Members Present:


Members Absent:


Guests:

Mary Ellen Alea, Matt Boyseon, Don Christian, Terry Classen, Bernard Duyfhuizen, Angie Goodwin, Sean Hartnett, Amanda Krier, Jan Morse, Andrew Phillips, Kathy Sahlhoff, Andrew Soll, Steve Terwilliger

The regular meeting of University Senate was called to order by Acting Chair Gapko at 3:06 p.m. on Tuesday, March 14, 2006 in the Tamarack Room of Davies Center.

- Senator Duckworth-Lawton elected to University Senate Executive Committee at last meeting
- Matt Boyeson introduced as new Student Senate Liaison

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

II. Chancellor’s Remarks – Chancellor Larson

- Only attended small portion of Board of Regents meeting, so Provost Tallant will report on that meeting
- Instead attended American Association of Geographers conference in Chicago where 27 of our undergraduate students, along with faculty, presented faculty/student collaborative research
  - Was incredibly impressive; had more undergraduates presenting research than Madison had graduates
  - Quality of research was superb – not only gave students opportunity to work with faculty as mentors, also showcased them
    - Many were approached by people from various graduate schools; wonderful opportunity for students
- Also tied that conference with alumni event in Chicago
- Had 60-plus people attend from 50-mile radius
- All very excited about what is going on at UW-Eau Claire
- Fun to talk to alumni because always ask about at least one faculty member
- If your department participates in similar conference, contact John Bachmeier to arrange event for alumni in area in conjunction with conference
  - Wonderful way to hook in with alumni to update and to find out what people are doing with their lives
- Provost Tallant reported on March Board of Regents meeting
  - Both long days with many complex and interesting issues – can get full review of meeting on Regent website
- Chancellor Larson, Vice Chancellor Soll, and Academic Staff Representative Blackstone also attended
- At all-session meeting on Thursday morning, first topic was Taxpayer Protection Amendment (TPA)
  - Regents invited co-authors of bill, Representative Wood and Senator Grothman, to share reasons for bill and to discuss impact on higher education in Wisconsin; both unable to attend
Also invited Economics Professor Andrew Reschovsky to present his analysis of bill
  • He noted bill, a variant of TABOR passed in Colorado, places limit on growth of revenue at state and local levels
    • If passed, any relaxation would require referendum
    • Tuition and fees not considered revenue for purposes of bill
  • His analysis indicated if TPA had been in effect from 1995 to 2005, UW-System would receive $210 million less this fiscal year
    • To compensate for loss, would have to either raise tuition 25 to 30% or reduce enrollment by 12% or 16,250 students
    • Other options included eliminating program array and services

On Friday, Representative Wood again unavailable, however, Senator Grothman presented case for TPA
  • Stated he wanted to shrink role of government in Wisconsin
  • Indicated he saw same number of students and same quality of education in future for UW-System, but fewer non-teaching positions and reduction of benefits for employees
  • Disagreed with Professor Reschovsky’s analysis stating every individual in state can afford a college education if willing to live at home and work
  • President Walsh ended session by thanking him for his honesty and differing with him on impact of bill on higher education

United Council, lobbyist group for 144,000 students in system, presented two-year budget
  • Advocated for access and equality in UW-System
    • With regard to access, advocated for lower tuition and higher aid for students; asked for additional $37.8 million for state aid to Wisconsin students
    • With regard to Plan 2008 and current domestic partner initiative, asked for additional $5.25 million
    • Asked for additional $490,000 to support programs for status of women employed in UW-System
  • Asked also that tuition and fees be included as part of definition of revenue as defined by TPA
  • Since United Council against raising tuition and fees for students, Chair Walsh asked for plan to reduce enrollment in system if TPA passed
    • United Council agreed to develop such a plan

Annual Achieving Excellence Report detailed accountability to citizens of Wisconsin
  • Over past decade, annual reports reflect system’s commitment to demonstrating excellence of institutions of higher education
  • Of 19 measures of accountability
    • Exceeded 12 goals
    • Mixed results for five goals
    • Doing poorly on three goals – student advising, diversity as measured by recruitment, retention and graduation rate for minority students, and number of students studying abroad
  • Each institution was asked to commit to these three areas; next year will be held more accountable for these

Education Committee
  • Approved MS in agroecology at UW-Madison that reported on last month
  • BS and MS degrees in Communication and Information Technologies at UW-Stout presented
    • Asked them to work with UW-System administration on proposal and bring back next month
    • Ironic that first time, after rules change last month, that had chance to approve new program at one hearing, sent it back for more work
  • Approved two faculty personnel rules changes
    • First was for UW-Green Bay stating only chancellor could initiate disciplinary measures, including letters of reprimand, to faculty members
    • Committee members voiced many concerns about rule change that prohibits deans from disciplining faculty members, but felt obligated to support shared governance process and change
    • Only board member voting against was student member
    • Also approved policy awarding emeriti status to faculty members at UW-Oshkosh
  • Discussed and unanimously approved new system policy on resident assistants (RA)
    • Policy is direct result of RA policy at UW-Eau Claire
● Allows RAs to lead any meetings in their rooms as long as they do not attempt to influence, pressure or coerce student residents to attend or participate in those meetings
● Each institution will now develop appeals process so students can seek redress if they believe an RA acts in manner contrary to new policy
● Unanimously approved by entire board on Friday, however, three regents expressed concern about new policy
● Senior Executive Vice President Donald Mash gave update on Waukesha Study about possibility of merging UW-Waukesha with UW-Green Bay or making it a four-year campus
● Numerous city leaders from Waukesha expressed desire for four-year college in their city
● Committee authorized search for new chancellor at UW-La Crosse
● Regent Spector gave update on shared governance input to regent committee on faculty and academic staff discipline
  ● Had met with faculty reps and with faculty senates of UW-Whitewater and Madison
  ● Believe Regent Spector more than willing to listen to concerns and make necessary changes
● Chancellor Larson attended Physical Planning and Funding Committee where UW-La Crosse Growth in Access agenda discussed
  ● Model reduces out-of-state tuition to attract more of those students and increases in-state tuition over number of years with some students paying more for same degree program
  ● Applies private education model to public higher education
  ● Additional revenue would be used to help pay tuition for students in lowest two quintiles
● Encourage all to look at Board of Regents webpage for other items discussed

III. Chair’s Report – Acting Chair Gapko
● At last meeting, referred matter of responding to proposed UWS 7 Disciplinary Procedures for Faculty in Special Cases to Faculty Personnel Committee to direct a response
  ● Since then, Academic Staff Personnel Committee also asked by UW-System Associate Vice President Ron Singer, via the provost, to provide a response
  ● Last Friday, our two system representatives received information from Regent Spector again requesting feedback that specifies areas of concern and suggests language to address such concerns by April 6, 2006
  ● Today will hear and consider motions from both Faculty and Academic Staff Personnel Committees

IV. Faculty Representative’s Report – Senator Wick
● Unable to attend either faculty representative or Board of Regent meetings due to conflict with conference and faculty candidate visit to campus
● Faculty reps met with Regent Spector about policy on dismissal; clarified need to be charged with a felony from a legal source – working on such terminology
● Faculty reps working on resolution on faculty compensation challenges to say we are behind peers, we have compression, and same attention ought to be paid to faculty as to upper administrative salary ranges

V. Academic Staff Representative’s Report – Senator Blackstone
● Academic Staff Representative Report on teleconference of February 16, 2006 attached to name tags
● Spent time discussing need to weigh in on faculty discipline document and collective bargaining bill which did not come out of committee
● Next meeting will be March 16, 2006 teleconference
  ● To talk again about disciplinary process, Wisconsin Covenant, President Reilly’s ideas about growth in UW-System in future, and also TPA

VI. Announcements
● None

VII. Unfinished Business
● None

VIII. Reports of Committees
● Executive Committee – Acting Chair Gapko
  ● At meeting of March 7, 2006, committee abandoned further discussion on Academic Program Changes Action Chart
  ● Next meeting will be April 4, 2006
Committee to continue discussing administrators voting on committees as well as function of some committees

Faculty Personnel Committee – Senator McAleer
- Met March 13, 2006; took action on review of interim administrators
- Previously met to hammer out response to UWS 7, which is on agenda today
- To meet March 27, 2006 to further discuss, among other issues, status of advising as a stand-alone category that came up in advising open forum
  - Please let committee know any thoughts on that topic

Academic Staff Personnel Committee – Senator Blackstone
- Next meeting March 30, 2006; agenda to follow

Academic Policies Committee – Senator McIntyre
- Met on February 28, 2006; approved Global Teaching Program
  - New study-abroad program would provide opportunity for education students to student teach in one of over 22 countries on continents including Africa, Asia, Europe, and Central and South America
  - Students would do one-half of teaching here in Wisconsin and one-half in country of choice while living with a host family

FOR THE RECORD
Without objection, Global Student Teaching Program entered into record.

- Met today
  - Updated on baccalaureate goals assessment from Jan Morse representing Provost Tallant
  - Also set up academic review schedule
- Next meeting on March 28, 2006
  - Will begin reviews starting with Department of Philosophy and Religious Studies

Physical Plant Planning Committee – Senator Russell
- Met February 20, 2006
  - Heard from Recreation on proposal to install nine-hole disc golf course on upper campus; committee endorsed that plan
  - Discussed feedback from January senate meeting relative to Putnam Park entrance and parking lot
- Met March 13, 2006
  - Saw preview of four options for redevelopment of Garfield Avenue to be presented today
- Reviewed proposed 2006-2007 rates for parking permits and parking meters
  - Faculty/staff permits to go up from $85 to $90; GF permits from $340 to $360
  - Discussed GF permits and enforcement of restrictions on who can park in those spaces
  - Also discussed doubling all parking rates for meters; makes rates comparable with other campuses
- Next meeting scheduled for March 27, 2006

Response to questions and comments
- Parking on all UW campuses self-supporting – rate increases to pay for administration of parking and enforcement, including salary increases, and maintenance of lots
  - Right now not generating what we need to contribute to campus projects and still cover salaries and benefits
  - Increases would not go toward development of parking ramp or structure
    - Not to say won’t do that in future, but $5 increase not step in that direction
  - From student point of view and concerns voiced at teaching workshops, parking is major issue and impediment to student learning on campus

Budget Committee – Senator Gallaher
- Met on February 27, 2006; continued to discuss role of committee for future

Compensation Committee – Senator Wick
- Met February 17, 2006
  - Discussed faculty retention funding distribution plans; supported proposal
  - Started discussing 2007-2008 Comprehensive Salary Plan; discussion to be continued
- Next meeting March 17, 2006

Nominating Committee – Senator Lo
- No report
IX. Special Reports

Garfield Avenue Redevelopment – Vice Chancellor Soll

- Sharing concepts to get reaction of senators; would like open process, welcome your thoughts
- Put off requesting funding to replace deteriorated pavement, curb and gutter, utilities under street (sanitary sewer line and water main), and inlets for storm sewers until riverbank stabilization project completed
- Have support of Division of State Facilities (DSF) on need for project; expect funding to be approved at May meeting of State Building Commission (SBC)
- Will be asking DSF to assign design team immediately after funding approved
  - Hope to have preliminary design back next fall to share with this body, Student Senate, and others
  - Would then complete design and put project out for bid with construction in summer of 2007
- Putnam Park entrance and parking, presented and discussed at last meeting, is separate issue best addressed independently – any of concepts presented could work whether relocate that parking or not
- Also looking for American Disabilities Act (ADA) compliance and improved traffic flow at footbridge

Angie Goodwin, engineer with Ayers Associates, presented four options

- Option 1 – Minimum 2-Way Replacement Project includes utilities reconstruction, new curb, gutter and pavement
- Option 2 – Minimum 2-Way Improvement Project
  - All of Option 1, plus sidewalk improvements
- Option 3 – Recommended 2-Way Improvement Project
  - All of Option 1 and 2 plus changes to pedestrian bridge
    - Proposing removal of current ramp and stair system and continuing bridge as ADA accessible ramp
    - Requires shift of existing Garfield Avenue away from bridge to meet slope requirement, and reconfiguring of parking currently in front of Schofield Hall
- Option 4 incorporates all above and also modifies Garfield Avenue to one-way corridor system
  - More pedestrian friendly, however, would have to reconfigure Putnam Drive to swing around allowing traffic to continue by Nursing Building and exit through Phillips parking lot
  - Would allow ADA improvements in parking for Thomas and Putnam Halls
  - One downfall would be truckster traffic to east would use sidewalk; or could make narrow lane for truckster access in other direction

Comments and questions from floor

- Members of Physical Plant Planning Committee distributed alternative plan for a pedestrian mall
  - Would close Hill Road and Garfield Avenue west of footbridge to vehicular traffic except emergency vehicles
  - Would also have to accommodate ADA parking for Thomas Hall
- Garfield Avenue is city street up to cul-de-sac on Option 4, west of that is university street
  - Certainly plan to get community input on different concepts
  - Changing how Garfield Avenue is used for public traffic would require different type of environmental assessment
- Putnam Drive is maintained by city, but park itself is not
  - Putnam Park Commission, with city representation, is advisory to chancellor
- One of possibilities would be to widen one-way street to accommodate bicycle and truckster traffic
- Being presented for information and input; decision not made by senate
- When engaged Ayres to do study, had little authority before project approved by DSI and SBC, so presented with assumption that Hill Road would remain open to public traffic to keep task within scope of authority – doesn’t mean that is not an option
- Parking tally on Table 1 is combination of on-street parking and parking in circle in front of Schofield – in all options presented, Putnam parking lot untouched
- A bridge overpass is not feasible because bridge is only eight feet above road grade (16 feet clearance required for overpass)
- Ramp approach was considered at time footbridge developed; dropped due to budget constraints
With alternative plan, would have to go through parking lot to access scenic drive through park; would use signage so people knew how to get there

Alternative plan moved row of parking next to trees to prevent bottlenecks and so wouldn’t have people backing out into through traffic from both directions

Expanding parking capacity would be separate consideration – these options tried to balance parking

Also concerned about preserving green area behind Davies for future building sites such as addition to Phillips Hall and redevelopment of Davies Center

Have exhausted authority we now have for planning

Rather than spending time and money generating more options, would like to find out campus preferences for redevelopment so can proceed this summer with design based on input from campus

Another reason pedestrian mall not covered in Ayres options is there has been no public discussion of closing street to public traffic – didn’t want to make that assumption with limited authority

Option 4 could be easily looked at as pedestrian mall with limited traffic using same configuration

Don’t assume what various configurations will look like, all things still possible to be balanced between aesthetics, pedestrian and vehicular traffic, safety, etc.

X. Miscellaneous Business

Without objection, order of business changed to take up item C on agenda after item A so take up items related to UWS 7 consecutively.

A. First Reading – Motion from Faculty Personnel Committee

Report on Faculty Response to Proposed UWS 7, Procedures for Dismissal of Faculty in Special Cases – Senator McAleer

Faculty Personnel Committee charged by Senate to write response to proposed UWS 7

Hosted reasonably well-attended open forum and received much email feedback

Guiding principle was Chapter 7 will be implemented; tried to make suggestions to address main problems

Motion 42-FP-01

Moved and seconded by Faculty Personnel Committee (7 for, 0 against) that the University Senate approve the following response to the Proposed Chapter UWS 7, Wisconsin Administrative Code, Procedures for Dismissal of Faculty in Special Cases and that this response be forwarded to the Board of Regents and the University of Wisconsin System Administration. (see response attached)

Debate

All senators may vote on motion; if desired, a separate vote could be taken by faculty or academic staff

Concerned about word immediately in 7.04 and how that would be operationalized

Would faculty have to report within two seconds of being charged with criminal misconduct, or five working days, or other period of time?

Document is terribly ambiguous; intent of committee on number of items was to change only those things so egregious that they had to be addressed rather than making many changes that could be misinterpreted or lead to something even worse

Others ambiguities can be clarified when develop UWEC 7 within UW – Eau Claire control

Concern is word immediately could give leeway to provost to remove all protection from faculty

Immediately not really as ambiguous as we might want

Amendment 42-FP-01-a1

Moved by Senator Kolb and seconded that UWS 7.04 Reporting responsibility be amended to read: Any faculty member who has been formally charged with behavior that constitutes Serious Criminal Misconduct shall report that fact to the provost in a timely manner.

Debate

Will vote for amendment; would hope we would give faculty at least as much time to report this as vice presidents get when they shoot someone

Vote on Amendment 42-FP-01-a1: Amendment PASSED without dissention.

Continued Debate on Main Motion
• Used *naïve and inconsequential* in self-reporting section because no one is going to do that and it would thus have no effect
• Commend committee because they addressed pretty much every concern I have
  • Prefer faculty document portion that talks about being officially charged with an offense by appropriate jurisdiction, but apparently that section has already been changed
• Regent Spector indicated to faculty reps that language was forthcoming to clarify this aspect of process
• Assumption is that entire document, including explanations, would go forward

**Amendment 42-FP-01-a2**
Mov[ed by Senator Syverson and seconded that *inconsequential in the explanation after UWS 7.04 be replaced with unlikely.*

**Debate**
• Think something like unconstitutional more appropriate when expecting us to report something before charged with it
• Just getting rid of *inconsequential* accepted by mover and seconder as friendly amendment
• Leaving out *is so absurd that it* also accepted as friendly amendment

**Vote on Amendment 42-FP-01-a2**: Amendment PASSES.

**TEXT OF CHANGES PER AMENDMENT**

UWS 7.04 Explanation: To expect any person who engages in criminal activity to self-report that activity prior to its discovery is naïve. Inclusion of such an expectation seriously diminishes the credibility of the entire chapter.

Continued Debate on Main Motion
• At bottom of UWS 7.06, bold type states: Full payment of back pay shall be awarded when it is determined that the faculty member has not engaged in behavior that constitutes Serious Criminal Misconduct
  • Who would determine that?
• Are number of levels at which this could happen – provost, chancellor, or regent level
  • Committee used passive voice intentionally with idea that if through process person found not to have committed the act, then repayment of back pay should not be an option, should be mandatory
  • Left passive because are so many in chain that could decide this
• Is it possible court could acquit someone of serious criminal misconduct and someone else could say no he/she engaged in that?
• Yes, people are acquitted for reasons that go beyond guilt, like plea bargains and technicalities; intent was to refer to process on campus and in university system
• If gateway to enact process is being charged by legal authority, why isn’t it also gateway out?
• Concern is if tie to legal system, then plea bargains to a lesser crime would tie system’s hands
• Seems we are setting two different standards here, one on way in and one on way out
• Was done intentionally

**Amendment 42-FP-01-a3**
Mov[ed by Senator Dorsher and seconded that *full payment of back pay shall be awarded when the appropriate legal authority determines that the faculty member has not engaged in behavior that constitutes Serious Criminal Misconduct …*

**Debate**
• Makes it harder for administration to be forced to give back money because must be legal outcome; before, if provost determined person didn’t do behavior, were forced to repay all money
• Although legal authority can determine if serious criminal misconduct has been committed, can’t determine whether someone acted in way that was embarrassment to university
  • That’s why language is stated this way
  • Could consider changing to *appropriate legal authority or the chancellor*
• Concern is then back to nebulous terms of who determines and what constitutes determination
  • May get to details in campus level plan

**Vote on amendment 42-FP-01-a3**: Amendment DEFEATED.
Without objection, further discussion and vote on motion postponed to next meeting. Will be in time to get response to System before April 6th deadline.

B. First Reading – Motion from Academic Staff Personnel Committee  
Report on Academic Staff Response to Proposed UWS 7, Procedures for Dismissal of Faculty in Special Cases –  
Senator Blackstone  
- Approached task with assumption UWS 7 will be passed, like it or not  
  - Would be to our advantage to put in language to make more palatable until there is a court challenge  
  - Also wanted to make certain a copy of investigator’s report provided to accused faculty member; if cannot see that report, is hard to refute  
  - Removed 7.02(1)(c)(2) because thought that was very fuzzy thinking and would make it easy for somebody to be let go  

Motion 42-AS-01  
Moved and seconded by Academic Staff Personnel Committee (6 for, 0 against) that the University Senate approve the following response to the Proposed Chapter UWS 7, Wisconsin Administrative Code, Procedures for Dismissal of Faculty in Special Cases and that this response be forwarded to the Board of Regents and the University of Wisconsin System Administration. (see response attached)

 Debate  
- All senators may vote on motion; if desired, a separate vote can be taken by faculty or academic staff  
- System Vice President Ron Singer indicated could either forward two documents or combine to one  
- Timing makes it difficult to combine documents  
- Most recent memo from Regent Spector asked faculty and academic staff to identify specific areas of concern and suggest language to address concerns  
  - As long as two faculty and academic staff responses not in conflict, believe sending both is acceptable  
- Typo on page 2 will be corrected to faculty  

Without objection, further discussion and vote on motion postponed to next meeting.

C. First Reading – Motion from Physical Plant Planning Committee  
Report on Smoking Resolution – Senator Russell  
- Member of committee brought issue of concern from faculty dismayed by extensive smoking at entryway to Davies Center near breezeway last fall  
  - Committee discussed possible actions; resolution is product of those discussions  
  - As soon as announced that smoking being discussed, received emails from people throughout campus with concerns for health risks related to smoking, second-hand smoke, and appearance and public impression created by smoking and ash receptacles in that confined area  
- Responses to questions for clarification  
  - Committee does not have power to enforce policy and faculty does not have authority over Davies Center, so resolution represents desire in form of recommendation to whoever has authority to make such decisions  
  - State law now prohibits smoking inside public buildings and university residence halls, and within 25 feet of residence halls  
  - Are numerous universities, like Stanford and Buffalo, that are smoke free – might want to model our policy after theirs  
    - Might want to think about doing that healthwise for students and for perceptions of those coming on campus  
    - Don’t see how we can get around enforcement – we keep passing resolutions, but that does not necessarily change behavior  

Motion 42-PP-01  
Moved and seconded by Physical Plant Planning Committee (8 for, 0 against) that the following resolution to prohibit smoking around the Davies Center and within the courtyard area connecting the Davies Center, Schofield Hall, the Old Library, and McIntyre Library be endorsed  

WHEREAS exposure to second-hand smoke is considered a health risk; and  
WHEREAS some people are asthmatic, allergic to smoke, or find smoke offensive; and
WHEREAS smoking is prohibited by state statute within 25 feet of university residence halls; and
WHEREAS panels in the Davies-Schofield breezeway diminish air circulation and trap smoke; and
WHEREAS ash receptacles hinder walking through the Davies-Schofield breezeway; and
WHEREAS the smoke, ash receptacles, and other debris in the Davies-Schofield breezeway present a poor public image to the many visitors who walk through the area;

THEREFORE BE IT RESOLVED that smoking be prohibited within 25 feet of all entrances to the Davies Center and in the courtyard connecting the Davies Center, Schofield Hall, the Old Library, and McIntyre Library.

Debate
- Favor motion on behalf of admissions; get many comments every year not only about people smoking, but particularly food service people smoking in breezeway, which is main thoroughfare for both prospective students and parents
- Is no other area for food service people to smoke that is relatively protected
- Is possible for them to have voice in issue as all meetings are open
- Student Senate, after survey of smokers and nonsmokers, suggested one or two entrances to each building allow smoking, and possibly construction of an area for smoking
- Is loading dock near Davies that some have used for smoking

Amendment 42-PP-01-a1
Moved by Senator Jol and seconded that smoking be prohibited within 25 feel of all entrances to all university buildings.

Debate
- Against amendment; support in theory, but would be unenforceable and make rule breakers out of students
  - Another solution would be to provide places where people could smoke
  - Have done that for residence halls; would be reasonable approach here

Without objection, continued discussion and vote on amendment postponed until next meeting.

Without objection, meeting adjourned at 5:00 p.m.

Submitted by,

Wanda Schulner
Secretary to the University Senate