

UNIVERSITY FACULTY SENATE

SUMMARY OF AGENDA

APRIL 3, 1995

NOTICE: The April University Faculty Senate meeting will be held in conjunction with the President's Semi-Annual General Faculty meeting. The Semi-Annual meeting will begin at 3:30 p.m. and the Faculty Senate meeting will follow immediately.

- I. **ADOPTION OF THE AGENDA**
- II. **APPROVAL OF THE MINUTES:** March 6, 1995
- III. **REMARKS BY UNIVERSITY PROVOST SCHIAVELLI**
- IV. **ANNOUNCEMENTS:** Senate President McLaughlin
- V. **OLD BUSINESS - None**
- VI. **NEW BUSINESS**
 - A. Recommendation to add a "Conflict of Interest Disclosure Statement" to the Faculty Handbook
 - B. Recommendation to add a "Statement on Professional Ethics" to the Faculty Handbook
 - C. Recommendation on amending the Faculty Handbook concerning the *Application Procedure* and *Qualifications for Sabbatical Leave* under "Sabbatical Leave"
 - D. Recommendation on eligibility for the CASE Award
 - E. Recommendation from the Faculty Senate Executive Committee regarding the Ad Hoc Committee on Smoking Policy
 - F. Recommendation on amending the Smoking Policy
 - G. Recommendation on revisions to the Code of Conduct in The Official Student Handbook
 - H. Introduction of new business






University of Delaware

UNIVERSITY FACULTY SENATE
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March 23, 1995

TO: All Faculty Members

FROM: Thomas S. Angell, Vice President 
University Faculty Senate

SUBJECT: Regular Faculty Senate Meeting, April 3, 1995

In accordance with Section IV, paragraph 6 of the Constitution, the regular meeting of the University Faculty Senate will be held on Monday, April 3, 1995 at 4:00 p.m. in room 110 Memorial Hall. The agenda will be as follows:

AGENDA

- I. Adoption of the Agenda.
- II. Approval of the minutes of the Senate meeting of March 6, 1995.
- III. Remarks by University Provost Schiavelli.
- IV. Announcements: Senate President McLaughlin
- V. Old Business - None
- VI. New Business
 - A. Recommendation from the Committee on Research (C. Robinson, Chairperson) on the addition of a "Conflict of Interest Disclosure Statement" to the Faculty Handbook.

WHEREAS, the National Science Foundation has instituted a new policy, effective June 28, 1995, requiring that all grantee institutions employing more than fifty persons maintain their own conflict of interest policies and have established minimum requirements for those policies, and

WHEREAS, this new policy requires certifications from principal investigators, co-principal investigators, and authorized institutional representatives, and

WHEREAS, the University Faculty Senate Committee on Research has formulated a specific policy statement which meets these standards and has held an Open Hearing on the proposed University of Delaware statement, be it therefore

RESOLVED, that the University Faculty Senate approve and recommend the adoption of the attached Conflict of Interest Disclosure Statement, as forwarded by the Committee on Research, and be it further

RESOLVED, that upon approval of the appropriate officers of administration and the Board of Trustees, the attached "Conflict of Interest Disclosure Statement" be included in the Faculty Handbook at the end of II.15.c in Section II, page II-11.

(See Attachment 1)

- B. Recommendation from the Faculty Senate Executive Committee, with the concurrence of the Committee on Faculty Welfare and Privileges (J. Krum, Chairperson), for the addition of a "Statement on Professional Ethics" to the Faculty Handbook. (See Attachment 2)

WHEREAS, the Faculty Handbook contains a section defining Academic Freedom, and

WHEREAS, there is no corresponding section on Professional Ethics clearly stating the ethical obligations of the faculty, be it therefore

RESOLVED, that the Faculty Senate recommends the inclusion of the AAUP Statement on Professional Ethics as it appears in the 1990 edition of the AAUP Policy Documents and Report, and be it further

RESOLVED, that this statement be inserted into the Faculty Handbook immediately following B. "Academic Freedom," Section III, pages III-4 and III-5.

- C. Recommendation from the Committee on Faculty Welfare and Privileges (J. Krum, Chairperson) revising the *Application Procedure* and *Qualifications for Sabbatical Leave* under "Sabbatical Leave" in the Faculty Handbook.

RESOLUTION 1

Application Procedure

WHEREAS, faculty members need as much advance notice as possible to prepare for a sabbatical, be it therefore

RESOLVED, that Section O, under "Leave of Absence," subsection Application Procedure, paragraph (c), pages III-39-40 be amended as follows: [Addition in bold type]

(c) The dean, if approving in turn, will establish priorities and where required make budgetary recommendations to the Provost. The Provost will study all aspects of the recommendations and make the determination concerning the leave. The applicant shall be notified of the action at each of the three levels of administrative review at the time of that action.

RESOLUTION 2

Qualifications for Sabbatical Leave

WHEREAS, a sabbatical system, by definition, results in costs to the University, and

WHEREAS, not all departments are staffed at a level to permit leaves without incremental costs to the University, be it therefore

RESOLVED, that Section O, under "Leave of Absence," subsection Qualifications for Sabbatical Leave, paragraph (f), page III-39, which states "The granting of the leave must not result in additional costs to the University," be deleted.

D. Recommendation from the Committee on Student and Faculty Honors (R. Taggart, Chairperson) on the eligibility of faculty for the CASE Award.

WHEREAS, the "Professor of the Year" national award sponsored by the Council for the Advancement and Support of Education (CASE) is nominated on evidence of the professor's teaching abilities, and

WHEREAS, the Faculty Senate rule in effect (April 16, 1984) restricts award nominees to the most recent winner of the Francis Alison Award, and

WHEREAS, classroom teaching is not the primary criterion for the Francis Alison Award, and

WHEREAS, the Alumni Distinguished Professor Award is solely based on classroom teaching abilities, be it therefore

RESOLVED, that the nominee for the "Professor of the Year" award sponsored by the Council for the Advancement and Support of Education be selected from among the winners of the Francis Alison Award or any nominees or winners of the Alumni Distinguished Professor Award.

- E. Recommendation from the Faculty Senate Executive Committee regarding the Ad Hoc Committee on Smoking Policy. (The Ad Hoc Committee's report is at Attachment 3.)

WHEREAS, the Ad Hoc Committee on Smoking Policy has filed its final report with the Executive Committee, and

WHEREAS, the Executive Committee has received and discussed that report, and

WHEREAS, an open hearing on the contents of the report was held on October 20, 1994, be it therefore

RESOLVED, that the Ad Hoc Committee on Smoking Policy is hereby discharged with the thanks of the Faculty Senate.

- F. Recommendation from the Faculty Senate Executive Committee, with the concurrence of the Committee on Faculty Welfare and Privileges (J. Krum, Chairperson) on amending the Smoking Policy as approved by the Faculty Senate on April 8, 1991.

RESOLVED, that the Smoking Policy in the Faculty Handbook at V, "Personnel Benefits and Miscellaneous Information," subsection L., "Smoking Policy," pages V-7 and V-8, be amended as follows:

1. Current descriptions of prohibited and allowable smoking areas be deleted.

2. The following statement be added in its place:

Except for student housing and other residential areas, the University of Delaware declares the interior of all University-owned or occupied buildings, University-owned vehicles, and at least one entrance to each building to be smoke-free. Smoking will be

permitted outside one designated entrance for those buildings with more than one entrance. The smoking/non-smoking designation for each entrance shall be determined by the Unit Head of that building, in conjunction with the Assistant Director of University Plant Operations, Grounds Division. Compliance with this policy is the responsibility of all members of the University community.

- G. Recommendation from the Committee on Student Life (B. Scott, Chairperson), for revisions to the Code of Conduct.

WHEREAS, a review is conducted of the Code of Conduct periodically and,

WHEREAS, some changes are necessary because of student behavior problems, be it therefore

RESOLVED, that the following changes be made in The Official Student Handbook, under the Code of Conduct, page 29.

Proposal for Changes to Code of Conduct Violation #18

Weapons, Firearms or Explosive Devices on Campus
[Revised policy is in bold]

Current Policy

Weapons, Firearms or Explosive Devices on Campus
Unauthorized possession or use of firearms, fireworks or chemicals which are explosive in nature, and any other types of arms defined as "dangerous instruments" or "deadly weapons" by the Delaware Code Title 11 Crimes and Criminal Procedures in Section 222, and Chapter 22 of the Code of the City of Newark (Copies of these Codes are available in the University Police Department Office.)

Revised Policy

Dangerous Instruments, Deadly Weapons, and Explosive Chemicals or Devices on Campus

The University's policy concerning dangerous instruments, weapons, firearms and explosives on campus is in conformity with the Delaware Criminal Code, Chapter 11, Section 222 and relevant sections of the Newark Municipal Code. Copies of these Codes are available upon request from the Office of Public Safety.

The attempted or actual use, or threat of use of the instruments or explosives contained in this policy is of primary concern for the safety of the campus community. However, the University also

prohibits the possession of several instruments which may not be defined as dangerous instruments, weapons or firearms under the law. These prohibited instruments include but are not limited to BB guns, pellet guns, air rifles, paint guns, decorative or functional swords, and martial arts weapons.

This policy is not to be construed as a prohibition against instruments and chemicals expressly authorized for the pursuit of the academic mission of the University. Questions concerning authorization of chemicals and prohibited instruments should be addressed specifically to the Office of Public Safety or the Dean of Students Office.

The following are prohibited under Delaware Law and University Policy:

1. **Dangerous Instrument**
Any instrument may be defined as a dangerous instrument if it is used, attempted or threatened to be used, or is readily capable of causing death or serious physical injury.
2. **Deadly Weapon**
The Criminal Codes cite the following as deadly weapons: firearms (including any weapon from which a shot, projectile or other object may be discharged by force, whether operable or inoperable, loaded or unloaded), a bomb, a knife (other than an ordinary pocketknife carried in a closed position, with a blade of three inches or less), a switchblade knife, a billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain, ice pick, or any dangerous instrument which is used or attempted to be used to cause death or serious physical injury.
3. **Explosive Devices and Chemicals**
A substance, or combination of substances possessed and/or prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation is prohibited. Fireworks are included among prohibited explosive devices, as are illegal and potentially dangerous chemicals.

Proposal for Changes to Code of Conduct Violation #8
False Information

Current Policy

False Information

- A. Knowingly making a false oral or written statement in a University disciplinary hearing or to a University official.
- B. Reporting the false presence of an explosive or incendiary device or fire.

- C. Falsely reporting a crime.
- D. Possessing any form of false identification.

Revised Policy

False Information

- A. Intentionally making a false oral or written statement in a University disciplinary hearing, or to a University official.
 - B. Intentionally making a false oral or written statement in order to misrepresent the character, qualifications or reputation of another.
 - C. Falsely reporting the presence of an explosive or incendiary device or fire.
 - D. Falsely reporting a crime.
 - E. Possessing any form of false identification.
- H. Such items as may come before the Senate. (No motion introduced under new business, except a motion to refer to committee, shall be acted upon until the next meeting of the Senate.)

TA/rg

Attachments: Committee Activities Report

1. Conflict of Interest Disclosure Statement
2. Statement on Professional Ethics
3. Report of the Ad Hoc Committee on Smoking Policy

COMMITTEE ACTIVITIES REPORT

ACADEMIC APPEALS, CTE. ON (Reed Geiger)

Considering a grade appeal.

ACADEMIC PRIORITIES, CTE. ON (Kenneth Lomax)

Nothing to report.

DIVERSITY AND AFFIRMATIVE ACTION, CTE. ON (Hilton Brown)

On March 17 the Committee heard a report by Mr. Middaugh, Director of Institutional Research, concerning five years compliance with the University's Affirmative Action Plan.

EDUCATION, COORDINATING CTE. ON (Harrison Hall)

Discussing merger of Food Science and Animal Sciences and Agricultural Biochemistry.

FACULTY WELFARE AND PRIVILEGES, CTE. ON. (James Krum)

The Committee reviewed the list of non-tenure track full-time faculty prepared by Vice President Colm and concluded that there are questions concerning the welfare and privileges of this group of faculty members. We decided to invite Provost Schiavelli and Vice President Colm to meet with the Committee to discuss these questions.

GRADUATE STUDIES, CTE. ON (Kenneth Koford)

1. Discussing permanent approval of Art Conservation Ph.D. Program
2. Reviewing Operations Research Program
3. Discussing merger of Food Science and Animal Sciences and Agricultural Biochemistry

LIBRARY COMMITTEE (Antony Beris)

1. Reviewing library efforts to disseminate information on new electronic media
2. Preparing a document containing guidelines for the transition to an electronic library

RESEARCH, COMMITTEE ON (Charles Robinson)

Discussing Conflict of Interest Disclosure Statement (planned for presentation on the April agenda)

STUDENT AND FACULTY HONORS, CTE. ON (Robert Taggart)

1. Reviewing nominations for the Excellence in Teaching and Excellence in Undergraduate Academic Advising Awards.
2. Soliciting nominations for the Francis Alison Award

STUDENT LIFE, CTE. ON (Bonnie Kime Scott)

Assisting in Search for Vice President for Student Life

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CONFLICT OF INTEREST DISCLOSURE STATEMENT

The University of Delaware encourages its employees to seek public and private support of their research programs, and the University also recognizes the value of outside consulting and of other professional and business interests that benefit University employees and the University itself. However, the University also insists that its employees avoid conflicts of interest (and the appearance of conflicts of interest) when they are Investigators on projects underwritten by gifts, grants, contracts, purchase orders, and/or other externally or internally sponsored agreements. To that end, the University requires that all such Investigators read and sign this Conflict of Interest Disclosure Statement and that they, where warranted, offer full disclosure of any consulting arrangements with or significant financial interests** in an entity that is or might seem related to the Investigator's funded activity.

The intent of this Disclosure Statement is to insure that the financial interests of a University employee do not compromise the objectivity and integrity with which the funded activity is designed, conducted, and/or reported.

This Disclosure Statement will be signed by the Investigator and will then be reviewed and signed by the Investigator's immediate Supervisor (ordinarily, a department chair) to insure the objectivity and integrity of the proposed and/or ongoing funded activity. This document then will be signed by the Dean and the Vice Provost for Research and thereafter be filed in the University's Office of the Vice Provost for Research for three years or until the termination of the funded activity, whichever is longer.

If the Investigator's immediate Supervisor cannot attest that any current or potential conflict of interest can be managed, reduced, and/or eliminated to the satisfaction of the University, then the Investigator may appeal the Supervisor's judgment within 10 working days by a written request for intervention by the Provost of the University, who will then respond to the request in no more than 10 additional working days. If the Provost upholds the judgment of the Supervisor and rules against the Investigator, then the University will so inform the funding agency or donor.

Conflicts of interest include but are not limited to the following circumstances:

1) any significant financial interest (including consulting arrangements) of the Investigator that would reasonably appear to be directly and/or substantially affected by the proposed and/or ongoing funded activity;

**A "significant financial interest" is used in the sense defined by the "NIH Guide for Grants and Contracts," vol 23, no. 25 (7/1/94), p. 9: "anything of monetary value, including but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); equity interests (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights and royalties from such rights)." The phrase does not mean university salaries or remuneration, salary from other teaching, or income from serving on advisory or review committees for public or non-profit entities. Nor does the phrase "significant financial interest" include "financial interests in business enterprises or entities if the value of such interests do not exceed \$5,000 per annum of salary, fees or other continuing payments or represent more than a five percent ownership interest for any one enterprise or entity when aggregated for the Investigator and the Investigator's spouse

and dependent children."

2] any significant financial interest of the Investigator (including consulting arrangements as well as serving as an officer, executive, or director) in an entity, the financial interest of which would reasonably appear to be directly and/or substantially affected by the proposed and/or ongoing funded activity.

Examples of other kinds of conflict of interest include but are not limited to the following:

1] using funds from an agency or a donor to purchase major equipment, instruments, other materials, or services from an entity in which the Investigator has a financial interest;

2] revealing to another party privileged information from a funded activity that could be used for personal financial gain by the Investigator or others (including family members, colleagues, and associates);

3] receiving gratuities and/or special favors from an entity that could financially benefit from the proposed and/or ongoing funded activity.

Additional information on Conflict of Interest may be consulted in the University's Handbook for Faculty, pages II-11 and III-54.

I have read this Conflict of Interest Disclosure Statement and declare that there neither is nor, in my judgment, will appear to be a conflict of interest in my proposed and/or ongoing funded activity as outlined in the attached project description or agreement. Should a conflict of interest arise during the course of my funded activity, I will promptly complete a new Conflict of Interest Disclosure Statement.

(INVESTIGATOR'S NAME)

DATE _____ (INVESTIGATOR'S SIGNATURE)

I have read this Conflict of Interest Disclosure Statement and, on an attached sheet, offer full disclosure of my consulting arrangement(s) with and/or significant financial interest(s) in an entity that is or might be related to my proposed and/or ongoing funded activity as outlined in the attached project description or agreement. Should a conflict of interest arise during the course of my funded activity, I will promptly complete a new Conflict of Interest Disclosure Statement.

(INVESTIGATOR'S NAME)

DATE _____ (INVESTIGATOR'S SIGNATURE)

I have reviewed the Investigator's description of the proposed and/or ongoing funded activity as well as his signed statement above and attest that the University's Conflict of Interest Disclosure Statement has been properly executed.

(SUPERVISOR'S NAME/TITLE)

DATE _____ (SUPERVISOR'S SIGNATURE)

DATE _____ (DEAN'S SIGNATURE)

DATE _____ (VICE PROVOST'S SIGNATURE)

Statement on Professional Ethics

INTRODUCTION

From its inception, the American Association of University Professors has recognized that membership in the academic profession carries with it special responsibilities. The Association has consistently affirmed these responsibilities in major policy statements, providing guidance to professors in such matters as their utterances as citizens, the exercise of their responsibilities to students and colleagues, and their conduct when resigning from an institution or when undertaking sponsored research.¹ The *Statement on Professional Ethics* that follows sets forth those general standards that serve as a reminder of the variety of responsibilities assumed by all members of the profession.

In the enforcement of ethical standards, the academic profession differs from those of law and medicine, whose associations act to ensure the integrity of members engaged in private practice. In the academic profession the individual institution of higher learning provides this assurance and so should normally handle questions concerning propriety of conduct within its own framework by reference to a faculty group. The Association supports such local action and stands ready, through the general secretary and Committee B, to counsel with members of the academic community concerning questions of professional ethics and to inquire into complaints when local consideration is impossible or inappropriate. If the alleged offense is deemed sufficiently serious to raise the possibility of adverse action, the procedures should be in accordance with the 1940 *Statement of Principles on Academic Freedom and Tenure*, the 1958 *Statement on Procedural Standards in Faculty Dismissal Proceedings*, or the applicable provisions of the Association's *Recommended Institutional Regulations on Academic Freedom and Tenure*.

THE STATEMENT

I. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting

¹1961 *Statement on Recruitment and Resignation of Faculty Members*

1964 *Committee A Statement on Extramural Utterances* (Clarification of sec. 1c of the 1940 *Statement of Principles on Academic Freedom and Tenure*)

1965 *On Presenting Conflicts of Interest in Government-Sponsored Research at Universities*

1966 *Statement on Government of Colleges and Universities*

1967 *Joint Statement on Rights and Freedoms of Students*

1970 *Council Statement on Freedom and Responsibility*

1976 *On Discrimination*

1984 *Sexual Harassment: Suggested Policy and Procedures for Handling Complaints*.

knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry. II. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and to counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

III. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

IV. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities within their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

V. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.

JAN 17 1995

FACULTY SENATE

M E M O R A N D U M**TO: EXECUTIVE COMMITTEE
FACULTY SENATE****FROM: AD HOC COMMITTEE ON SMOKING POLICY****JEFF GILLESPIE***Jeff Gillespie***LETA ALJADIR****BRIAN GASTLE****JOE GLUTTING****JIM GREEN****STEFANI GINSBERG****LEE KOROLYK****MARY MARTIN****JOYCE WALTER****RE: SMOKING POLICY**

We, the Ad Hoc Committee on Smoking Policy, submit to you the following smoking policy for the University of Delaware:

Except for student housing and other residential areas, the University of Delaware declares the interior of all University-owned or occupied buildings, University-owned vehicles, and at least one entrance to each building to be smoke-free. Smoking will be permitted outside one designated entrance for those buildings with more than one entrance. The smoking/non-smoking designation for each entrance shall be determined by the Unit Head of that building, in conjunction with the Assistant Director of University Plant Operations, Grounds Division. Compliance with this policy is the responsibility of all members of the University community.

While we never reached unanimity on some of the wording, the committee was in total agreement as to the gist and intent of the above policy.

MECHANICS

The Committee first met in June of 1994. At that time, it was noted that the legislature of the State of Delaware was considering a bill that dealt with smoking policy in public areas. We decided that it would be prudent to wait until after the State concluded its deliberations. Once the law had been passed, it became obvious that our Committee wanted to pass a policy for the University that was more restrictive than the new law. At that time, we asked Vice President for Employee Relations Maxine Colm to ascertain from legal counsel whether the University could legally enact a policy that differed from State law. When we were assured that a more restrictive policy would indeed be acceptable, we began working on a specific policy in September.

After a draft policy had been written, we found out that an open hearing for the University community was generally expected when an ad hoc committee was studying a potentially controversial issue. Thus, on October 20, 1994, such a forum was held at 4:00 p.m. in 007 Willard Hall. As estimated number of no more than 40 people were in attendance. The predominant issues raised at the hearing had to do with enforcement, productivity, outside cover for smokers, and the library. All of these issues will be discussed at length later in this memo. The other issue raised at the meeting involved having undergraduate student representation on the Committee. Up to that point, we had a graduate student on the Committee, but no undergraduate student. We later added Ms. Stefani Ginsberg to our roster. (As an aside, the Chair of our Committee was later informed that the Delaware Undergraduate Student Congress (DUSC) had been solicited by the Executive Committee twice last spring for representation to our Committee, but no response was received either time.)

After the hearing, Jeff Gillespie received a call from Susan Brynteson, Director of Libraries, who voiced some very definite concerns related to Morris Library. I invited Ms. Brynteson to come to the next meeting of the Committee, and although she was unable to attend, she did send a representative to convey her message.

The Chair of the Committee also attended meetings with the Deans' Council (last summer) and the Professional Advisory Council (January 11, 1995). Also, we were informed of the results of a DUSC student poll that included questions about smoking.

Since the open hearing, the Committee has been wrestling with wording, and the result is the policy that is shown at the beginning of this memo.

INTENT OF THE POLICY

Although the University's current smoking policy was intended to be fairly restrictive, the reality is that loopholes did exist which created "perceived" ambiguity and abuse of the policy. The intent of our committee was to make the policy as clear as possible, and the best way to achieve that would be to allow

no exceptions. We discussed possible instances where a building may have a room that was totally separate from working areas and had a true separate exterior ventilation system. However, we felt that to include this exception in the policy would again lead to ambiguity and abuse, plus it would also possibly create pressure on the University to create such a situation in all buildings. The residential exception noted in the beginning of the policy stems from the original charge to the committee, which stated specifically to exclude student residential areas.

The phrase "University-owned or occupied" is used to include buildings that are leased by the University as part of this policy.

According to the University Motor Pool, University vehicles have been smoke-free since the earlier policy went into effect. We felt that this should be specifically noted in the new policy.

The Committee felt that people entering the building should be able to do so without having to walk through a cloud of smoke. Thus, we determined that the area around most building entrances should be smoke-free. We discussed a definition for determining the amount of area (20 feet, 30 feet, etc.) where smoking should be prohibited, but since the situation can differ from building to building, we decided to omit this specification.

In the current policy, the unit heads of each building are allowed to make certain decisions about smoking areas within buildings. We decided to use the same approach to making the decision as to which entrances would be smoking/non-smoking. Once you are outside a building, the space becomes the responsibility of the Grounds Division of Plant Operations, so it was suggested by VP David Hollowell that there should be some cooperation in the making of this decision. Thus, we state that the decision should be made by the "unit head, in conjunction with the Assistant Director of Plant Operations, Grounds Division."

The last sentence of the proposed policy ("Compliance with...") comes out of our discussions with the library (see next section). Some of our Committee believe that this statement is superfluous, since compliance with any University policy is everyone's responsibility.

CONCERNS OF WHICH THE EXECUTIVE COMMITTEE SHOULD BE AWARE

There are a number of concerns that have arisen during the last six months as we have discussed the proposed smoking policy. We would like to share these concerns with the Executive Committee because it is very possible that the same questions may arise during the discussion on the floor of the Faculty Senate.

Enforcement. The biggest concern seems to be the enforcement of the policy. It is the feeling of the committee that peer pressure and time will be the most important aspects of enforcement. In buildings that have been declared smoke-free already, peer pressure has played an important part in changing behavior. If the policy as proposed goes into effect, we have no expectations that all smoking in University buildings will cease overnight. We also have no expectations that Public Safety will become the "smoking police." We do expect that, over time, peer pressure and a shifting of public norms (we could have

never passed this policy ten years ago) will indeed affect behavior.

We also expect that behavior will be affected by the fact that, under the proposed policy, no ambiguity will exist about smoking within buildings. Whereas some employees may somehow rationalize that their smoking habits are allowed under the current policy, that loophole would not exist in the future. The wording of the proposed policy is straightforward and without exception with respect to the interior of all administrative and academic buildings.

Signage. Will there be uniform signage that would clearly designate smoking vs. non-smoking areas? According the University administration, this would happen, beginning with the larger classroom and office buildings and continuing until the entire campus has been included in the signage project.

Productivity. This is a concern that predominantly affects salaried staff employees. Under the proposed policy, all employees would have to go outside their building to smoke. Current employee guidelines allow staff 15 minutes in the morning and 15 minutes in the afternoon for breaks from their work area. What if people are going outside every hour or so to smoke, and are away from their desks longer than the allowed time? Will a supervisor that smokes be more likely to allow this than a non-smoking supervisor?

It is ultimately the responsibility of the supervisor to deal with the productivity of their employees, and differences will always exist across supervisors. We did not feel that this should have to be stated in the policy.

Trash removal. Will an effort be made by the University to keep smoking areas clean? University administrators recognize that these areas could become unsightly, and will strive to keep this from happening. Receptacles will be placed at all smoking areas, and janitorial staff will be responsible for keeping these areas respectable. The Grounds Division of Plant Operations will be responsible for residue thrown into mulch, flower beds, and other exterior areas. Anyone who has seen the beautification efforts made by the University over the last few years will probably agree that the administration will not let smokers deter those efforts.

Scent-free. One member of the committee cited an example where a campus had gone totally scent-free rather than just smoke-free. For example, perfumes would fall into the same category as smoke. Our committee did not feel comfortable going to this extreme.

Multi-unit buildings. In buildings without a clear unit head, who will make the decision about smoking/non-smoking entrances? This situation may require agreement among department chairs, or even between a dean and a vice-president, but does not appear to be a strong stumbling block.

Wellness. The University Wellness Center has already begun "smoking cessation" programs for those employees who are trying to quit smoking or would like to try to quit.

Outside cover. One concern that was expressed at the open hearing was the issue of being under a roof of some type when smoking outside. VP Hollowell was at the hearing, and he responded to the question by saying that he understood the problem, but that the University was not willing to put up a number of small

alcoves like you might see at a bus stop. There is some sentiment that when a decision is made as to which entrance to a building will allow smoking, the presence of an overhang or roof would be relevant to the decision.

Library. As was mentioned earlier in this memo, the library is very concerned about the proposed policy. It seems that there are a number of students who congregate outside the front doors of the library and smoke heavily, creating a cloud of smoke around the main entrance to the building. During much of the year, the worst time period for this activity is from 7:00 p.m. to 9:00 p.m. during the week, and many of the worst "offenders" appear to be foreign students. Ms. Brynteson says that faculty members who have had to walk through the smoke have berated library employees for the situation, even though it is not the responsibility of these employees to tell students or anyone else where they can and cannot smoke. Her concerns are that the students will not adhere to the proposed policy, and that faculty will use the proposed policy to further berate her personnel.

As with the question of enforcement, the Committee believes that time and peer pressure will remedy the situation. Signage will also help. For example, the Director could decide to make the area around the front doors a non-smoking entrance to the library. The patio off to the right of the main entrance might be designated as the smoking area. If signs are posted saying that the area outside the front door was smoke-free, and if a reasonable alternative were given (such as the side patio), our Committee feels that behavior would, over time, be modified. If this behavior modification occurs, then the likelihood of faculty being upset is lessened, and the chance that they will create distress for library employees will also decrease.

While the Committee sympathizes with the concerns of the library staff, we did not feel that the proposed policy should be affected by those concerns. There was a brief discussion on the possibility that a "sense of the Senate" resolution could be introduced to ask faculty to refrain from browbeating the staff of the library. The idea never came to fruition. However, the last sentence of the proposed policy was meant to convey the library's message in some way. As mentioned earlier, some members of the committee feel that this sentence is unneeded.

We, the University Ad Hoc Committee on Smoking Policy, present the proposed policy to the Executive Committee of the University Faculty Senate. If you have any questions, we would be happy to do our best to answer them.

