

FACULTY SENATE MEETING
March 6, 2013

1. Call to Order.

CHAIR SANDRA KELLY (Psychology) called the meeting to order and welcomed Senators, Faculty, and Guests.

2. Corrections to and Approval of Minutes.

CHAIR KELLY asked for corrections to the minutes of the meeting of February 6, 2013. There were none and the minutes were approved as written.

3. Invited Guest.

CHAIR KELLY introduced Mr. Thad Westbrook, a member of the University's Board of Trustees. Mr. Westbrook holds a BA in Political Science and a Juris Doctorate from USC. He has been on the Board of Trustees since 2010 and currently chairs the Academic Affairs and Faculty Liaison Committee. That committee has a number of duties, but one of its jobs is to attend to issues that are of mutual concern to faculty as well as to the Board of Trustees.

MR. THAD WESTBROOK (Board of Trustees and Chair of Academic Affairs & Faculty Liaison Committee) thanked the University Administration and the Faculty Senate for the opportunity to address the Senate and to discover how the faculty governance process works.

Mr. Westbrook provided an overview of the purposes and processes of the Board of Trustees. The Board is a 20-member body. Sixteen members are elected by the State General Assembly. They represent the 16 judicial circuits, so they come from different parts of the state. Two members are appointed by the Governor. The President of the University's Alumni Association, as well as the State Superintendent of Education, also serves on the Board.

Mr. Westbrook observed that Chair Kelly, as the Faculty's elected representative, meets with the Board and is very helpful in helping Board members understand how they can work together with the faculty and the administration. He noted that Chair Kelly, and her predecessor, Dr. Patrick Nolan, have worked to open the lines of communication with the Board, which has been helpful to the Board and helpful for Mr. Westbrook as Chair of the Academic Affairs and Faculty Liaison Committee.

The Board of Trustees is the governing body for the entire university system, including all eight campuses. While we have 70% of the University here in Columbia, the Board addresses issues and needs on the other campuses throughout the state. The Board deals with the overall strategy and vision for the university in cooperation with the President

and the vision he sets out for the university. The Board looks at different metrics, monitors developments at the university, and participates in presentations from University administrators. Examples include the Provost's presentation of his academic dashboard, or CFO Ed Walton's presentation of the capital renewal plan, a multi-year plan for addressing some of the capital needs in the infrastructure of the University.

The Board also deals with the budget, a \$1.2 million budget for a state agency - actually a state agency that has, over the years, become more like a business in how we have to operate. The University is in the budget process now. The Board will vote on the budget in June and then the new budget year starts in July.

The Board handles contract approvals for contracts over \$250,000, and hears reports on many of the smaller ones.

Other duties of the board include: tenure and promotion recommendations; approval and dissolution of academic programs; building projects; the issuance of bonds; monitoring the University's credit rating; managing the debit of the University; and audit and compliance – an important component for a state institution.

The Board is responsible for hiring four people for University positions: the President of the University, the Board's Secretary, the University Treasurer, and the internal auditor.

The Board of Trustees, the University administration, and the faculty all work together to fulfill the University's mission. Each plays an essential role in fulfilling that mission for our state. The Board is very proud of President Pastides and the work he has done to lead our university during economically challenging times, times where we have seen significant decreases in state appropriations. However, when we consider the trajectory of the University, it is on an upward climb. We are doing very well as we consider where we are compared to our peer institutions.

Mr. Westbrook recognized Chair Kelly for her service to the University. In December, she gave a presentation to the Board of Trustees about the role of the faculty here at the University of South Carolina, and helped the Board better understand what the faculty does outside the classroom and beyond research. She explained that the faculty is engaged in many kinds of service, not only through the Faculty Senate but in assisting in the recruitment of other faculty, the disciplinary process, the tenure and promotion process, the advising of students, and the work that goes on well beyond classroom. Mr. Westbrook noted that as a Board member, as Chair of Academic Affairs and Faculty Liaison Committee, he truly recognizes and appreciates the commitment and the amount of work that our faculty put into serving the University of South Carolina.

Mr. Westbrook observed that he is particularly supportive and proud of the efforts of President Pastides to help replenish the faculty ranks during the past few years and to address faculty salary issues, including compression issues.

During the 2012 State of the University Address, Dr. Pastides linked the importance of access to the University of South Carolina and to a college degree with the need for us to take care of our faculty so that “access will be key not just to a degree but to an outstanding quality education.” We can only do that with faculty like you who are capable of providing that outstanding quality education. In addition to the recent faculty replenishment efforts, Mr. Westbrook praised other initiatives: the faculty bonus for those below a certain income level and the recent 3% salary increase to all university employees. The Board understands that to address the salary compression issue will take approximately a \$5 million commitment, and understands that the President is developing a plan to address that. There will be a 3-year implementation of \$1.7 million or influx of \$1.7 million over 3 years to address that issue. As far as how that is handled, the details will come from the Provost and the President, but Mr. Westbrook is very supportive. He thinks it is a very reasonable proposal and will be advocating for it in June when the Board has its budget discussion.

The Board is also giving much consideration to the academic space available to our students, particularly here Columbia. Within the past few years, the University has grown significantly. We have increased our freshmen enrollment; however, by doing that we have a corresponding duty to increase the academic space available to those students. The Board recognizes that we have a need for more lab space and more classroom space, and is engaged in discussions now about what we can do to address that issue. Some initiatives include: increasing classroom space in Petigru, approval of renovation to Hamilton College which will create more academic space, and approval of the new Law School building. There is more to be done, but Mr. Westbrook assured the Senate that the Board is aware of the need for classroom space and is working with the President, the Provost, and our CFO to address it as soon as possible.

Mr. Westbrook closed his report by thanking the Senate for the opportunity to be present and to share his thoughts, then opened the floor for questions.

4. Report of Committees.

a. Senate Steering Committee, Professor Rebekah Maxwell, Secretary:

CHAIR KELLY, on behalf of Secretary Maxwell, presented the volunteer slate for the upcoming cycle of faculty committee vacancies. She thanked those rotating off and those volunteering to serve, and left the floor open for further nominations.

b. Committee on Curricula and Courses, Professor Brian Habing, Chair:

PROFESSOR BRIAN HABING (Statistics) presented changes in curricula and courses from the College of Arts and Sciences, the College of Education, the College of Engineering and Computing, the College of Hotel, Retail, and Sport Management, the College of Mass Communications and Information Studies, the School of Music, the Arnold School of Public Health, the College of Social Work, the Senior Capstone

Experience, and System Affairs and Extended University (please see attachment, pp. 1-13). The changes were approved.

c. Faculty Welfare Committee, Professor David Mott, Chair:

PROFESSOR DAVID MOTT (Medicine) opened his report with an update on the workplace bullying policy that the committee has been working on. The committee has looked at many different policies, some from other countries, to try to develop a University response to workplace bullying at USC. The policy is faculty driven; faculty who are accused of bullying would be judged by other faculty. The committee's purpose of presenting this today is to get feedback from faculty on the direction that it has taken with the policy.

The Faculty Welfare Committee feels that there are several prongs to an effective workplace bullying response on campus. The first of these is a preventive approach. There are several things that could be done to make it clear that that workplace bullying will not be tolerated:

- Move the Carolinian Creed into the body of the Faculty Manual. The Carolinian Creed serves as a beautiful description of the type of conduct that is expected of faculty at the University of South Carolina. It currently resides in the preface to the Faculty Manual, where it does not carry any legal weight. Moving it into the body of the Faculty Manual would give it legal weight and would make it an enforceable description of the type of conduct that is expected of all of us.
- Provide training or workshops to unit heads and deans on recognition of workplace bullying and strategies to respond to conflicts.
- Provide online resources for individuals who feel they are victims of bullying or harassment. The University of Virginia's Respect@UVA initiative offers an easy-access website where faculty can find guidelines for appropriate conduct, how to file a complaint, and other resources that support respectful interactions between colleagues.

The aim of a preventive approach is the creation of a culture of civility throughout the University system.

In addition to these preventative approaches, we would have the creation of a policy. The policy would create a system for reporting and following up workplace bullying complaints and preventing retaliation. It would allow for sanctions of faculty members if the complaint is deemed to be valid and would provide for recordkeeping. Complaints found to be valid would generate records that would allow the accused bully to be followed and sanctioned in the event of further bullying. The policy document would also provide for evaluation, revision, and improvement.

Included in the initiative would be the establishment of an independent contact person for faculty. Many times people are reluctant to go to their unit head or their department chair because they don't feel they would get adequate resolution. Providing an independent contact who is separate from the department would perhaps allow faculty members to be more likely to seek resolution. This independent contact could be the University's Ombudsman or a University Conduct Officer.

The Faculty Welfare Committee first considered the questions, "Do our current University policies address bullying? Do we have adequate protections against bullying on campus?" The answer is "No." We have a variety of antidiscrimination policies on campus, but policies addressing discrimination or harassment do not always encompass all cases of bullying.

Workplace violence protections also are not applicable to bullying. While bullying is often referred to as psychological violence, it is not physical violence.

The committee also considered the question of whether other institutions have workplace bullying policies. Several other countries, including Sweden, Britain, and France, have adopted Federal workplace bullying policies. Twenty-three states in the US have introduced bills to address workplace bullying, although none of those bills have passed. There are currently eight pieces of legislation across various states looking at these sorts of issues. South Carolina has had a bill in the past for workplace bullying. There are a number of universities that have adopted policies for workplace bullying, including the University of Georgia. UGA uses Dispute Resolution Coordinators, individuals who serve as independent entities to adjudicate bullying complaints.

While there are a number other institutions that have adopted policies like this, it is by no means universal. Since all universities do not have bullying policies, this would be a chance for the University of South Carolina to lead on this issue. Workplace bullying is getting a good deal of media coverage at the present and is very much in the public mind.

The committee investigated the dynamics of workplace bullying and Professor Mott reported some highlights from its review of the literature:

- Both women and men bully.
- Generally people tend to bully people of the same gender.
- More of bullies tend to be men but that doesn't mean that they are the only bullies.
- More than two-thirds of the time bullies outrank their targets.
- Only about a quarter of the time do bullies bully alone; most commonly they recruit others to help them bully. In a departmental context, this usually results in colleagues being forced to choose sides, thereby sacrificing unit cohesion.

Why don't people fight back against bullying? The most common reason is that they fear retaliation. Ultimately, more than two-thirds of the targets leave their jobs.

Professor Mott outlined the goals of the committee in undertaking the formulation of a policy:

- To define what we as a faculty consider to be workplace bullying. Everything does not qualify as workplace bullying; the behavior should be a high standard of agreed misbehavior.
- To provide an avenue of redress for individuals who feel that they are victims of bullying.
- To ensure that bullying complaints are taken seriously and investigated promptly.
- To provide a just means of resolution by faculty peers.
- To protect individuals from false accusations of bullying.
- To protect individuals against retaliation.
- To give the university the ability to sanction the offender.
- To protect the university from liability risks when these sanctions are put into place.

Overall, the policy should stop workplace bullying as quick as possible in a just manner.

At a previous Faculty Senate meeting, the committee presented its initial definition of workplace bullying. Faculty were generous with feedback, and the committee incorporated it to produce the current definition of workplace bullying, which Professor Mott presented:

Workplace Bullying is repeated, unwelcome behavior that intentionally threatens, intimidates, humiliates or isolates the targeted individual(s), or undermines their reputation or job performance. It may take one or more of the following forms:

- Verbal abuse
- Malicious criticism or gossip
- Unwarranted monitoring
- Unwarranted physical contact
- Exclusion or isolation in the workplace
- Work interference or sabotage
- Cyberbullying
- Other offensive conduct/behaviors (including nonverbal) which are threatening, humiliating, harassing or intimidating

Workplace bullying is initiated by perpetrator(s) who choose their targets, timing, location, and methods. It can escalate and may involve others who side with the perpetrator(s), either voluntarily or through coercion. Workplace bullying may undermine organizational productivity when bullies' personal agendas take precedence over work itself or when the productivity of targeted individual(s) is impaired.

The committee's proposal offers two avenues for resolution: informal and formal. An informal resolution would occur through the University Ombudsman's office. The procedure would be confidential and no records would be kept. The Ombuds could provide counseling and assist the person in identifying options for redress. The Ombuds could provide the person with some options for what they could do. The Ombuds could take action in a very confidential manner but action would be limited. If informal resolution failed, the next option would be formal resolution.

Formal resolution would be a process initiated through the University Conduct Officer, a tenured faculty member appointed by the Provost in consultation with the Chair of the Faculty Senate. The Officer would serve in a part-time capacity, in a manner similar to the service of the University Ombuds. The Conduct Officer would investigate and adjudicate formal complaints, and work with deans and chairs to resolve them.

The Conduct Officer would refer egregious complaints to the Office of the Provost. The Provost would select 5 faculty members to serve on an ad hoc investigative committee to adjudicate the egregious complaint. If the committee found the complaint to be valid, they would send a suggested remedy to the Provost, who would take the final action. The University Conduct Officer would conduct follow-up.

The ad hoc investigate committee would consist of at least three faculty members selected from the Faculty Committee on Professional Conduct. Members of this standing committee would be at the rank of professor or tenured librarian and would be appointed by the Chair of the Faculty Senate to serve terms of three years. Members would receive training in the recognition of workplace bullying and could not simultaneously serve on the Faculty Grievance Committee.

The policy includes protection from retaliation, as well as protection against false accusations.

Professor Mott asked for feedback from Senators. The discussion produced the following questions and responses:

- Q. Will there be procedures for use when the unit involved in the complaint is the home unit of the Conduct Officer?
- R. As one of the first steps in the investigative process, the Conduct Officer will determine whether they have any conflicts of interest in the case. If they do, the Provost in consultation with the Chair of the Faculty Senate will appoint an alternate for that investigation.
- S. What happens if the dean or department chair is the bully?
- T. The University Conduct Officer would have the authority to work out a resolution if the bully was a dean or department chair.
- Q. Could we consider titles other than "University Conduct Officer?"

- R. The Faculty Committee has been wrestling with the wording of the title of the University Conduct Officer, and welcomes suggestions from Senators and Faculty.
- Q. What sorts of final actions could be taken?
- R. According to the policy, final action may include but is not limited to: mandated counseling, separation of parties, removal of laboratory space, removal of pay increases or salary supplements, removal of an endowed chair or a specific title or administrative position, denial of access to university research funds or dismissal.” Professor Mott emphasized that the committee wants approval/input from faculty on the entire policy, but especially details like this. The committee seeks to implement the will of the faculty.
- Q. What is the timeline for finalizing the policy? Will Senators have a chance to show it to their units, discuss it, and gather feedback?
- R. Yes. Getting faculty feedback is very important. The policy will soon be posted on the Faculty Senate’s website and the committee welcomes feedback from the units.
- Q. Can you post the links to the policies at other universities?
- R. There is a list of policies on the Faculty Senate’s Blackboard site.
- Q. Would you go over the process for determining whether a complaint was valid?
- R. A formal written complaint would be filed with the University Conduct Officer. The Conduct Officer would interview the parties involved, would look at the available evidence, would look at the definition that is in the policy, and would decide whether bullying had occurred. If the Officer determined the case was valid, s/he would approach the unit head or dean for resolution. If the complaint was found to be invalid, the case would be closed. Borderline cases would generate a conversation with the Officer, the dean/chair of the unit, and the parties involved. If the Conduct Officer found the bullying to be egregious they would refer the complaint to the Office of the Provost for investigation by the faculty ad hoc investigative committee. The Conduct Officer would follow up.
- Q. How will the policy deal with bullying by multiple persons?
- R. The procedure will be the same, but expanded for investigation of multiple parties.
- Q. If a complaint is deemed invalid by the UCO, is it then dead with no appeal?
- R. For purposes of the policy, the complaint would be at an end, but a party who felt aggrieved could go to the Ombuds Office or the Grievance Committee. The Faculty Welfare Committee can put language into the policy regarding an appeals

process, specifically that such complaints could be appealed to the Grievance Committee or the Office of the Provost.

- Q. Must a complainant go through the informal process first or is it possible to go directly to the formal process?
- R. A complainant may go straight to the formal process.
- Q. How busy is the UCO expected to be once the policy is implemented?
- R. Data from the Ombuds Office indicates that there is a need for such an officer.
- Q. Does this policy apply to staff as well?
- R. The policy applies only to faculty. There are similar policies for staff within Human Resources, and for students. However, we could create a campus anti-bullying policy if we wanted, which would include all members of the University community.
- Q. Regarding the borderline cases that are determined to stop short of bullying, how do you protect the complainant from retaliation?
- A. The policy places responsibility for preventing retaliation with the unit head or dean.

Professor Mott encouraged Senators to review materials placed on the Faculty Senate's Blackboard site. Senators and faculty can find today's presentation of the workplace bullying policy at:

<http://www.sc.edu/faculty/senate/13/agenda/WorkplaceBullyingPolicypresentedtoFacultySenate03-06-13.pdf>

The Faculty Welfare Committee hopes to bring the policy to a vote at the April meeting.

CHAIR KELLY encouraged Senators to bring the policy to their departments, talk about it with colleagues, and make suggestions.

5. Reports of Officers.

PRESIDENT HARRIS PASTIDES greeted his colleagues across the University system and opened his report with a discussion of campus safety.

In the wake of several disconcerting and shocking events over the past several weeks, in particular, a sexual assault of a student, the President emphasized his commitment to campus safety, calling it his most important responsibility. The University will be working very closely with the city of Columbia to improve our campus safety.

President Pastides noted that Columbia's mayor, Steve Benjamin, is a former President of the USC Student Government Association. There has been increased collaboration between the USC Law Enforcement and Safety officers and the City of Columbia. USC's Law Enforcement and Safety is one of the only units whose budget was not cut over the entire course of the deep recession. The Board of Trustees has approved a \$1.8 million increase over 3 years to Law Enforcement and Safety. We are in the process of hiring 18 new officers for USC; 6 of them were recently commissioned following a 9-month training period, and several are USC graduates who know the campus and the university very well.

Chris Wuchenich, USC's Chief of Law Enforcement and Safety, is increasing foot patrols and bike patrols in the dark hours, and in particular between 9 pm and 2 am. The University is working with the Student Government Association to increase shuttle service, and has negotiated with a taxi provider so any student can call for a ride home from the Five Points area. In addition to the shuttles that already run throughout the campus, the University is looking at ways to increase nighttime transportation. We are also looking at lighting across campus, and President Pastides encouraged everyone in the University community to report areas that are in need of greater lighting. The numbers of call boxes have been increased, as has the use of video cameras and other technology. The University is investigating computer apps that would facilitate an instant emergency call that would allow responders to locate the caller using GPS.

The President has assembled a special committee, the Campus Safety Committee, to identify other avenues to enhance security. We have a wonderful program called Standup Carolina which fosters a culture in which we look out for one another. While statistics indicate that our campus is safer than other parts of our city and far safer than most cities around the country, we are doubling our efforts to increase campus security and facilitate a safe environment for the University community. President Pastides pledged to keep the faculty apprised of upcoming security enhancements and to share information arising from the investigations of recent incidents.

The President followed up Trustee Westbrook's mention of the approval for our new Law School building. 2016 is the target date for completion of construction, which will be one year before the 150th anniversary of the School of Law. The current Law School building will be reclaimed as an academic building. While some of it will be the home of an academic unit, the majority of the building will be for new classroom space.

The President closed his report with an update on the recent investiture of Dr. Sandra Jordan, Chancellor of University of South Carolina-Aiken.

PROVOST MICHAEL AMIRIDIS deferred his report until the April meeting, given the full agenda and the volume of business that had already been discussed.

6. Report of Chair.

CHAIR KELLY thanked Senators for their feedback and their interest in the anti-bullying policy and the Faculty Code of Conduct, and thanked the Faculty Welfare Committee for the tremendous amount of work it has invested in these issues. She encouraged Senators to stimulate dialog at the unit level and to relay colleagues' feedback and suggestions.

In the April meeting, we hope to bring to a vote the Faculty Code of Conduct. The Faculty Budget Committee will have a resolution forward about how to use any salary monies that might come through. While the faculty is unable to dictate terms of use of such funds, a resolution helps the Board of Trustees, the President, and the Provost to know what the faculty is thinking.

A faculty satisfaction survey will be coming through soon, and Chair Kelly encouraged Senators and faculty to participate in the survey.

7. Unfinished Business.

CHAIR KELLY reported on the election for the vacancy on the Intellectual Property Committee. Professor Duncan Buell (Computer Science and Engineering) was the winner of the election. There were no further nominations for the vacancy and Professor Buell was elected.

There were no further nominations for the slate of volunteers for routine committee vacancies, and the slate was elected as presented.

8. New Business.

There was no new business.

9. Good of the Order.

There were no announcements for the good of the order.

10. Adjournment.

A motion to adjourn was seconded and passed. The next meeting of the Faculty Senate will be on Wednesday, April 3, 2013, at 3:00 p.m. in the Law School Auditorium.