

MINUTES  
 FGCU Faculty Senate  
 Friday, November 16, 2012 9:30-11:30 am  
 SU 213 (Student Union Chambers)

In Attendance: Benford, Bottinger, Brooks, Carlin, Carothers, Condori, Crashaw (alternate for Gunnels), A. van Duijn, Epple, Erdman, Everham, Fauerbach, Felton, Gilbert, Harrison, Hayford (alternate for Rosenthal) Hoyt, Isaacs, Kakareka, Kim, Morris, Nguyen, Randall, Renard, Simpson, H. Smith (and proxy for Pavelka), Stecher, , Urakawa,

Venglar, Zhao

Absent without alternate/Proxy: **Torres**

Guests: R. Toll, E. Elliott, M. K. Hartung, A. Bhatt, Vargas, J. Baker, P. Nines, M. Mendible, P. Snyder, J. Robinson, N. Demers

Media:

Agenda Item	Responsible	Discussion	Action/Vote	Follow-up
1) Gathering: 9:00	Douglas Harrison			
2) Approval of Minutes of November 2, 2012	Madelyn Isaacs		Approved as filed.	
3) Old Business a. Update item: Response to Revisions to Proposed Policy on Mandatory Employee Fingerprinting and Criminal History Background Checks (see attachment)	Harrison	<p>Harrison introduced item with information about events at last two weeks;</p> <ul style="list-style-type: none"> <li>• engaged in consultation with Provost and President;</li> <li>• Will have two full meetings to respond;</li> <li>• Consultation and setting boundaries and roles with UFF;</li> <li>• Recounted that he will bring the issue back to trustees if that is the Senate's desire but does believe it has a risk of more scrutiny and/or more regulation rather than changes that are desired.</li> <li>• Admin asked to recuse themselves from discussion but did remain in the room.</li> </ul> <p>Beth Elliott addressed the group –</p> <ul style="list-style-type: none"> <li>• read section from CBA to clarify role and encourage shared governance. UFF believes this is to be bargained but feedback and input is important and has already resulted in an improved draft.</li> <li>• Interested in making this best policy and representing faculty and University to make this an issue in the best situation as a term and</li> </ul>	Time extended twice: Fauerbach/Everham ?/?	

		<p>condition of employment.</p> <ul style="list-style-type: none"> <li>• Discussed whether Senate is too much stepping on UFF toes and there were assurances that Senate is part of UFF's constituency</li> </ul> <p>Discussion:</p> <ul style="list-style-type: none"> <li>• Has anyone considered Higherright which does a nationwide search but doesn't use fingerprints? Law designates Florida Law Enforcement and a fingerprint system.</li> <li>• Elliott refers to new Oct 2 2012 Florida document that clarifies background checks.</li> <li>• Question about who has access, confidentiality, record checks come back to UPD electronically and only things to be checked in this current policy are sexual crimes. If that comes back they formulate a specific memo regarding those individuals to HR who would begin termination process. Other results info would not be forwarded and would be confidential; federal records and state statute exempts these from Sunshine.</li> <li>• Concerned about making suggestions lest we</li> <li>• Asked for a review of what other SUS's are doing about this. Either this was not done or was done and admin chose not to share it with us. Feels like this is being done in a vacuum.</li> <li>• Haven't dealt with the cost – just doing full-time faculty would cost more than 57000. Doesn't include part-time, new, etc. OPS won't all be required but all full-time faculty will be included.</li> <li>• New policy indicates have to do this if haven't been done in 6 months – will this be redone every year?</li> <li>• Discussed whether this will make our campus more safe. Last year when asked for interior locks to make classrooms safer; were told didn't have the money which would have cost the same as this or less.</li> <li>• Policy fails because we leave large chunks of people on campus make us more vulnerable. If something happens in five years and involves someone not covered by the policy and the faculty have</li> </ul>		
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		<p>endorsed this flawed policy; are faculty not liable.</p> <ul style="list-style-type: none"><li>• A waste of taxpayer dollars – if pursue a citizen suit as a whistle blower, is a faculty member covered since this is a waste of tax payer dollars.</li><li>• Haven't looked at other methods besides fingerprinting have been explored?</li><li>• Everham commits to try to find out what other SUS schools have as policies regarding this.</li><li>• New policy doesn't specify who receives information nor what the process then would be.</li><li>• Policy talks about everyone who gets a paycheck on campus and would be more expensive.</li><li>• H. Smith – expertise in this area with federal government. No agency would follow this blanket policy. Would look at where greatest risk is and start there. The regulation allows this because regulation says everyone will be subject to and then designates implementing policy to designate who will actually undergo fingerprinting. Defines those who are targets here as children who spend more than 15 hours a week under our care. Focus the money where can get the most value.</li><li>• Why stop at national background checks? Why not international background checks? Already have laws on the books that puts convicted offenders in jail. This is thus wasteful.</li><li>• Questioning about that regulation could come back worse. Harrison responded that policy has some flexibility currently in this regulation but regulation is more broadly. UBOT could be more prescriptive in details about who, what and how the implementation gets done and what happens to the regulation.</li><li>• In the police report have there been faculty on student crime? Usually it is student on student crime. What is being done about that risk? It is a false sense of security. Probably a waste of time because would cost \$750,000 or more to fingerprint all of the students.</li></ul>		
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		<ul style="list-style-type: none"><li>• Interesting that this focus only on sexual crimes; thought this was about guns on campus and that kind of safety.</li><li>• This seems to be about General Petraeus and Sandusky. In neither case would this have detected anything in the past as this was novel behavior. Maybe put the money into research grants that better identify people who are at risk to engage in a new, dangerous act.</li><li>• Does identifying student issue make us more liable now because we have raised it?</li><li>• What constitutes a prior conviction of focus? Only other line besides focus on sexual crimes is very nebulous. Law talks about crime as “reasonably relates to the position sought” and the policy is defining its interest within that. Draw on resources that we have here. Have a nationally known lecturer (Dr. Dobbert) who works with police departments and such on how to identify and catch sexual predators. This policy only catches past unsuccessful s exual predators.</li><li>• University spending money on policy that can’t ensure safety but won’t spend money on hard line phones to ensure safety in classrooms.</li><li>• Would need a marked up version to see how this is evolving and changing. There is a new clause if find person with sexual crime they will be separated. There is still a line in policy that allows for individual conditions to separate someone regardless of crime.</li><li>• As policy reads; it isn’t to make it a safer place but to protect liability if something happens University will be able to say it checked everyone.</li><li>• Cost is far greater and open-ended because there will be staff hours and this is on-going.</li><li>• Pres. Bradshaw talked about fiscal constraints at beginning of the year; make sure all guns are pointed outward and community to come together and this does this opposite.</li></ul>		
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<p>3) NOTE about hard line phones.</p>		<p>Provost – have spent between 45-50000 to put hardline phones back into classrooms recently to support safety.</p>		
<p>4) Old Business b. Discussion item: Update on status of smoking on campus</p>	<p>Senate Executive And Nora Demers/Luis Vargas</p>	<p>Did a review of what has occurred about smoking issue over last couple of years. Also looked at survey and resulting joint task force on smoking on campus. Students need to be engaged.</p> <p>Reviewed survey results and provided incentives to get responses. Discussed that there was a barrier to getting the survey out in terms of needing Senate permission to send survey out. Survey was time-consuming process to develop and get wording right. UPD not interested in role in enforcing littering rules. Students (SGA) want to do more research and to get more student buy-in. There is intent but no effort right now.</p> <p>Looking to admin to make a decision. Over 700 Universities have done this nationally. Nothing happens until admin makes the decision and then discuss how to make it happen. Don't want to take away anyone's rights to smoke but also need to protect the health of non-smokers to move at least move these farther away and get these out from under breezeways, doorways, near library. Disheartening that one can die more from smoking than the results of these fingerprinting issues.</p> <p>Have gotten mixed messages from Bradshaw and Rollo who have asked for one voice and split voices respectively about this issue. Would like to admin make a decision – at least to protect nonsmokers from having to deal with smoking in their vicinity. Comment that there are many rights that are limited; why is this right more protected on campus than others.</p> <p>Clearly status quo is not working or acceptable. Have smoking areas and they aren't enforced. Designating new ones and it won't work.</p> <p>70.8% believe portions of campus of should be smoke free; 59.51% important to make entire campus smoke free.</p> <p>Have three constituencies and all are concerned about imposing the will of the majority on the minority. Make a motion to charge Senate leadership to meet with SGA and SAC leadership</p>	<p>Motion to extend five minutes: Benford/Hoyt</p> <p>Motion to charge Senate leadership to meet with SGA and SAC leadership to come forward with a shared vision of policy change. (Everham/Faue rbach). 22 yes; 5 no; 2 abstentions – Motion carries.</p>	

		to come forward with a shared vision of policy change. (Everham/Fauerbach). Question about which Senate leadership is meant – Executive Leadership and others as needed.		
4) New Business a. Discussion item: Status of relationship between advisors and Faculty Senate	Harrison (Executive Leadership)	<p>Discussion about Academic Advisors in the Colleges designated as faculty by the CBA not on faculty Senate though in some units they can serve on teams or other committees.</p> <p>Senate Executive is asking for Senate guidance to provide advice about should Executive Committee to begin conversation with advisors to discuss how advisors might have input or role in Faculty Senate. No details of the “hows” or change to by-laws are being discussed as yet.</p> <p>Provided email response through Carvajal to Senate today; their position is that they wish to be included in faculty and Senate and their reasons for such.</p> <p>Advisors not currently represented as staff through SAC so they don’t have a voice. Clarified that they are eligible for UFF membership and do have a voice for their working conditions but not for their legitimate role in curriculum issues, implementation and student retention issues.</p> <p>In some Colleges advisors are treated differently. Eligibility for serving on Senate Councils, Committees, and Teams is determined by the units while eligibility for Senate is controlled by Senate By-Laws.</p> <p>When original by-laws were defined it may have been an oversight that they are not here.</p> <p>Would like to see them represented so they are not running against faculty but that we create a required representation for Advisors.</p> <p>Main question today is to decide if Advisors should be part of Senate but not how they would be included.</p> <p>Asked for email in electronic form.</p> <p>Motion: Change Senate by-laws such that Advisors can be elected to the Faculty Senate.</p> <p>Clarified that this motion doesn’t change the By-laws; that would still have to be determined and come forward to the full Senate.</p>	<p>Motion: Change Senate by-laws such that Advisors can be elected to the faculty Senate. (Renard/Everham) 29 yes; 0 no – motion carries</p>	
Action Item: Faculty Affairs	Myra Mendible,	Uncompensated Teaching report from FAT. Results from Senate charge to FAT. Report does	Motion: Accept the report; and	

<p>Team Report on uncompensated teaching activities, first reading</p>	<p>FAT</p>	<p>include prior results and efforts by others like UFF. Thanked them for the FAT efforts.</p> <p>Clarified that this is a voluntary effort but it begs the question of value for independent studies and other such activities to the students and the quality of programs.</p> <p>Sometimes faculty don't choose to do this but required courses may be caught in a scheduling glitch and faculty feel obligations to students. Not all faculty have a choice.</p> <p>UFF thanks – in all bargaining we do get requests for facts and statistics; this report gives UFF information to deal with and move forward.</p> <p>One thing that is missing is senior research which may vary by department. In biology (undergraduate) and mathematics (at the master's level) it is a course with a faculty member who teaches the course but individual students come to other faculty for assistance to develop senior research projects. These other faculty do not get compensated or recognition.</p> <p>Other issues include mentoring graduate students; thesis or dissertation. Generally there is a University policy but it doesn't exist here. Different departments handle this (or not) in different ways.</p> <p>Undergraduate research is not well compensated in the profession and it could be a real niche for FGCU. It was easier to find info on graduate policies than for undergraduate research.</p> <p>Clarified that UFF has tried to bargain this over last three years in both Assignments and Salaries article. Salaries article and proposal is still open.</p> <p>Motion to bring this UFF and admin, amended to delay for two weeks.</p> <p>Could we also send this UBOT?</p> <p>Can also ask FAT to make recommendations to UFF for info in their bargaining.</p> <p>Time Extension Isaacs/Kakareka</p> <p>Recommendations will be collected by Leadership by set deadline and brought back.</p>	<p>make it available to admin and UFF as info.</p> <p>Renard/Carothers Amended to bring back to faculty first then vote in two weeks ; re-amended to reflect that the report be adopted today and then it be brought back to faculty for suggestion about remediation and moving forward.</p> <p>Time extended Kakareka/ Benford Time Extension Isaacs/ Kakareka</p> <p>Motion vote: 30 votes yes; 0 no motion carries</p>	
<p>4) Standing Reports a) Provost's Report</p>	<p>Ron Toll, Provost</p>	<ul style="list-style-type: none"> <li>• BOG meeting recently and suggests faculty go to BOG site and view recordings of these meetings to</li> </ul>		<p>Next drop in 11/26 11:30 -1;</p>

		<p>get connected to broader issues.</p> <ul style="list-style-type: none"> <li>• Yesterday Grants/Research had reception.</li> <li>• Shared Governance is making good progress.</li> <li>• Council of Chairs – Provost trying to facilitate messages among constituents.</li> <li>• First drop-in – already next 11/26 11:30 -1; 11/27 3-5.</li> <li>• Drop-in this afternoon for admin affairs staff.</li> </ul>		11/27 3-5.
b) SGA Report	Luis Vargas, SGA Vice- President	<ul style="list-style-type: none"> <li>• Library hours restored as of Monday.</li> <li>• Purchased new equipment for waterfront.</li> <li>• Money to spent to build amphitheater on library lawn by next May.</li> <li>• Sunday – 30 students to NC for duke basketball game.</li> <li>• Television tv – with ads and internship opportunities will be broadcasting over 7 tvs.</li> </ul>		
c) UFF Report	Beth Elliott, UFF President	<ul style="list-style-type: none"> <li>• Continue to bargaining. Hopefully to be finished in next couple of weeks.</li> </ul>		
d) Senate President's Report	Douglas Harrison		Information/ Report	
6) For the Good of the Order				
7) Announcements		•		
Future Meeting Dates		<p><b>Senate Leadership Team:</b> Today, noon-1:30 p.m.  <b>Next Senate Meeting:</b> Nov. 30, 2012, 9:30 a.m.</p>		

Approved 1/11/2013