MINUTES


Called to order at 2:05 by President Gomer

Approval of minutes delayed until next meeting

Report from Nominating Committee Chair John Silvester. Introduction of candidates. Each candidate stated his/her platform for election.

q. why not have all faculty nominate the candidates?
   a. by-laws state that there’s a nominating committee. All faculty can be write-in candidates also.

Report from the Faculty Handbook Committee. President Gomer describes the process, that Handbook Committee brought drafts to the Executive Board and a process of comments, feedback and revision occurred with input from a number of schools. Sandeep Gupta, Chair, represents the Committee. He reports on Chapter 6 revisions, detailing members of the committee and the process that they went through, from original committee drafts, first reading at the senate through the feedback and revision process. Gupta notes concerns from some colleagues who are uncomfortable with the number of changes, and some categories in which specific concerns fall. Some concerns can be satisfied, but some are in opposition and so cannot be reconciled simply.

The committee worked to make more specific the language about offensive behaviors to address concerns that this was too general. The committee also addressed the concerns about academic freedom being limited to the classroom, that other chapters address this and clarify it. No limitations have been imposed on academic freedom.
There were concerns that rationales were not given for changes in law, like protection of children. Penn State has caused this new language. As to necessity to report, some colleagues believe we have to represent the weak among us, others feel they don’t want to be made into informers. The duty has been limited to sex-based harassment.

Jody Shipper is named in the Handbook. Some feel that this should not be the case. The statutes require this. The committee does not know why.

Consensual relations also cause contention, as some believe it should be limited and some do not. The committee drew a line in principle, that private conduct is private, but anything that affects the business of the university is the business of the university.

opened for questions. quorum count called for.

q. the last 5-10 years due to social media, it is less clear when one is representing USC on social media. Are we free to post comments, e.g. on Facebook, to friend, who know we are at USC? Was the original language more clear?

a. the Reasonable Person standard handles that. It’s a multilayered topic, but I am not personally concerned that this will be an issue.

q. it’s not clear the difference between saying something offensive about people and something offensive about ideas. Also is this limited to in the classroom only?

a. it is not limited to in class only. View p. 12 of the document headed l of 30.

q. but what of saying things about ideas as opposed to people?

a. on p. 17 limits it to individuals.

q. People are imagining examples because they don’t like the law. Looking at the general statement, it matches the law. These examples are to offer common sense examples. The handbook now makes it clear these procedures are to be enforced to protect academic freedom period. Complaints are made, then the university has to make a finding, it goes to the Provost, the faculty has the right to a grievance—there are existing protections plus new ones. And these only apply to things that are objectively offensive to a reasonable person. Religion is not used as an example, but comments about someone’s religious belief is.

a. I would prefer it be made clearer this is to protect individuals and not ideas.

q. the document is massive and the issues are so central, free speech, etc., that it’s hard to digest them. It seems premature to take a vote.

a. no rush will be made on making a decision where there are concerns. But it is our responsibility to move forward if in fact it is appropriate.
q. we have professors that are concerned about religious freedom problems. Many
people in Engineering feel the process is strange. 1000s of faculty are given two weeks
to analyze and discuss this. This is a contract and has to have a legal basis. Is anyone on
your committee a lawyer.

a. yes.

q. but it should be someone outside the university.

a. we have received comments from many people. Let’s discuss specific complaints. It
is not up to the committee to decide if it is too soon for a vote.

q. I teach undergraduate classes on sensitive issues, including race, class, sex, and I have
no problem with the language in this handbook.

q. the comment on consensual relations concerns some faculty that the university
becomes the faculty dating police. The language seems too strong.

a. The language is about power differentials, not prudish morality. There’s an inherent
power differential in faculty student relations as well as supervisor/supervisee. One
should consider strongly if a relationship is worth pursuing if it can hard a faculty or
student’s career.

q. In Ostrow the focus was 6I, consensual relations, with some pressing for stronger
language, with explicit prohibitions against it.

a. this is a gender issue and it can change the dynamic of a program if it is known that a
faculty member is open to dating students. It’s about climate. We need to attract top
candidates and making it clear sex discrimination affects everyone but is a gender
specific issue.

Motion to accept proposed changes to Faculty Handbook, seconded. Opened for
discussion. Vote on Approval for changes to Chapter 6. Motion passes, 24-1.

First reading of chapters 2, 3, 4, 5, 7, 8, 9 and 10. Committee notes many changes are
inconsequential, title changes, etc. Most in chapter 2 are fairly cosmetic. One potentially
consequential change on p. 5, 2A, Chairs of Divisions or Departments, is not longer
required to be tenured. Chapter 3, minor things, then Conflict of Interest, admissions has
been added, so one’s children cannot receive special treatment. This is required by law.
Also on p. 19, chair or dean is not dean only. Ch 4 needs a more careful reading because
there are many insignificant changes but there is divergence in titles across schools and
the committee requests information on the practices from various schools. The other
chapters have straightforward minimal changes. Please look at 7 C(2). Chapter 8, Senate
asked Provost’s office for clarity on how many days to respond to a report. So the word
“calendar” has been added. Chapter 9 has some changes about tenure so please read
carefully. Chapter 10 has little alteration but that emeritus faculty cannot hold a tenured position at another university. Please consider this.

q. Chapter 3, page 18, adding “loyalty” to “responsibility.” Also “family relations.”

a. For “loyalty” as a professor you can be required to write papers but what if you give your affiliation as at another university? That’s what it means. The word does rankle. I am open to hearing your thoughts about this. Also the spouse might have a financial interest in a vendor you are looking to use. That’s what family refers to.

q. “Poor conduct as well as poor performance” allows NTT to be dismissed without going through formal process if conduct is used as the reason. It seems like an informal notion that can used.

a. the Senate voted to allow NTT faculty to work here years ago and that paragraph has been there since then. Performance was interpreted as including conduct, but because the Tenure protection is so careful and specific, it cannot be completed in a year. If NTT were afforded the same protections, it would never be used because the school would have to wait for the end of the year to terminate. The protection for NTT is a grievance that would go to a committee but does not have the 21 steps of tenure. It must be the school that brings the charge.

a. the committee has made a note of this.

q. question on chapter 10, will the new phased retirement program have any effect on 10C?

a. no. It’s not a substantial change.

q. p. 18, 21 (3), the section with the word “loyalty,” has introduced new words. There’s two kinds of conflicts, of commitment—having two salaries, having two jobs, but also there’s concern about giving opinions as experts that might affect the university. So our primary concern is to avoid real or seeming conflicts of interest when giving our opinions. Financial conflicts are also involved since we might endorse a drug that we are financed to support. By changing the wording the emphasis has been shifted from professional concerns to much more petty conflicts, including getting family members financial connections.

a. we will talk about this.

q. related to this topic, and also to the previous motion, we do need adequate time to review the large number of changes being proposed. If we are to make changes up to the day before the vote, we don’t have a chance to consider the ramifications. So I move that we have to have changes two weeks before the meeting where there will be a vote.

moved and seconded. Discussion.
Then we cannot have tweaks without waiting two more weeks.

That was not my intention. But I want to read and absorb information.

q. would you amend your motion that changes made in the meeting can be accepted?

a. yes and I amend the motion to make it one week before the senate meeting.

q. it should go to the Executive Board first.

a. that's procedural.

q. So Wednesday May 7 would be the deadline, and that way the Executive Board would be able to see it that day.

vote taken. Passes. One abstention. ;-D

announcements.

New Business: Heartbleed Security Vulnerability is significant. USC recommends you change all of your passwords and then do it again in 2-3 weeks time. Otherwise your passwords can be harvested. Use strategy for passwords, highly protected on down.

Beth Meyerowitz and President Gomer encourage Faculty Councils to participate in identifying people for committees. Self-nominations also welcome.

Annenberg wants the Executive Board and Senate to have a task force on the memo that came out on the use of space and revisiting the Carnegie contact hours requirements.

meeting adjourned at 4:10.

Respectfully submitted,

Diana Blaine

Member-at-Large of the Academic Senate