

REGULAR MEETING OF THE UNIVERSITY FACULTY SENATE  
December 4, 2017 – 104 Gore Hall  
4:00 PM  
OFFICIAL MINUTES

**Members Present:** V. Alexander, D. Assanis, W. Bellion, E. Benson, J. Bernstein, A. Bhat, C. Boncelet, M. Buell, D. Buttrey, R. Coulter, K. Cranker, J. Daniel, C. Dybowski, S. Eidelman, J. Erickson, J. Firestone, A. Fox, A. Friedman, J. Fuhrmann, D. Galileo, J. Gizis, D. Green, M. Grotti, A. Hestvik, F. Hofstetter, P. Inguito, J. Jebb, A. Johnson, C. Keeler, C. Knight, S. Koshari, M. Laberge, W. Lewis, L. Liao, S. Lu, N. Makos, R. Marquez, K. Matt, J. McGee, R. Morgan, J. Morrison, L. Okagaki, E. Orsega-Smith, L. Overby, M. Parcels, K. Peterson, A. Poorani, M. Rieger, M. Santare, K. Schell, S. Shabo, I. Shah, D. Stevens, S. Sundaram, K. Takacs Haynes, D. Veron, C. Vukelich, G. Watson, B. Weber, C. Williams, J. Zide

**Members Excused:** B. Ackerman, E. Atekwana, J. Coughenour, J. Custer, M. Keefe, D. Maisson, I. Masmoudi, D. Chanele Moore, S. Mortenson, B. Ogunnaike, C. Riordan

**Members Absent:** None

**I.** Adoption of the Agenda

- A.** Discussion amended to have President speak first re: Provost search
- B.** Vote unanimous pass

**II.** President Assanis on Provost Search

- A.** Search process will be somewhat transparent
  - Different for Deans, presidents, and provosts
  - Complete confidentiality at beginning
    - Beginning part is always controversial
    - Generate number of long list
    - Reduced to short list
  - Hybrid model
    - Vetting by groups of individuals
      - Deans
      - Trustees
      - Department Chairs
      - Senate Exec committee
      - Etc.
  - Time frame to screen in spring
- B.** Reached out to many constituencies
- C.** Setting up search for Engineering Dean
  - Hope that new provost will participate in the end of the process
- D.** Comments
  - Galileo: can we email you with thoughts on what you've proposed here over

the next week or so

- Send to [president@udel.edu](mailto:president@udel.edu)
- Morrison: will the final candidates meet the Senate
  - No
- Morgan: I hope recordings go up soon, I was a member of the 3-3-3 committee, and it does diminish candidate's authority, but there is still a gap between taking the job and leaving previous institution
  - Another type of hybrid search, where you ask candidates if they will be willing to make open presentation
  - Response: it's the ones who don't get the job that have the problems, not the one who gets the job
    - Can't change the rules midstream
- Firestone: include assistant professors
- Boncelet: But there also might be a conflict of interest.

### III. Approval of the Minutes: [November 6, 2017](#)

- A. Discussion
- B. Vote unanimous pass

### IV. Remarks: Provost Robin Morgan

- Cluster searches
  - 13 entries
  - Town halls held
  - Due 12/18
- Graduate education
  - Unidel grant for graduate education
  - 2.5 mil for graduate education
  - Recurring award
  - How to use the money esp in year one
    - Cohorts of Unidel distinguished scholars
      - 12 per year
        - Total of 60
      - Doctoral candidates
      - 5 years of funding
        - Stipend and travel
    - Augments stipends across university
    - Summer support
    - Invest in grad student professional development
  - Questions:
    - Martha Buell: how does application work?
      - From a graduate committee, but process remains to be worked out
    - Parcels: any modifications to graduate tuition?

- Not ready to talk about that

**V. Announcements: Senate President Martha Buell**

- Thank you on behalf of Karren Helsel-Spry and her family for the support shown
- Delaware First Campaign is off and running – widespread faculty participation shows support for the campaign
  - Can target gift to anything you want
- New Procurement system needs faculty participation
- Tenure Track commission report next steps
  - Please read report
  - More work needs to be done
  - Matt Kinservik: we'll start with mentoring and peer review stuff

**VI. Items for Information:**

- A. Data Governance Policy Update ([attachment](#))**
- B. Research, Scholarship, and Creative Arts Award**
  - Deadline is March 1
  - Mid-career award
  - Joint award with Senate Awards Committee and Charlie Riordan's office

**VII. Consent Agenda: None**

**VIII. Regular Agenda:**

**A. Unfinished Business: None**

**B. New Business:**

1. Recommendation from the Faculty Senate Committee on Faculty Welfare and Privileges, Jeff Jordan) for the approval of a revision to the Non Discrimination UD Policy ([Attachment 1](#)) ([attachment](#))

WHEREAS, the Collective Bargaining Agreement 17.3 mandates Faculty Senate review for of any university-wide proposal by the University Administration, to establish new policies concerning administrative decisions on faculty terms of employment; and

WHEREAS, the Faculty Welfare & Privileges Committee reviewed the proposed UD Non-Discrimination policy and formulated proposed revisions, be it therefore

RESOLVED, that the proposed revision in [Attachment 1](#) be adopted by the Faculty Senate.

**A. Discussion**

- i. Martha Buell established the context: coming to senate because of change in CBA
- ii. Jeff Jordan FWP
  1. Met through October and November with lawyers, administration, AAUP, provost, etc.
  2. Came up with 12 recommended revisions
  3. Tried to incorporate as many suggestions as possible
  4. Tried to protect due process and the intent of the policy
- iii. Emily Davis D&I
  1. Points of disagreement
    - a. Standard of proof
      - i. Uncomfortable with inconsistency with Title IX cases
      - ii. Obama lowered standard of proof
      - iii. DeVos recommends higher standard of proof
      - iv. Sends bad message
      - v. Discourages reporting
      - vi. Very hard and unlikely to get through process even with lower standard of proof
- iv. Firestone
  1. Against raising standard
  2. Office of Civil Rights argues that preponderance is the legal standard
  3. 80% of institutions use the lower standards
  4. Other problems with policy
- v. Ismat Shah
  1. Clear and convincing is redundant
  2. On a subtle level looks like victim blaming
- vi. Eidelman
  1. Have we considered asking for a 90 day extension to study this?
    - a. Gives us time to take this back to departments
  2. Response: we have not asked
    - a. Provost and President are happy to grant extensions
- vii. Shabo
  1. How to recommend lower standard
    - a. No standard is perfect
    - b. Certainly optics are bad
    - c. What evidence is there for lowering the standard
- viii. Keeler: recognizes Gerry Turkel from AAUP
  1. Two main concerns

- a. Role of Senate in determining policy
  - b. As far back as 1940 national AAUP policy is clear and convincing proof
  - c. We all have an interest in maximizing reporting
  - d. But making the Title IX office the gatekeeper raises issues
- ix. Boncelet
  - 1. Reads from legal definitions
  - 2. Between preponderance and beyond a reasonable doubt is clear and convincing
- x. Zide
  - 1. Calling it a low bar is disingenuous
  - 2. AAUP and Senate have different objectives
  - 3. In addition to burden of proof there are other problems such as relying on violations rather than complaints
- xi. Galileo
  - 1. supported some points including clear and convincing evidence, as opposed to “preponderance of information” stating that this is a much lower standard given that “information” does not automatically mean “evidence”
- xii. Matt Kinservik
  - 1. (recognized by request) – wording changes were inadvertent and not intentional, equated information and evidence in wording
- xiii. Jeremy Firestone
  - 1. evidence and information are not clearly distinguishable, pushed for clear and convincing standard
  - 2. Took issue with Gerry Turkel’s statements regarding historical precedence of the “preponderance of the information” standard.
- xiv. Stijn Koshari – grad student representative
  - 1. does not support changes in wording because he thought this would have a chilling effect on any graduate student trying to raise a grievance
- xv. Deni Galileo made a motion regarding pushing off a vote on this Resolution until the Spring semester, probably March, so that an Open hearing can be convened for all affected constituencies.
- xvi. John Jebb made the suggestion that faculty and administrators should read and listen to the discussions of wording from the faculty senate meetings on changes in Title IX. (December 2014, January 2015)
- xvii. Motion: Postponing the action on this Resolution (regarding the Non-Discrimination Policy) until March, after such time as an Open hearing can be convened with all relevant constituencies taking part in the re-drafting of this policy.
  - 1. Vote ~36 (visible majority) in favor – 6 against

**IX.** Presentations:

### Report of the Provost Search

John Pelesko, Associate Dean of the College of Arts and Sciences made an announcement seeking input as a lead member of the Provost search committee. He listed the groups that the search committee has met with, who they planned to meet with and asked for feedback in terms of what attributes faculty would like to see in a new provost.

- John Morgan requested information regarding Search firm that the University hired for the provost search and where they fit in this process.
- John Pelesko responded that they would be taking committee input into account in any of their outreach to candidates.

**X.** Introduction of New Business:

none

**XI.** Adjourn 5:50pm