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Minutes

Faculty Senate

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### November 19, 1991

Faculty Senate

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**FACULTY SENATE MINUTES**

**November 19, 1991**

**Volume XXI, Number 14**

The meeting was called to order by Chair David Carpenter at 2:09 p.m. in the BOG Room, Booth Library.

Present: Bill Addison, David Carpenter, John Craft, Marietta Deming, Jean Dennee, Craig Eckert, Laurent Gosselin, Robert Jorstad, Linda Leal, Ed Marlow, John Miller, Hal Nordin, Bill Phillips, Gary Wallace, Anne Zahlan

Visitors: Judith Anderson, Luis Clay-Mendez, Doug DiBianco, Ginny DiBianco, Dave Kinsey, Gail Mason, Beverly Pederson, Jamie Riley (*Daily Eastern News*), Terry Tomer, Ernie Whitworth, David Wolski

The minutes of the 12 November 1991 meeting were approved with the following corrections (Wallace/Craft; 13-0-2).

1. In the list of those present, the spelling of Senator Deming's name should be corrected.

2. "Salary Administration/Non-Appropriated Funds" (from *Internal Governing Policies and Procedures*, p. 38) was printed in the Faculty Senate Minutes of last week (12 November 1991) because numerous Senators and other Eastern employees believe that President Rives violated both the letter and spirit/intent of the above cited policy when he approved in October a 4% salary increase for Eastern personnel employed within the Peace Meal Program. Granting such a salary increase to a segment of university employees who receive wages from non-appropriated funds is not treating them "on an equal basis with employees receiving payment of wages from appropriated funds," none of whom had received salary increases when the President approved the increase for Peace Meal employees. It was also noted at the 12 November Senate meeting that President Rives approved the 4% salary increase for Peace Meal personnel despite the fact that Mike Strader had announced in a 21 October 1991 memo that he had made "cut-backs on staff . . . ."

**I. Committee Reports**

A. BGU COUNCIL OF FACULTIES--ED MARLOW: Supplementing the report on the most recent BGU Council of Faculties meeting given by Garret DeRuiter at last week's Senate meeting, Faculty Senate delegate Ed Marlow added the following points:

1) Dr. Robert Pringle of the BGU made it clear that no money would be appropriated to fund the new Core Curriculum scheduled to go into effect at Eastern next year.

2) Faculty at Governor's State University have been disappointed by restrictions on faculty participation in the search for a president; faculty at Northeastern are upset by presidential "manipulation" of search committees.

3) Referring to the excluding of Allocation of Resources from the Council agenda, Marlow reminded the Senate of DeRuiter's statement that UPI President Mitch Vogel had declared Council of Faculties consideration of resource allocation inappropriate, and reported that, conversely, the Faculty Senate representative from Western had stated that Vogel considered COF discussion of the issue a "good idea." Marlow also reminded the Senate of DeRuiter's indication that internal allocation is the business of each BGU institution, and went on to stress that BOG policy, as declared to the Council, provided for "local control" of funds: each president, it was stated, has the authority to say where the money goes once the over-all appropriation has been made.

4) On the question of whether to use "BOG" or "BGU," System representative Dr. Pringle indicated that the title should be written out in full: "Board of Governors Universities." *Senator Jorstad's concern that a ban on abbreviation might result in*

**Committee Reports: Council of Faculties (continued)**

unnecessary expenditures for paper prompted a discussion of the reported quarter of a million dollars (\$250,000.00) spent to change the BOG/BGU logo (Nordin). It was noted that such a sum might have paid for a core curriculum (Zahlan), that, in fact, it could have "paid for a lot" (Nordin).

In the ensuing discussion of the possible redundancy of three reports of each Council of Faculties meeting, the Senate agreed that the primary purpose of EIU's Council delegates meeting with the Senate should be to provide them with "input" (Gosselin), to indicate to them the "issues and concerns" of the faculty (Craft). In this regard, particular aspects of the Allocation of Resources issue were mentioned: the inequitable distribution of graduate assistantships within and among BGU institutions (Carpenter) and the dramatic discrepancies in spending per student in the BGU, with Eastern funded at \$4,934 per student as compared to \$8,862 at Governor's State (Miller). Senator Miller suggested that the basis for such unequal funding would be an appropriate topic for Council of Faculties discussion.

B: DEVELOPMENT ADVISORY COMMITTEE--HAL NORDIN: 1) The fall telethon brought in \$50,000, with increased alumni contributions to six out of the eight departments that participated. 2) The Linder House signs were privately funded, not paid for by state funds. 3) EIU's Linder House, the only privately owned alumni house in the state, is seeking to have property taxes, currently \$1600 per year, waived by local authorities.

C: PARKING COMMITTEE--HAL NORDIN: Income from parking fees and tickets is on schedule (\$1020 from fees in September, approximately \$11,000 per month from tickets), and the new computer-generated ticketing seems to be working well. All parking lot maintenance and construction is funded by this income; no appropriated funds may be used for parking facilities. Parking spaces for the disabled will be enlarged to meet the 16-foot specification as lots are resurfaced. The Lantz parking lot is now being lighted at night as a safety measure. City of Charleston Streets Commissioner Jim Dunn has been contacted about the need for a pedestrian cross-walk on Seventh Street east of Old Main; there is also a need for cross-walks on Roosevelt. (*Senator Deming expressed skepticism about the efficacy of cross-walks in the absence of adequate enforcement.*) Mr. Dunn will also speak to Dr. Rives of the City Council about the need for lights in the woods off Grant Street.

## II. Communications and Actions

A. Notification (undated) that "Whistle Blower Law [has been] Enacted"

B. Minutes of 6 November meeting of the President's Council (agenda of upcoming meetings attached)

C. Minutes of 7 November "Communications Meeting"

D. Copy of Memo from Doug Davis, Chair of Council of Chairs (11/8/91) re: "Chairs' Concerns" as formulated at "emergency meeting" of Council of Chairs. *Senators expressed "appreciation of the chairs' concern and support for faculty" (Leal et al), a level of concern and support that confirmed that the chairs "consider themselves faculty" (Addison) and confirmed as appropriate their designation as such in the Senate's Constitution and By-Laws (Addison, Zahlan)*

*Expressing "reservations" about apparent administration "posturing," Senator Miller indicated that the strike measures announced by Acting VPAA Hill and Assistant VPAA Simpson were old BOG policies that had been "dusted off" and that the directives had been withdrawn at a subsequent meeting.*

*Senator Addison indicated, however, that if the chairs had not objected to the original directives, the administration might very well have attempted to implement them in the event of a strike. Reiterating commendation of the chairs' stand, Senators seemed generally to agree that the "rebellion by chairs en masse" (Wallace) had prompted reconsideration on the part of the administration (Nordin, Wallace).*

**Communications:**Council of Chairs (continued)

Senators expressed a desire to know exactly what had transpired at the November 4 meeting of "Dr. Hill, Dr. Simpson, Deans, and Chairs"; it was suggested that minutes be provided to the Senate (Dennee). Senators were generally distressed at the tone and purport of the measures mandated, and at the absence of stronger support for faculty needs and concerns on the part of EIU administrators (Gosselin, Marlow et al). [The text of the Council of Chairs memo is appended to these minutes.]

E. Copy of "Constitution of the Council of Faculties," provided by Senator Marlow

F. Memo of November 15 from President Rives re: request for Senate nomination of five faculty, one of whom will be selected to serve on this year's Faculty Excellence Award Selection Committee. The Senate nominated Bill Phillips, Bob Jorstad, Bill Addison, Ed Marlow, and Craig Eckert to serve on the committee.

A question as to whether "in the light of the extreme discrepancies" in salary that exist, it is "right" to award "merit pay" (Gosselin) prompted discussion of the Faculty Excellence Awards. Whereas the argument was made that "equity pay" is the only fair way to recognize faculty hard work (Gosselin), some Senators supported the principle of merit pay (Leal, Addison, Marlow), while recognizing that there may be problems with procedures. Nominees who do not receive awards are often "very upset," and are not necessarily "less deserving" than the winners (Nordin). Present procedures tend to "pit faculty against each other" (Gosselin, Zahlan), and to some seem "demeaning"; the use of the retention/promotion personnel portfolios rather than solicited letters as criteria was suggested (Leal, Zahlan). Recognizing that "virtually every faculty member [at EIU] is underpaid," the present process remains the "only mechanism" we have to reward excellence, although the rewards are "not nearly as much as we would expect" (Marlow).

G. Reports from Chair Carpenter noting: 1) that State Universities Retirement System Executive Director Spice will address the university community in the Grand Ballroom of the Union at 1:30 on 2 December; 2) that Representative Mike Weaver will meet with the Senate on 3 December; 3) that Senator Woodyard's office had asked him to call back at a later date to arrange for a Senate meeting with Woodyard; 4) that Representative Jim Keane, one of the authors of the IBHE report on the "Scope, Structure and Productivity" of higher education in Illinois, has agreed to meet with the Senate on January 21.

H. Copies of constitutions of Faculty Senates at all BGU institutions received by Chair Carpenter. A committee consisting of Carpenter, Deming, Gosselin, and Zahlan will consider the constitutions and report on Shared Governance in the system.

I. Memo from Stuart Tart, Editor-in-Chief of the *Daily Eastern News* re: Executive Session during Senate meeting of 12 November 1991

In the ensuing discussion of the provisions of the Open Meetings Act and its applicability to the November 12 Executive Session to consider "alleged harassment" of Dr. Douglas DiBianco, Senators maintained that, notwithstanding Dr. James Tidwell's view to the contrary, the resort to executive session for discussion of "personnel matters" was consistent with the provisions of the Act. The Senate commended Mr. Tart's concern for maintaining freedom of information.

**III. Old Business**

ALLEGED VIOLATION OF ACADEMIC FREEDOM IN THE SCHOOL OF FINE ARTS: Continuing consideration of the letter issued by the Fine Arts Dean and Assistant Dean to the students enrolled in a Fine Arts 2001 course team-taught by Ernie Whitworth (Art), David Wolski (Theatre Arts), and Doug DiBianco (Music), who served as team leader, a majority of Senators found the issuing of the letter at best inappropriate: as Senator Gosselin noted, "this letter was written and distributed in a very inappropriate fashion."

**Old Business: Academic Freedom (continued)**

Senator Craft pointed out that the views of Dean Jaenike and Assistant Dean Gartin had not been made known to the Senate and that although he viewed the issuing of the letter as "right on the borderline," he felt, based on discussions with Dr. Gartin, that the "intent of the letter had not been to intrude on academic freedom." Ernie Whitworth noted that Gartin had served as course "coordinator" and that she had issued the letter to students in that capacity rather than as Assistant Dean (although, as was pointed out (Deming), she, perhaps inadvisedly, signed the letter as Assistant Dean).

Many details of the actions, attitudes, and intentions of all parties involved, were brought to the Senate's attention by members and visitors. While the view was strongly stated that the Senate should issue no statement unless the positions of all parties were heard (Craft), many senators felt that no matter what the particular circumstances, communications to students about grades and course policies issued by administrators against the wishes of instructors would compromise the ability of faculty to fulfill their responsibilities of teaching and evaluating students: "are we sending a message to students that if instructors are too hard they can complain to the Dean?" (Carpenter) Additionally, the letter in question was considered "so uninformative, misinformative, and poorly written that it's inexcusable" (Wallace). Members of the Senate regretted the "communications snafu" (Jorstad) and the embarrassment and distress caused to administrators, instructors, and students (Nordin). There was considerable sentiment that an apology was owed Professor DiBianco (Gosselin) as well as some concern about perceived attempts to characterize the incident as a "tyrannical transgression on the part of the Dean's office" (Miller). Some senators suggested that Professor DiBianco's best recourse would be to file a union-sponsored grievance (Eckert, Deming); others, while not opposing the filing of a grievance, considered the Faculty Senate a particularly appropriate forum for issues of academic freedom (Gosselin, Zahlan). The Senate passed a motion (Nordin, Zahlan; 8-0-4) to issue the following statement:

**In the interest of protecting academic freedom and the integrity of the educational process, the Faculty Senate strongly objects to any administrative interference in the conduct of courses, the assigning of grades, and the stating and/or interpreting of course policies.**

During the course of the debate, the Chair informed the Senate that he had requested materials on academic freedom from the American Association of University Professors headquarters in Washington; members of the Senate expressed an interest in discussing the AAUP guidelines.

The meeting adjourned at 4:30 p.m.

**The Senate will meet at 2:00 on Tuesday, 3 December in the BOG Room of Booth Library.**

**TENTATIVE AGENDA ITEMS:** Recommendations for Improving Affirmative Action at Eastern; Provisions and Implications of BGU Salary Equity Plan; Discussion with Representative Mike Weaver

Respectfully Submitted,

Anne Zahlan

**REMINDER:** Dennis Spice, Executive Director of SURS, will address the university community on December 2, 1:30—3:00 in the Grand Ballroom of the Union. All taxpayers (present and future) as well as faculty and staff are urged to attend Mr. Spice's report on the condition of the Illinois State Universities Retirement System.



# MEMORANDUM

Eastern Illinois University  
Council of Chairs  
581-3220

**From:** Doug Davis,  
Chair, Council of Chairs

**To:** Stanley Rives, President  
Barbara Hill, Acting Vice-President for Academic Affairs  
Jon Laible, Dean, College of Liberal Arts and Sciences  
Larry Helsel, Acting Dean, College of Applied Sciences  
Vaughn Jaenike, Dean, College of Fine Arts  
Larry Ankenbrand, Acting Dean, College of Health, Physical Education, and Recreation  
Charles Joley, Dean, College of Education  
Ted Ivarie, Dean, College of Business

**Date:** Fri, Nov 8, 1991

**Subj:** *Chairs' Concerns*

At today's emergency meeting of the Council of Chairs, many concerns were expressed about the guidelines and policies with respect to a strike which were presented at Monday's meeting with Dr Hill, Dr Simpson, Deans, and Chairs. I have been asked to communicate our concerns to you.

Chairs are concerned because we are being asked to implement policies for which we have had no input. The Executive Committee of the Council of Chairs—which has one member from each College—should be an integral part of all future policy discussions and decisions.

The primary concern expressed repeatedly by Chairs today was that the information, policies, and attitudes presented in Monday's meeting were unrealistic, counter-productive, and contrary to the long-term interests of the University. Much of the rhetoric—from both sides, such as “us” and “them” and “every day the strike is delayed works in *our* favor”—seems more like the nineteenth century scenario of management versus labor. It creates or intensifies an adversarial environment. It presents a “win or lose” situation. In today's meeting it was repeatedly stated that it is inappropriate to try to impose an industrial model onto our academic setting. The idea of “us” and “them” and of “we win and they lose” must be abandoned. We either all win or we all lose.

The following specific issues are of special concern and should be addressed:

1. Many of Monday's stated expectations or requirements of Chairs will damage relations within Departments. **Departmental faculty are colleagues; they are not adversaries.** It is not appropriate for Chairs to treat any information as “not to be shared with your faculty.” It is not appropriate for Chairs to be asked—or told—to do that (as we were on Monday).
2. Requiring a physician's documentation, should a faculty member call in sick, is, at least, divisive and even seems vindictive. Denying secretarial services—or mail or telephone messages or computer use or Xeroxing—or denying office or laboratory access for on-going research is ludicrous. Cohesion or division of the faculty after the strike is more important than the strike itself.
3. The long-term effects on students and this University are more important than the strike itself. A strong adversarial approach to the strike will damage the University for years to come.
4. Asking Chairs to survey the community and find replacement teachers is futile and unrealistic (as well as divisive and demeaning). And that says nothing of the effect of such “replacements” on the quality of instruction. When national searches often do not produce good candidates, it is incredulous that anyone would ask Chairs to just go out and find effective replacements.
5. Several Chairs who seemed familiar with school law, labor law, and precedents of strikes in education cited the common practice in K-12 education wherein the schools are simply closed in the event of a strike as being far preferable to the announced policy of attempting to stay open if at all possible.
6. It was also strongly requested that the Chairs have some time with a real labor lawyer to explain to us our actual rights and responsibilities under Illinois and federal law.

If there is a strike it will eventually be settled and life will go on at this University. The quality of the University after the strike is the main concern of the Chairs. All Departments are fragile coalitions of individuals. Damage to this fragile consensus would take years to repair and heal and mend, if it is possible at all.

The Council of Chairs express our concern that the information, policies, and attitudes presented in Monday's meeting are unrealistic, counter-productive, and contrary to the long-term interests of the University.