

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

Minutes

March 5, 2001

Members Excused: Mohsen Badiy, Carol Denson, Thomas Evans, Richard Fang, Frederic Getze, Alan Fox, Joseph Glutting, Thomas Hardie, Eric Kaler, Ron Martin, John Nye, Dan Rich, T. Fraser Russell, Rivers Singleton, Iris Snyder, Fred Stiner, Carolyn Thoroughgood, Barry Walker, Gary Weaver

Members Absent: Paul Mettler, Richard Wolbers

I. ADOPTION OF THE AGENDA

The revised agenda, as distributed to Senators at the beginning of the meeting, was adopted.

II. APPROVAL OF THE MINUTES

President Van Name announced a minor change to the February 12, 2001 minutes. The announcement: President Judith Van Name reminded the Senators that the Middle States Accreditation Review will occur during the week of February 21-28; should be amended to read, President Judith Van Name reminded the Senators that the Middle States Accreditation Review will occur February 25-28; . . . There was no call to approve the February 12, 2001 minutes.

III. REMARKS BY PROVOST SCHIAVELLI

Provost Schiavelli informed the Senators of the draft report made by the Middle States Accreditation Team at their exit interview. The team made no recommendations (which call for a response), and only three-four suggestions. Provost Schiavelli noted that he has served on approximately 40 evaluation teams, and has never served on a team that did not offer any recommendations. We should all be very proud; and Provost Schiavelli thanked everyone who participated. Having said that, the Provost went on to remark that the campus faculty is not as diversified as we would like to be. Our comparable institutions have, on average, 5% minority faculty, and we have 4% which is a 20% difference. Having an additional ten minority faculty would make us comparable to like institutions.

IV. ANNOUNCEMENTS

President Judith Van Name reminded the Senators that an Open Hearing to consider the establishment of a new Major in Health Services Administration within the Master of Science degree program in the College of Health and Nursing Sciences will occur March 8, 3:00 p.m., in 115 Purnell Hall.

V. CONSENT AGENDA

A. Announcements for Challenge. Upon request of Senator Pavitt, item #16, revision to the Civil Engineering major was moved from the Consent Agenda to the Agenda. The following announcements for challenge were adopted by consent.

1. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Applied Nutrition, College of Health and Nursing Sciences.

2. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Dietetics, College of Health and Nursing Sciences.

3. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Nutritional Sciences, College of Health and Nursing Sciences.

4. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Medical Technology, College of Health and Nursing Sciences

5. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence

of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Biological Sciences, College of Arts and Science.

6. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Biological Sciences Education, College of Arts and Science.

7. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the concentration in Biotechnology, College of Arts and Science.

8. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) to establish a concentration in Cell and Molecular Biology, College of Arts and Science.

9. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) to establish a concentration in Ecology and Organismic Biology, College of Arts and Science.

10. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Computer and Information Sciences, College of Arts and Science.

11 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the Credit-by-exam policy, Foreign Languages and Literature, College of Arts & Science.

12 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Environmental Science, College of Arts and Science.

13 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Mechanical Engineering, College of Engineering.

14 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Electrical Engineering, College of Engineering.

15 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Computer Engineering, College of Engineering.

16 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Civil Engineering, College of Engineering.

17 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Environmental Engineering, College of Engineering.

18 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education, (James Richards, Chair) to establish an Honors degree track in the major: Criminal Justice, College of Arts & Science.

19 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education, (James Richards, Chair) to establish an Honors degree track in the major: Latin American Studies, College of Arts and Science.

20 Recommendation from the Committee on Graduate Studies (Roberta Golinkoff, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the PhD in Economics, College of Business and Economics.

21 Recommendation from the Committee on Graduate Studies (Roberta Golinkoff, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the Master's degree in Human Nutrition, College of Health and Nursing Sciences.

22 Recommendation from the Committee on Graduate Studies (Roberta Golinkoff, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the Master of Public Administration, College of Human Services, Education, and Public Policy.

23 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Exercise and Sport Science, College of Health and Nursing Sciences.

24 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Health and Physical Education, College of Health and Nursing Sciences.

25 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the major in Recreation and Park Administration, College of Health and Nursing Sciences.

26 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) to change the title of the major in Recreation and Park Administration to Health Behavior Management, College of Health and Nursing Sciences.

27 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) to add the concentrations: Sport Management and Recreation & Park Administration, College of Health and Nursing Sciences.

28 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) to delete the concentrations: Parks and Programming & Leadership, College of Health and Nursing Sciences.

29 Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) for revision to the minor in Coaching Science, College of Health and Nursing Sciences.

B. Resolutions. The following resolutions were adopted by consent.

1. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education, James Richards, Chair) to establish a new minor: Strength and Conditioning, College of Health and Nursing Sciences.

Whereas a number of students selecting a major within the Department of Health and Exercise Sciences have an interest in employment as strength coaches or personal trainers and wish to be academically prepared for such employment, and

Whereas the Department of Health and Exercise Sciences has the faculty, the courses, and the desire to offer a minor to package the courses and practicum experiences necessary to provide this preparation, be it therefore

Resolved that a new minor be established in Strength and Conditioning available to students selecting a major within the Department of Health and Exercise Sciences

2. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) to grant permanent status for the major in Natural Resource Management, College of Agriculture and Natural Resources.

Whereas the major in Natural Resource Management was provisionally approved in March 1996, and

Whereas it has attracted students with strong academic credentials and has successfully placed the first graduates in suitable jobs or graduate programs, be it therefore

Resolved that the major in Natural Resource Management is hereby granted permanent status.

3. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) to grant permanent status for the major in Italian Education, College of Arts and Science.

Whereas the major in Italian Education was provisionally approved in September 1995 and

Whereas increasing numbers of students coming to the University have interest, and secondary school experience in the study of Italian, and

Whereas in the University's principal recruiting area there are many high schools offering Italian but few colleges and universities preparing teachers of Italian, so that there is demonstrable need, and a suitable niche, for this program, be it therefore

Resolved that the major in Italian Education is hereby granted permanent status.

3. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) to grant permanent status for the major in Computer Engineering, College of Engineering.

Whereas the major and degree in Computer Engineering has provisional status and needs to gain permanent status, and

Whereas the program is academically sound and successful, as evidenced by the results of its recent ABET review, and

Whereas it is attractive to sizeable numbers of capable present and prospective students, and meets a significant need of the College of Engineering, be it therefore

Resolved that the major and degree in Computer Engineering is hereby granted permanent status.

4. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) to extend the deadline to December 2001 for granting permanent status to the major: Latin American Studies

Whereas the major in Latin American Studies has provisional status and needs to gain permanent status, and

Whereas it was given its deadline of March 2001, but was unable to meet the deadline because its new director as of September 2000 did not become aware of the deadline in a timely fashion and then was away with a study abroad trip in the Winter Session, be it therefore

Resolved that the deadline for granting permanent status for the major in Latin American studies is hereby extended to the University Senate meeting of December 2001.

5. Recommendation from the Committee on Undergraduate Studies (Robert Brown, Chair) with the concurrence of the Coordinating Committee on Education (James Richards, Chair) to grant permanent status to the major: Applied Nutrition.

Whereas the major in Applied Nutrition (B.S.) has been offered since 1990 when it was granted provisional status and after being granted an extension, now needs approval for permanent status, and

Whereas students completing the major have gone on to careers in which nutrition is not the main emphasis but for which a sound education in nutrition is an important element, and

Whereas the Department of Nutrition and Dietetics serves the major with courses and faculty also serving its other two majors and so does not need to provide additional resources in order to offer this major, be it therefore,

Resolved that the major in Applied Nutrition (B.S.) is hereby granted permanent status.

VI. AGENDA

A. Old Business. There was no old business

B. New Business.

1. Senator Pavitt, Communication, offered an item for information concerning the revision to the major in Civil Engineering. In the proposed revision, it is expected that students will take COMM 312. Senator Pavitt noted that, while the Communication Department approved COMM 312 as part of that curriculum, that approval was contingent on additional resources which the Department was unable to secure. Thus, it is unlikely that students will be able to enroll in COMM 312 in a timely manner. Robert Brown, Chair of the Undergraduate Studies Committee, noted that the Committee was aware of that and the Civil Engineering Department is also aware that course substitutions will most probably have to be made. The Senate approved the revision to the major.

2. The Senate next considered the request from the Committee on Diversity and Affirmative Action to recruit minority faculty. Senator Jon Olson, Parliamentarian, informed the Senate of the procedure that would be used to govern debate: A friendly amendment will be offered by James Richards and accepted by Ted Davis; Ted Davis will explain the Committee's resolution; Senator Linda Gottfredson will offer a motion to postpone action on the Committee's resolution; both motions will be discussed simultaneously; and the first vote will be on the motion by L. Gottfredson. If that motion fails, a vote will be held on the Committee's motion. With that, J. Richards offered the following amendment to Section 4, article 12, which was accepted by T. Davis. The text of the amended resolution offered by the Committee on Diversity and Affirmative Action (Theodore Davis, Chair) with the concurrence of the Executive Committee (Judy Van Name, President) to recruit minority faculty is as follows:

Whereas the University of Delaware has an expressed commitment to a culturally and racially diverse community of faculty, students, and staff, and

Whereas the University has made progress in increasing the number of faculty who were members of a protected class as identified under Title VII of the Civil Rights Act of 1964, but has not yet achieved a faculty that includes African Americans, Hispanics, Asians, and others in number that reflect their representation in the state or region, and

Whereas rapid globalization and technological advances necessitate that if the University is to remain a leader in the world of academia it must work to achieve a culturally and racially diverse faculty, and

Whereas greater faculty diversity would enhance the learning experiences of *all* students, and provide students from ethnic and racial minority backgrounds with additional role models and mentors, be it therefore

Resolved that faculty should be called on to take "extraordinary efforts" to recruit and retain minority faculty through activities such as

- Continue dialogue about race and race relations at the University:
- through formal and informal dialogue, discuss issues and concerns associated with minority recruitment and the need to take extraordinary efforts to increase the number of minority candidates in the applicant pool;
- Develop a better understanding of the importance of recruiting minority faculty by meeting either formally or informally to discuss concerns;
- Identify and/or expand opportunities in the curriculum to reflect the teaching and research interests of minority faculty;
- Expand the placement of ads in specialized journals and on websites that attract diverse audiences;
- Encourage search committees to routinely use their discipline's professional organizations to identify potential minority candidates;
- Organize small conferences and workshops to attract and familiarize minority candidates to the University, and be further

Resolved that the faculty are called on to urge their departments and the University to adopt a variety of efforts to recruit minority faculty as suggested by the Faculty Senate Committee on Diversity and Affirmative Action in its "Working Paper on Extraordinary Efforts to Recruit Minority Faculty" such as Encourage the University to hire and/or promote minorities into senior administrative positions;

- Develop an interactive website designed to receive information from potential minority candidates;
- Extend invitations to senior minority candidates to lecture at the University a semester or so before a faculty search;
- Establish endowed chairs that are attractive to senior minority candidates;
- Expand the use of post-doctoral or visiting instructor status as a way of bringing minority faculty to campus;
- Encourage departments to make the case to the appropriate dean for hiring the short-listed minority candidate if the minority candidate does not receive the initial offer of employment but is qualified for the position and agreeable to the faculty of that department;
- Encourage the University to provide colleges and departments who have made significant attempts to diversify their faculty with special recognition and other incentives;
- Increase graduate fellowship opportunities that will encourage minority students to apply.

T. Davis explained the intent and meaning of the motion. He emphasized that the resolution does not call for hiring on the basis of race. Rather, it calls for extraordinary efforts to diversity the faculty through affirmative actions, not hiring preferences, which has been a long-time goal for the university. He noted that none of the measures recommended are unreasonable for the university to pursue.

Senator Gottfredson then introduced a motion to postpone action on the resolution from the Committee on Diversity and Affirmative Action regarding the hiring of minority faculty. The text of the motion is as follows:

Whereas the resolution of the Faculty Senate Committee on Diversity and Affirmative Action encourages departments and administrators to hire the department's first choice and a short-listed minority candidate if the minority candidate is not the first choice; and

Whereas the Committee justifies its resolution on the grounds that UD does not have a faculty whose racial composition reflects the proportion of racial minorities in the state and the region; and

Whereas civil rights laws passed by Congress and interpreted by the U.S. Supreme Court and the U.S. Court of Appeals for the Third Circuit (which includes Delaware) prohibit an employer from treating members of different races differently in employment decisions and, more particularly, from making an employment

decision based upon an employee's race; and

Whereas civil rights laws passed by Congress and interpreted by the U.S. Supreme Court and the U.S. Court of Appeals for the Third Circuit explicitly reject granting preferential treatment on account of existing numbers or percentage imbalance; and

Whereas The U.S. Civil Rights Act of 1991 specifically permits claims for punitive as well as compensatory damages against those who intentionally discriminate; and furthermore,

Whereas President Roselle is reported (by The Review, 2/23/01) to have said that the University lawyer would provide an advisory opinion on the legality of the Committee's proposal if requested by the Senate; be it therefore

Resolved that consideration of the Committee's resolution be postponed; the Senate take President Roselle up on his reported offer to provide the Senate with an advisory opinion from the University's lawyer specifically on the legality and the possible legal consequences of hiring on the basis of the Committee's resolution; and the Senate not act on the Committee's resolution until the legal questions have been officially answered.

Discussion of both resolutions followed. Leslie Goldstein disagreed with the assertions about legality and the interpretation of law as stated in the Gottfredson resolution. Senator Gottfredson offered her own interpretations and made the case that the meaning of the relevant case law and legislation is sufficiently murky to warrant needing the expert opinion of the university lawyer before proceeding to act on the Committee's motion. Gerald Turkel urged the Senate to take action, as it is the Senate's role to make academic policies and set academic goals. If we approve the Committee's resolution, it will be the University's role to consider issues of law for purposes of implementation. Senator Charles Pavitt noted his concern about the use of the language qualified labor pool, as searches in many units will not yield any minority candidates; he noted that what is of most importance is to inspire minority students to go to graduate school so that future search committees will be able to include minority candidates as part of the qualified labor pool from which to recruit. Ted Davis responded that if no minority candidate is qualified, then there is none in the pool of qualified applicants for a position. The Committee's resolution is asking for good faith actions in recruitment, with no set guarantees or quotas that need to be met through the hiring process, and with no punitive actions if searches do not reveal or include qualified minority candidates. After further discussions, primarily by Professors Goldstein and Gottfredson, about possible interpretations of relevant law, the question was called on the motion to postpone action on the resolution from the Committee on Diversity and Affirmative Action. The motion was defeated. The question was then called on the resolution made by the Committee on Diversity and Affirmative Action, which was approved by the Faculty Senate.

VII. Introduction of New Business.

President Van Name asked if there were items of new business, reminding the Senate that such proposed items could not be acted upon until the next meeting. Hearing no other proposed new business, the meeting was adjourned.

Respectively submitted,

Karen F. Stein, Secretary
University Faculty Senate