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## 2013-03-15 Minutes of the Academic Senate

University of Dayton. Academic Senate

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Approved  
Minutes of Academic Senate  
Friday, March 15, 2013; 3:00 p.m.  
KU West Ballroom

**Present:** Caroline Merithew, Sheila Hughes, Linda Hartley, John McCombe, Dominic Sanfilippo, Leno Pedrotti, Carissa Krane, Andrew Ewvaraye, Arthur Jipson, Laura Leming, Carolyn Phelps, Paul Bobrowski, Janet Greenlee, James Dunne, Ralph Frasca, Kevin Kelly, Corinne Daprano, Phil Anloague, John White, Ruth Monnier, Tony Saliba, Vinod Jain, George Doyle, Paul McGreal, Henry Gerla, Robyn Bradford, Kathy Webb, Emily Hicks, Donald Shimmin, Karen Swisher

**Guests:** Sangita Gosalia, Amy Anderson, Joe Mashburn, Pat Donnelly, Terence Lau, Deb Bickford, Paul Vanderburgh, Paul Piechota, Megan Rehberg, Jim Farrelly, Jayne Robinson, John Rowe

**Absent:** Paul Benson, Kurt Mosser, Anthony Whaley, Sarah Kerns, Hussein Saleh, Monish Chatterjee, Jarred White, Allie Michel, Joseph Saliba

**Opening Meditation:** John White opened the meeting with a meditation.

**Minutes:** Minutes of the February 15, 2013 meeting were approved.

**Announcements:**

The next meeting of the Academic Senate is April 19, 2013, 3:00-5:00 p.m. in KU Ballroom.

C. Phelps welcomed Leadership UD guest, Megan Rehberg to the ASenate meeting.

C. Phelps announced that there will be a SET Forum next Friday, March 22 from 3:00-4:30 PM in SC 114 for those interested in the work the committee has been doing this semester. .

**Committee Reports:**

**Academic Policies Committee (APC).** L. Pedrotti reported that the APC has completed a draft of a proposal to discontinue the General and Graduation Competency Programs. Early next week this draft will be circulated to members of the Senate and others for comment. He urged senators to please consult with their constituencies regarding this proposal. The APC strongly hopes that this proposal will appear on the agenda of the April Senate meeting. Please contact L. Pedrotti or another member of the APC if you have questions or concerns regarding this proposal.

The APC is also considering a final draft of a document that would govern initiation, discontinuation and other actions taken on degree programs and departments. For the most part, the purpose of the proposal is to draw the several existing policies governing these actions into a single consistent document.

Finally, the APC is processing a proposal to discontinue the Bachelor of Science in Education in Art Education. This proposal should appear on the agenda of the April Senate meeting.

**Student Academic Policies Committee (SAPC).** G. Doyle reported that the SAPC has no new business.

**Faculty Affairs Committee (FAC).** L. Hartley reported that since the February ASenate meeting the FAC has met once. The FAC is presenting Senate DOC 2013-02 Sabbatical Policy Revision and DOC 2012-10 Outside Employment Policy to the ASenate today for votes.

**Executive Committee of Academic Senate (ECAS).** C. Phelps reported that ECAS recently discussed the tuition benefit for faculty, staff and dependents. She thanked the administration for hearing those concerns and making sure they were addressed and clearly explained.

Currently the ASenate has no process for the review of certificate programs. Recently a TESOL undergraduate certificate program, that involves a joint certificate between SOEAP and CAS, was submitted to ECAS. The APC reviewed the document and approved the proposal, the approval process it had already gone through in both units, and sent it back to ECAS. ECAS agreed that the proposal did not need to come to the full ASenate for approval. The APC suggested that there may be a need for an ASenate certificate approval process at some point.

C. Phelps also reported that ECAS has continued discussing the consultation issue. ECAS is reviewing communication between the administration and the ASenate and the university community. In an effort to better inform the university community of issues the APC, FAC, and SAPC are working on a new folder has been added to the ASenate Porches site for “Documents in Progress.”

### **Reports:**

**Center for International Programs (CIP) Update.** Amy Anderson, Director of CIP, reported on international student enrollment in various UD programs and units. She also previewed the new Bridges program that will be instituted by CIP prior to the fall semester. The program is an extended orientation program meant to assist international students with the transition to campus and academic life at UD. ASenate discussion of this update followed the presentation.

J. Dunne suggested that the English language skills of international students seemed to be the primary issue for some of our international students. A. Anderson responded that international students admitted to UD meet our requirements and that CIP has initiated a multi-layered approach in order to provide greater support to these students in and outside of the classroom. S. Hughes recommended that information from the TOFEL faculty exchange series workshop be added to the TAGs website.

**Maternity Leave Report.** P. Donnelly, Associate Provost for Faculty Affairs, reviewed the Maternity Leave report issued by the review panel. The panel annually reviews maternity leave agreements to ensure consistency across units. A. Jipson asked if the university was considering paternity leave. P. Donnelly responded that because of the cost factor no serious consideration of paternity leave was being discussed at this time.

### **New Business:**

**Sabbatical Guidelines.** L. Hartley made a motion to move the sabbatical policy revision document to the floor. The motion was seconded by E. Hicks. L. Hartley then reviewed the changes made to the Sabbatical Guidelines and the ASenate voted on approval of the revision. **The motion to approve Senate DOC 2013-02 “Sabbatical Policy Revision” was approved by a vote of 29 approved; 0 opposed; 0 abstained.**

**Outside Employment.** L. Hartley made a motion to accept Senate DOC 2012-10 Outside Employment as submitted to the ASenate. The motion was seconded by E. Hicks. L. Hartley then gave a brief overview of the background and history of the outside employment policy. She also gave a brief summary of the revisions made to the previous policy document. A lengthy discussion of the policy revisions began after this presentation.

L. Pedrotti noted that he planned to vote against the motion to approve the revised policy because there is no need to stipulate an 8 hour per week limit on outside employment since there is a clear definition of conflict of commitment already in the document (see F, p. 3). H. Gerla argued that the

policy really requires faculty members to give their respective chair and dean notice that they intend to engage in outside employment. He also noted that the policy prohibits engaging in outside employment activities that create a conflict of commitment, conflict of interest, damages the university's reputation, or activities that mislead people into thinking the university endorses the activity.

C. Krane also voiced her opposition to the policy. She noted that other Catholic universities have rights and responsibility documents that encourage faculty to use their voice in the community. She argued that the tone of this policy is different especially when it calls for Provost level approval of outside employment requests. She suggested that the policy be limited to approval of professional activity only and not all outside employment. Doing otherwise would undermine the faculty and administrative relationship.

S. Hughes noted that the policy document has been revised through discussions and negotiations with the Provost's Office and the FAC so that senators have had a voice in shaping the current document.

C. Merithew stated that she will probably vote not to approve the document noting that item III A requires approval of outside employment even during non-contractual employment periods.

J. Dunne then voiced his opposition to item II. E. stating that it appears overly broad. He made a motion to amend item II. E. The motion was seconded by R. Frasca. T. Lau asked why II.E is even necessary since the document contains II.C. P. Donnelly suggested that II.C is a general statement and that II. D, E, and F are clarifications of II. C. H. Gerla noted that employees have a fiduciary duty not to breach their duty of loyalty to their employer. An employer is generally entitled to have an employee not work for a competitor without permission. K. Webb indicated that she was not in favor of the amendment proposed by J. Dunne. She argued that the amendment doesn't take into account UDRI researchers and possible conflicts of interest when they engage in summer research grants. C. Phelps called for a vote to end discussion on the proposed amendment. The motion was approved by a vote of 29 approved; 0 opposed; 1 abstained. C. Phelps then called for a vote to approve the proposed amendment. The motion was defeated by a vote of 6 approved; 19 opposed; 4 abstained.

J. Dunne then made a motion to amend item II. E using a second revision. The motion was seconded by G. Doyle. K. Webb objected to the language of the amendment suggesting that it would be difficult to define the term "core activities" in the amendment. J. McCombe made a motion to end discussion of Senate DOC 2012-10. The motion was seconded by T. Saliba. The motion to end discussion of Senate DOC 2012-10 was defeated by a vote of 12 approved; 16 opposed; 1 abstained.

C. Merithew made a motion to end discussion of the second proposed amendment. The motion was seconded by K. Webb. The motion to end discussion of the second proposed amendment was approved by a vote of 30 approved; 0 opposed; 0 abstained.

H. Gerla made a motion to approve the second proposed amendment. The motion was seconded by C. Merithew. The motion to approve the second proposed amendment was defeated by a vote of 11 approved; 15 opposed; 3 abstained.

P. Anloague asked if item II. D prohibits healthcare professionals from being employed by competitors. H. Gerla responded that denial of such a request would only occur if contractual obligations or applicable regulations would put the university in violation of its contractual obligations.

L. Leming expressed concern that the revised policy would put a heavy burden on non-tenured faculty. These faculty members are typically the least compensated members of our community.

J. Dunne reiterated his objection to the policy on the grounds that it seems overly broad and suggested that there need to be clearer definitions and examples of what constitutes a violation of the policy. L. Hartley suggested that the policy needed to cover a broad range of activities so that the administration has a policy in place for those rare cases where a faculty member engages in outside employment that results in a conflict of commitment. J. Greenlee argued that such a broad policy could be interpreted very differently from today's interpretation of the policy. J. McCombe argued that the revised policy appears to be an improvement on the existing policy. R. Frasca argued that there was decentralization under the old policy. The revised policy imposes a centralized policy on all units. S. Hughes made a motion to call the question. The motion was seconded by H. Gerla. The motion to call the question was approved by a vote of 30 approved; 0 opposed; 0 abstained.

Discussion of the proposed document was then opened up to guests. J. Robinson (BIO) stated that the revised policy seems driven by a presupposition that there has been evidence of previous abuse. Further, she argued that the revised policy is highly restrictive especially when compared to the rights and responsibilities cited in other similar policies at other Catholic universities. She wondered what will happen to a faculty member who violates the policy. T. Lau argued that the proposed document was too vague and sets a new standard (see II. F) that supersedes the Workload Guidelines document regarding the "totality of a faculty member's responsibilities." J. Rowe encouraged senators to vote "no" on the proposed document.

S. Hughes made a motion to approve Senate DOC 2012-10. The motion was seconded by E. Hicks. **The motion to approve Senate DOC 2012-10 "Revision to Description of Faculty Outside Employment and Additional University Services" was defeated by a vote of 11 approved; 13 opposed; 5 abstained.**

The meeting was adjourned at 5:10 pm.

Respectfully submitted by Corinne Daprano