

University Senate Meeting
Wednesday, January 18, 2017
3:00-5:00 pm
EMU – Crater Lake Rooms

DRAFT

Attendance can be found at the bottom of the page.

1. Call to Order: 3:04 pm

1.1 Introductory Remarks – Senate President Bill Harbaugh

President Harbaugh reviewed the meeting agenda. He mentioned the recent situation where a law professor was investigated by an outside law firm for potential violation of the UO's discrimination policy. Harbaugh noted a section of the university's policy on Academic Freedom that says, "Only serious abuses of this policy – ones that rise to the level of professional misbehavior or professional incompetence – should lead to adverse consequences. Any such determinations shall be made in accordance with established, formal procedures involving judgment by relevant peers." Harbaugh expressed concern that "relevant peers" were not included in the process used for this investigation. His interest, he said, is in ensuring that future investigations are conducted appropriately. He announced that he will be establishing a Senate committee to make recommendations about how the university should address the civil rights of faculty, students, and staff.

2. Approval of Minutes:

2.1 Nov. 16 and Nov. 30, 2016 – Senators voted to accept the minutes as currently posted on the Senate website.

3. State of the University – UO President Mike Schill

Intercollegiate Athletics Advisory Committee (US 16/7-04): President Schill said he will accept the advisory group arrangements passed last term by the Senate and will get the group up and running soon. He said the recent problem with three football players ending up in the hospital as a result of organized exercise activities underlines the importance of having faculty involved in student athletics. Schill said the recent incident is unacceptable and he had made that point to the football coach and athletic director. Winning is important, Schill noted, but caring for our students is paramount. He said he supported the recent change in head coaches, not because of the team's record, but because of all the off-field problems team members were involved in.

Responsible Reporting of Sexual Violence Policy (US 16/17-07): President Schill said the General Counsel's office has been reviewing the policy passed by the Senate in November. He said he wants to accept it, even though it is very different from what the administration proposed, but he cannot adopt any parts of it that violate the law. Schill noted that the UO has hired an outside consultant to review the policy and it appears

that there will need to be some changes to conform with the law, so he will be sending the proposed policy back to the Senate. He will also be extending the current temporary policy while review and deliberations continue. Schill also noted that the university does not have sufficient staff available to provide the training called for in the Senate-passed policy, nor the hundreds of thousands of dollars needed to pay for that training.

Sanctuary Campus (US 16/17-09): President Schill reiterated his unwillingness to share information about students with the federal Immigration and Customs Enforcement (ICE) unless required to by court order. He said he would do many of the things requested in the resolution passed by the Senate, but there are also aspects of it that he will not implement. 1) Schill will not declare the UO a sanctuary campus, because he doesn't understand exactly what the term means or the impact it would have. 2) The UO can't legally refuse federal immigration officials access to campus. 3) Schill will designate a single point of contact either in the Office of Diversity, Equity, and Inclusion or in the Division of Student Life. 4) UOPD officers already get de-escalation training at the police academy, but Schill will consider making more available. 5) The UO will continue making mental health services available to students facing immigration concerns and will continue referring students to community resources as needed. 6) Schill will support further campus forums that address campus climate, safety and dignity.

Time, Place, and Manner Rules about Speech and Protest Activities: President Schill reminded senators that he had issued a draft proposal for such a policy and that he was waiting for the Senate to respond. He said he would not enact the proposal as a temporary policy, as long as the Senate provides him with its recommendations for a TPM policy by March. Schill said that if he and the Senate can't agree at that point, then he will formally issue his draft proposal as a temporary policy.

University Budget: President Schill outlined four activities that impact the UO budget: 1) Budget Problems in Several Schools and Colleges – These include ongoing efforts to reduce expenses and increase revenues, so that budgets will balance. 2) New Budget Model – Brad Shelton is leading a group that will develop a new system that is less reliant on the number of students taking a department or program's courses. This system should be completed within 1-2 months. 3) State Budget – The governor has proposed flat funding for higher education, which in essence is a cut given increasing expenses. The seven university presidents told the governor that they can hold tuition to a 5% increase this year, if as a group they receive an additional \$100 million. Schill is putting together a special committee, which will include members of the Senate Budget Committee, to look at possible internal cost savings. 4) Tuition and Fees Advisory Board (TFAB) – This group which includes administrators, faculty, and students will make a recommendation on FY18 tuition and fees to President Schill in early February. He will review it and make a recommendation to the Board of Trustees in early March.

Knight Campus for Accelerating Scientific Impact (CASI): This project is progressing nicely. Architects were selected this week and a general contractor will be chosen next

week. The search for a permanent director will begin in March and the university will begin eminent domain proceedings soon.

Provost Search: The process will be closed, in order to accommodate several candidates, but most affected groups will have access to the candidates when they are here over the next three weeks.

Diversity Concerns: Schill praised the recent Martin Luther King Jr. parade and celebration. He said he expects to announce next week his decision on whether to rename Deady Hall and said the trustees will make the final decision in March.

Law School Blackface Incident: Schill thanked everyone who had offered support to the university administration for the actions it took. He said he believes everyone involved acted out of good faith. While he understands that many will disagree with the actions taken, Schill feels strongly that all due process procedures in UO policies were followed. He also emphasized that all decisions were made by the UO, not the legal consultants the university hired to investigate the situation. Schill also asked everyone to find a way to welcome Nancy Shurtz back gracefully and with forgiveness when she returns to work.

President Schill took a few questions. He was asked why he continues to suggest that certain matters aren't within the Senate's purview, because he doesn't consider them to be "academic matters". Schill said he hasn't stood in the way of the Senate looking at a wide range of issues, including some he doesn't consider academic. However, he noted that the Board of Trustees has given him the authority to decide what academic matters are and he will make those decisions, though he will try to avoid confrontations.

Schill was also asked to make the Title IX consultant's full report available to the Senate before it decides whether or how to amend the sexual violence policy it passed in November. Schill said he won't do that, because of the university's possible legal exposure when the new policy is adopted. He noted that the consultant will be meeting directly with the Senate's Responsible Reporting Work Group and will share the full report with them.

4. New Business:

4.1 Discussion: US16/17-12: New Program Proposal: M.A. in Language Teaching Studies; Sara Hodges, Associate Dean of Grad School, Scott L. Pratt, Dean of Graduate School and Lara Bovilsky (English), Chair of Graduate Council. Sara Hodges with assistance from Spike Gildea explained that the university already offers a specialty in language teaching. This proposal would establish a regular master's degree program in language teaching studies. It would be a unique program within the state, she said. Hodges noted that the proposal has been fully vetted by the Graduate Council and comes to the Senate with their support. There was no discussion from the senators. President Harbaugh said this proposal will come up for a formal vote at the February 1 Senate meeting.

4.2 Discussion: US16/17-13: Amendment to the Credit-Bearing General Limitations to the Bachelor's Requirements policy proposal; Frances White (Anthropology), Co-Chair of the Academic Council. Frances White explained that this policy revision is intended to provide the UO with a way of regularizing a variety of classes, such as experiential and professional development classes. These are valuable classes, but there aren't clear rules about how they can be applied toward degree requirements. After two years of discussion and review, the proposed solution would create a new category for applied and/or experiential classes, classes involving academic support skills, and professional development courses. Students would be allowed to apply up to 12 credit hours toward their degree, as is currently the case for similar categories of classes.

Several senators noted that a student could, in addition, earn up to a total of 24 credits for Teaching and Learning Center classes and field experience classes for a total of 36 credits – close to a full year of credits. White explained that the Academic Council will be looking further into this whole area of credits, but for now is simply trying to find a way to officially acknowledge applied and/or experiential classes.

4.3 Discussion: Change the Policy on Policies to state that the UO President has the authority to enact temporary policies on other than an emergency basis?

President Harbaugh explained that a conflict has surfaced between the UO Constitution on the one hand and the Policy on Policies and the Board of Trustees' Retention and Delegation of Authority Policy on the other hand about the UO president's authority to issue temporary, non-emergency policies. The UO Constitution says the president only has the authority to issue temporary policies in emergency situations. The other documents say the president can issue both temporary non-emergency policies and temporary emergency policies. Harbaugh noted that the Board of Trustees by law has the ability to issue temporary non-emergency policies, so its delegation of that authority to the president would seem to control. What then, if anything, needs to be done about the conflicting language in the UO constitution?

The solution Harbaugh and the Senate Executive Committee are proposing is the calling of a Faculty Assembly, since that is the only way to amend the UO Constitution. He said the process for holding an assembly has already been started, but it is not clear yet when it will occur. Harbaugh said the rules for a Faculty Assembly are very tight, so that only those issues specified in calling it could be considered.

4.4 Discussion: US16/17-11: Clarify and Codify the University Committee on Sexual Orientation, Attraction, Gender Identity, and Expression, Mike Quillin (Law). Mike Quillin said the committee serves as a resource for LGBTQIA+ students and provides them with a voice in addressing university policies. The committee, he said, is proposing several housekeeping changes related primarily to changes in terminology that have occurred since the committee was originally formed in 1992. Quillin also described several revisions the committee wants to make to the posted version of its

17-point chart. These included updating the name of the group's convener and clarifying that it is a standing committee of the Senate. Quillin noted that this proposal has been vetted by the Committee on Committees and has their support. President Harbaugh said this proposal will come up for a formal vote at the February 1 Senate meeting.

4.5 Discussion: US12/13-38: Term Limits for Senate Committees. Should the Senate repeal committee service term limits passed on 4/17/13? (Original motion can be found on the Motions page on the Senate website.) President Harbaugh explained that this legislation limits members of Senate committees to two consecutive terms of service on a particular committee after which they must take a "gap in service" before serving on that committee again. The gap was designated as one full term of service for that committee. Harbaugh said the Senate at that time presumably had concerns about some long-serving committee members and decided to deal with the situation by passing legislation affecting all committee service. He noted that the Senate has never enforced this legislation. Harbaugh said the issue is up for reconsideration now, because of concern that enforcing it will make it more difficult to staff committees and because it should really be adopted as a bylaws change, if the Senate intends to retain and enforce it.

Vice President Sinclair spoke in favor of repealing term limits, noting that it is already difficult to recruit members for some committees. He also felt that any problems that arise over length of service for appointed committee members could be addressed by the Committee on Committees on a case by case basis. For elected committee members, Sinclair said that is up to those electing them. Frances White also supported repeal. She noted that the Committee on Courses, which she chairs, has asked to be exempt from the term limit requirement, because it takes members a long time to understand all the rules involved in performing their work. It would be counter-productive, she said, to force people off the committee once they've acquired a full understanding of the rules. Several other senators inquired about the thinking and circumstances that led to the passage of this legislation, but no one was able to provide definitive answers.

4.6 US14/15-66: Hiring of Academic Executive Administrators; Senate Executive Committee. President Harbaugh noted that some of the outstanding candidates the Provost search committee wanted to bring to campus would not come if they were required to make a public presentation. They felt this would make their interest in the position known at their current institution, which they did not want to happen, in case they were not selected for our position. Harbaugh said he and Vice President Chris Sinclair worked with the university administration recently to ensure that these candidates could be brought to campus in a manner that will preclude public presentations, but allow a wide range of people to interact with them. Harbaugh also noted that the policy which had required such public presentations has expired.

4.7 US14/15-67: Review of Academic Executive Administrators; Senate Executive Committee. President Harbaugh noted that this policy has also expired.

6. Reports:

6.1 Presidential Response to US16/17-07: Student Sexual and Gender-Based Harassment and Violence Complaint and Response policy; General Counsel, Kevin Reed. Reed indicated that he had nothing further to add to President Schill's remarks on this matter. He said the UO will bring its outside Title IX consultant here to meet with the Senate's Responsible Reporting Work Group within the next few weeks and that her report will be shared fully with the work group. However, because of serious concerns about how such a report could be used against the university in litigation, the consultant's report will remain confidential and not be shared with the Senate.

6.2 Report: Bias Response Team (BERT) Task Force; Chris Chavez (Journalism), Chair of BERT Task Force. Chris Chavez reported that the task force, which was created last spring, has been diligently working through 16-17 years' worth of material from BERT and will need more time to issue a formal report and recommendations. He said Quantrell Willis, Associate Dean of Students, has worked cooperatively with the task force.

Chavez said the task force wants to ensure that this is a safe campus for everyone, that it is possible to engage in difficult conversations in the classroom, and that academic freedom is not compromised. He noted that over time the definition of bias that BERT has applied has expanded significantly to the point where it can include classroom discussions. Chavez said the BERT coordinator has a great deal of authority in deciding which bias claims to pursue and that there appears to be some capriciousness in the way BERT pursues educational referrals and interventions.

Chavez listed several areas of concern for the task force:

- The privacy of BERT's records.
- Inconsistent referrals.
- Potential disciplinary impacts when BERT involves supervisors.
- Constraining effect of BERT investigations on academic freedom.

6.3 Report: Roger Thompson on admissions (Vice-President for Student Services and Enrollment Management). Roger Thompson handed out Enrollment Management's Annual Report and described this year's freshman class for senators. It includes students from all 50 states and 103 countries. 31% are domestic minorities, which is a significant accomplishment, since domestic minorities are only 22% of Oregon's population. Average high school GPA has risen from 3.4 to 3.6. While overall undergraduate enrollment at the university is about 53% resident and 47% non-resident, the freshman class breakdown is about 50-50. Thompson addressed concerns raised in the Register-Guard that UO enrollment is declining and is smaller than OSU's. He acknowledged that OSU is larger, but said bigger doesn't necessarily mean better and the quality of our students is very good. Thompson said the UO's goal in recent years has been to maintain an enrollment of 24,000 undergraduate and graduate students and we have done a good job of hitting that number. This year we came in just under 24,000, but we have hit all our other academic and diversity goals. Thompson also

noted that it has become increasingly challenging to recruit qualified Oregonians, because the number of Oregon high school graduates has been and will continue to decline. The UO has been very dependent on enrolling students from California, he said, but we are now extending our outreach efforts to Texas, Arizona, and the Midwest. Thompson noted how much students and their parents, especially those from out of state, are paying to receive an education here and thanked the faculty for all they do to make a wonderful impression on students.

President Harbaugh announced that Doneka Scott, Associate Vice-Provost for Student Success, will be at the February 1 Senate meeting to talk about the university's retention and graduation initiatives.

7. Notice(s) of Motion: Huaxin Lin announced he will be submitting a resolution dealing with teacher evaluations and students who have committed academic misconduct.

8. Other Business: President Harbaugh reminded faculty members that the new Faculty Club is open tonight and tomorrow night from 5 – 8 pm.

9. Adjournment: 5:00 pm

Attendance:

University Senate Members – 2016-17				Date: January 18, 2017			
Senators	Pres	Abs	Exc	Senators	Pres	Abs	Exc
CAS – Natural Sciences				School of Music and Dance			
N. Christopher Phillips (A. Berenshtein)			E	Alexandre Dossin	X		
John Conery	X			Idit Shner		X	
Dejing Dou	X						
Jennifer Freyd	X			Clark Honors College			
Elliot Berkman			E	Monique Balbuena	X		
Huaxin Lin	X						
Christopher Minson	X			Other Academic Units			
Hans Dreyer	X			Edward Davis	X		
Ilya Bindeman	X						
				Librarians			
CAS – Social Sciences				Lori Robare			E
Jane Cramer	X			Edward Teague	X		
Eileen Otis		X					
Mike Urbancic	X			Officers of Administration			
Craig Parsons	X			Amanda Hatch	X		
Peter Walker		X		Keith Frazee	X		
				Stephanie McGee	X		
CAS – Humanities							
Jane Averill	X			Students			
Lowell Bowditch	X			Hassan Almumen	X		

Cristina Calhoon	X			Lisa Smith	X		
Pedro Garcia-Caro	X			Blair Toy	X		
Alison Groppe	X			Hao Tan	X		
Beata Stawarska		X		TBD			
Daniela Vallega-Neu	X						
Eric Pederson	X			Classified Staff			
				Valerie Mickelson	X		
Architecture and Allied Arts				Theodora Ko Thompson (J. Butler)			E
Jack Ryan	X			Jimmy Murray	X		
Laura Leete	X						
Ron Lovinger		X		Career NTTF Research			
Richard Margerum	X			Greg Bryant	X		
College of Education				Academic Council Chair			
Deanna Linville	X			Frances White	X		
Laura Lee McIntyre			E				
Beth Harn	X			Ex-Officio			
				Bill Harbaugh, President	X		
Journalism and Comm.				Chris Sinclair, Vice President	X		
Christopher Chavez	X			Randy Sullivan, Past President		X	
				Michael Schill, UO President	X		
School of Law				Scott Coltrane, Provost	X		
John Bonine	X			Quinn Haaga, ASUO President	X		
				Betina Lynn, Sen. Exec. Coord.	X		
College of Business				Paul Simonds, Parliamentarian	X		
Ali Emami	X			Angela Wilhelms, St.Fac.Ex.Crd	X		
Jennifer Ellis	X						

Guests: Will Campbell, Emma Henderson, Sara Hodges, Kellie Geldreich, Mike Quillin, Nicholas Gioia, Andrew Dunn, Evan Roth, Chuck Triplett, Kyle Henley, Ron Bramhall, Sandra Gladney, Sierra Dawson, Ken Doxsee, and Kurt Willcox.