

**Franklin College Faculty Senate
Minutes of the Meeting of Wednesday, February 26, 2008
Approved January 24, 2008**

The meeting was called to order at 3:30pm in SLC 348, William Barstow presiding. Three proxies were identified: Michelle Momany (for Michael Hahn [Plant Biology]); Thomas Mote (for Hilda Kurtz [Geography]); and Jacek Gaertig (for Edward Kipreos [Cellular Biology]).

Members/Proxies Present:

Yuri Balashov (Philosophy), William Barstow (Plant Biology), Adrian Burd (Marine Sciences), Keith Campbell (Psychology), Stacey Casado (Romance Lang.), Jim DeHaseth (Chemistry), Charles Doyle (English), Jacek Gaertig (for Edward Kipreos [Cellular Biology]), Shane Hamilton (History), Joe Hermanowicz (Sociology), Kenneth Honerkamp (Religion), Thomas Houser (Art), Betina Kaplan (Romance Lang.), Roy Kennedy (Music), Michael Kernis (Psychology), Asen Kirin (Art), Kristin Kundert-Gibbs (Theatre & Film), Roy Legette (Music), David Lowenthal (Computer Science), Gordana Matic (Mathematics), Bill McCormick (Statistics), Michelle Momany (for Michael Hahn [Plant Biology]), Masaki Mori (Comp. Lit.), Thomas Mote (for Hilda Kurtz [Geography]), Kanzo Nakayama (Physics), Vladimir Popik (Chemistry), Dawn Robinson (Sociology), Brigitte Rossbacher (Germanic & Slavic Studies), Paul Schliekelman (Statistics), Lijiang Shen (Speech), Marshall Shepherd (Geography), Jake Short (History), Eric Stabb (Microbiology), Michael Tiemeyer (Biochemistry), Shuzhou Wang (Mathematics).

Members Not Present:

J. P. Caillault (Physics), Steve Dalton (Biochemistry), Mario Erasmo (Classics), Lisa Fusillo (Dance), Ron Miller (English), Alberto Patino-Douce (Geology), Bram Tucker (Anthropology), John Wares (Genetics).

Approval of the Minutes

Motion by Stabb, seconded by Shepherd, to approve the minutes of the January meeting. Unanimously approved.

Presiding Officer Bill Barstow's Remarks

Bill Barstow spoke on the upcoming elections for the Franklin Faculty Senate. The following units need to hold elections for the number of senators noted within parentheses: Art (1); Chemistry (1); Dance (1); Genetics (2); Geology (1); Germanic Slavic (1); Marine Sciences (1); Music (1); Psych (1); Religion (1); Romance Lang (1); Speech (1); Statistics (1).

Dr. Rossbacher asked whether the Senate was planning on meeting on certain days of the week next year (e.g., Thursdays), or if meetings would fall on different days of the week. Dr. Barstow called for senators' input on this question, as it has not yet been decided.

Dr. Hermanowicz posed a question about the University Council's passage of the withdrawal limit for students, wondering when it would go into effect, and what the penalty was for going over the allotted four withdrawals. Discussion ensued; it was noted that the new policy goes into effect next academic year. While students will have an appeals process available, any withdrawal after the 4th will be an automatic grade of "F" (whether initiated by the student or by the instructor).

Stephen Shewmaker – Executive Director, Legal Affairs

Mr. Shewmaker was invited by Dr. Barstow to discuss senators' questions on the new policy regarding mandatory reporting of arrests or criminal charges.

Shewmaker noted that Legal Affairs will only take action if an arrest or charge clearly and directly affects employment (e.g., a staff member whose job involves driving a state vehicle is arrested for driving under the influence). Otherwise, action does not come until conviction—following policy that predates the new policy. Any action that affects employment status or pay must go through due process; the affected staff or faculty member has a right to appeal any decisions made regarding employment status or pay. Shewmaker fielded a question: What if the arrest or charge is made outside of the U.S.?, and noted that the arrestee would still have a duty to report the event. Shewmaker noted that the policy does not include minor traffic violations, such as speeding or parking tickets. Dr. Campbell asked whether this policy was in contradiction to employment law, in that employers are not allowed to ask about arrests but only convictions.

Shewmaker responded that Georgia state law allows employing entities to create their own policies; the law only covers whether the entity does so reasonably and with due process. This new policy of mandatory reporting of arrests has been approved by the Attorney General. Dr. Campbell asked whether it was still Board of Regents policy that a felony conviction led to automatic firing; Shewmaker noted that it was. Dr. Matic asked what the difference between a felony and a misdemeanor was; Shewmaker responded that the difference is set by the legislature. Dr. Barstow inquired about what type of "file" Legal Affairs kept on individuals who reported an arrest or criminal charge; Shewmaker noted that his office keeps only those records necessary. Dr. Stabb inquired whether the new policy covered summer months, even if faculty are on 9-month appointments.

Shewmaker: Yes. Dr. Shen: What happens if someone is charged with a felony in another country? Shewmaker: Legal Affairs would review the other country's laws to determine if the charged crime would be considered a felony in the U.S.

Dr. Mori: What about a car accident, in which another driver is injured or killed?

Shewmaker: If not found criminally culpable, not an issue. A staff or faculty member could be found liable in a civil court, for instance, without being found guilty of a criminal offense. Dr. Matic: Have any felony convictions led to termination?

Shewmaker: Usually these have been drug offenses. Dr.

Honerkamp: Does the arrest reporting policy also apply to the Board of Regents?

Shewmaker: The policy applies to all employees of the Board of Regents, but not the Regents themselves, since they are not employees. Dr. Burd: Aren't Board of Regents employees charged and arrested about as often as university faculty

(i.e., not often)? Shewmaker: Probably. Dr. Campbell: Why was this policy put in place? Shewmaker: The policy was put in place because the Board of Regents required it. Dr. Stabb: How is failure to report treated? Shewmaker: Failure to report would be evaluated based on context. Shewmaker noted that upon the initiation of the new policy, the *Red and Black* immediately called up to see if recent arrests had been reported—and all of them had been.

Shewmaker offered to answer any other questions about legal affairs. Dr. Kundert-Gibbs asked whether being required to post course syllabi wasn't a violation of intellectual property rights. Shewmaker suggested that this is an issue best dealt with by the Office of the Vice President for Research. Dr. De Haseth asked about the use of "clickers" for student responses in lecture courses, and whether the department had to solicit minimum bids from all manufacturers even though the university spends no money on the "clickers" themselves. De Haseth noted that this could lead to a slippery slope in which faculty are required to obtain minimum bids from textbook publishers before recommending textbooks. Shewmaker was not familiar with the issue, and suggested De Haseth send an email for further information. Dr. Campbell asked about the new Legal Affairs "hotline." Shewmaker: The Board of Regents mandated it, not Legal Affairs. Dr. Kernis asked about paid participants in research studies who do not want to sign consent forms, but do want to participate. Shewmaker: Human studies are governed by federal law, watched by IRB. Kernis: the issue is not with IRB but with Grants & Contracts. Shewmaker: Legal Affairs will try to find a way to solve the problem given legal and policy constraints. Dr. Honerkamp asked a question about the recent email which did not clearly explain why the 10-month to 12-month salary switch was no longer possible. General discussion ensued; Dr. Barstow offered to invite Tim Burgess of the Office of Finance and Administration to come talk to the Senate about this issue at the next meeting.

Shewmaker also offered to discuss the Non-Discrimination and Anti-Harassment policy. Under existing policy (as amended by the University Council in 1998), Shewmaker stated, Legal Affairs does all it can do under the policy as impacted by facts, policy, and law. Legal Affairs takes the issue and the policy very seriously. The process of dealing with a report of discrimination or harassment is thus: upon report of a possible violation, Legal Affairs talks to the accused and accuser. The office tries to protect the university—which includes staff, students, faculty—and, within the guidelines of the NDAH policy, to work out an appropriate solution based on the situation. Shewmaker noted that according to federal law, sexual harassment must be "severe or pervasive" to be legally actionable. A single unwanted request for a date or one sexually suggestive comment is offensive and inappropriate, but is unlikely to qualify as sexual harassment unless repeated over a period of time.

Mr. Shewmaker offered to answer any further questions by email:

sshew@uga.edu

Committee Reports

Academic Standards: see attached report.

Admissions: see attached report.

Committee on Committees: see attached report.

Curriculum Committee: see attached report. 25 course changes, 9 new courses, 4 proposals for major changes. 1 must be voted on by full Senate.

Planning: nothing to report.

Professional Concerns: Considered question of whether faculty with appointments in two divisions can vote for representatives for the University Council from both divisions? The committee recommended that faculty in more than one division should have the right to vote for representatives in more than one division as long as the total number of representatives from each division at the University Council is not affected. Discussion ensued. On a voice vote, the committee's recommendation was unanimously approved.

Steering: no new agenda items. Tabled motion from Dr. Tucker continues to be tabled, as no proxy was found to present the issue.

New Business

Dr. Popik presented the curriculum committee's recommendation to approve the Institute for Women's Studies request to eliminate the undergraduate certificate in Women's Studies (since most students prefer to obtain a minor). [see attached report] Discussion ensued. On a voice vote, the Senate approved the committee's recommendation unanimously.

Adjourn

The meeting was adjourned at 4:43pm.

Respectfully submitted,
Shane Hamilton, Secretary