

2013

FSEC Minutes December 13, 2013

University of Rhode Island Faculty Senate

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Faculty Senate Executive Committee Meeting

Minutes #21

December 13, 2013

1. The meeting was called to order at 9:15AM on December 13, 2013 in the Dorothy Vocino Conference Room in the URI Library, Chairperson Byrd presiding. Senators Brady, Cerbo, Davis, Nassersharif, and Rice were present.

2. No minutes were available for approval.

3. ANNOUNCEMENTS/CORRESPONDENCE/REPORTS

a. Chairperson Byrd reminded the Committee that the Provost would be joining the meeting at 11 AM.

b. Ms. Neff reported that Mr. Carrillo had notified her that there was possible office space in Roosevelt Hall for the Ombuds. Mr. Carrillo said he would provide an update in January.

c. Senator Rice reported that he was instructed by Mr. Saccoccio to remove the General Counsel as signatory on the Memorandum of Agreement between the University and the Town of South Kingstown (Resolution #12-13--4) and forward it to Dean Kirby for his approval.

4. ONGOING BUSINESS

a. The FSEC discussed the ongoing general education program revisions. UCGE Committee Chair, Professor Maier-Speredelozzi, notified Chairperson Byrd on December 11th that the committee would not be able to meet the deadline of December 13th with submission of a final report on the program revisions as had been requested in the November 13, 2013 memo from Chairperson Byrd. She had said that the committee was still considering possible changes and that options would be voted on at the committee's January 9, 2014 meeting. The FSEC discussed the need to be able to bring the revisions to a vote no later than Spring 2014. The FSEC drafted a response to the UCGE Chair asking for a report by January 15, 2014 and indicating their plan to distribute the report, discuss it at a forum at the February Senate meeting, and bring it to a vote at the March Senate meeting.

b. The FSEC discussed the ongoing plans for the forum on broader components of campus security (non-violent resolution, etc.) other than arming the campus police. The date is still tentatively set for January 30. The committee discussed the potential representatives to address emergency preparedness. Senator Davis indicated that she would continue to follow up with the potential participants. Chairperson Byrd suggested that Ms. Bennett be contacted for assistance with planning.

5. NEW BUSINESS

a. Ms. Neff informed the FSEC that, in response to her email notice of December 6th to the President, Provost, and Dean of the Graduate School of the upcoming December 12th General Faculty-Graduate Faculty Meeting, Dean Zawia had replied that graduate degree certifications should become part of the regular meetings of the Graduate Council, next scheduled to meet on December 16th, and that the Dean planned to seek certification of the December graduates through the Graduate Council. Ms. Neff had responded to the Dean that, per the University Manual, the Graduate Council recommends to the Graduate Faculty for its approval the names of

students who have completed requirements for degrees and that the joint General Faculty-Graduate Faculty meeting allows the recommendation process to occur. Ms. Neff additionally had stated in her response that she had consulted with the Chair of the Constitution, By-Laws, and University Manual committee, Professor Wenisch, who had written that, if at the December 12, 2013 General Faculty-Graduate Faculty meeting no vote were taken on advanced degrees, no such December degrees could be awarded, unless a subsequent emergency Graduate Faculty meeting were called. A subsequent reply from Dean Zawia indicated that he held a different interpretation of the powers of the Graduate Council and the governance structure at the University. The complete email exchange is attached to these minutes.

Ms. Neff continued that the Constitution, By-Laws, and University Manual (CBUM) Committee had met on December 11th and discussed the issue of governance at the University raised by the Dean of the Graduate School. CBUM drafted a memo referring the issue to the FSEC, noting that the structure does not involve essentially parallel governing bodies, one being the Faculty Senate, the other the Graduate Council. A copy of the memo from CBUM is attached to these minutes.

The FSEC discussed the issues raised by this concern and decided to refer the matter to the Provost.

b. From the list of eligible Senators, those whose terms expire in Spring 2014, potential candidates were suggested for membership of the Nominating Committee for Officers of the 2014-15 Faculty Senate: David Byrd, School of Education; Nedra Reynolds, Writing and Rhetoric; Michael Rice, Fisheries, Animal, & Veterinary Science. Ms. Neff was asked to contact Senator Reynolds. Senators Byrd and Rice agreed to being nominated.

Provost DeHayes and Vice Provost Beauvais joined the meeting at 11:10AM. The following matters were considered:

6. The FSEC apprised the Provost of the recent communications between the Senate Coordinator and the Dean of the Graduate School and the opinion of the Constitution, By-Laws, and University Manual Committee regarding the Dean's assertions. The Provost indicated that he would meet with the Dean.

7. The FSEC updated the Provost regarding the plan to bring the general education revisions to a vote early in the Spring 2014 semester. Chairperson Byrd summarized the content of the memo drafted to the UCGE committee earlier in the meeting. The Provost agreed that the general education revisions need to come to the Senate for a vote this academic year. He expressed disappointment that the revisions have taken so long and that the conversation surrounding the proposed plan needs to focus on the fact that current program is not contemporary and its structure is likely a factor that is hurting student success. The Provost noted that past forums in the Senate usually have not focused on philosophical debate about what students should know, be able to do, and stand for. He urged the FSEC to take whatever action was necessary to pass a new program this year, and to issue a tight charge over a short time frame back to the committee. The Provost reiterated that leaving the current program in place is an impediment to graduation, which is not good for our students or the university more broadly.

8. Vice Provost Beauvais asked the FSEC their thoughts about plagiarism on campus and the use of detection technology such as "Turnitin.com." The Vice Provost said that she had been asked by a faculty member to consider making this technology available to the community. The subject had been discussed at a Provost staff meeting. Concerns about its use include the fact that the company retains the student's work in a database. The FSEC expressed reservations about its use in addition to the privacy issues and said that faculty have access to other available search tools. The discussion continued about teaching methods that minimize both the opportunity and the impulse to plagiarize. The FSEC agreed that setting a standard of academic

honesty and cultivating trust was a good investment of time. It was suggested that the faculty would benefit from workshops on crafting syllabi and better structuring of assignments toward this end.

9. The Provost answered questions about the reporting structure of the new Institute of Neuroscience. He said that the Institute will report to the Provost and that new faculty hires would be made at the department level.

The meeting was adjourned at 12:30PM.

Respectfully submitted,

Nancy Neff

ATTACHMENT 1.

On Fri, Dec 6, 2013 at 4:22 PM, Nancy Neff <nneff@uri.edu <<http://nneff@uri.edu>> > wrote:
Dear President Dooley, Provost DeHayes, and Dean Zawia,

As I am sure you are aware, there will be a General Faculty - Graduate Faculty Meeting prior to the Faculty Senate Meeting on Thursday, December 12, 2013. The agenda for the meeting and minutes from September 19, 2013 are attached. Please let me know if they require any changes.

Thank you,

Nancy

THE
UNIVERSITY
OF RHODE ISLAND
FACULTY SENATE

Nancy Neff, Coordinator 310 Green Hall, 35 Campus Ave, Kingston, RI 02881 USA p:
401.874.5176 <tel:401.874.5176> <tel:401.874.5176 <tel:401.874.5176> >

On 12/6/13, 7:31 PM, "Nasser Zawia" <graddeanzawia@gmail.com

<<http://graddeanzawia@gmail.com>> > wrote:

Dear Nancy,

Our review of the University Manual in the last few months revealed that graduate degree certifications are part of the exercised powers of the Graduate Council, the legislative body of the Graduate Faculty. We have discussed this matter with Provost and had brought it to the attention of the Graduate Council and the Graduate Faculty, during their summit. The sections of the University Manual pertaining to this are pasted below.

it is our understanding that the combined General Faculty-Graduate Faculty meeting had been implemented to overcome the lack of quorums in the past decade. Since this issue does not exist anymore, and to try to comply with the University Manual, we suggest that graduate degree certifications should become part of the regular meetings of the Graduate Council. The next meeting of the Graduate Council is on December 16. We plan to seek certification of the December graduates through this legislative body.

We seek the guidance of the President and Provost on this matter. Please also make us aware if a different interpretation exists to these sections of the University Manual that does not necessitate and changes in the process of degree certifications.

Best wishes.

Nasser

5.65.30 The Graduate Council, acting in behalf of the Graduate Faculty and subject to the referendum power of the Graduate Faculty and to the stated powers of the Senate, the President, and the Board of Governors, shall exercise the following powers (5.65.31-37):

5.65.31 Determine requirements for admission of students to graduate work, their candidacy for degrees, and the awarding of degrees.

5.65.35 Recommend to the Graduate Faculty for its approval the names of students who have completed requirements for degrees.

Nasser Zawia, Ph.D.
Professor of Pharmacology, Toxicology and Neuroscience
Dean, URI Graduate School
Director, Interdisciplinary Neuroscience Program

Executive Assistant: Megan Yakey (401-874-2176 <tel:%28401-874-2176>)
Direct contact: 401-874-2663 <tel:401-874-2663>

On Mon, Dec 9, 2013 at 8:37 AM, Nancy Neff <nneff@uri.edu> wrote:
Dear Dean Zawia,

Thank you for the opportunity, in my new role as Senate Coordinator, to plumb the depths of Rhode Island state law, the Constitution of the Faculty Senate, and the University Manual. You asked me to make you aware if a different interpretation exists to the sections of the University Manual you cite that would not necessitate changes in the process of degree certifications. I offer the following:

According to The General Laws of Rhode Island 16.32.10, the vesting of power to grant degrees is with "a committee of the faculty" as follows:

Â§ 16-32-10 Award of degrees - Curriculum and government. - The board of trustees, with the approval of the president and a committee of the faculty of the university, shall award academic degrees and diplomas and confer honors in the same manner as is customary in American colleges. It shall also be the duty of the president and a committee of the faculty, with the approval of the board of governors for higher education, to arrange courses of study conforming to all acts of Congress, and prescribe any qualifications for the admission of students and any rules of study, exercise, discipline, and government as the president and committee may deem proper.

Following from the General Laws of the State of Rhode Island and Providence Plantations, the "committee of the faculty" was constituted as the Faculty Senate on 12 May 1960 and approved by the former Board of Trustees on 1 June 1960 with its following charge in the Constitution of the Faculty Senate (found in Appendix B of the University Manual):

Article II. Powers.

1. The Senate, subject to the provisions of state and federal law, subject to consistency with the general objectives established by its governing Board, and subject to the referendum power of the General Faculty, has ultimate legislative power on educational policies. It shall, with the concurrence of the President, formulate policy concerning teaching and research, study, exercise, discipline and government: for example, and without excluding others not listed, academic standards (scholastic standing, admission and dismissal policy, class attendance, grading systems, etc.), the University calendar, University-wide curriculum matters both graduate and undergraduate, and research and patent policy as they may affect the faculty as a whole. Nothing in this article should be construed to interfere with the authority or responsibility of the appropriate administrative officers in the carrying out of established policy, or in proposing, through the President, such changes in policy as they deem desirable. (emphasis added)

And:

Article II. Powers.

5. The Senate shall exercise all authority delegated to the University faculty by law and all authority lawfully delegated to it by the Board of [Education], except that the General Faculty shall act upon the recommendations made by the various college faculties and by the Graduate Faculty for granting of degrees in course to those recipients who have fulfilled the requirements for the appropriate degrees.
(emphasis added)

The purview of the General Faculty (also referred to as the University Faculty) as stated in Article II, Section 5, is reiterated in Chapter 4 of the University Manual:

4.40.11 The University Faculty shall act upon the recommendations made by the several college faculties and by the Graduate Faculty for the granting of degrees in course to those who have fulfilled the requirements for the appropriate degrees. These degrees and requirements are listed in detail in the current University Catalog.

Because both the General Laws and the Constitution of the Senate are higher-level governing documents than the University Manual, the University Manual must conform, including 5.65.30 (ff).

Dean Zawia, as you have pointed out, Section 5.65.35 of the University Manual states that the Graduate Council shall "recommend to the Graduate Faculty for its approval the names of students who have completed requirements for degrees." Section 4.71.10 further states that the "Graduate Faculty specifically retains the power to recommend candidates to the General Faculty for advanced degrees." It is my understanding that the joint General Faculty-Graduate Faculty meeting allows the recommendation stated in 4.71.10 to take place. The joint body then votes its approval and the recommendation, as you know, is forwarded to the Board of Education. It has been explained to me that meetings of the Graduate Faculty as per Section 4.70.11, "Regular meetings of the Graduate Faculty shall be held upon the call of the Dean of the Graduate School at least once each semester." have not been held in many years. The tri-annual joint General Faculty-Graduate Faculty meeting offers the opportunity for those actions stipulated in Senate Constitution Section 5 and University Manual Section 4.71.10 to be fulfilled. The General Faculty bears the responsibility of approving of all degrees. It is not possible for this approval to occur if you certify candidates for advanced degrees during the proceedings of a Graduate Council meeting and fail to bring them forward to a joint meeting.

Perhaps some confusion arises from the assumption that the Graduate Council is, as you assert, a legislative body of the Graduate Faculty. Chapter 5 of the University Manual (5.65.10), clearly describes the Graduate Council as a committee, and Article II, Section 1 of the Faculty Senate Constitution establishes the Senate as having ultimate responsibility for both undergraduate and

graduate curricula. Although the important responsibilities of the Graduate Council are many, and it acts on behalf of the Graduate Faculty, the Graduate Council is not the graduate counterpart to the Senate. Further, given current University Manual language, a gathering of its members does not constitute a meeting of a quorum of the Graduate Faculty.

I have consulted with the Chair of the Constitution, By-Laws, and University Manual (CBUM) committee. Professor Wenisch informs me that if, at the December 12, 2013 General Faculty-Graduate Faculty meeting, no vote is taken on advanced degrees, no such December degrees can be awarded, unless a subsequent emergency Graduate Faculty meeting is called.

Please be in touch if you would like to discuss this further or meet with the CBUM committee.

With best regards,

Nancy

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OF RHODE ISLAND
FACULTY SENATE

Nancy Neff, Coordinator 310 Green Hall, 35 Campus Ave, Kingston, RI 02881 USA p:
401.874.5176 <tel:401.874.5176>

On Mon, Dec 9, 2013 at 10:28 AM

Nancy,

Thank you for the information that you have provided and the perspective and interpretations that you offer as a Coordinator for the Faculty Senate. Since we have a different understanding of the subject matter, we will all need independent parliamentary expertise to help us understand it all.

At this point, we will do both actions: 1) We will proceed with the Joint meeting of the General Faculty-Graduate Faculty meeting of the Faculty Senate to certify graduate degrees on Thursday December 12, and 2) We will also present degree certifications to the Graduate Council on December 16 for the same purpose. our dialogue will continue to arrive at the proper process for next May 2014, after further consultation with the President and the Provost. This will fulfill the spirit of the following ruling in the Manual:

4.40.11 The University Faculty shall act upon the recommendations made by the several college faculties and by the Graduate Faculty for the granting of degrees in course to those who have fulfilled the requirements for the appropriate degrees. These degrees and requirements are listed in detail in the current University Catalog.

For your information, during my tenure in the last four years, the Graduate Faculty has been meeting regularly every year by numbers that are triple the quorum for such meetings. More recently, we held a Graduate Faculty Summit in October, 2013. I also would like to clarify some items you mentioned below from our perspective:

1) The Graduate Faculty:

4.71.10 Powers. The Graduate Faculty, acting in accordance with the general objectives established by the Board of Governors and University policy as legislated by the Faculty Senate with the concurrence of the President, is responsible for the establishment of the policies, rules and regulations governing graduate studies. The major portion of its work is done by the Graduate Council, acting in accordance with the provisions of 5.16.10-43. However, the Graduate Faculty specifically retains the power to recommend candidates to the General Faculty for advanced degrees, to review decisions of the Graduate Council as provided in 5.16.40, to adjudicate disputes between the Dean of the Graduate School and a majority of the Graduate Council as set forth in 5.16.42 and to consider and act upon any matters within its jurisdiction brought before it by the Dean of the Graduate School or by petition to the Dean signed by 25 members of the Graduate Faculty.

2) The Graduate Council is not only a "committee" of the Graduate Faculty, it is also the "legislative body" of the graduate faculty. According to 5.65.3, the Graduate Council acts on behalf of the Graduate Faculty. There is a clear separation between the General Faculty and the Graduate Faculty in the manual. For this very reason we are holding a joint meeting of both to certify degrees.

3) The Dean of the Graduate School:

3.30.11 The Dean of the Graduate School shall have primary responsibility for administering the policies and procedures of graduate study.

3.30.13 The Dean shall transmit to the Faculty Senate actions of the Graduate Faculty requiring its approval; administer and enforce regulations pertaining to the conduct of graduate work and the granting of graduate degrees and certify to the Graduate Council the names of students who have satisfied requirements for degrees; administer the executive office of the Graduate School, maintain appropriate records, prepare the annual budget, make regular reports to the President and to the Graduate Faculty on the condition of the Graduate School; and perform other related duties necessary for the effective functioning of the Graduate School.

4) We will all need to understand our jurisdictional responsibilities. The President according to the Manual will have to make the final call.

5.10.11 The committees included here are organized according to the jurisdictional rubric under which they fall, and are divided into (1) committees falling under presidential jurisdiction; (2) committees falling under direct jurisdiction of the general faculty or of the Graduate Faculty; and (3) committees falling under the joint purview of the Faculty Senate and the President. The division into the various jurisdictional rubrics has been proposed by a CBUM subcommittee on the basis of research conducted during the 2001-02 academic year. This research primarily took into consideration the jurisdictional divide between the President (administration) and the Faculty Senate resulting from Article II of the Senate Constitution; when this was not conclusive, the historic understanding of who had jurisdiction at the time of the establishment of a committee or its predecessor was taken into account. In most cases, these criteria allowed a clear determination of a committee's jurisdictional rubric. To limit future disputes about jurisdiction, the subcommittee proposed that the Faculty Senate endorse and accept the jurisdictional division resulting from the subcommittee's research, the senate did so at its meeting on 11/17/03, and the President endorsed the senate legislation on 12/05/03.

In closing please understand that our intent is to apply the appropriate rules and procedures when it comes to Graduate Education. We do not in any way want to change the important role of the Faculty Senate; however, we also do not want graduate education to be subject to the decisions of general faculty who are not involved in graduate education. Let me offer the attached cartoon of our view of the functions of the General Faculty and the Graduate Faculty.

Nasser

ATTACHMENT 2.

December 12, 2013

Dear Faculty Senate Executive Committee Members,

At a CBUM Committee meeting on December 11, 2013, we discussed at length problems that have arisen with regard to the question of the Graduate Council's authority. In the end, the committee voted to refer the matter to you, urging you to ensure that efforts be made to make the Dean of the Graduate School aware of the governance structure of the University of Rhode Island.

This structure does not, as apparently assumed by some, involve essentially parallel governing bodies, one being the Faculty Senate, the other the Graduate Council -- although even proponents of that view concede Senate authority over graduate curricular matters.

Rather, as Faculty Senate Coordinator Nancy Neff points out in her recent message to Dean Zawia, according to Rhode Island state law, the university is governed by "the president and a committee of the faculty" -- "a committee," not "two committees." Moreover, as you know, precedent is of decisive importance within the Anglo-American system of jurisprudence. With regard to the matter at hand, there is precedent of more than half a century to consider the Faculty Senate as the committee with which the President is to govern the University.

Further, while the President may take action on most items passed by the Faculty Senate through either approving or disapproving them, there is no presidential involvement in actions of the Graduate Council. Thus, considering the Graduate Council as a body parallel to the Faculty Senate would, with regard to Graduate Council actions on non-curricular matters having university-wide implications, rob the President of his or her authority and responsibility to govern the University with a committee of the Faculty. The President's involvement is assured only if it is understood that such actions must be brought before the Faculty Senate, whose decisions the President may approve or disapprove.

All the best,

Fritz Wenisch
Chief CBUMmer