

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

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

Absent without alternate/Proxy:

Guests: R. Toll, E. Elliott, P.Snyder, L. Vargas, B. Busbee

Media:

Agenda Item	Responsible	Discussion	Action/Vote	Follow-up
1) Gathering: 9:00	Douglas Harrison	Discussed changes to Agenda (removing consideration of FPED and adding follow-up discussion about Academic Advisors.		
2) Approval of Minutes of November 2, 2012	Madelyn Isaacs	Minutes will be reviewed and approved at next meeting.		
3) a. Follow-Up: Faculty Affairs Team Report on uncompensated teaching activities	Harrison	<ul style="list-style-type: none"> • Extended deadline for getting faculty feedback and specific recommendations until December 7. When submitted to Senate Exec, these will be assembled and provided back to Senate for discussion. These will be discussed substantively in January. Appoint one person in delegation to consolidate and submit these. • Issue of whether faculty are forced to engage in independent studies and how that can occur. 		
3) b. Follow-Up: Academic Advisors status in the Faculty Senate		<ul style="list-style-type: none"> • Harrison reached out the 18 or so Academic Advisors in Division of Academic Affairs (except those in first-year advising who are not "faculty".) Advisors have met and are enthusiastic about working with this. Have created a representative sub-group to work with Senate Exec. Will work to develop proposals and bring a final one reflective of By-Laws changes to implement this for the coming year, 2013-14. 		
3) Old Business c. Action: Response to Revisions to Proposed Policy on Mandatory Employee	Harrison	<ul style="list-style-type: none"> • Two main clusters of concern: <ul style="list-style-type: none"> ○ Seek to consider whether to put into the record responses that can inform UFF and admin. ○ Consider this and seek feedback from Colleges whether the BOT should reconsider the regulation prompting the 	Extend for 15 minutes – Rosenthal/Erdman (passed with one objection) Erdman/Condo	

<p>Fingerprinting and Criminal History Background Checks (see attachment)</p>		<p>policy.</p> <ul style="list-style-type: none"> • Elliott – open to feedback so UFF can bargain what is in best interest of the faculty. • Questions – <ul style="list-style-type: none"> ○ Why need policy that exceeds state requirement? ○ Will UBOT be fingerprinted and have a background check? ○ CHPSW – adequate as written; similar to what is required of their students and should model what we require of them. ○ Question about whether this is required of CHPSW students once out at a site – yes if site requires it but not from the College requirements themselves. ○ Idea about whether re-fingerprinting is required if had been done in 12 months through outside background check. ○ Were told things that were not true – that fingerprinting is required by the law (not true) as an example. ○ Perhaps should conduct a thoughtful cost-benefit analysis of mechanisms to do this. ○ Were told this is to keep minors on campus. Yet, this doesn't include our students. Now understand the purpose of this was not to make us safer but to protect our liability – will likely increase our liability because it eliminates the need to take a thoughtful analysis of increasing safety and identifying positions and methods to approve them. It will give us the illusion of having taken steps to thoughtfully protect minors rather. ○ Policy still contains contradictions – requires all employees on one place and then exempts OPS on as needed basis. ○ Can do searches of databases for sex crimes and abuse crimes that won't require fingerprinting – are not analyzing this thoughtfully. ○ Fairness in this situation may require unequal treatment; thus whether students are fingerprinted or not may not be a winning argument. ○ UBOT should be at the head of the line to get fingerprinted is wrong since the whole policy is wrong-thinking. UBOT needs to rethink this; may risk the notion 	<p>ri extend for 10 more minutes Motion – <i>Policy, draft date 11/13/12, "Policy on Criminal Background Checks" is still not acceptable in its current form and should not move forward until the issues raised in the resolution of 11/2 are resolved.</i> Everham/Rosen thal Motion passed 23 to 6. Motion to extend by 5 minutes Condor/Simpson</p>	
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		<p>that they will respond with a more stringent reaction.</p> <ul style="list-style-type: none">○ Students are required for background checks in CHPSW and must report anything subsequent. Student background checks include all felony offenses. Response to this is that these students who are in positions of risk are subject to background checks. Same logic should apply to faculty – fingerprint those who are in identified positions of risk. Policy needs to be risk-sensitive.○ May put us in uncomfortable position when get info not looking for and then don't know what to do with it. May increase liability.○ This is a revised regulation; older one already had a statement that employees may be fingerprinted. Already allows us to meet new law but was reexamined and changed to force that all must be fingerprinted. Admin reviewed old reg and brought forward need to revise based on new law.○ One college is okay with new policy rest are not. Can provide feedback about policy with or without going back to UBOT.○ Change in law is about continued employment not initial employment. Applicants have always had fingerprinting and background checks possible. Old regulation said <i>applicants for certain positions are subject to security and background checks which may include fingerprinting and Director of HR would designate the positions</i>. Had to change to language to new law – and did but went farther than law requires by designating all employees.○ Need to resolve some issues about prior background checks, engage in analysis of cost and alternatives, need to understand how new employees will be treated. If policy goes forward there will be unclear rules and will still need interpretation. Need to fully review SUS policies to see how we compare. Does that increase or protect liability? Keep asking questions that aren't getting answers to and if		
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		<p>policy goes forward with these answers we are wasting our time.</p> <ul style="list-style-type: none">○ Raised issue again about regulation stating we are <i>subject to</i> but doesn't mean we <i>have to</i>. Regulation doesn't require we all must have fingerprinting.○ Issue about how this is similar to reasonable or unreasonable search and seizure without designating risk positions.○ Thought about a motion from Felton – <i>CHPSW does not oppose policy as is revised and rest of colleges do oppose it as is revised</i>. No motion actually made.○ This feedback and discussion is not trivial nor waste of effort; is important dialog or feedback.○ Support for allowing policy to be written with the distinction between subject to and all being required. Go back to law that specifies designating positions requiring level 1 and 2 based on analysis of positions.○ Suggest that a committee or UFF formulate the suggestions to make this more palatable.○ Clarified how Harrison will be moving forward in his UBOT role. Should he continue to pursue UBOT reconsideration of the regulation itself. He will recap Senate actions in his report. Prior resolution was already communicated to UFF and admin and UBOT. Referred back to second bullet of 11/2 that already asks UBOT to revisit the regulation. Most of the issues have to do with the policy not the regulation. Politically we might want to resolve our own issues before go back to the UBOT.○ Provost question (in context of conceptual level of discussion to avoid bargaining) – trying to understand his role as a messenger. Asked for reread of 11/2 resolution. Was reread. He has listened to conversation and wants to discuss how this happened. UBOT is at 80,000 foot level and admin is taking special pains to bring it forward and has listened to feedback and brought forward new policy after working with UFF and Senate to get more time. Admin is listening so this is		
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		<p>worthwhile debate. Often has individual conversations with UBOT members – wants to consider his feedback carefully. If UBOT members come forward and ask about the issues that are coming forward about this. His sense is there are two overarching themes – one theme is the cost (unnecessary when finances are strapped in unprecedented way) and other theme is that this policy as it is drafted does not provide absolute security so why move forward. UBOT are largely business people and just about every one engages in risk mitigation and FGCU does the same. (Example of the phones in rooms.) UBOT won't be persuaded by issue of cost. (Was redirected by chair to go back to conceptual issues.) Asked for direct feedback from faculty to take back to BOT if asked. Chair determined that would be bargaining and curtailed the discussion.</p>		
<p>4) Standing Reports a) Provost's Report</p>	<p>Ron Toll, Provost</p>	<ul style="list-style-type: none"> • First meet and greet with staff – more than 50 people attended. • Some conversation about establishing a new prize for faculty; relates to mentoring undergraduates in research. Will be coming to Senate for its consideration. Excited about that. • Promotion workshop 12/4, reading day. Many are signed up. Cosponsored by Senate and Provost. Good for those a few years out. • Will not be at graduation this fall; attending son's wedding in Israel. Paul Snyder will be there in his role. • New initiatives coming in Spring that will be good for students and faculty. • Appreciates the dialog and engagement in Senate about difficult issues this year. 		<p>Promotion Workshop on 12/4</p>
<p>b) SGA Report</p>	<p>Luis Vargas, SG Vice-President</p>	<ul style="list-style-type: none"> • Library has been open for 24 hours for two days already and will be going to 12/12. Students appreciate it. • SG has met twice and looking at lawn amphitheater; partnering with Veteran's association – will look like Gulf Coast Town Center. Great idea. • Two more Farmer's market on campus in Spring on Tuesdays (on one Earth Day). Great idea. 		

		<ul style="list-style-type: none"> • Purchasing scantron forms for taking exams and will be purchasing more for students to use. • Working with Alumni weekend more to develop more presence at Homecoming. • Complemented how SG has worked with Library to make the extended hours work. 		
c) UFF Report	Beth Elliott, UFF President	<ul style="list-style-type: none"> • Thanked Senate for engaging in this dialog; informative as move forward in discussing the policy. • Still Bargaining; moving closer and want to get a successful report before the end of the semester. Feeling optimistic. • Thanked all for the semester as first-time UFF President. Appreciates the feedback from all. 		
d) Senate President's Report	Douglas Harrison	<ul style="list-style-type: none"> • Governor's Blue Ribbon Task Force on Higher Ed report; advises we read it. • BOG on future of on-line education; contracted with Parthenon Group to get options for on-line University. Due at meeting in Spring of FAU. Seem to be four options from least invasive to stand-alone U. • Shared Governance group meeting again and will be finalizing report for all constituents in Spring. • Feedback to Senate Ad Hoc on Growth and Quality – due next week and we should be providing feedback. Answer the three conceptual questions to suggest solutions. • Chairs and Deans Survey – verify reporting relationship so can move forward. • Early next term will be setting up meetings with SG and SAC to refocus discussion on future of campus smoking policy. • Gen Ed taskforce is still moving forward – getting update in Spring. Will be bringing big changes. • Will plan a pre Senate breakfast for SG leaders in Spring. 	Information/ Report	
5) For the Good of the Order		Empty Bowls event in Arts Complex today.		
6) Announcements				
Future Meeting Dates		<p>Next Senate Meeting: January 11th Nov. 30, 2012, 9:30 a.m.</p> <p>Senate Leadership Team: January 25th, noon-1:30 p.m.</p>		

Approved 1/13/2013 MLI