

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

November 1, 1982

MINUTES

The regular meeting of the University Faculty Senate was called to order on Monday, November 1, 1982 at 4:00 p.m., with President Hoffecker presiding. Senators not in attendance were:

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| John O'Neill | Roger Ulrich |
| Lucia Palmer | Robert Wilson . |

Senators excused were: Edith Anderson, Zack Bowen, Barbara Gates, Barbara Larsen, Richard Murray, Billy Ross.

I. ADOPTION OF THE AGENDA.

In the absence of objections, the Agenda was declared adopted as published.

II. APPROVAL OF THE MINUTES.

Two corrections were made to the October Minutes:

on page 1, Senator Jack Levine should be listed as excused;

on page 5, the last paragraph should begin "Professor Mosberg...."

The October Minutes were approved with these corrections.

III. REMARKS.

President Trabant reported to the Senate on four topics:

1. State appropriations request. In reviewing state appropriations to the University's operating budget of past years President Trabant noted that, although they show a slight increase in the percentage of total state spending, the state's appropriations as a percentage of the University's budget have decreased from 30% to 20%. He added that, with the exception of \$65,000 in Title VI compliance funds, last year's 4.6+ increase in the state appropriation had included no new scholarship funds. For fiscal 1983-84 he said the University had requested a 17.6% increase, about \$7.3 million, for operations, including a request for a 100% increase in student aid funding, and a 165% increase in scholarships for the next step in the 5-year, Title VI compliance plan. President Trabant also said the hope was that next year's general funding from all sources--private funds, state appropriations, and tuition--would go up about \$20 million, from \$164 million to \$183 million. He added that the recent decision to increase out-of-state tuition was made to increase revenue and not, as had been reported, to limit out-of-state enrollments. With respect to next year's capital budget, President Trabant said the University is requesting \$5 million from the state, \$3 million of it for the addition to the Morris Library under an agreement whereby the state will match every 40¢ the University raises with 60¢ in state funds, up to a limit of \$9 million. The remainder of the capital request is for modifications for the handicapped (\$100,000), deferred maintenance (\$1 million), and investment in energy saving equipment (\$1 million).

2. Classified Research. President Trabant expressed his belief that the predicted increase in sponsored research from the Department of Defense and decrease in research funding from other government agencies would affect the University after the first of the year.

3. National Academy of Science Recommendations. Referring to a recent article in The Chronicle of Higher Education, President Trabant called attention to a proposed increase in restrictions on the presentation of technical papers. He noted that, although they had received little publicity, if they go into effect the recommendations from the National Academy of Sciences would require papers in certain areas to be submitted to Washington for a 60 to 90 day review period, after which they could be presented if there were no objections. In addition there could be restrictions on foreign visitors, with the University being informed as to campus areas where certain visitors could not be taken. He urged the faculty to become informed on this matter.

4. Sea Grant. President Trabant reported that at an upcoming meeting of the National Association of State Universities and Land-Grant Colleges a proposal to add a third division, on the Sea Bed, to the existing Agriculture and Urban divisions, would be discussed. He expressed his support for this proposal, which he feels would recognize that the U.S. is both a land and a sea nation.

IV. ANNOUNCEMENTS.

1. President Hoffecker, referring to the presentation by the President of the Library Associates of the University, Mr. Gordon Pfeiffer, to the October general faculty meeting, reminded the senators of the importance of faculty membership in that group, and called attention to the membership blank that was printed with the Minutes of that meeting. She urged the senators to bring this to the attention of their academic units.

2. President Hoffecker introduced Dean Brucker, College of Business and Economics, for the second in the series of presentations to the Senate by college deans. [Dean Brucker's address is printed as Attachment 1 of these Minutes.] Following the presentation, Senator Glymph asked whether the College planned to meet the student demand for business courses. Dean Brucker responded that they had not built the capacity to meet the growing student demand because the shortage of doctoral graduates in the field makes a difficult market for hiring faculty.

3. In the absence of objection the title of the master's degree option which was approved by the Senate at its October meeting was corrected to:

Master of Arts in Languages and Literature .

V. OLD BUSINESS.

Item A, a resolution regarding academic standards for Continuing Education students which was introduced at the October Senate meeting by Senator Norman Collins, was brought to the floor for a second reading and Senate action. President Hoffecker noted that the Executive Committee had sent the resolution to the Undergraduate Studies and Adjunct Academic Affairs committees in September, and that neither

committee had yet issued a report.

Mr. John Murray, Director of Continuing Education, suggested that the issue should also be referred to the Committee on Undergraduate Admissions and Standing. He noted that, contrary to statements in the justification for the resolution, the number of Continuing Education students in daytime courses is not increasing, but is in fact dropping by about 200 per year, and that the number of overload enrollments is also decreasing. He estimated that only 25 or 30 Continuing Education students would be affected by the proposed new policy, and he argued that they are more consistently dealt with through the counseling center in Continuing Education than they would be if the decisions on dropping after the 6-week drop/add period were being made by 8 different deans. He also objected that the proposal's requirement of a 2.0 for the student who wishes to enroll for more than 6 credits was a new policy, and ought to go to a Senate committee for consideration.

Senator Debessay made a motion, which was seconded, to postpone action on the resolution until the three committees have reported; a suggestion that a 2 month time limit be added was accepted by consensus, and the motion to postpone was approved by unanimous voice vote.

VI. NEW BUSINESS.

Item A, a recommendation from the Executive Committee for the disestablishment of the Task Force on Evaluation of Service in Practice Oriented Disciplines, was introduced. Prof. Tannian, the chair of the Task Force, briefly reviewed its history and concurred in the recommendation that it be dissolved. There was no further discussion and the following resolution was approved by unanimous voice vote:

RESOLVED, that the Task Force on Evaluation of Service in Practice Oriented Disciplines is hereby dissolved.

Item B, a recommendation from the committees on Faculty Welfare and Privileges and on Student Life for approval and inclusion in the Faculty Handbook of the "University Policy Against Sexual Harassment," was read by President Hoffecker. She explained that the policy had initially been considered by last year's committees, and called on Senator Kingsbury, a continuing member from the Student Life Committee, for his comments. He said he had been present at one meeting when the policy was discussed and sent back for some re-wording, but was not present at the meeting when it was approved; he suggested some editorial changes he would still like to make in the wording of the policy.

A discussion followed on which parts of the policy were taken from state and federal laws; Senate Vice President Culley made a motion, which was seconded, that the policy should quote the laws, and wherever the wording from the laws appeared in the policy it should be in quotation marks. Vice President Brown said the policy had been written as close to the laws as possible, with the intent of providing protection to all parties, and as a means for getting a resolution of sexual harassment problems through an informal procedure within the institution, rather than in a civil court or a regulatory agency.

Senator Bonner noted that the procedure provided several places where someone could discuss a problem, and he asked if and at what point a faculty member would become aware that he had been charged. Vice President Brown responded that if a

charge were made it must be brought through his office.

Senator Angell made a motion, which was seconded, that the matter be referred back to the Student Life and Faculty Welfare and Privileges committees, with the comments from the Senate taken into account. Senator Levin proposed, and Senator Angell accepted as an amendment to his motion, that the matter also be referred to the Committee on Academic Freedom. Provost Campbell objected; President Hoffecker called for a hand vote and the amendment to the motion was approved, 34 in favor and 10 opposed.

In the discussion that followed Vice President Brown noted that the policy had already been discussed and approved by the Senate committees, and he urged the Senate not to delay it further. Provost Campbell added that the policy was already University policy, and the only question was whether it would be put in the Faculty Handbook. In response to a question, President Hoffecker said the Senate does not have the power to formulate the policy, but does have the responsibility for acting on it in the sense of giving its assent. Vice President Brown noted that last year the policy had been sent to the Senate, and then to the committees, which made recommendations that he incorporated into the policy. He had then twice written to the committees and received no response and, although the Collective Bargaining Agreement says that if no response is made in 60 days the assumption is that there is no objection, some individuals had raised questions and President Hoffecker had chosen to take it before the committees again. He added that if the faculty sees itself as going to the Faculty Handbook as a source of information in this area then they may say it should be in the Handbook. Provost Campbell added that under the Collective Bargaining Agreement all policies that affect faculty must be in the Handbook, so this one has to be.

Senator Schwartz asked what could be changed if the policy went back to the committees. Vice President Brown said he was willing to try to modify the policy to get the preferences and wishes of the Senate, but the only part that is different from the state version is the description of the internal procedure for the University.

Senator Angell agreed that the University policy should conform with the law, but he argued that what goes into the Handbook should optimize the information given to the faculty for their guidance under state and federal law, and his motion asked that it go to the committees so they could go back and check and provide useful guidelines. Prof. Goldstein suggested that Vice President Brown could be asked to redraft the policy to indicate which portions are state and federal laws and which are not, with a section on the rights of students, and that a single person could do that better than 3 committees.

President Hoffecker called for a hand vote on Senator Angell's amended motion to refer the matter back to the 3 committees; the motion was defeated.

The discussion returned to Senator Culley's motion to place quotation marks around the portions of the policy that were laws. Prof. Vincent noted that in addition to the state laws, Title VII and Title IX of the federal law, as well as a body of case laws, were all applicable. Senator Levin expressed his concern that the way a phrase like "degrading comments" is defined is important, since the range of meaning is large and involves value judgments, and he felt that in the absence of a definition faculty statements and freedom in the classroom are in peril.

President Hoffecker, noting that it was 5:30 and that a number of people still wished to speak before voting on Senator Culley's motion, said she would entertain a motion to postpone the meeting for one week; it was so moved, and she declared the meeting postponed until Monday, November 8 at 4:00 in 110 Memorial Hall.

Second Session

President Hoffecker opened the second session of the November Senate meeting by distributing copies of the state brochure on "Sexual Harassment in Employment." She then read article 16.3 of the current Collective Bargaining Agreement; she stated that it had been decided that the 60 day period for faculty consideration of the "University Policy Against Sexual Harassment" began when the policy was issued. She then reviewed the Senate committees' consideration of the policy, up to its publication on the November Senate agenda, and reminded the Senate that the first matter of business was Senate Vice President Culley's motion to place quotation marks around the portions of the policy which were taken directly from the laws.

Senate Secretary Lee said that Senator Culley, who was not able to be present, had asked him to withdraw the motion because he had come to the conclusion that it would be impractical, since the quotes were not in the same arrangement as they appeared in in the laws. When the person or persons who had seconded the motion could not be identified, a suggestion by Senator Martin that the Senate proceed if no seconder objected to withdrawing the motion was accepted, and the Senate returned to consideration of the original resolution.

Senator Mangone requested a quorum count; it was determined that a quorum was present.

Vice President Brown opened the discussion by identifying portions of the first 3 paragraphs of the policy with the state and federal laws from which they had been adapted. He said the first paragraph is mainly a statement that the University is opposed to sexual harassment; the definition of sexual harassment in the first part of paragraph 2 is in both the state and federal laws, and the portion after the semi-colon in the federal law, and in both cases it is the actual language of the laws; the description of types of action which may constitute sexual harassment comes from the guidelines published by the anti-discrimination section of the State Department of Labor, which is the agency where complaints would be filed in Delaware. He said the third paragraph was a reminder that everyone, whether or not they are directly involved, has a responsibility for dealing with sexual harassment, because the law says if you know or should have known about a problem you are culpable. He identified the remaining paragraphs as the procedures by which the University will deal with the issue. He emphasized that the Office of Women's Affairs and the Office of Affirmative Action could serve informally as confidential sources of advice and information but only the Office of Employee Relations could commit the institution, and if a charge is brought the policy describes the procedure to be followed by that office. He concluded by describing some actual cases and the actions which had been taken.

In response to a question from Senator Neale, Vice President Brown said that the policy being considered was not intended to cover students; he explained that the law is very clear on the employer/employee relationship so it is important to communicate that, but it was less clear with regard to students and, although there was an additional policy to go into the student handbook, he felt it was better to wait until we are clearer on the legal liabilities and obligations.

Senator Levin noted that the phrase that reads "degrading comments or jokes directed at one sex" in the state policy reads ". . . one's sex" in the University policy; Vice President Brown said the hope was that the state policy was in error, because the intent was to narrow it to comments directed to an individual. Prof. Goldstein agreed that the wording in the University policy was preferable. She added that, in response to Senator Levin's concerns that the policy might be mistakenly

applied to the abstract expression of ideas, she would suggest adding the following preface to the policy statement:

It is the understanding of the faculty that the policy against sexual harassment in no way refers to the abstract expression of opinion on the nature of the sexes. This policy is concerned only with the problem of unwanted sexual advances directed at individuals.

Senator Taylor said he felt the policy represented state and federal law and University policy, and he didn't think the Faculty Senate could decide such things as what was or was not a degrading comment, and he urged approval of the policy as issued.

Senator Angell asked if Vice President Brown had any objection to the proposed preface; hearing none, he made a motion, which was seconded, that the preface be added to the Faculty Handbook statement on sexual harassment. Prof. Vincent said he thought the case law shows that the courts have interpreted the laws more broadly, and that sexual harassment does not have to be directed at an individual, and that if an environment is hostile no harm has to be demonstrated to anyone; he objected to the preface because he felt that in restricting the policy it was misleading. Senator Glymph said he agreed, because it was up to the courts to interpret the law and the Handbook statement would have no implications in court. Prof. Goldstein disagreed; she said she had looked at the case, and the degrading comments and jokes had been directed at a particular woman. Vice President Brown agreed that the law had not addressed the general condition, but only the individual instance, and he felt that adding the preface in no way diminished the intent of the policy. He added that he felt the policy had nothing to do with academic freedom or first amendment rights, but if adding the preface would allay anyone's fears he had no objection.

Senator Smith made a motion, which was seconded, to amend the policy by the addition of the following sentence at the end of the next-to-last paragraph:

The Office of Women's Affairs and the Office of Affirmative Action and the Office of Employee Relations will stringently limit the compilation of detailed records on confidential inquiries, and such records will be destroyed if informal resolution of the complaint has occurred.

Prof. Zinn, chair of last year's Committee on Faculty Welfare and Privileges, acknowledged that committee's approval of the policy and urged the Senate to support it.

President Hoffecker called for the vote on Senator Angell's motion to include the preface as proposed by Prof. Goldstein; the preface was approved by a voice vote.

Senator Smith opened discussion of his amendment by saying that although he felt the Office of Women's Affairs, the Affirmative Action Office, and the Office of Employee Relations should have maximum flexibility in attempting to resolve problems informally, he also felt there should be a specific point at which the accused was informed, particularly if written summaries were made and retained in a file. Vice President Brown said he considered this an unfriendly amendment because the conditions varied with each case and a single charge of sexual harassment was difficult to prove, but if someone had a history of 3 or 4 incidents a charge would be viewed differently and the amendment would restrict that flexibility.

Senator Bonner objected to the idea of building up a case against someone without

their knowledge; he said he thought if the intent of the policy was to stop certain behavior it would be more effective to go to the accused immediately. Vice President Brown responded that any action taken depended on the nature of the evidence in each case, and repeated instances were one kind of evidence; he said he felt Senator Smith's amendment might force his office to inform the parties and take certain actions before they were warranted. Senator Glymph said he thought it was important to protect the rights of the person being harassed to seek confidential, informal advice. Senator Smith acknowledged that there was a trade-off involved, but he said he thought much could be done verbally, and he was only concerned with the point at which written records were maintained. Senator Taylor said he understood the faculty concerns but he didn't think total protection was possible, and he felt that since the policy reflected the laws there was no point in further amending it.

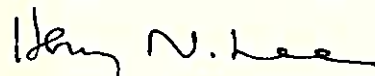
President Hoeffcker called for a voice vote on Senator Smith's motion to amend; the motion was defeated.

She then called for a hand vote on the resolution to approve the policy statement as amended by the addition of the preface; the resolution, as follows, was approved.

RESOLVED, that the Faculty Senate approves and recommends for inclusion in the Faculty Handbook the "University Policy Against Sexual Harassment" as amended and presented in Attachment 2 of these Minutes.

No new business was introduced, and President Hoeffcker declared the meeting adjourned at 5:05 p.m.

Respectfully submitted,



Henry N. Lee
Secretary
University Faculty Senate

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Attachments: 1. Remarks by Dean Brucker
2. University Policy Against Sexual Harassment

REMARKS TO THE UNIVERSITY FACULTY SENATE

November 1, 1982

The College of Business and Economics:
Is There a "Bottom Line"?

Eric Brucker, Dean

In preparing my comments for today I spent a fair amount of time debating the question: "What is it that the members of the Senate might want to know about the College of Business and Economics?" Given the popular--albeit misleading--perception of what accountants, economists, and students of business administration do, some might expect me to cite lots of data, use overused jargon--like "bottom line," "critical success factors," "maximizing and satisficing," "the laws of supply and demand,"--and then retreat to the relative comfort of a college faced with strong student demand for its courses and majors. I hope to avoid living up to the stereotype, but at the same time I do want to describe very briefly the programs, the students, and the faculty of the College, and then address the question of how the mission and philosophy of the College fits within the over-all University.

The College's 86 full-time faculty are in three departments: Accounting, Business Administration, and Economics. About two thousand undergraduate students and 260 master's students are enrolled in the majors of the College, and over 50,000 student credit hours are taught each year. This past year 588 undergraduate and 50 masters' degrees were awarded.

With student interests becoming more career and vocationally oriented, admission to the programs of Business and Economics has become quite competitive. Over the past five years freshman SAT scores and high school grade averages have steadily improved. Most of the students graduating from the College entered as freshmen, but a significant number of our students transfer from other majors within the University. For example, last year 600 students applied to change their majors to Accounting, Business, or Economics. Given limited space, only half of these applicants could be accepted. The average grade point of those accepted was 2.8; the average grade point of those not accepted, 2.4.

Given the extensive demand for changing majors and a high retention rate for admitted students, our graduating class of 1982 accounted for almost 20% of all baccalaureate degrees granted by the University, even though the entering freshmen class four years earlier made up only about 10% of the total.

The economics and accounting master's programs are of relatively modest size, with about twenty student enrolled in each. The MBA program is designed primarily to meet the needs of local students, and about 80% of the 220 students enrolled in the MBA program are part-time. Most MBA classes are scheduled after 5 p.m. to accomodate these adult, life-long learners. With the recent accreditation of the MBA program by the American Assembly of Collegiate Schools of Business our undergraduate and graduate programs have received a recognition which fewer than 20% of

all business schools in the nation have attained.

I could go on to describe our faculty members' research and service activities, but it would be difficult to cover the broad range of interests with anything other than a cursory brushstroke. Instead, I would like to take the remaining few minutes to describe the underlying philosophy of why we offer the undergraduate degrees we do and how these undergraduate programs relate to the other units of the University.

The economics degree, both the BA and the BS, closely resembles the pattern of comparable degrees offered in the College of Arts and Science. However, the professional degrees of Bachelor of Science in Accounting and Bachelor of Science in Business Administration are somewhat different. Now there are some who would argue that business and accounting education should not be provided at the undergraduate level--that competence in these fields can be best attained through pursuing graduate degrees. Those who express concern about the concept of professional undergraduate programs tend to stress the importance of education for living rather than education for making a living. They would argue that, to the extent that additional education is needed to prepare a person for a career, this should be done through professional graduate programs in, for example, the law, medicine, or business.

We are very much aware of the dual responsibility of providing our students with a broad, solid, general education as well as with the skills and sensitivities which will enable them to progress through a productive career from entering level position to retirement and beyond. While it might be ideal to require students to attend five or six years of college to obtain these competencies, the simple fact is that the personal and economic cost of pursuing graduate education is often well beyond the majority of our students. Given the Land Grant philosophy at Delaware, we have a special obligation to make upward career mobility an attainable goal for those who are able to invest only four years of their lives in higher education. At the same time, however, our responsibility also includes improving students' understanding of themselves, others, and the world around them.

In order to achieve a desirable balance between the provision of a broad-based general education for living and the provision of career skills for making a living, the accounting and business curriculums both require the student to spend the freshman and sophomore years in courses primarily outside the College of Business and Economics. More than 50% of the credits required for graduation are distributed across the humanities, social and behavioral sciences, mathematics, statistics, and written communication. Each student has, in addition, choices among a variety of free electives. In many ways the degrees in accounting and business provide a greater opportunity for students to pursue a less narrow course of study than is the case with a good number of the degrees offered in the College of Arts and Science. Unlike some programs, our accounting and business degrees are not built upon the assumption that the very best undergraduate students will necessarily go on to graduate work in the field of their major.

Given a commitment to preparing students for both professional and life-long general goals, the faculty of the College have begun to review the purpose and content of our group's specific approach to general education. Just as the College of Arts and Science has recently revised its general education requirements for the bachelor of arts degree we are also beginning to reassess the general education group requirements for our majors.

The specific issues which are being addressed are wide-ranging and in many respects not much different than those raised in Arts and Science. Our students need to be challenged to write more clearly, to speak more effectively, and to recognize more fully that what they say is to be understood within the context of a specific time and place.

As the world continues to grow smaller, all educated people should be more knowledgeable of different cultures and nations. However, the case for increased international awareness is even stronger for those students of business who will be joining multinational corporations and who will be faced with the reality that the line between national and world markets is becoming ever less clear. If our society has lost its belief in the future, as some have claimed, the place to begin to restore our faith in the future is likely to be found through an increased understanding of the past. If the managers of tomorrow are to make wise decisions which will address long-term economic problems they will need a better appreciation of the fact that history is not understood solely through quarterly or annual reports alone. If the managers of tomorrow are to fully appreciate the richness of human potential for both good and evil, they should not limit their study of human motivation to management texts written in the last half of the twentieth century.

Is there a "bottom line" and, if there is, how important is it? To use the economist's cliché, "on the one hand there is, but on the other hand there isn't." Most of us would recognize that the expression "bottom line" refers to the profit or loss a company is reported to have made. However, students of accounting know better. The "bottom line" is literally not the profit reported, but rather the footnotes to the financial statement which explain how profit was defined and how the goals and aspirations were defined and measured. So it is with the College of Business and Economics. How we assess what we are doing must first be measured by the value of what it is we want to do and then assessing how successful we have been in achieving those goals.

UNIVERSITY POLICY AGAINST SEXUAL HARASSMENT

It is the understanding of the faculty that the policy against sexual harassment in no way refers to the abstract expression of opinion on the nature of the sexes. This policy is concerned only with the problem of unwanted sexual advances directed at individuals.

The University of Delaware is committed to protecting the rights and dignity of all employees. The University will not tolerate sexual harassment in the work place. All employees have the right to work in an atmosphere free of sexual harassment.

Sexual harassment is defined as any unwelcome advances or requests for sexual favors, and other verbal or physical conduct of a sexual nature which leads to negative employment consequences if the employee does not submit; or which has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.

The following types of actions may constitute sexual harassment, whether the harasser is a co-worker or supervisor:

- demanding sexual favors accompanied by implied threats about the person's employment status, or implied promises of preferential treatment
- deliberate assaults
- "accidental" brushes or touches
- degrading comments or jokes directed at one's sex

The University administration and all supervisory personnel are responsible for maintaining a work environment free of sexual harassment. Immediate and appropriate corrective action will be taken when cases of sexual harassment occur. Supervisors should consult with the Office of Employee Relations in such cases.

Employees who believe that they are being subject to sexual harassment should discuss the matter with their supervisor, if appropriate, or directly contact the Office of Employee Relations. The Office of Employee Relations will:

- discuss the matter in confidentiality
- provide advice
- investigate the problem
- if the case is found to be valid, implement prompt and appropriate corrective action.

Employees may also contact the Office of Women's Affairs (OWA) or the Office of Affirmative Action (OAA) for confidential support, information and possible informal resolution. The OWA and OAA can refer complaints to the Office of Employee Relations for further investigation and action.

A more formal means of redress from sexual harassment may also be sought through grievance procedures. For faculty and hourly employees, the grievance procedures are found in Collective Bargaining Agreements. For professional and salaried staff, the grievance procedures are found in the Personnel Policy and Procedures Manual for Professional and Salaried Staff.