

# **REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE**

**OCTOBER 4, 2010 – 104 GORE HALL**

September 27, 2010

TO: Senators and Executives

FROM: Belinda Orzada, Vice President

University Faculty Senate

SUBJECT: Regular Faculty Senate Meeting October 4, 2010

In accordance with Section IV, paragraph 6 of the Constitution, the regular meeting of the University Faculty Senate will be held on Monday, October 4, 2010 at 4:00 p.m. in 104 Gore Hall. The General Faculty meeting will be held this month as well. This meeting will begin at 3:30 p.m. just prior to the Faculty Senate meeting, and will also be held in 104 Gore Hall. Please make every effort to attend this meeting.

I certify that hard copies of the approval page for each undergraduate and graduate studies academic item on the agenda are filed in the Faculty Senate Office with the appropriate signatures of approval up through the Chair of the Faculty Senate Coordinating Committee on Education. The Agenda will be as follows:

## **MINUTES**

**I. Adoption of the Agenda – *Approved as presented***

**II. Approval of the Minutes: [September 13, 2010](#) – *Approved as presented***

**III. Remarks:** Provost Tom Apple

**IV. Announcements:** Senate President John Madsen

1. Proposal to Faculty Senate to consider the listing of particular religious holidays on the University academic calendar. Has been reviewed by Rules Committee, Undergraduate and Graduate Studies Committees and is under review by the Executive Committee.
2. At the April 2010 meeting of the University Faculty Senate a motion presented by Senator James Morrison to appoint an ad hoc committee to investigate the impact that responsibility based budgeting (RBB) is having on faculty governance and academic quality at the University was seconded and approved.

The Executive Committee of the Faculty Senate is working with the Committee on Committees and Nominations (COCAN) to select the members of this ad hoc committee.

3. At the April 2010 meeting of the University Faculty Senate a motion presented by Senator James Morrison that, when there are plans by the administration for reorganization of units within the University, the faculty members of the affected units be informed within one week and the faculty members have an opportunity with sufficient time to discuss the proposal and respond with their recommendations to the Dean and Chair of those units.

Currently in review by the Executive Committee

4. Resolution sponsored by Senators Galileo, Bruening, Hastings, Morgan, Izard introduced at 9/13/10 Faculty Senate Meeting - Stipulates new conditions necessary for changes to be made to the University of Delaware Faculty Handbook.

This resolution has been sent to the Rules Committee for discussion

Presentations by:

Dean George Watson – Arts and Sciences

Dean Suzanne Austin – Education and Human Development

Hans-Jörg Busch, Chair, Adhoc Committee on Calendar Issues at

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## **V. Consent Agenda**

1. **Announcements for Challenge:** None

## **VI. Regular Agenda**

1. **Unfinished Business:**

### **a. Resolutions: *Approved as amended below.***

1. Recommendation from the Committee on Faculty Welfare and Privileges (Jan Blits, Chairperson) with the concurrence of the Rules Committee (Jack Baroudi, Chairperson) and the Executive Committee (John Madsen, Chairperson) for the request to replace the University's 1979 Academic Freedom Statement with a more

protective Academic Freedom Statement located in the Faculty Handbook Section 4: Personnel Policies for Faculty – Academic Freedom and Standards of Conduct – Academic Freedom Statement ([attachment](#)#001)

Whereas: a recent U.S. Supreme Court decision (*Garcetti v. Ceballos*, [547 U.S. 410](#) [2006]) and subsequent U.S. Circuit Court rulings, including one by the U.S. Court of Appeals for the Third Circuit (*Gorum v. Sessoms* [08-1741](#) [2008]), have removed Constitutional protections for public university faculty and students in all areas of “professional duties” other than teaching and research, and

Whereas: the University of Delaware’s 1979 Academic Freedom Statement ([www.udel.edu/provost/fachb/IV-B-1-acadfreedom.html](#) #002) does not specifically protect the freedom of faculty and students to address matters of institutional policy and action or to conduct institutional governance, be it therefore

Resolved: that the Faculty Senate approves replacing the University’s 1979 Academic Freedom Statement with the proposed Academic Freedom Statement as follows:

Academic freedom is the freedom to teach, both in and outside the classroom, to conduct research and other scholarly or creative activities, and to publish or otherwise disseminate the results. Academic freedom also encompasses the freedom to address any matter of institutional policy or action whether or not as a member of any agency of institutional governance. Faculty have the freedom to address the larger community with regard to any social, political, economic, or other interest. *The freedoms enumerated in this policy apply without institutional discipline or restraint save for statements or actions a) that demonstrate disciplinary incompetence or b) that violate the University's Professional Ethics Statement (as edited on 2/12/99) or ~~e)~~ the University's standards pertaining to disruptive behavior (as adopted on 6/1/70). Alterations to ~~s~~Statements or ~~actions a), b) or c)~~ standards under b) made subsequent to the*

*senate's adoption of this academic freedom policy do not restrict the freedoms enumerated herein, unless a new limitation on academic freedom is specifically approved by the senate. {See Amendment Below}* Academic responsibility implies the faithful performance of professional duties and obligations, the recognition of the demands of the scholarly enterprise, and the candor to make it clear that, when one is speaking as a citizen on matters of public interest, one is not speaking for the institution.

### **Amendment from the Senate Floor Approved by Senators:**

*The freedoms enumerated in this policy apply without institutional discipline or restraint save for statements or actions a) that demonstrate disciplinary incompetence or b) that violate the University's Professional Ethics Statement (as edited on 2/12/99) or the University's standards pertaining to disruptive behavior (as adopted on 6/1/70). Alterations to Statements or standards under b) made subsequent to the senate's adoption of this academic freedom policy do not restrict the freedoms enumerated herein, unless a new limitation on academic freedom is specifically approved by the senate.*

2. New Business:           None

#### **VII. Introduction of New Business:**

*Senator James Morrison asked the Senate President to look into the 6-10 rule and if it's being followed. Senator Morrison indicated he didn't believe it was being followed and wanted the Senate to look into it. President Madsen agreed that the Senate would look into the issue.  
No formal motion was made.*

Such items as may come before the Senate. (No motion introduced under new business, except a motion to refer to committee, shall be acted upon until the next meeting of the Senate.)

/khs