Members Present:

Members Absent:

Guests:
Don Christian, Scott Hartsel, Amanda Krier, Jan Morse, Andrew Phillips, Kathy Sahlhoff, Andrew Soll, Chris Wagner

The regular meeting of University Senate was called to order by Acting Chair Gapko at 3:03 p.m. on Tuesday, March 28, 2006 in the Tamarack Room of Davies Center.

I. Minutes of March 14, 2006 University Senate meeting approved as distributed

II. Chancellor’s Remarks – Chancellor Larson
  • Resolution passed by Board of Regents in opposition to Taxpayer Protection Amendment (TPA) attached to name tags
    • Similar to TABOR in Colorado, which has had devastating effect on state, particularly in terms of education and municipalities
    • Are some differences between TPA and TABOR – TPA looks more at revenue rather than spending side
      • Much analysis indicates outcome would be comparable to TABOR
    • Foremost position of BOR is having referenda substitute for constitution not appropriate
    • Also view higher education as part of economic engine of state with role of increasing number of baccalaureate degree holders in Wisconsin along with concomitant jobs for them
      • TPA would have devastating effect on UW-System – data indicate could mean reduction of over 10,300 students and/or approximately 25% increase in tuition
      • Dave Adler, Eau Claire City Council President, indicated at last Chamber of Commerce breakfast, that TPA would also have devastating effect on city services
      • Some people feel TPA will help taxpayers, but that is up for debate
      • Whole issue worthy of watching for impact
  • Invite all of you to reception for Chancellor-Designee Levin-Stankevich and his wife on April 3, 2006
  • Reception for kick-off of Native American Month also on April 3, 2006
    • Posters around campus showcase activities
    • Theme is honoring education
  • Daniel Dassow, a student in our College of Nursing and Health Sciences who served in Iraq, is one of three students being interviewed for non-traditional student position on Board of Regents
    • Understand he is fantastic student and would represent us and non-traditional students extraordinarily well
    • Would be very exciting to have member of our university on BOR
  • Response to questions from floor
CVTC probably not directly affected by TPA; number of groups coming forward with own position on amendment, Wisconsin Technical College System one of them

III. Chair’s Report – Acting Chair Gapko
- No Report

IV. Faculty Representative’s Report – Senator Wick
- New legislative actions of particular interest
  - Bill 1068 would limit BOR ability to increase senior executive and administrator salaries and to reduce non-resident tuition below 2005-2006 rates
  - Bill 1084 limits portion of senior executive salaries paid with GPR dollars to amount of governor’s salary
  - Bill 1120 would allow unused sick leave to be used to purchase long-term care insurance in addition to health insurance; would be some stipulations
  - Bill 1147 would allow Board of Regents and Technical College System Board to refuse to employ or to terminate employment of unpardoned felons
- Resolutions on UWS 7, Dismissal of Faculty in Special Cases, continue to be passed in senates around system
  - Alternative to UWS 7 proposed by TAUWP available as entered room today; TAUWP asked to have proposal shared with senate and would like support of all senates around state
  - Essence of alternative is to infuse cases into UWS 4, dismissal for cause procedures
  - Don’t think this is right message to be sending to regents for reasons previously stated
  - Resolutions not mutually exclusive; can send all if so desire
- Next Board of Regents meeting is April 6 and 7 in Green Bay
- Next Faculty Representatives meeting is April 28, 2006

V. Academic Staff Representative’s Report – Senator Blackstone
- Information on teleconference held March 16, 2006 included on name tags
- Spent time talking about draft procedures on faculty discipline because regents will look next at similar procedures for academic staff
- Update on Human Resources issues – will probably be something coming out on standardized background checks for all new employees

VI. Announcements
- None

VII. Unfinished Business
A. Second Reading – Motion from Faculty Personnel Committee
  Response to Proposed UWS 7, Procedures for Dismissal of Faculty in Special Cases
  Continued Debate
  - None

  **Vote on Motion 42-FP-01:** Motion PASSED.

B. Second Reading – Motion from Academic Staff Personnel Committee
  Response to Proposed UWS 7, Procedures for Dismissal of Faculty in Special Cases
  Continued Debate
  - None

  **Vote on Motion 42-AS-01:** Motion PASSED without dissension.

C. Second Reading – Motion from Physical Plant Planning Committee
  Smoking near Davies Center Resolution
  Continued Debate on Amendment 42-PP-01-a1
  - Although county ordinance prohibits smoking within 25 feet of entrance to buildings, county could not legislate for state agency buildings
  - As member of PPPC, speak against amendment – it may be asking for too much change
    - If move in small increments may be able to change culture
    - If challenged on policy regarding smoking, would probably not prevail
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- Suggest original motion which addresses concern about breezeway and expands non-smoking area to courtyard; even that becomes questionable if challenged
- Also speak against amendment
  - Have to be careful when you make these changes; not certain what reaction may occur
  - Is matter of changing culture; currently smoking acceptable to large portion of student body
  - Issues about enforcement, impact on student body, and perception and culture can be monitored in area targeted as significant problem; would not prohibit us from revisiting larger issue in future
- Current resolution enacted in other cities across nation; has worked well
  - Minority, not majority, of our students smoke
  - Second-hand smoke is defined, well-presented problem for pregnant women; also problem for asthmatics
  - Student culture has nothing to do with issue, or we should legalize other types of smoking
  - Is about the safety of our students, faculty, and staff
- Vice Chancellor Soll did inquire from system legal as to authority university has to enact and enforce such regulations on campus
  - University has no authority to establish these kinds of prohibitions; therefore we have no authority to enforce them or establish financial penalty for violation
    - All we have is power of persuasion and cooperative spirit
  - About three years ago, legislature regulated smoking in and around residence halls
    - Is position of legal counsel that had legislature intended to regulate smoking around other campus buildings, they would have included it in that legislation
  - Control of smoking at most entrances to academic buildings, enforced through cooperation and persuasion, can stand as long as not challenged; if challenged, probably would not prevail in upholding that regulation
  - Smaller steps, which might not generate challenges, would probably stand; if go too far and are challenged, could undo what already in place
- Is a statute that prohibits smoking inside of educational facilities
- Seeks OSHA regulations would allow us to ban smoking around buildings in order to protect health of students and faculty
- OSHA is federal
- Different statutes regulate different agencies – perhaps that is why there is no smoking on grounds of Department of Corrections facilities
- Student Senate appointed committee to look at smoking around Davies Center
  - Report recommended changing smoking regulations to allow smoking at only two entrances – veranda coming out of Council Fire Room and lower level exit from Marketplace
  - Also specifically saw a problem with smoking in breezeway connecting Davies and Schofield
- Original proposal would be consistent with student recommendation
- We ought to pass this – administration has right to disagree, but at least they would know how majority of faculty and academic staff feel about issue
- Not sympathetic to arguments that we can’t do this or inconsistencies in state law; more concerned with not knowing impact on campus, student body, and already tarnished UW-System public image
  - Let’s find out by taking small, significant step in battle against smoking – don’t see why we need to jump to the end and pick a fight
- Are some policies we have authority for on campus by state statute; for others, we haven’t been given that authority
  - State statute regulates smoking on grounds of residence halls and in educational buildings, but not on other campus grounds
  - Doesn’t mean we can’t do something, just gives some indication of whether challenge would be successful
- Should recognize if going to use a building, need to get in and out; couple weeks ago, we talked about loading dock being non-pedestrian entrance that might work for smokers
- Since lack legal authority to enforce prohibitions, might change wording to designate certain areas as smoking or non-smoking
- Would like at least two entrances to be non-smoking so people could enter buildings without asthma attacks
- Original resolution would designate all entrances to Davies as non-smoking
- We have no ability to enforce whether it is one or all entrances; question is how far we can push before being challenged
- Policy already passed covers only academic buildings, not Davies, Hilltop, or residence halls
Vote on Amendment 42-PP-01-a1: Amendment DEFEATED.

Continued Debate on Main Motion
- Does potential smoking area at loading dock fall within 25 feet of an entrance?
  - Seems ought to be place smokers can go if it doesn’t affect other people
- Generally very sympathetic to such efforts
  - Will vote against this proposal because of inclusion of courtyard
  - When majority seeks to restrict legal behavior of minority, have to be real careful with real good reasons
  - There is plenty of air ventilation in courtyard; if we are doing it for appearances, then could ban things like wearing baseball hats backwards, or pajamas in class – where would we stop?
  - Would like to see what we pass be consistent with what Student Senate working on

Motion by Senator Gallaher to postpone the question until we have a definite response from Student Senate as to their proposal for smoking around Davies Center seconded.

Debate
- Prefer to keep talking about this – are some issues we can deal with
  - Just because can’t prohibit smoking in an area doesn’t mean should be ten cigarette receptacles in that area
- Would like to see conversation continue so whole thing does not die; proposal is specific to one place on campus, would be bad result if we leave without making strong statement about breezeway
- Motion says 25 feet from all entrances, which is inconsistent with Student Senate – need to table until we hear from students or reduce down to regulating breezeway
- Do have report of students’ position – veranda and one south entrance to building to remain open to smoking with all other entrances being non-smoking
- Against tabling, should show students we are willing to lead on this issue
- Against tabling - committee included courtyard and all entrances to maintain integrity of breezeway because hard to draw line where breezeway ends and courtyard begins

Motion DEFEATED.

Amendment by Senator Bredle that last sentence read: Therefore be it resolved that smoking be prohibited without 25 feet of the walking entrances to Davies Center and in the covered connection to Schofield Hall died for lack of second.

Amendment 42-PP-01-a2
  Moved by Senator Wick and seconded that the last line of the resolution be rephrased to say: Therefore be it resolved that smoking be prohibited within 25 feet of the breezeway connecting Davies Center and Schofield Hall.

Debate
- Passage of amendment would just move problem over to entrance of libraries; already get complaints about smoking there even though area posted
- Friendly amendment to add main entrance to Davies Center not acceptable to mover
- Don’t know if legal to smoke on loading dock from standpoint of safety
- This weaker than students’ recommendation
- Support amendment – gets us started; once Student Senate formally acts on proposal, can be brought back to senate
- Is weaker, however, not inconsistent with students’ report
- Including word prohibited invites challenge we would lose – using substitute language to designate as non-smoking area implies certain level of authority that cannot be challenged

Vote on Amendment 42-PP-01-a2: Amendment DEFEATED.

Continued Debate on Main Motion
- Can debate for hours, but with serious enforcement problem, doesn’t make any difference
  - This body ought to be dealing with issues that can do something about
- Believe breezeway is substantive issue – heard from Admissions about campus tours so not putting best foot forward
  - Taking away ash receptacles and glass boxing in breezeway would reform that space
All we are doing is passing a resolution, not making policy; let chancellor and administration figure out details

Amendment 42-PP-01-a3
Moved by Senator Freymiller and seconded that the entire courtyard connecting Davies Center, Schofield Hall, the Old Library, and the McIntyre Library be designated as a non-smoking area.

Debate
- Would be breezeway area
- Satisfies several issues discussed in last 30 minutes
  - Addresses concerns people have with regard to breezeway and with prohibition
  - Sends message to campus at-large as to how faculty and staff feel about issue
- Need one entrance for asthmatics and handicapped access
  - As far as being enforceable, we have to stand up for ourselves
- Have heard students equate smoking to Bible study issues of free speech and free expression that can’t be prohibited
  - They contend if you don’t like smoking, you don’t have to be near it

Vote on Amendment 42-PP-01-a3: Amendment PASSED.

Vote on Motion 42-PP-01: Motion PASSED.

VIII. Reports of Committees
- Executive Committee – Acting Chair Gapko
  - Next meeting April 4, 2006
  - Will continue discussion of administrators voting on committees as well as functions of some committees
- Faculty Personnel Committee – Senator McAleer
  - Met March 27, 2006
    - Developed criteria for approving department evaluation plans with respect to promotion – should have motion coming forward soon
  - Next meeting April 3, 2006
    - To develop recommendation for Vice Chancellor Tallant on status of advising as stand-alone category for evaluation
    - Soliciting feedback from colleges; welcome feedback from senators
- Academic Staff Personnel Committee – Senator Blackstone
  - Next meeting March 30, 2006
    - To consider motion from Faculty Personnel Committee on faculty and academic staff review of performance of interim administrators
    - Update on other committee business
- Academic Policies Committee – Senator McIntyre
  - Met on March 14, 2006; got update on assessing the baccalaureate
  - Met March 28, 2006; started review of Philosophy and Religious Studies Department, which we will complete next meeting
  - Next meeting April 4, 2006, to start review of Kinesiology Department
  - April 11, 2006 will review Biology Department
  - April 18, 2006 will review Public Health Professions Department
  - April 25, 2006 will review Special Education Department
- Physical Plant Planning Committee – Senator Kolb
  - Next meeting April 10, 2006 on parking and transportation
- Budget Committee – Senator Gallaher
  - Next meeting April 10, 2006 with more information to follow
- Compensation Committee – Senator Wick
  - Meet March 31, 2006
    - To continue discussion of possible modifications to Salary Plan 2006-2007
- Nominating Committee – Senator Lo
  - No report
Technology Committee – Senator Ducksworth-Lawton
- Met on March 10, 2006
  - Received report from Craig Mey on cell coverage in number of areas for security
  - Discussed clicker issues
    - Three competing brands – will schedule open meeting to demo all three for faculty
    - Also need to look at cost to students, to LTS and issue of faculty ease of use
    - Need to hear faculty voice
    - Hope to forward resolution to senate about clickers and whether this is even something we want to pursue
  - Also discussed sharpening committee mission – currently committee advises senate and becomes voice for faculty across campus
    - Won’t be resolved this year
- Response to question from floor
  - Arts and Sciences Technology Committee only advises dean – we are committee that should be bringing issues to senate and make sure faculty voice heard
  - Is not currently a university-wide technology committee

IX. Special Reports
- None

X. Miscellaneous Business
- None

Without objection, meeting adjourned at 4:18 p.m.

Submitted by,

Wanda Schulner
Secretary to the University Senate