

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE

March 5, 1990

MINUTES

The regular meeting of the University Faculty Senate was called to order on Monday, March 5, 1990 at 4:00 p.m. with President Dilley presiding.

Senators not in attendance were: Donald Conlon, Vahan Janjigian, Barbara Kelly, John Kraft, Tuncay Saydam, James R. Soles, Gregory Stephens, Kelly Teeven, David Usher

Senators excused were: Edith Anderson, Joan Brown, Alexander Doberenz, Leslie Goldstein, Helen Gouldner, Bernard Herman, R. Byron Pipes, Carol Rudisell, Carolyn Thoroughgood, E. Arthur Trabant

I. ADOPTION OF THE AGENDA

Hearing no comments or objections, the agenda was approved as distributed.

II. APPROVAL OF THE MINUTES

Hearing no comments or objections, the minutes of February 5, 1990 were approved as distributed.

III. REMARKS BY PRESIDENT TRABANT and/or ACTING PROVOST MURRAY

President Trabant was unable to attend and Acting Provost Murray had no remarks.

IV. ANNOUNCEMENTS

President Dilley made the following announcements:

1. The report of the Faculty Review Panel on Project Vision will be presented on March 20, 1990 from 3:00 p.m. to 5:00 p.m. in the Rodney Room.
2. The University Secretary, Arno Loessner, has notified the Executive Committee that Mr. Kirkpatrick and the Board of Trustees have agreed to a legal review of that part of the University Charter pertaining to the powers to award degrees. President Dilley requested that the materials transmitted to the Board from the Senate be transmitted to the attorney.

3. President Dilley requested that the Secretary of the Faculty Senate present the Executive Committee report on its meeting with Provost Richard Murray, Dean Helen Gouldner and Sanford Robbins on matters relating to the Theater Program approved by the Faculty Senate in February 1989. (See Attachment 1).

As a supplement to the report presented to the Senate, Provost Murray added that expenditures related to the renovation of Hartshorn Gym would have been substantially similar to those made for the Theater Program, whatever use was to have been made of the facility, merely in order to bring it up to code requirements.

Senator Stanley Sandler asked what steps have been taken to allow the Senate to make more informed decisions in the future. President Dilley responded that the Executive Committee is preparing recommendations for the appropriate Senate committees suggesting new formats for securing information.

4. President Dilley explained the current status of the University's Affirmative Action Policy and its relation to the report of the Senate's Ad Hoc Committee to Review the Affirmative Action Plan created to review the policy. Since it has been necessary, under external review, to make certain modifications of the Affirmative Action Policy, the Ad Hoc Committee will be asked to review the revised policy and, where necessary, supplement its report in light of these modifications. Thus there is no recommendation for action on the Ad Hoc Committee's report. (See Item C under New Business).

V. OLD BUSINESS

Item A was a recommendation from the Committee on Research (L. Nees, Chairperson) for revision of the University of Delaware Policy on Research Fraud. After brief discussion the following resolution was carried:

WHEREAS, the University Policy on Research Fraud has been in effect since its approval by the Board of Trustees on December 17, 1987, and

WHEREAS, in August 1989, the United States Public Health Service issued new requirements for research institutions regarding misconduct in research, and

WHEREAS, the existing University policy has been revised and renamed to incorporate these new requirements, be it therefore

RESOLVED, that the University Faculty Senate approves the Policy on Misconduct in Research, effective immediately.

Item B was a recommendation from the Committee on Research (L. Nees, Chairperson), for adoption of a University of Delaware Policy on the Involvement of Faculty and Professional Staff in Commercial Enterprises. After a brief discussion the following resolution was carried unanimously:

WHEREAS, members of the University of Delaware faculty and professional staff may undertake involvement in commercial enterprises in addition to their university employment, and

WHEREAS, federal funding agencies are interested in limiting the possibilities for actual or apparent financial conflicts of interest by federally funded investigators involved in such enterprises, and

WHEREAS, the Committee on Research has written a policy that is responsive to the concerns of federal agencies; has, on October 10, 1989, held an open hearing on this policy; and has revised the policy in accordance with recommendations of the hearing attendees, be it therefore

RESOLVED, that the University Faculty Senate approves the Policy on Faculty and Professional Staff Involvement in Commercial Enterprises for submission to the University of Delaware Board of Trustees for approval.

VI. NEW BUSINESS

Item A was a request from the Committee on Committees and Nominations (J. Olson, Chairperson) for confirmation of the appointment of a committee chairperson. While one senator questioned the wisdom of appointing a former administrative budget officer, the Senate approved the following resolution:

RESOLVED, that the appointment of L. Leon Campbell for one year as chairperson of the Committee on Budgetary and Space Priorities is hereby confirmed.

Item B was a recommendation from the Committee on Faculty Welfare and Privileges (G. J. DiRenzo, Chairperson), with the concurrence of the Faculty Senate Executive Committee, on the revised Drug-Free Workplace Policy. Several textual amendments were offered, seconded, and approved by the Senate. The amendments were offered to clarify that controlled substances used in approved research are not prohibited by the policy,

and that in its policy provisions what are prohibited are illegal drugs. With these amendments to the policy itself the Senate approved the following resolution: (The policy, as amended, is attached).

WHEREAS, the Office of Employee Relations has adopted a revised policy on a drug-free workplace in order to comply with Federal regulations, and

WHEREAS, the Committee on Faculty Welfare and Privileges has evaluated and approved this revised policy, be it therefore

RESOLVED, that the University Faculty Senate approves this revised policy and makes it a part of the University Policy Manual.

Item C was a presentation of the Report and recommendations of the Ad Hoc Committee to Review the Affirmative Action Plan by Professor Robert Warren, Chairperson. The following remarks were selected from Professor Warren's verbal text:

[In assessing the two policy documents from which the Ad Hoc Committee worked, the Committee found that] "... we are responding primarily ... to Federal requirements ... We've yet to hear the voice of the University in terms of how we choose to define our position on affirmative action ... We've assumed that the University in the two documents has as its goals non-discrimination, equal opportunity, affirmative action and cultural diversity ... In a sense cultural diversity provides a summary statement that includes [the others] ... but goes beyond them in several ways ... So, in looking at the documents, we made the assumption that cultural diversity, as well as affirmative action, are clearly stated as goals of the University.... Affirmative action is a step beyond [equal opportunity] ... In order to achieve that, something is necessary in addition to a fair game in the sense of simply not discriminating; positive and affirmative action need to be taken to increase the proportion of underrepresented groups--gender, racial, ethnic--and members of lower economic classes in the work force, the delivery of education, and in the context of education ... By focusing on cultural diversity we can incorporate what is a nested set of criteria--non-discrimination, equal opportunity, affirmative action.... [To achieve these goals we need] to define policy and operationalize it, apply it in day-to-day activities, [decide] on organizational form, assess it on a timely basis and revise it when necessary. [The organizational form] ... which the Committee would hope is possible to achieve here is

participation, a concern for taking actions which go beyond the state-of-the-art and learning from what we've done, making adjustments and modifying policies as we go along.

In looking at the two documents, we assessed that we're somewhere between equal opportunity and affirmative action in how we've articulated and defined what our goals are. And, organizationally, I think we're pretty much in a hierarchical procedural reactive style ... unless we have a process which allows us to have substantial participation from a wide range of people, we're not going to achieve the commitment, the involvement, and the benefits of having, from the bottom up, the University committed and acting.

If there are disagreements in how to achieve these goals, they should be debated before rather than after decisions are made; the decisions should be made with such wide participation of campus groups that their legitimacy is beyond question ... It's the hope of the Committee that its document provides a point of departure for the discussion, debate, wide participation and formulation of affirmative action and cultural diversity goals in general. [It is further] suggested that the faculty, through the Senate, also undertake initiatives of its own ... with hiring, with promotion, with retention of faculty and with recruiting of students...."

President Dilley commented that the Executive Committee will ask the Ad Hoc Committee to review the newly-revised and drafted policy when it is ready, so that they may make a final report to the Senate. He also noted that the Executive Committee will ask the Committee on Committees and Nominations to draft a proposed charge for a permanent Senate standing committee on affirmative action and cultural diversity. After Senator James Sills commended the Ad Hoc Committee for the quality of its report the Senators applauded.

D. Senator Edward Schweizer introduced the following motion for the agenda of the April meeting of the Senate:

WHEREAS, the Administration and Faculty of the University of Delaware have confirmed their support for and a commitment to a University with gender equality and ethnic diversity, and

WHEREAS, the Administration and Faculty realize that excellence in education is achieved through a living, learning and working environment which is characterized by a diversity of culture, race, gender and style, and

WHEREAS, we believe that any social organization that discriminates on the basis of race or gender is antithetical to the mission of this University, be it therefore

RESOLVED, that the University Faculty Senate set a deadline of May 30, 1991, when fraternities, sororities and any other organizations represented on this campus will either have had their local or national rules with respect to discrimination on the basis of gender and race changed or they will have severed all connections with their national organizations; and be it further

RESOLVED, that we request each fraternity, sorority and other organizations to state by September 30, 1990, agreement to comply with this policy. In the event that an organization states that it will not or cannot comply with the May 30, 1991 deadline, that organization will cease to exist on May 30, 1991 as a recognized affiliate of the University of Delaware.

- E. Senator Stanley Sandler requested that the Executive Committee instruct the Committee on Instructional, Computing and Research Support Services and the Library Committee to include in their activities' reports to the Senate at the April meeting information on the effects on the matters under their purview of recent budgetary decisions. The motion was seconded by Senator David Bellamy and the Senate, by show of cards, added a collective vote to the request that the Executive Committee so proceed.

The Senate voted to adjourn at 5:47 p.m.

Dutifully submitted,



Kenneth Ackerman
Secretary
University Faculty Senate

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Attachments:

1. Report from the Executive Committee on the Theatre Program
2. Amended Drug-Free Workplace Policy

REPORT

On Friday, February 9 at 3:00 p.m., representatives of the Executive Committee of the University Faculty Senate met with Chairperson Robbins, Dean Gouldner, Acting Provost Murray, and Senior Vice-President Hollowell to discuss the costs of the new Theatre Program and to attempt to ascertain whether those costs were known at the time the Theatre Program was recommended for approval by the Senate.

The Executive Committee also attempted to find when the budgetary shortfall was determined. This shortfall leads to a planned reduction of academic programs of \$1,800,000 and a reduction of the planned salary increment of 0.5 percent.

The new costs for the Theatre Program are of two types, operating budget increases and capital expenditures.

Permanent budget increases for Theatre

\$378,000	new faculty positions
\$763,000	fifty-five graduate assistants
<u>\$245,000</u>	basic budget (S&E)
\$1,386,000	TOTAL

These figures were presented at the February 1989 meeting and have not been altered since then.

The capital budget items are as follows:

1. "Minor" renovations to Hartshorn Gym

\$2,200,000	In the current budget (\$1,100,000 was set aside previously)
\$250,000 - 300,000	Cost increases over the initial budget due to changes in the scope of the work.
\$200,000	To renovate the Hartshorn Gym floor to make into suitable performance space.

The \$2,500,000 is needed to meet code and neglected maintenance issues. This total was not disclosed in February, and the increase from \$1,100,000 was not known until May 1989 when the architect presented preliminary cost information.

The 200,000 was the expected cost of the minor renovations to Hartshorn to make a 100 seat theatre.

TOTAL FOR HARTSHORN: \$2,700,000.

SET BUILDING

2. \$446,000

Funds in the current budget to construct a modular building for set construction.

These funds have been obtained from a private trust. The need for this building was not known in February; it was assumed then that space in Hartshorn or elsewhere would be sufficient.

TOTAL CAPITAL \$3,146,000

There are other potential capital costs for the future which are not known to us because the planned actions have not been decided.

Mitchell Hall -- Modifications have been made for current use. Extensive renovations are known to be very expensive and are not contemplated now.

Wolf Hall, Newark Hall -- The need for modifications in these spaces is long standing but the future use for these spaces is not known.

Major Theatre -- This building was discussed as a future capital campaign.

We conclude that the operating budget increases for the Theatre Program were disclosed in February. The capital costs were not disclosed because they were not known. The need for the Senate to have probed deeper in February would have had the useful effect of getting sharper estimates and focusing the plans for housing the Theatre Program.

The second question, when was the budget shortfall anticipated or known, is related to the first in an indirect way. In February 1989 the Senate was assured that the funding for the Professional Theatre Training Program was available and that no academic budget would be cut to implement this new activity. The budget shortfall has been discussed before, and this report shall be brief: The Executive Committee accepts the word of Dean Gouldner,

Acting Provost Murray and Vice President Hollowell that this budget crisis was not known in February 1989. It seems to the Executive Committee that the consequences of changes in budget processes should have been known then. Specifically the University had been spending beyond income for some time, the cash reserves were falling to a danger point, health benefit costs were going up substantially nationwide, and with decentralization of the budget control to the colleges there would be less money for the central administration to designate for new programs. It is probably true that the consequences of these changes were not appreciated in February.

We informed the administration that we were not happy with the fact that millions of dollars were committed to Mr. Robbins in writing before the program was ever discussed. The Senate must be more skeptical and aggressive when approving new programs. These are tasks for the Coordinating Committee on Education and the Committee on Budgetary and Space Priorities.

The Executive Committee is supportive of Sandy Robbins and the Professional Theatre Training Program. These activities have the potential for great merit to the Institution, and his dealings have been frank and straightforward. This budget issue is an example of a long-standing problem of meaningful participation by the faculty in academic planning.

DRUG-FREE WORKPLACE POLICY

Policy

It is the policy of the University of Delaware to take reasonable measures to ensure that drug use by employees does not jeopardize the safety of the University community, employees and students, or adversely affect operations of the University.

Policy Provisions

1. The use, possession, sale or distribution of **illegal¹** drugs or other controlled substances for non-medical or non-research reasons are prohibited at the University.
2. The unauthorized presence of **illegal** drugs or other controlled substances in the body is prohibited at the University.
3. Employees must notify the University of any drug conviction resulting from violation at the workplace no later than five days after such conviction.

Sanctions

Employees, as a condition of employment, must abide by the terms of this policy. Any employee found in violation of the above policies will be sanctioned and/or required to participate in the University's Employee Assistance and Wellness Program. The University will continue to maintain a drug-free workplace through implementation of the provisions of this policy and the maintenance of a drug-free awareness program.

Drug-Free Awareness Program

The University of Delaware has established a drug-free awareness program to inform employees about:

1. the dangers of drug abuse in the workplace through training provided by the Employee Assistance and Wellness Program and Wellspring;
2. the University's policy of maintaining a drug-free workplace through distribution of the policy to all employees;
3. the availability of drug counseling, rehabilitation and employee assistance programs to help employees whose work performance has been hindered by substance abuse.

The University will make a good faith effort to continue to maintain a drug-free workplace through implementation of the above program.

¹Words in bold type were added and approved by the Faculty Senate at its meeting of March 5, 1990.



