be after the end of the fiscal year in June.

2. Nominations Committee: no report

3. Elections Committee: Vice Chair Van Gunten stated that CGS still needs a substitute for Chris Hanlon on CGS for Spring 2010. Senator Li will not be able to serve the Spring and Fall 2010 portions of her term. Frank Mullins has agreed to serve these semesters. Senate still needs a one-semester replacement for Senator Padmaraju. By acclamation, the Senate agreed to send a call in the minutes for volunteers to replace Padmaraju.

4. Faculty—Student Relations Committee: Senator Fero noted that she teaches this semester in the evenings and cannot attend Student Senate meetings. Pommier solicited volunteers to serve in Fero's stead and no senator volunteered. Fero agreed to stay on the committee and stay informed of student Senate's action by other means.

5. Faculty—Staff Relations Committee: no report

6. Faculty Forum Committee: report.

7. Other Reports

#### a. Provost's Report

Provost Lord noted his participation in a budget conference call which included the head of Governor's budget office, David Vaught. Vaught stated that we will eventually get the funds approved in the budget for 2010, but Lord noted that EIU's problem right now is a cash problem. Lord noted that the actions the President has proposed will preserve the cash account. Student tuition allows us to keep going. This is the reason to be restrictive on equipment purchases and travel, and Lord noted that the administration is trying to be prudent without being precipitous.

Senator Best asked how it will be decided which job searches will continue. Lord stated that President Perry has more information, but that the searches for next year that are authorized are proceeding. Lord stated that other searches have been authorized, but that searches that have not reached a form A request, are the searches that the memo covers.

Senator Worthington asked how long can EIU go on with the budget in the condition that it's in? Lord noted that among the impacts are that most dentists are going to request cash up front, since the state is months behind funding dental insurance expense. Lord stated that these problems have been caused by the state, and the state is in effect taking out interest-free loans instead of paying our bills. Southern Illinois University is seeking legislative authority for short term borrowing. Not all University Presidents think this is a great idea, because it puts our bond ratings at risk. The money EIU has just received will get us almost through April. SIU President Glenn Poshard is essentially asking the state to allow us to borrow against receivables. In difficult times you want as many tools as you can. We don't really want to go there either because our bond rating is better than the state's. Worthington noted that U of I Interim President Stanley Ikenberry, during a recent press conference, was not optimistic, and made it sound like he didn't think this money was going to come. Lord stated that each President has a different position, and that the U of I has taken the firmest line on what to expect from the budget. Coit asked if this might be because of the large differences in funding level between the institutions. Lord stated that different institutions have different cash flows, we are more loaded on the back end, possibly the U of I has a different loading, and I don't know what proportion their tuition is to their overall budget. Lord stated that if the state is going to end up funding, we want to be able to back off the emergency measures. Lord noted that right now the state is under maintenance of effort requirements for federal stimulus.

Senator Murray wondered why, if the budget is in this condition, we can't convince them that a state income tax increase is a good idea. Lord noted that the budget director only has a few tools: spending cuts, borrowing money, increased money from the federal government, or increases in taxes and fees. Lord noted that when the Legislature "fixed" the MAP problem, they agreed to buy a car they don't have money for. Senator Methven noted that Governor Quinn's ads take credit for fixing that MAP program but don't say how they are funding it.

Lord stated that he is still working on appointing a new CAH dean, and hopefully announcement will be forthcoming soon.

Pommier noted that the new Vice President for University Advancement Robert Martin, is going to begin at EIU on February 1, and he would like to bring him to Faculty Senate, and asked if he be able to come here early? Lord stated we should give Martin a week or so, but that he would be ready pretty quickly.

b. Budget Transparency Committee: no report.

c. Bylaws Committee

d. Awards Committee: The name of the recipient of the Distinguished Faculty Award will be due around mid-March. The Awards Committee will meet and have information at the next Senate meeting. The chair of the subcommittee will be Andy White.

## **VI. New Business**

### **A. Proposed Board Governing Policy re: Academic Freedom and Political Expression**

Pommier noted two communications regarding the proposed BGP have come from Trustees Robert Webb and Leo Welch. Pommier stated Welch proposed the language and Webb did not agree with what was proposed.

Best noted the proposed language was a Board Governing Policy, not an Internal Governing Policy as Recorder Coit had stated.

Pommier stated that the proposed BGP, replicates language from state law. He stated that Webb had two main objections. First, that the proposed policy is already state law. Second, that the policy applies to both academic and classified staff, but is based on academic freedom, which applies only to academic staff not classified staff. This is inappropriate because academic freedom is based on freedom to teach and do research.

Lord stated that the policy was proposed in part because a couple of years ago the U of I took a very narrow interpretation of this and banned bumper stickers on faculty vehicles. Chapin Rose introduced legislation against this, which was supported by faculty. This makes explicit what most constitutional attorneys argue academic freedom actually is, and Welch is proposing to take this language and put it in a BGP. He stated that Webb did not speak against this in substance but in process. Welch is asking the Faculty Senate to consider endorsing the policies. Pommier stated he asked Welch the language was being considered.

Welch said by adding the language, if the state law changes, the principles are preserved in a BGP.

Van Gunten (Pommier) moved that the Faculty Senate state it does not support amending the current BGPs regarding academic freedom. Van Gunten stated she was opposed to the language because if state laws change we are still bound by state law and the BGP would be null. Worthington asked if the Board believed that the U of I precedent might allow for an EIU president to pose more restrictive language.

Murray stated the comparison was apples and oranges because EIU faculty are represented by UPI.

Van Gunten stated that the language it expands the definition of academic freedom to include support staff. Worthington asked if political expressions that are not listed implicitly allowed? She stated that if we don't make a list, then academic freedom is more broadly conceived.

Van Gunten stated that the proposed language is a law and the previous language is a broad philosophical statement.

Senate approved the motion by a 12-0-2 vote. For: Brownson, Fero, Methven, Murray, Mullins, Pommier, Russell, Van Gunten, Viertel, White, Worthington. Abstain: Best, Coit.

### **B. report from the Athletics Department re: NCAA recertification process.**

Barbara Burke, Athletic Director; Tracy Scott, Associate Athletic Director

Burke stated that the EIU Division of Intercollegiate Athletics has begun their recertification process, and will make a presentation to the Board of Trustees. Owen is the chair of the recertification committee, and Richard is on the academic integrity subcommittee. The purpose is to ensure we have the level of integrity that's required by NCAA, and the association provides for sanctions if we fail to operate our program in accordance with NCAA.

Burke stated that the process will be complete in 2011. The report is due by April 30, 2010. The review is divided into three operating principles: governance and commitment to rules compliance; academic integrity; gender/diversity issues and student-athlete well being.

NCAA committee on certification will receive the report and respond. EIU will get their response, and then a peer review group will schedule an evaluation visit.

Best asked if the report will reflect changes since the elimination of wrestling. Burke said the report has a section to list changes, and the committee will have to show how the division benefitted from the elimination of wrestling.

Russell asked if there are any indicators you are noticing during self study. Burke stated the subcommittee chairs chairs have just recently sent to reports to Derek Markely (President's office) who is drafting responses. She stated the the committee has found a few issues with rules compliance. Burke noted that during recertification you have time to fix any issues you find through the process. Richard stated that the academic integrity review has been strong, and the biggest challenge is that we have a lot of support services on campus that are available to athletes and students. She stated we've come to the conclusion that the evaluation is to determine if those services are legitimate, if the services are available. It's a very comprehensive view of support services, and has been very enlightening.

Pommier: asked about the division's policy on student absences? Richard stated that the big focus is on oversight to make sure they are student athletes, and a lot of institutions believe we are a model. Every coach turns in their schedule to the division, and coaches cannot schedule absences over 15% of academic time. Probably you've heard about the NCAA's Academic Progress Rate, a lot of institutions are below the rate for continuing eligibility. EIU is only institution in the Ohio Valley conference who has no teams below those criteria, all our athletes are student-athletes.

C. Future Agenda

## **VII. Adjournment at 3:26pm**

### **Future Agenda items:**

Karen Drage, CUPB, furlough policy

Respectfully submitted,

Jonathan Coit  
January 23, 2009