

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

APRIL 3, 1995

MINUTES

Senators excused were: Thomas Angell, David Bellamy, Hilton Brown, Karen Curtis, Richard Geider, Neil Houser, Roger Kobak, Ajay Manrai, Roger Murray, Ali Poorani, Henry Reynolds, David P. Roselle, Michael Rosenberg, Wendy Samter, D. Allan Waterfield

Senators absent were: Martha Carothers, William Idsardi

I. ADOPTION OF THE AGENDA

The agenda was adopted as presented.

II. APPROVAL OF THE MINUTES

The minutes of the March 6, 1995 meeting were approved as written.

III. REMARKS BY UNIVERSITY PROVOST SCHIAVELLI

With great humor and charge Provost Schiavelli thanked the community for its patience and good wishes during his illness and paid particular thanks to Margaret Andersen, Costel Denson, Carol Hoffecker, Jeffrey Quirico, the deans, and the chairs.

Provost Schiavelli's plans to visit all 57 departments and programs were revised. He reached 21 departments this year and will add the cancelled visits to the schedule for Fall.

One of the purposes of these visits is to formulate a set of goals for a pending capital campaign. These goals include specifics for enhancing strong programs and formation of new initiatives.

Provost Schiavelli will soon review the 1995-1996 base budget with the Executive Committee, the Committee on Budgetary and Space Priorities, and the Academic Priorities Review Committee. This budget is constrained by the uncertainty of the level of State funding. Nonetheless, units have not been asked for revisions of any part of their base budgets.

The promotion and tenure process is finished for this year. Provost Schiavelli is impressed how seriously this task is taken at Delaware and how much study and work is done.

At the end of these remarks the Provost volunteered to do a Lyndon Johnson and show his compression stocking. This offer generated great laughter.

IV. ANNOUNCEMENTS

President McLaughlin made two announcements:

- a. The open hearing on Distance Learning will be held at 4:00 p.m. on Thursday, April 20 in 120 Smith.
- b. Senator John Cooper of Military Science called attention to the availability of ROTC scholarship monies.

V. OLD BUSINESS - None

VI. NEW BUSINESS

- A. Recommendation from the Committee on Research on the addition of a "Conflict of Interest Disclosure Statement" to the Faculty Handbook.

Charles Robinson, Chairperson of the Committee on Research, said the purpose of this resolution was to produce a simple and straightforward, two-page statement which may be attached to grant proposals.

The original resolution was given two amendments:

1. Strike out "and the Board of Trustees" from

the second Resolved. It was established after the resolution was drafted that the Board of Trustees do not need to approve this resolution.

2. Add a third Resolution (please see the bold face portion below).

These amendments were adopted without debate after the wording of the last resolution was formed.

Following is the revised resolution as approved:

WHEREAS,	the National Science Foundation has instituted a new policy, effective June 28, 1995, requiring that all grantee institutions employing more than fifty persons maintain their own conflict of interest policies and have established minimum requirements for those policies, and
WHEREAS,	this new policy requires certifications from principal investigators, co-principal investigators, and authorized institutional representatives, and
WHEREAS,	the University Faculty Senate Committee on Research has formulated a specific policy statement which meets these standards and has held an Open Hearing on the proposed University of Delaware statement, be it therefore
RESOLVED,	that the University Faculty Senate approve and recommend the adoption of the attached Conflict of Interest Disclosure Statement, as forwarded by the Committee on Research, and be it further
RESOLVED,	that upon approval of the appropriate officers of administration, the attached "Conflict of Interest Disclosure Statement" be included in the Faculty Handbook at the end of II.15.c in Section II, page II-11, and be it further
RESOLVED,	that this disclosure may be further amended and/or updated by the Committee on Research to reflect the latest changes in NSF and/or PHS guidelines. The Committee on Research will report these changes to the University Faculty Senate.

There was a brief discussion on the wording of the two-page disclosure. The discussion concluded by deciding to keep the original wording.

- B. Recommendation from the Faculty Senate Executive Committee, with the concurrence of the Committee on Faculty Welfare and Privileges, for the addition of a "Statement on Professional Ethics" to the Faculty Handbook.

The attached statement on professional ethics was taken from the AAUP Policies Document of 1990. This resolution was passed unanimously.

WHEREAS,	the Faculty Handbook contains a section defining Academic Freedom, and
WHEREAS,	there is no corresponding section on Professional Ethics clearly stating the ethical obligations of the faculty, be it therefore
RESOLVED,	that the Faculty Senate recommends the inclusion of the AAUP Statement on Professional Ethics as it appears in

the 1990 edition of the AAUP Policy Documents and Report, and be it further

RESOLVED, that this statement be inserted into the Faculty Handbook immediately following B. "Academic Freedom," Section III, pages III-4 and III-5.

- C. Recommendation from the Committee on Faculty Welfare and Privileges revising the Application Procedure and Qualifications for Sabbatical Leave under "Sabbatical Leave" in the Faculty Handbook.

The first resolution was passed unanimously without discussion.

RESOLUTION 1

WHEREAS, faculty members need as much advance notice as possible to prepare for a sabbatical, be it therefore

RESOLVED, that Section O, under "Leave of Absence," subsection Application Procedure, paragraph (c), pages III-39-40 be amended as follows: [Addition in bold type]

- (c) The dean, if approving in turn, will establish priorities and where required make budgetary recommendations to the Provost. The Provost will study all aspects of the recommendations and make the determination concerning the leave. The applicant shall be notified of the action at each of the three levels of administrative review at the time of that action.

RESOLUTION 2

The second resolution produced some discussion. Dean Richards observed that the existing policy for a cost-free sabbatical leave program is fairly standard in higher education and asked how the resolution originated. President McLaughlin replied that the Executive Committee found an inconsistency in that some departments apparently received additional support for sabbatical leaves and others did not. This issue was sent to the Committee on Faculty Welfare and Privileges. James Krum, Chairperson of the Committee on Faculty Welfare and Privileges, said large departments can cover sabbaticals by rotation of staff assignments while smaller departments often require temporary staff. Provost Schiavelli said the second proposal made sense particularly in view of the budgetary references in the first. Dean Richards asked if the proposal would constrain chairs if a large fraction of a department requested leaves at the same time. Provost Schiavelli responded that the new proposal opened an opportunity for funding when a department had an exceptionally heavy demand for sabbaticals. Provost Andersen said the current leave policy permits chairs some latitude in postponing leaves in such circumstances. This concluded the discussion. The following resolution was passed unanimously:

WHEREAS, a sabbatical system, by definition, results in costs to the University, and

WHEREAS, not all departments are staffed at a level to permit leaves without incremental costs to the University, be it therefore

RESOLVED, that Section O, under "Leave of Absence," subsection Qualifications for Sabbatical Leave, paragraph (f), page III-39, which states "The granting of the leave must not result in additional

costs to the University," be deleted.

- D. Recommendation from the Committee on Student and Faculty Honors on the eligibility of faculty for the CASE Award.

Dean Murray asked if the resolution expanded the pool of nominees for the CASE Award to everyone since self-nomination is possible. President McLaughlin answered that this possibility exists. The resolution then was passed unanimously.

WHEREAS, the "Professor of the Year" national award sponsored by the Council for the Advancement and Support of Education (CASE) is nominated on evidence of the professor's teaching abilities, and

WHEREAS, the Faculty Senate rule in effect (April 16, 1984) restricts award nominees to the most recent winner of the Francis Alison Award, and

WHEREAS, classroom teaching is not the primary criterion for the Francis Alison Award, and

WHEREAS, the Alumni Distinguished Professor Award is solely based on classroom teaching abilities, be it therefore

RESOLVED, that the nominee for the "Professor of the Year" award sponsored by the Council for the Advancement and Support of Education be selected from among the winners of the Francis Alison Award or any nominees or winners of the Alumni Distinguished Professor Award.

- E. Recommendation from the Faculty Senate Executive Committee regarding the Ad Hoc Committee on Smoking Policy. The resolution discharging the committee with appreciation was passed without discussion.

WHEREAS, the Ad Hoc Committee on Smoking Policy has filed its final report with the Executive Committee, and

WHEREAS, the Executive Committee has received and discussed that report, and

WHEREAS, an open hearing on the contents of the report was held on October 20, 1994, be it therefore

RESOLVED, that the Ad Hoc Committee on Smoking Policy is hereby discharged with the thanks of the Faculty Senate.

- F. Recommendation from the Faculty Senate Executive Committee, with the concurrence of the Committee on Faculty Welfare and Privileges on amending the Smoking Policy as approved by the Faculty Senate on April 8, 1991. After a brief discussion originating from Senator Wolters asking if the scent-free policy applies to after shave lotion and perfume (it does not), the following resolution was passed:

RESOLVED, that the Smoking Policy in the Faculty Handbook at V, "Personnel Benefits and Miscellaneous Information," subsection L., "Smoking Policy," pages V-7 and V-8, be amended as follows:

1. Current descriptions of prohibited and allowable smoking areas be deleted.
2. The following statement be added in its place:

Except for student housing and other residential areas, the University of Delaware

declares the interior of all University-owned or occupied buildings, University-owned vehicles, and at least one entrance to each building to be smoke-free. Smoking will be permitted outside one designated entrance for those buildings with more than one entrance. The smoking/non-smoking designation for each entrance shall be determined by the Unit Head of that building, in conjunction with the Assistant Director of University Plant Operations, Grounds Division. Compliance with this policy is the responsibility of all members of the University community.

G. Recommendation from the Committee on Student Life for revisions to the Code of Conduct.

In discussion, Dean Brooks said that the proposal was drafted to reduce the vagueness of the prior policy. The prior policy has been questioned by attorneys and parents. The proposal adopts some of the Delaware Code defining weapons. For example, a baseball bat used in the commission of a crime becomes a weapon. The policy permits the use of inoperable rifles in drill teams or for martial arts classes under the statement, "This policy is not to be construed as a prohibition against instruments and chemicals expressly authorized for the pursuit of the academic mission of the University."

The following resolution was passed:

WHEREAS,	a review is conducted of the Code of Conduct periodically and,
WHEREAS,	some changes are necessary because of student behavior problems, be it therefore
RESOLVED,	that the following changes be made in The Official Student Handbook, under the Code of Conduct, page 29.

Proposal for Changes to Code of Conduct Violation #18

Weapons, Firearms or Explosive Devices on Campus
[Revised policy is in bold]

Current Policy

Weapons, Firearms or Explosive Devices on Campus
Unauthorized possession or use of firearms, fireworks or chemicals which are explosive in nature, and any other types of arms defined as "dangerous instruments" or "deadly weapons" by the Delaware Code Title 11 Crimes and Criminal Procedures in Section 222, and Chapter 22 of the Code of the City of Newark. (Copies of these Codes are available in the University Police Department Office.)

Revised Policy

Dangerous Instruments, Deadly Weapons, and Explosive Chemicals or Devices on Campus

The University's policy concerning dangerous instruments, weapons, firearms and explosives on campus is in conformity with the Delaware Criminal Code, Chapter 11, Section 222 and relevant sections of the Newark Municipal Code. Copies of these Codes are available upon request from the Office of Public Safety.

The attempted or actual use, or threat of use of the instruments or explosives contained in this policy is of primary concern for the safety of the campus community. However, the University also prohibits the possession of several instruments which may not be defined as dangerous instruments, weapons or firearms under the law. These prohibited instruments include but are not limited to BB guns, pellet guns, air rifles, paint guns, decorative or functional swords, and martial arts weapons.

This policy is not to be construed as a prohibition against

instruments and chemicals expressly authorized for the pursuit of the academic mission of the University. Questions concerning authorization of chemicals and prohibited instruments should be addressed specifically to the Office of Public Safety or the Dean of Students Office.

The following are prohibited under Delaware Law and University Policy:

1. Dangerous Instrument
Any instrument may be defined as a dangerous instrument if it is used, attempted or threatened to be used, or is readily capable of causing death or serious physical injury.
2. Deadly Weapon
The Criminal Codes cite the following as deadly weapons: firearms (including any weapon from which a shot, projectile or other object may be discharged by force, whether operable or inoperable, loaded or unloaded), a bomb, a knife (other than an ordinary pocketknife carried in a closed position, with a blade of three inches or less), a switchblade knife, a billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain, ice pick, or any dangerous instrument which is used or attempted to be used to cause death or serious physical injury.
3. Explosive Devices and Chemicals
A substance, or combination of substances possessed and/or prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation is prohibited. Fireworks are included among prohibited explosive devices, as are illegal and potentially dangerous chemicals.

Proposal for Changes to Code of Conduct Violation #8
False Information

Current Policy
False Information

- A. Knowingly making a false oral or written statement in a University disciplinary hearing or to a University official.
- B. Reporting the false presence of an explosive or incendiary device or fire.
- C. Falsely reporting a crime.
- D. Possessing any form of false identification.

Revised Policy
False Information

- A. Intentionally making a false oral or written statement in a University disciplinary hearing, or to a University official.
- B. Intentionally making a false oral or written statement in order to misrepresent the character, qualifications or reputation of another.
- C. Falsely reporting the presence of an explosive or incendiary device or fire.
- D. Falsely reporting a crime.
- E. Possessing any form of false identification.

H. Introduction of New Business

None was introduced.

The meeting was adjourned at 4:55 p.m.

Respectfully submitted,

Jon Olson
Secretary
University Faculty Senate

JO/rg
Attachment