Members Present:


Members Absent:

Charlene Burns, Paul Butrymowicz, Randy Dickerson, Jesse Dixon, Michael Dorsher, Bruce Dybvik, Ann Hoffman, Kate Lang, Jennifer Lee, Barbara Lozar, Karl Markgraf, Donald Mash, Tarique Niazi, Nola Schmitt, Lorraine Smith, Laurie St. Aubin-Whelihan, Paula Stuettgen, Troy Terhark, Michael Wick, Rebecca Wurzer

Guests:

Robert Bolles, Cheryl Budnaitis, Donald Christian, Erika Dinkel-Smith, Bernard Duyfhuizen, Jan Morse, Andrew Phillips, Katherine Rhoades, Ronald Satz, Andrew Soll, Ed Young

The regular meeting of University Senate was called to order by Chair Harrison at 3:01 p.m. on Tuesday, October 26, 2004 in the Tamarack Room of Davies Center.

I. Without objection, minutes of October 12, 2004 meeting of University Senate approved as distributed

II. Chair’s Report – Chair Harrison
   • Introduction of new Student Senate Liaison Erika Dinkel-Smith
   • No printed chair’s report
   • Next meeting of faculty reps October 29, 2004 in Madison
   • Next Board of Regents meeting November 4 and 5, 2004 in Madison
   • Result of elections held last senate meeting
     • Jacqueline Bonneville elected to Academic Staff Complaint, Grievance, and Review Committee
     • Kelly Jo Wright elected to Academic Staff Professional Development Committee

III. Academic Staff Representative’s Report – Senator Wilcox
   • Academic Staff Representatives Council (ASRC) met October 21, 2004 via teleconference
   • Got word that Department of Administration did request cost if catch-up offered only to faculty
     • Representative from ASPRO meeting with budget director next week to determine what they have in mind
   • ASRC drafted resolution; will send if sense this is a problem for Category A academic staff
   • Website listed under section on Inclusivity Initiative is excellent and recommended

IV. Unfinished Business – None
V. Reports of Committees

♦ Executive Committee – Chair Harrison
  • At last meeting, discussed changes to handbook language regarding Chapter 37 faculty and WCWC representative – coming forward today
  • Spent considerable time reviewing data on number of faculty and academic staff at university over past few years and how this relates to size and representation of senate
    • Chair charged with preparing language to freeze overall number of faculty senators at 44 and academic staff senators at 23 allowing flexibility to occur through number of at-large positions
  • Next meeting November 2, 2004
    • Will look at above language and also consider language for specific senate committees where reorganization of schools and colleges necessitates change in membership

♦ Faculty Personnel Committee – Senator Solberg
  • Met October 19, 2004 – two revised motions discussed and passed
    • Procedure for reviewing department chairs/library director
    • Procedure for selecting department chairs/library director
  • Next meeting November 2, 2004

♦ Academic Staff Personnel Committee – Senator Wilcox
  • Meeting on October 29, 2004 – to discuss
    • Academic Staff Personnel Committee consultations for search committees
    • Academic Staff Personnel Committee membership
    • Review of performance language
    • Academic Staff Professional Development Committee

♦ Academic Policies Committee – Senator Syverson
  • Motion prohibiting religious instruction and proselytization as acceptable service-learning experiences passed today by eight to two vote – to come forward in two weeks for first reading
  • Not meeting next week
  • College of Business review coming forward November 9, 2004

♦ Physical Plant Planning Committee – Senator Bredle
  • Met yesterday for first time
    • Heard report from Vice Chancellor Soll about many things done last year on campus; until you see full list, hard to appreciate what accomplished
    • Riverbank nearly stable at this point – stabilization project very near completion
      • Trees will be put out yet this fall if weather holds
    • Talked about plans for year – general consensus was to look down the road a few years rather than worry about parking and smoking this year
    • Heard proposal from Professor Hartnett about an outdoor teaching classroom/park where Little Niagara Creek enters Chippewa River
  • Will meet again in three weeks; send any issues to Senator Bredle

♦ Budget Committee – Senator Smith
  • Met on October 18, 2004 to discuss level to set planning reserve
    • Hold certain percent of budget back; once it’s clear the sky is not falling, chancellor reallocates that money at his discretion to divisions
    • Possible recommendations range from 0.5% to 1.5%
      • Committee decided to recommend that 1.5% be held for planning reserve

♦ Compensation Committee
  • Still working in small groups; no regular meeting scheduled at this time

♦ Nominating Committee – Senator Whitfield
  • No Report

♦ Technology Committee – Senator Dwyer
  • Met on October 22, 2004
    • Got update on administrative computing conversion project
- Began conversation dealing with college and unit technology committees
- At next meeting, will continue that conversation and take up issue of student file space allocation procedures and related processes

VI. Special Reports
A. Update on UW-System 2005-2007 Budget Request – Vice Chancellor Soll
- Regents approved budget plan for 2005-2007 biennium at August meeting
- System administration put into final form and submitted budget proposal to Department of Administration on September 15, 2004
- Power Point Presentation (http://www.uwec.edu/usenate/minutes/2005-07BudgetPresentation.ppt) goes through key features of budget proposal and gives background on process from here forward
- Also distributed two-page transcript of remarks Chancellor Mash made to regents at that August meeting (http://www.uwec.edu/usenate/minutes/ChancellorRemarksRegents20040819.htm)
  - Chancellor trying, through those remarks, to solidify resolve of regents behind budget proposal
  - Encourage you to read those comments again and think about ways you might be able to help others understand importance of this proposal not just to university, but to state of Wisconsin
- Response to question from floor
  - Have variety of student fees and other types of payments generating restricted revenue – used to support operation that generated them
  - Governor and legislature last time around looked at the fund balance accumulated in those areas and used this $26 million to support financial aid
  - So largest ever increase in state support for financial aid actually funded with students’ own money
  - Serious concern that door open for any other grab of that money

B. UW-System Fringe Benefit Advisory Committee Report – Ed Young
- Valley Health Plan unable to compete at Tier 2 level, so no longer available; will have another HMO (CompCare Blue Northwest) in Tier 2
- Plans likely to change from one year to next so be alert for possibility your plan will no longer be available
- Lucky in this area of state – easier for plans to provide care in this region because large percentage of state employees from campus tend to be healthier than average
  - Difficult to have any choice at all in some counties in southeast Wisconsin
- Premium increase for plans was approximately 5% - lowest state experienced in last decade
  - Attributed to Navitus, the pharmacy benefits manager, doing great job
  - Don’t see as great miracle when limit benefits and raise payments
  - Will presumably be unable to make similar cuts for coming year so will be difficult to keep increase to 5%
- Cost for Tier 1 ($22 per month for single plan, $55 for family plan) compares very favorably with peer institutions
  - But eight Big 10 campuses offer health plans to domestic partners, which puts Madison at disadvantage in attracting faculty
  - Fringe Benefits Advisory Committee recommended that UW-System also cover domestic partners for that reason and as matter of fairness
- Response to questions from floor
  - Offering domestic partner benefits must be approved by regents first, but would also require change of state law which defines dependents as spouses and children, or change in interpretation of that law
  - First year Humana offered, was more paperwork than Valley Health Plan; by end of year worked some things out – saw no difference last year
    - Will certainly find with cost of medical care rising 12-15% annually, plans will be tightening up
    - Will probably continue to get worse each year
  - Main problem is pharmacy benefits manager – wind up paying more and more nuisance because doctor has to justify medications
  - Also problem with Preferred One providing network that contracts with Humana – requires that chiropractors stay at an average of seven visits a year or get dropped from provider network
• Also true for other HMOs using Preferred One
• Seems like just another middleman costing us money

VIII. Miscellaneous Business
A. Motion from Executive Committee
   Chapter 37 Language Report – Vice Chair Gapko
   • Because there are no more Chapter 37 faculty at this institution, proposing language to eliminate references in handbook

Motion 41-SE-04
   Moved and seconded by the Executive Committee (11-0) that the Faculty and Academic Staff Handbook, Chapter 3, be changed as shown:

Chapter 3, Faculty and Academic Staff Handbook, Twenty-first Edition
Article One: University Faculty (page 5)
Section C Definitions: The University Faculty is composed of four groups:
1. tenured or probationary faculty who hold the rank of professor, associate professor, assistant professor, or instructor in an academic department or its functional equivalent;
2. academic staff who have been designated as having faculty status by the faculty and the Chancellor of the University of Wisconsin-Eau Claire;
3. unranked faculty who are tenured under the provisions of the former Chapter 37 of the Wisconsin State Statutes; and
4. limited appointees (e.g., academic deans, director of libraries) who hold concurrent ranked faculty appointments in academic departments or functional equivalents.

Article Three: University Senate (page 10)
Section B Membership: 1. University Faculty Senators
   a. All members of the University Faculty who are eligible to vote in the University Faculty meeting…
   b. Each academic department having four or more positions shall elect one senator. For purposes of senate representation, Library Services shall be considered the equivalent of an academic department. The department election shall take place at a regularly scheduled department meeting…
   e. One senator shall be elected from the University Faculty members within each of the following having four or more positions:
      1) Library Services
      2) Chapter 37 faculty as defined by Article One: Section C, part 3 of the Constitution of the University Faculty and the University Academic Staff.

Debate
• Removes Chapter 37 references and moves library services up to part b

MOTION by Senator Hollon to suspend the rules to take action today seconded and PASSED without dissention.

Vote on Motion 41-SE-04: Motion PASSED without dissention
• Change in Article One voted on by University Faculty
• Change in Article Three voted on by all University Senators

B. Motion from Executive Committee
   WCWC Language Report – Vice Chair Gapko
   • West Central Wisconsin Consortium no longer meeting as formal group; some members still meet to oversee Wisconsin in Scotland program
   • If necessary, would be part of faculty representatives role
Motion 41-SE-05

Moved and seconded by Executive Committee (11-0) that the Bylaw referencing representation to West Central Wisconsin Consortium in Chapter 3 of the Faculty and Academic Staff Handbook (Twenty-first Edition, page 24) be eliminated.

Bylaws of the University Senate

Representation to West Central Wisconsin Consortium

48. A Faculty Representative to the West Central Wisconsin Consortium and an Alternative Representative shall be elected by the University Senate in the fall of each odd numbered year. Each term of office shall be two years beginning January 1 of the even numbered year following the election. Nominations for these positions shall be made by the University Senate Nominating Committee and election shall follow University Senate election procedures.

The Faculty Representative to the West Central Wisconsin Consortium shall represent the faculty of UW-Eau Claire on the Commission of the Consortium and shall be responsible for reporting the actions of the Commission and the Consortium to the University Senate. The Alternate Faculty Representative shall serve in the absence of the Faculty Representative. (FS 3/78)

Debate

- Motion to be voted on by all senators
- New language added to faculty representative description, when position changed last year, to cover system-wide representation as necessary

MOTION by Senator Hollon to suspend the rules to take action today seconded and PASSED without dissention.

Vote on Motion 41-SE-05: Motion PASSED without dissention

C. Motion from Vice Chair Gapko

Resolution Opposing Definition of Marriage Amendment Report – Vice Chair Gapko

- Resolution not coming forward from any committee; being presented by individual senator
- Several members at last diversity planning committee meeting asked why University Senate hadn’t done something about proposed constitutional amendment regarding definition of marriage
  - Was subsequently asked to bring this forward
  - Adapted proposal from resolutions already passed at other campuses, primarily Madison and Milwaukee
  - Rationale distributed to senators basically from UW-Colleges
- Resolution opposes language already passed once by state assembly and senate to define marriage as being one man and one woman and to invalidate any legal status substantially similar to that of marriage for unmarried individuals
- Under this proposed constitutional amendment, health insurance for domestic partners, as recommended by Fringe Benefits Advisory Committee, would be prohibited

Motion 41-US-01

Moved by Andrea Gapko and seconded by Alan Gallaher that the following resolution be approved and distributed to local legislators and the Board of Regents:

Resolution in Opposition to the Proposed Constitutional Amendment Regarding the Definition of Marriage

Whereas, both branches of the state of Wisconsin Legislature, the assembly and the senate, have approved a joint resolution to amend the state’s constitution by creating a new section 13 of article XIII with the following language:
Only a marriage between one man and one woman shall be valid or recognized as a marriage in this state. A legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized in this state.

And, whereas such legislation would further intolerance and thus have significant and far reaching societal consequences,

And, whereas current federal, state, and university legislation broadly and specifically prohibit both harassment and discrimination,

And, whereas the recruitment and retention of highly qualified faculty and academic staff is predicated on an inclusive climate that supports all individuals,

And, whereas such legislation is inconsistent with the faculty and academic staff’s values and commitment to provide a broad and contemporary education to its students,

Be it therefore resolved that the University of Wisconsin-Eau Claire University Senate opposes the recently passed Wisconsin Legislature’s joint resolution supporting the above quoted constitutional amendment.

And, be it further resolved that the University of Wisconsin-Eau Claire University Senate calls on the Wisconsin State Legislature to provide leadership in creating a society where equal rights under the law are protected for all persons.

Debate

- Removal of words values and in third sentence from the bottom accepted as friendly amendment
- Believe all senators received email saying this amendment was unnecessary, can anyone weigh in on that?
- My understanding of email was if constitutional amendment unnecessary, presumably would favor resolution
- Not saying for or against this, just want to urge caution
  - Have to be careful when making blatant political statements because not a function of senate
  - If pass something like this, have to make case that this will affect university faculty in some way – for example, fringe benefits for domestic partners
- This does in fact affect ability to recruit and retain faculty because it communicates that we are not inclusive
  - Included in third whereas, so different than just political statement
- Then that has to be main case you make
- Very clear this will impact ability to recruit and maybe even retain qualified individuals
  - More important for legislators that we tie it directly to benefit university provides for state of Wisconsin
  - Ought to point out in resolution that university is primary economic engine for state
    - University doesn’t function well if can’t attract most qualified individuals, and if university doesn’t function well, state won’t receive economic benefits from university
- Two comments
  - Think third whereas should be moved up and first two moved down
  - Suggest we don’t suspend rules to approve this today because not refined well enough
- There are pragmatic issues here, but underneath still issue of equal protection rights in our constitution
  - Cannot completely de-politicize this
- Like logic of order of whereases – third one may be where it belongs
  - First have to establish other two things much more in line with constitution
- Before we take action, should discuss with gay students and faculty on campus to get input of people affected
  - Ohio facing constitutional amendment November 2nd as backlash against Ohio State University resolution similar to this
  - Worried about timing – waiting a year may be more helpful
- Board of Regents discussion of domestic partner benefits postponed from November to December meeting; now have more time for second reading
- People requesting motion be brought forward by Vice Chair Gapko were faculty and staff from gay community
Are documents out on senate website that talk about why UW-System concerned about defense of marriage amendment

Time is of essence – next step in process is second vote by assembly and senate in January and three months later, in April of 2005, item would go to Wisconsin voters

Not simply an issue for gay partners; also affects heterosexual partners who are not married

System already has two-page affidavit for persons who claim domestic partnerships – can’t just decide today to be domestic partners tomorrow

Certainly is sticky combination of politics, economics and beliefs or values – for state legislature, is this primarily an economic issue or a social or religious statement?

It is because majority of them think the earth is 6,000 years old

Have a problem with original amendment because is two separate things

One is to define marriage as one man/one woman, which I tend to like – it’s a time-honored institution, perhaps even sacred

Second half is the bombshell – are we not going to cover health insurance for any other relationships?

Uncomfortable with amendment; not much more comfortable with our resolution to attack amendment

Can’t go about changing amendment; already passed in state assembly and senate

Email sent to all of us said without this amendment, still have law on books in Wisconsin that says marriage is between a husband and a wife – protects the term marriage, so amendment redundant

Second sentence hurts a lot of people who would be potentially worse off

Backlash against motions like this include an amendment in Ohio that polls show leads by 75-80% that will not just undo the university language – will undo all language protecting gays in that state

Worried about bringing forth such language in a time where well-financed, well-organized people are looking for reasons to do that in this country – not sure I want to give people a giant target

Good intentions are really nice, but this is what is happening

Think state legislators deliberately targeting these people because they want to impose their own morality on residents of state; want to do by constitutional amendment so more difficult to change

Think it is incumbent on us to stand up and say something

As an institution of public higher education which embraces tolerance and diversity, to not say anything at all would be against everything we stand for

Owe it to ourselves, to our students, to the community to speak out against this kind of hatred so that voices are heard

Why send this to Board of Regents? Why not send directly to all legislators?

Normally just send to local legislators

Emails are blocked except for those living in district, so not normally willing to hear from those outside district

This is something that goes much deeper than this issue – we will all know better a week from today what is going to be going on

Without objection, will vote on motion at next meeting.

X. Announcements

Next meeting November 9, 2004

Meeting adjourned at 4:45 p.m.

Wanda Schulner
Secretary to the University Senate