UNCH FACULTY SENATE MEETING MINUTES
(Approved December 2, 2004)
Ockinga Conference Room
Thursday November 4, 2004

I. President Bridges called the meeting to order at 7:00 pm.

II. Roll Call:

Present: Albrecht, Barton, Bridges, Brown, Buckner, Darveau, Davis, Elder, Exstrom, Fredrickson, Hartman, Jackowiak, Kelley, Kruse, Lewis, Lightner, Lilly, Luscher, Miller, Moore, Nelson, Obermier, Scantling, Snider, Strawhecker, Terry, Unruh, Wozniak, Young

Absent: Fronczak, Hodge, Rieder, Seshadri, Taylor, Younes,

Guests: Stan Dart

III. Davis / Barton moved approval of the minutes for the Faculty Senate meeting of October 7, 2004. Minutes were approved with emendations.

Miller / Lightner moved to suspend the rules to hear from Stan Dart about the Consensual Relations Policy. Motion Passed.

Dr. Stan Dart, Chair of Professional Conduct Committee, gave background on two proposed items creating a policy on consensual relations. In order to create a policy, an additional Standard of Professional Conduct must be added to the PCC Rules and Procedures in addition to approving the Consensual Relations Policy. (The full text of Item #1 and Item #2 can be found in Appendix A attached at the end of the minutes.) Item #1 is necessary to set the standard and give governance over the policy to the Professional Conduct Committee.

Dr. Dart summarized the pertinent sections of the policy outlined in Item #2:

- Section A identifies the principles and basis for the policy: that in order to maintain an atmosphere of free and open discussion necessary in the university community, relationships between those in power positions that have consensual relations with those over which they have that power (e.g. faculty-student, supervisor-staff) must be free of conflicts of interest and abuse of the power in the relationship.
- Section C identifies the policy: if a consensual relation like one described above exists, it is the responsibility of the person in the position of power to recuse themselves from the position of authority with the person they are having the relationship. The remaining sections outline the procedures that must be followed if the authority cannot be recused or isn’t recused and there is a need for lodging a complaint either from the person in the relationship or from an affected third party.
Senator Young asked if the policy covers the responsibilities when for example, a marriage exists between a Dean and a faculty member in the same college or between a Chair and a faculty member in the department. Dr. Dart replied that those situations are covered under this policy.

Senator Lightner asked if the policy would be problematic in the case of promotions within administration if a prior consensual relationship would be in conflict with the new position. Dr. Dart and Senator Miller responded that the opposite might be true, in that any conflict that would be created could be handled according to this policy.

Several other scenarios were posed by members of the Senate (faculty/staff, parent/child), all of which would either be covered by existing policies or by this new policy. This policy says nothing about whether relationships are allowed or approved, but rather states what must be done if a relationship exists. The point was made that this policy is one of the strongest policies of those that the committee viewed, especially noting the possibility of third-party complaints.

Davis / Terry moved to adopt Item #1 as a new Standard of Professional Conduct. Motion passed.

Lilly / Miller moved to adopt Item #2 as the Consensual Relations Policy for UNK. Motion passed.

IV. Reports from Academic Councils:

A. Graduate Council: no report submitted
B. General Studies Council: no report submitted
C. Council on Undergraduate Education: no report submitted

V. Reports of Senate Representatives to Non-Senate Committees:

A. Assessment Committee: October 14, 2004
   It was noted that the Assessment Committee was no longer ad-hoc nor a Faculty Senate committee.
   Senator Luscher asked about Item IV of the minutes concerning faculty stipends in the assessment committee budget—for what is the money intended? President Bridges said that her understanding was that the money was to provide money for attending assessment conferences or workshops. Senator Unruh said the stipends were also to develop assessment tools and rubrics.
   Senator Jackowiak noted that the budget is, for now, only theoretical.

B. Affirmative Action Commission: no report submitted
C. Center for Teaching Excellence Advisory Committee: no report submitted
D. Council of Chairs: no report submitted
E. Ethnic Studies Advisory Committee: no report submitted
F. Gender Equity Committee: no report submitted
G. Fees Committee: no report submitted
H. Honors Council: no report submitted
I. International Education: no report submitted
J. Parking: no report submitted
K. Student Retention Committee: no report submitted
L. Safety Committee: no report submitted
M. Strategic Planning: no report submitted
N. Student Support Services Advisory Committee: no report submitted
O. Technology Advisory Committee: no report submitted
P. Women’s Studies Advisory Committee: no report submitted
Q. Writing Center Advisory Committee: no report submitted

VI. Reports of Faculty Senate Standing Committees:

A. Oversight Committee: no report submitted
B. Executive Committee: **October 21, 2004**
   Senator Terry asked about the comment from Chancellor Kristensen about the community “wanting things.” President Bridges clarified that there had been an increasing number of requests if UNK could hire the spouse of a person that a community business or organization wanted to hire.

   Senator Terry also asked about the “uncovered” status of the carried-forward funds that were allocated to this year’s summer session. Senator Miller responded that the money was held back in anticipation of budget cut and came from the budgets of the departments and colleges. That money was provided to the Deans to use for summer classes.

   Senator Kelley asked about the status of the Senate’s request that the workload policies be given to all faculty members. To date the consensus was that only NSS and FAH colleges had distributed the policies to the faculty, while B&T and COE had not yet received the documents. Senator Elder stated that the B&T chairs had the documents to forward at their next department meeting.

   Senator Barton inquired about the legislative study mentioned in the minutes. President Bridges said she did not know what the study was and that the ExCom would check on the issue.

   Senator Davis asked why a representative from the union was not included on the Strategic Planning Committee. Was representation not the usual case? He felt that the union representation generally had been useful.

   Senator Terry commented that funding for the summer sessions has always been a mystery and asked if it was always possible to move funds to summer school. This funding for the summer session was a special one-time case and similar transfers in the future would be unlikely.

   Senator Buckner asked if any of this money was originally from the summer budget. (No one knew.) He asked if it would be possible to find out where the money came from? Yes – ExCom will find out.

C. President’s Report **November 4, 2004**
   No comments.
D. Academic Affairs: no minutes submitted
   Jim Rowling elected Chair and Joan Blaukamp elected Secretary at October 21, 2004 meeting.
E. Academic Freedom and Tenure Committee: **October 5, 2004**
   Allan Jenkins elected Chair; Joe Benz elected Secretary at November 1, 2004 meeting. No comments on October 5 minutes.
F. Academic Information and Technology Committee: no report
G. Artists and Lecturers Committee: no minutes submitted
Gary Schaaf elected Chair and Sandy Lebsack elected Secretary at October 26, 2004 meeting.

H. Athletic Committee: no report submitted

I. Continuing Education Committee: no minutes submitted
 Wyatt Hoback elected Chair and Julie Saalfeld as Secretary at October 25, 2004 meeting.

J. Faculty Welfare Committee: no minutes submitted
 Larry Kuskie elected Chair and Sam Umland elected Secretary at October 25, 2004 meeting.

K. Grievance Committee: no report

L. Library Committee: **January 28, 2004, October 20, 2004**
 David Palmer was elected Chair and Colleen Lewis will act as secretary. No comments on January or October minutes.

M. Professional Conduct Committee: **Cumulative minutes through October 13, 2004**
 Stan Dart elected Chair/Secretary October 13, 2004. No comments on minutes.

N. Student Affairs Committee: no minutes submitted
 Stan Lightner elected Chair; Alise Bethune (student) elected Secretary at October 27, 2004 meeting.

**VII. Reports of Faculty Senate Special (Ad Hoc) Committees**

A. First Year Experience Committee: no report

B. Encouragement of Study of Modern Languages: no report submitted

**VIII. Unfinished Business:**

Davis / Young moved to postpone discussion on the Assessment Data Analysis Committee Proposal and Academy of Teaching Excellence Proposal until the December meeting so that the sponsors of the proposals can be present for the discussion. *Motion Passed.*

A. **WI/CD Governance Discussion**

Much discussion on the issue ensued. Several points about the governance of WI/CD were made:

- Governance of the program and assessment of the program are linked and should be handled in the same place. The General Studies council cannot handle both the governance and assessment of GS and WI and CD.
- Separate governance of WI/CD in separate college committees would create inconsistent application of standards of what is a university-wide requirement.
- Creation of a new committee would allow not only for governance and assessment but also for consideration of what writing requirements and writing across the curriculum should become in the future.

Wozniak offered a proposal to the Senate, seconded by Darveau:

The UNK Faculty Senate forms an *ad hoc* WI and CD committee with the following mandates and structure.

**Mandates.** The Faculty Senate *ad hoc* WI and CD committee shall:

1. Assume the governance of Writing Intensive and Cultural Diversity courses with respect to the approval of WI and CD courses and departmental issues concerning scheduling of WI and CD courses,
2. Promote writing as an important skill for all UNK students to possess, and to promote writing as a core pedagogical tool in all programs at UNK,
3. Promote multiculturalism and international experience as core values for all UNK students and faculty and to encourage programmatic activities supporting these values in all programs at UNK.

4. With the assistance of the Director of Assessment, review assessment data, including student outcome data, concerning WI and CD courses (Some of the assessment data will be collected by other units, such as departments and General Studies. However, it is appropriate for this committee to collect its own data.),

5. Based in part on the assessment data, make specific written recommendations to the Faculty Senate concerning the structure of the WI and CD requirements and the governance of those courses by January, 2007,

6. Even though the authority to review and rule on student petitions concerning WI and CD exceptions will remain with the Director of General Studies, the committee will review the current process and make recommendations for change if needed,

7. The committee will begin operation immediately and cease operations in May, 2007.

Structure.
1. The executive committee shall appoint the committee. The committee shall consist of two faculty representatives from each College, one faculty representative from the Library, and a representative from the Administration Committee on Ethnic Diversity. Ex Officio members could include, but not be limited to, the Director of the Writing Center, the Director of Composition, the Director of General Studies, the Director or Coordinator of Assessment, and the Registrar.

Senator Elder raised a question about why the Executive Committee was responsible for appointing the membership. Senator Young responded that that was the normal procedure for a Senate ad hoc committee.

Senator Luscher asked if the same body should handle both WI and CD assessment, specifically if the members would have the expertise to handle both. Senator Wozniak responded that requirements for CD are very clear and assessment is then not as problematic as WI. The worst issue about CD courses is the requirement for CD as non-western which means students cannot get credit for European tours. In the future he would like to see an initiative to combine CD and internationalization of the university and curriculum.

Motion Passed.

B. Assessment Data Analysis Committee – Action postponed until December.
C. Academy of Teaching Excellence – Action postponed until December.

IX. New Business:

X. General Faculty Comments

Senator Miller announced that the installation of J.B. Millikin as University President would be a “movable feast” down I-80. The Kearney portion will take place from 4-6 p.m. at MONA on January 26, 2005.

Senator Lewis reminded everyone about the United Way drive.

Senator Wozniak asked if we now knew what “Campus Connections” was. Senator Brown informed the Senate that Campus Connections is a program in which current Honors
students volunteer to mentor incoming Honors students before coming to campus. They also help those students once they reach campus in the fall semester.

Senator Kelley commented that the Senate has handled a lot of issues and that the commitment to shared governance was good. The role of faculty members is becoming more complex with the addition of committees and assessment duties and that we must be mindful of our traditional roles and the “dumping” of additional responsibility on faculty new and old. Senator Kelley got a hug from Senator Wozniak and all was better.

Senator Brown asked about the status of the earlier motion sent to the AIT committee.

Senator Barton responded that the committee had met and been charged with the resolution and that work was in progress.

President Bridges asked Senators to look over the form “Approval for Remunerations for the Initial Preparation of a Distance Education Course” and send any comments to the Executive Committee.

Senator Lewis offered a reminder that an information technology survey for the faculty would be coming soon. There will be a link on the homepage and the faculty will get an access code via email. There will also be a student survey.

**Wozniak/Obermier moved adjournment at 8:55 pm. Motion carried.**

Scott Darveau,
Faculty Senate Secretary
Appendix A: Consensual Relations Policy Items Approved by Faculty Senate

Item #1 Additional/New Standard of Professional Conduct to be included in the PCC Rules and Procedures

A Professional Staff or Faculty member:

    Shall recuse herself/himself from all circumstances in which the professional staff or faculty member bears primary authority and accountability as a mentor, educator, evaluator, or supervisor over any student, faculty, or staff with whom the professional staff member is involved in a consensual romantic or sexual relationship.

Item #2 Professional Staff And Faculty - Consensual Relationships Policy

A. The Principle and Basis for the Policy on Consensual Relationships

The integrity of the teacher-student relationship is the foundation of the University’s educational mission. This relationship vests considerable trust in the teacher, who, in turn, bears authority and accountability as a mentor, educator, and evaluator. The unequal institutional power inherent in this relationship heightens the vulnerability of the student and the potential for coercion. The pedagogical relationship between teacher and student must be protected from influences or activities that can interfere with learning consistent with the goals and ideals of the University. Similarly, the University is committed to the principle of protecting the integrity and objectivity of its staff members in the performance of their University duties.

It is therefore fundamental to the University’s overall mission that the professional responsibilities of its faculty and staff be carried out in an atmosphere that is free of conflicts of interest that compromise these principles.

B. Conflict of Interest

Although conflict of interest issues can be resolved, in a consensual romantic or sexual relationship involving a power differential, the potential for serious consequences remains. A faculty or staff member who enters into a relationship with a student, or a supervisor with a subordinate, where a professional power differential exists must be aware that:

* the reasons for each party’s entering such a relationship may be a function of the power differential;
* if a charge of sexual harassment is alleged, it will be exceedingly difficult to defend against such a charge on grounds of mutual consent;
* the individual with the power in the relationship will likely bear the burden of accountability.

Power differentials between the parties in a consensual relationship may give rise to other serious problems even when conflicts of interest are avoided or resolved. The student or employee with lesser power may fear reprisals even when no specific threats are made. Conversely, the student or employee with lesser power may hope for rewards even when no specific promises are made.
All University of Nebraska at Kearney faculty, staff and students should be fully aware that sexual harassment is prohibited by institutional policy.

C. Policy
The Standards of Professional Conduct are set forth in the University of Nebraska at Kearney Professional Conduct Committee - Rules and Procedures, Section 2 "Standards of Professional Conduct Subject to Committee Jurisdiction" (Adopted by the University of Nebraska at Kearney Faculty Senate, December 5, 1991.revised, January, 1995 and November, 1999)
(http://www.unk.edu/committees/facultysenate/documents/proconduct.html)

Enumerated within the Standards of Professional Conduct is the following:

Professional Staff or Faculty Member:  
Shall recuse herself/himself from all circumstances in which the professional staff member bears primary authority and accountability as a mentor, educator, evaluator or supervisor over any student, faculty or staff with whom the professional staff member is involved in a consensual romantic or sexual relationship.

Although the University of Nebraska at Kearney does not prohibit consensual romantic or sexual relationships between faculty and student or supervisor and employee, it strongly discourages them. All faculty, supervisors and other employees should understand that there are substantial risks in even an apparently consensual relationship where a power differential exists. That is, one of the parties is likely to have influence over the other’s assignments, grades, or terms of employment. The inherent power differential between the parties may compromise freedom of choice. Furthermore, perceptions of favoritism may cause third parties to believe they are being disadvantaged by a consensual romantic or sexual relationship between a faculty and student or supervisor and subordinate employee regarding assignments, grade, or terms of employment.

The University of Nebraska at Kearney reaffirms the generally accepted ethical principle that situations in which one makes official evaluations of individuals with whom they are intimate should be avoided. If a close relationship with emotional ties develops, the faculty member or supervisor bears a special burden of accountability.

D. Recusal Responsibility
To that end, UNK policy requires recusal (the relinquishment of the supervisory role) when supervisory or evaluative relationships exist between members of the university community who share sexual, romantic, or domestic relationships. This policy covers, but is not limited to, persons in the following professional relationships:
- All faculty (regardless of tenure or contract status) and their students;
- Supervisors and the employees they supervise; and
- Student or employee and administrator, coach, advisor, counselor, or residential staff member who has supervisory responsibility for a student or employee.
Should a personal relationship develop between members of the UNK community who are also in a supervisory or an evaluative relationship, the person in the position of greater authority shall recuse herself/himself; that is, shall relinquish (with or without explanation) the supervisory or evaluative role and make suitable arrangements for the objective performance or academic evaluation of the other. When recusal occurs, the person whose work is being supervised must be informed of the recusal in writing.

E. Resolution of Conflict
1) The responsibility for declaration of recusal lies with the person in the position of greater authority in the relationship. The declaration shall be made to that person’s immediate administrative supervisor (department or program chair/director, dean, or vice chancellor). Resolution of the condition that stimulates the recusal will normally be accomplished at the first level of administration (department/program). If resolution is not accomplished at this level, resolution will be sought at each successive level of UNK administration up to and including the appropriate Vice Chancellor.

2) Any person who is aggrieved by a consensual romantic or sexual relationship (and/or the negative conditions presented as a result of such a relationship) may seek resolution by presenting her/his concerns to the administrative supervisor (department or program chair/director, dean, or vice chancellor) of the faculty or staff member who is subject to recusal. This is the first level of resolution.

With recognition that reporting and/or complaint circumstances may be intimidating or harmful to the aggrieved party, the complainant is encouraged to seek assistance through the University of Nebraska at Kearney’s Ombudsperson who will provide policy interpretation and guidance to the complainant. Depending on circumstances, the Ombudsperson may determine that it is in the complainant’s best interests for the Ombudsperson to make initial efforts at conflict resolution with the appropriate administrative supervisor on behalf of the complainant.

3) In the event that either one of the two following conditions does not remove the conflict associated with a consensual relationship, any person aggrieved by this lack of resolution may file charges of professional misconduct with the Professional Conduct Committee against a person who fails to recuse herself/himself or to establish an objective oversight process in accordance with these procedures. The conditions are:

   a) Recusal actions associated with a consensual relationship do not resolve the conflict; or

   b) Resolution of the conflict created by a consensual relationship is not accomplished by recusal or appeal to successive higher administrative offices.

F. Conditional Oversight
In the event that recusal as described would seriously and adversely disadvantage the academic or professional future of the person under supervision or evaluation, the supervisory or evaluative relationship may be retained when specific provision is made
with the next higher administrative officer (Department Chair or Director, Dean, Vice Chancellor) for objective oversight of the performance.