

**FACULTY SENATE MEETING**  
**April 3, 2013**

**1. Call to Order.**

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

**2. Corrections to and Approval of Minutes.**

CHAIR KELLY asked for changes or modifications to the minutes of the meeting March 6. There were none, and the minutes were approved as written.

**3. Invited Guests.**

Ms. Jessica Johnston, Chair of the Tobacco-Free Task Force, addressed the Senate in the fall. The Task Force appeared today to present a more developed policy regarding a tobacco-free campus at USC. Members of the task force include:

- Ms. Jessica Johnston, Chair, Director of Healthy Carolina
- Captain Eric Grabski, Campus Safety
- Marguerite O'Brien, Director of Campus Wellness
- Maegan Gudridge, Communications Director, Division of Student Affairs and Academic Support
- Dr. Scott Strayer, School of Medicine

JESSICA JOHNSTON (Director of Healthy Carolina) began her report with an update on the work of the Task Force over the last six months. She noted that USC is already a tobacco-free campus, per the 2006 policy, and that the current policy is an expansion of the existing policy to include grounds and spaces.

The Task Force began with model policies already in use at other universities throughout the nation and added the recommended standards of the American College Health Association. The policy has three main goals:

- To help tobacco users quit
- To prevent non-users from using tobacco
- To reduce the risk from second-hand smoke

Our own School of Medicine contributed one of the Task Force's model policies. They went tobacco-free last year, and the Task Force modeled its policy after that of the School of Medicine, keeping the elements of the 2006 policy in effect on the main campus.

The Task Force has been meeting with various groups in the Carolina Community – students, faculty, and staff – and gathering feedback on the policy. It conducted a town

forum on the 18<sup>th</sup> of March that attracted 60-70 participants, mostly students. Many students were either on the fence or not in favor of the policy. The Task Force heard concerns over individual rights and enforcement issues. It was clear to the Task Force that students did not want our campus police levying fines and being the smoke police on campus. Ms. Johnston noted that this is not the intention of the Task Force, and that the student feedback was very valuable.

Ms. Johnston thanked Chair Kelly, Dr. Christine Curtis, Professor Jim Knapp, and Professor David Mott for their help in the last three weeks on specific feedback about the policy. In response to their feedback, the Task force modified the policy, including the removal of a prohibition of smoking in personal vehicles. The Task Force also removed language regarding funding. It added language about resources for tobacco users who are trying to quit.

The Task Force has also incorporated into the policy feedback from the Faculty Advisory Committee and the Faculty Welfare Committee, as well as the Athletics Department.

Ms. Johnston presented a PowerPoint comparison of the 2006 policy with the proposed revision (available on the Faculty Senate's website, along with a draft of the revised policy).

Ms. Johnston noted that the Task Force is in the process of producing its final report and recommendations, and asked for Senators' feedback, and made the panel available for questions.

During the ensuing discussion, Senators made the following points and asked the following questions:

1. No one should be criminalized for violating the tobacco-free policy, because smoking is not illegal. Classifying people as habitual offenders under the policy has the same effect as criminalizing them.
2. If the University is committed to a tobacco-free campus, has it reviewed its Endowment portfolio for tobacco-related investments? If there are any, does it plan to divest?
3. Given that the Task Force has expressed an intention not to interfere with participation of tobacco companies in job fairs, how does it reconcile this stance with a commitment to make the campus tobacco-free?
4. Since the current policy is not being enforced, are we setting ourselves up for a more stringent policy that is unenforceable?

The panel addressed the issues raised and answered questions:

1. It is not the intent of the Task Force to criminalize or stigmatize people under the policy. The intent is to encourage a healthy environment on campus and to support tobacco users in stopping use. However, the Task Force has done research with several organizations, such as the Tobacco Legal consortium, and discovered that there is no constitutional right to use tobacco. Reporting habitual offenders to department heads or unit managers would be an option.
2. The Task Force will undertake more research and will consider the issue within the Task Force.
3. The Task Force does not seek to inhibit the participation of tobacco companies in job fairs, as it does not intend for the policy to inhibit the ability of our students to obtain employment.
4. The policy relies for enforcement on the members of the University community. Community members have communicated to the Task Force that they don't feel they have adequate backup to enforce the current policy. A stronger policy will enhance the position of community members to advocate for a tobacco-free workplace when they notice policy violations. The enforcement mechanism includes reporting confrontational violators to the appropriate bodies.

Chair Kelly encouraged Senators and faculty to send further comments to the Task Force, and to check the Senate's Blackboard site for information regarding the tobacco-free policy.

#### **4. Report of Committees.**

CHAIR KELLY – Next we have a report from Faculty Senate Steering Committee. Rebekah Maxwell will give that report.

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

SECRETARY PROFESSOR REBEKAH MAXWELL (School of Law Library) brought forward the nomination of Professor Joseph Eller (School of Music) for a full-term vacancy on the Committee on Instructional Development.

She also noted an upcoming vacancy on the Tenure Review Board, created by the retirement of a sitting member. The term will run until August of 2014, and Professor Maxwell brought forward the nomination of Jay Potts (School of Medicine) for this vacancy.

She left the floor open for further nominations.

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

PROFESSOR BRIAN HABING (Statistics) reported 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 Hospitality, Retail, and Sport Management, the School of Music, the Arnold School of Public Health, and System Affairs and Extended University (please see attachment, pages 1-12).

PROFESSOR MARCO VALTORTA (Computer Science and Engineering) asked if someone from the School of Music could comment on the deletion of MUSC 140 from the Jazz Studies Emphasis curriculum in Music, BM.

PROFESSOR HABING noted that, per his recollection, the goal is to have a separate course for the majors.

The changes were approved as reported.

**C. University Athletics Advisory Committee, Professor Charley Adams, Chair:**

PROFESSOR CHARLEY ADAMS (Public Health) opened his report with a summary of the committee's charge: oversight and monitoring of the academic performance of student athletes, compliance with NCAA regulations, the Athletics department budget, Title Nine compliance, and all major hires within Athletics.

Professor Adams then provided highlights of the activities of the committee and of the Athletics Department:

There were many major hires and promotions in the last year in Athletics. The biggest hire has been Frank Martin to coach Men's Basketball, and the committee met with him last spring. While we would all like a successful basketball team on the court, the committee was concerned that Coach Martin emphasize his team's performance off the court. Coach Martin was previously at Kansas State, where his student athletes boasted the highest graduation rate in the conference when he left - contrasted with the lowest graduation rate in his conference when he arrived. Coach Martin shares the philosophy that success off the court facilitates success on the court.

USC is adding a Sand Volleyball team to the Athletics Department. In February the committee met with Moritz Moritz who will be coaching that team. This addition is expected to assist with volleyball recruiting and with Title Nine compliance.

Last spring, the University hired Chris Rogers as our Associate Athletics Director for Compliances. Chris has ramped up monitoring in all domains. On several occasions, he has met with the committee. He has a wonderful relationship with all coaches at USC and is doing a great job.

Professor Adams noted that our new Athletics Director, Coach Ray Tanner, is firmly committed to the ongoing and increasing academic success of all student athletes, as well

as the growth and development of the Athletics Department. He has not missed a single one of the meetings of the UAAC. The Provost has noted that his commitment is also evident in his full participation in the President's Executive Council.

The committee also recently had a visit from recently promoted Head Baseball Coach Chad Holbrook, who reported a new record high team grade-point average for the baseball team.

Academic success of student athletes is the purview of Maria Hickman, the Associate Athletics Director for Academics and Student Development, who recently replaced Raymond Harrison in that position. Maria is off to a great start. Earlier this semester she brought two of her academic support staff to talk to the committee about the advising, tutoring, and monitoring processes, as well as the relationships that her office builds with the student athletes.

The committee has met twice with John Kasik, the Associate AD for Sports Medicine, to talk about safety measures which protect our student athletes.

Last summer Katie Etheridge spoke to the committee about the extensive orientation process for student athletes. Committee members were invited to sit in on one of those initial orientation sessions and found it very enlightening.

Jeff Talent reports to the committee every summer on the Athletics Department budget, and in August Jeff Davis provided a facilities update. Just this past week, the committee had a very riveting meeting where members learned all about recruitment. Professor Adams remarked on how involved recruitment is. Depending on the sport, recruiters may be looking at athletes as young as middle school. For each sport the NCAA specifies how many person days can be spent in the recruitment process. Basketball, for example, has 130. The committee was pleased to learn that once a recruit is identified academics becomes the primary focus. It should come as no surprise that as extensive as the process is, so are the NCAA regulations related to recruitment. Chris Rogers has told the committee that of all secondary violations across Division One schools, 80% are related to recruitment.

Perhaps the most time intensive item that the committee undertook this past year was the development and implementation of a monitoring system. One of the goals in monitoring the curricular offerings for student athletes is to avoid a situation similar to the one last year at UNC Chapel Hill, involving fraudulent courses for athletes. Professor Adams observed that this kind of situation was unlikely to happen at USC, but that the committee had been investigating. The committee learned that the Athletics department has for some time been monitoring the distribution of majors for all student athletes. This information was shared with the committee, but up to that point no one had scrutinized course clustering or section course clustering. In collaboration with the Registrar's Office, the Provost, the Director of Athletics and the Associate AD for Academics, a report was generated which provided this information to the committee. The Provost and

Professor Adams were satisfied that there were no signs of concern, and it was agreed that such a report would be run on a regular basis.

Professor Adams then introduced the newest addition to the South Carolina Sports Hall of Fame, USC Director of Athletics Ray Tanner.

DIRECTOR OF ATHLETICS RAY TANNER opened his report with an overview of the academics of our student athletes, noting that “We are in a very, very good place right now.” As of this past fall, we have 550 athletes across 20 sports and our GPA among those 550 athletes is a 3.276, which is an all time high. We have 20 sports at 17 teams because track and field counts as more than one sport. Of those 17 sports, we had 15 whose athletes have a 3.0 GPA or better, with volleyball at the top. The two sports that were below a 3.0 were football with a 2.9 (an all-time high for Coach Spurrier’s team) and men’s basketball at 2.75.

Director Tanner observed that we have some wonderful student athletes who are students first, and he thanked the faculty members who have worked with them as they try to have a full load academically and athletically.

The Athletic Department’s Academic Progress Report conducted in August, showed evaluative numbers at least a 950 or above for all of our sports. A score of 925 or 930 on the APR is a cause for concern, and none of our sports fell below 950. Football was at 968, women’s basketball was 983, and men’s basketball was 985. The Athletic Department spends an enormous amount of time monitoring the success of student athletes and providing resources. Maria Hickman, Associate Athletics Director in charge of Academic Enrichment and her staff work tirelessly to make sure that our student athletes are doing the things they need to do and are provided the resources that enable them to be successful.

Director Tanner then provided some highlights of USC teams’ rankings in various sports. Our men’s tennis team I is currently ranked 25<sup>th</sup>. We have won four in a row in the SEC which is very difficult to do. The league is very competitive; normally, 10 teams in the SEC are ranked in the top 15 or 16. Our men’s team has qualified now to be an NCAA team at the end of the year. We are currently at 25.

Our women’s tennis team won the previous weekend, beating Arkansas and LSU. They have 4 more matches remaining and if they win 1 of the 4 they will also get to go the post season which is very, very impressive. Two of our players recently played in the Family Circle Cup down in Charleston, a professional tournament. It was completely legal; we had it checked out with compliance, and two of our doubles teams were able to play two professional teams. That happens throughout the country on occasion. Never has a college team beaten the professionals and we didn’t beat them either, but we scored a few points against them.

Our baseball team is currently ranked number 11<sup>th</sup> in the country. We are 23 and 6 overall and Coach Holbrook has endured a lot of injuries. We are 5 in 4 in the SEC, a long way to go but the team has done a tremendous job. Director Tanner noted that he coached at USC for 16 years in over 1,000 games and never had a no hitter as a head coach. Coach Holbrook had a no hitter in his 4<sup>th</sup> game and he also has the highest GPA ever for the baseball team.

Our new softball complex is open. It is not finished but it is open. The state engineers allow us to play and we still have some construction going on.

Our men's golf team has finished 3<sup>rd</sup> or higher in our last 4 tournaments. One of our players, Matt NeSmith, who is a freshman from Augusta, has been twice named this year as the SEC Freshman Golfer of the Week.

Our women's golf team just finished 8<sup>th</sup> in the Bryan National Collegiate and we finished ahead of 6 teams that had been ranked – Duke is #2 in the country and North Carolina was #9 and we finished ahead of them.

We just came back from a Track and Field meet at NC State, where we won 5 events on the second day and Kayla Lampe broke a 15-year-old 10,000 meter school record.

Our equestrian team is the SEC Champ, for the first ever SEC Equestrian Championship. Director Tanner congratulated Coach Boo Major. We defeated #1-ranked Georgia on first day and defeated #2-ranked Auburn at home hosting the tournament on the second day. We will go on to national.

Director Tanner then reported on construction projects for the Athletics Department that have been approved by Dr. Pastides and the Board of Trustees at the February 28<sup>th</sup> board meeting in Aiken. Some of our teams' facilities, including golf, tennis, and track and field, need updating in order to let our student athletes compete at the highest level, and to facilitate recruitment. Director Tanner is excited about these facilities enhancements and the competitive advantage that they will facilitate.

Director Tanner followed up on Professor Adams introduction of a Sand Volleyball team at USC. Sand Volleyball is the best emerging sport in the NCAA right now. Currently there are 30 teams competing across the country and next fall there likely will be 40. You have to have 40 teams to have a national championship, although there is a two year waiting period. We will be the first SEC team to add this sport. The competition site will be in the Athletics Village down behind our tennis complex.

Director Tanner closed his report by expressing his relief and gratitude that the University was able to convince women's basketball Coach Dawn Staley to remain at USC, rather than consider a vacancy at Ohio State. Director Tanner noted that the University and the Athletics Department value Coach Staley's commitment and dedication to USC, her success, and what she stands for on the court and off the court.

## 5. Reports of Officers.

PRESIDENT HARRIS PASTIDES greeted his faculty colleagues and opened his report with an overview of activities happening on campus.

Over their recent spring break week, 4,000 young visitors have come to our campus. Approximately half of them were seniors who have been admitted to our university but who want to get a final look at us. The other half were juniors who are getting a jump on their college application process during their spring break for the 2014 admission season. President Pastides believes that our yield will be very good this year for reasons that include academics, the quality of the faculty, the growth in faculty, and the culture of the university, inclusive of competitive sports. Our applications are up, particularly out-of-state but also in-state. The President is confident that our average SAT will rise yet again this year.

We expect a freshman class of approximately the same size as last year's. We have told the Board that we cannot grow until we replenish the faculty, until we look at our classroom facilities, our freshman and sophomore laboratory facilities, and the student service professionals who take care of our students. We won't see any increase in the size of the student body until we can acquire more classroom and academic space. After the building and occupation of the new Law School, several units will be changing locations. Public Health will be moving into the Discovery building. Journalism and Mass Communications will be moving into the renovated health sciences building. Eventually, when the current Law School building gets renovated, most of HSRM will be moving into that building, which will also contain classroom space that will serve the entire faculty and student community.

Scholarship Day is April 13<sup>th</sup>. That is the day when students will be notified of the financial aid and scholarships that they may receive from our departments. Admitted students day is April 20<sup>th</sup> although, as President Pastides observed, every day is admitted students day during the spring. The President encouraged faculty to reach out to students and parents visiting campus.

The President also encouraged faculty to reach out to students who appear to be distressed or under stress. We have a student ombudsperson; her name is Lisa Jerald her phone number is 777-4172.

President Pastides has been in recent conversations with the Provost and the Academic Deans about how we provide academic advisement to students, particularly those who enter USC as undeclared. The President has heard in our Parents Advisory Council concerns about undeclared students receiving less than optimal advice during the advisement process and encountering graduation complications later in terms of sufficient credits and timely graduation. President Pastides is encouraging the Provost, the deans, and the faculty to look into this to see how the faculty and other professionals can be helped to do a better job with student advisement.



The President closed his report with a call for ideas from the Senators and faculty that will increase the University's flexibility and innovation in assisting our students to graduate "on their time" – beyond the traditional 4-year model for undergraduate education. Students come to us with a wide variety of obligations and aspirations, and we are seeking ways to reach and accommodate those who need to work outside of the 8 semester/15-credits per semester model. The University is negotiating with the General Assembly to provide a funding stream for faculty who want to teach in the summer to increase course offerings, thereby enabling students to do their coursework on a schedule that fits their needs. President Pastides thanked the faculty for the excellent work that they do and encouraged their ideas for University innovation.

PROVOST MICHAEL AMIRIDIS opened his report with a follow-up to the President's comments regarding admissions. We fully expect that once again next fall we are going to have the best freshman class that we have ever recruited in terms of their incoming SAT scores and GPAs. The freshman class will be approximately the same size as last year's, around 4,640. Our yields change from year to year for two reasons:

1. We are becoming more successful in attracting a better-qualified class and they behave differently than a class that has fewer options.

The trends are changing nationally as well. More and more students apply to a larger number of universities and they are becoming more astute consumers. During the last 3 years, we have seen a trend of students depositing money to more than one university in order to maximize their options for an additional 2 or 3 months. The result from a recruitment standpoint is that we are trying to secure the size of the class and the demographics of the class in a shifting environment

2. The second part is that we have tight constraints in terms of the size.

In order to bring in approximately 4,650 students, we admit on the order of 10,000 students. The Provost noted that he comes from an experimental discipline where an error of plus or minus 5% is considered absolutely acceptable. In admissions, the margin of error is much tighter. A 5% error in the estimation of the yield on the downside would lead to 500 more students next fall, which would be very difficult to deal with. A 5% error on the other side would leave us short 500 students, which means a budgetary shortfall of around \$6 million, which is bigger than any cut that we have seen in the last 3 years. We need a lot of precision to make sure that we get the right size class. Provost Amiridis encouraged the Senators and faculty to become involved in our recruitment efforts, reach out to potential students, and support initiatives for potential future students.

The Provost delivered an update on the Business School's dean search. The School has interviewed four finalists, but the search remains open and Provost Amiridis has asked the committee to identify additional candidates. The Business School is a pillar of the University and a central priority, and it is extremely important that we find the right new dean.

The Provost observed that April is traditionally a very busy month, and this year is no exception. In addition to our usual celebrations and recognitions, he will be meeting with the leadership of various schools and colleges for “blueprint updates.” During these meetings Provost Amiridis will discuss future plans and financial, as well as academic, priorities with the deans and business managers of these units. The resulting data will go into his report to the President for funding initiatives for the new budget year. The goal is to address the most serious needs with our severely- constrained resources.

The reality is that new funds will come either from increases in tuition, where we are severely constrained, from new ventures, new products, new innovative private-public partnerships, or from University development. The prioritization of needs is not an easy one, but Provost Amiridis assured the Senators that his office takes it very seriously and will consider all requests, knowing that we can only fulfill the most basic needs to the extent that our financial environment will allow.

## **6. Report of Chair.**

CHAIR KELLY, on behalf of Professor David Mott of the Faculty Welfare Committee, requested feedback from the Senators on the Faculty Code of Conduct. The Faculty Advisory Committee is looking at the draft policy, as well as the draft of the Faculty Manual changes and should have those done this month. The Faculty Advisory Committee will be able to present the Faculty Manual changes for consideration – not vote – but for consideration at the General Faculty meeting on April 25<sup>th</sup>. The Faculty Welfare Committee is awaiting feedback from legal counsel on the Faculty Code of Conduct, and Chair Kelly wants that information before we go forward with the code.

Chair Kelly noted that many Senators and faculty have forwarded the links to the materials and have discussed the issue within the units. The committee has received many email responses. The committee shared the apparently universal distaste for the term “Faculty Conduct Officer,” and proposed substituting “Faculty Civility Advocate”.

Chair Kelly reported that the feedback that Dr. Mott has received falls into two categories:

- One is simply the suggestion that bullying is not is a big issue on campus, that there really isn’t enough bullying or incivility to cause us to need a policy in place.

Chair Kelly reminded the Senators that we dealt with this issue last fall. Jim Augustine addressed us twice in September and October, presenting data on the degree of that problem, and the issues were discussed in the Senate. In October we as Faculty Senate voted that this was a serious enough issue that we wanted to address it in general terms. The information presented at that time is still online, and Chair Kelly invited Senators to review it. It is available both on Blackboard, as well as in the minutes from our Faculty Senate meetings.

-The second category of comments express the concern that any type of policy to do with workplace bullying would impinge upon academic freedom, the freedom to criticize each other's works, and similar issues. The Faculty Welfare Committee is very sensitive to the issues, and is hoping that the draft policy that we have in place has enough checks and balances to prevent impingement on academic freedom.

Chair Kelly opened the floor for feedback on the proposed Faculty Code of Conduct, both directly from Senators and through the Senators from unit colleagues.

PROFESSOR EVA CZABARKA (Mathematics) delivered feedback from some of her unit colleagues. She recognized the committee for its hard work, noting that the issue is not the quality or the professionalism of its work, but the unwanted consequences of the policy. She argued that having such policy IN ANY FORM is not in the best interest of the faculty.

She read a compilation of feedback that she had received from her department colleagues:

The first question we must ask ourselves:

Why do we need such a policy? We heard that this is an opportunity to be leaders – if I recall correctly, we would be the first in the SEC to introduce such a policy. Bluntly said, we need it because this would be a successful administrative activity. As faculty, we should ask what actual effect this activity would have on the long run, and whether it is truly needed. We could, after all, show leadership by refusing to make new rules just because we can. In the final analysis bullying is a type of harassment, and protection against harassment is included in the law. If and when we act on this policy, ultimately our actions might become subject of lawsuits just as well as they would without such a policy.

So let me list the objections in regards to the proposal:

To quote the proposed policy: "If the allegations of bullying are found to have been malicious or intentionally dishonest, the Provost will determine appropriate disciplinary action, up to and including dismissal."

We are talking about the possibility of revoking someone's tenure.

We already have rules regarding that procedure. Here is what the Faculty Manual says about termination of the positions of tenured faculty members:

"Termination or dismissal of a tenured member of the faculty shall be only for cause. Cause shall mean one or more of the following:

1. failure to perform adequately the duties of the position so as to constitute incompetence and/or habitual neglect of duty;

2. misconduct related directly and substantially to the fitness of the faculty member in the professional capacity as teacher or researcher;
3. conduct or action not protected by the Constitution or laws and which is a clear interference with the academic functions of the University;
4. prolonged inability to perform the duties required for the position “ (with details on what it means)”

And there is a 5<sup>th</sup> paragraph regarding licensure with respect to clinical faculty and a 6<sup>th</sup> regarding reduction in staff caused by financial exigency.

Failure to make substantial progress toward meeting the performance goals of a development plan established through the post-tenure review process may expose a faculty member to proceedings for termination of tenure under this chapter.

Thus, if a faculty member is involved in bullying (or any other activity) that has a clear and adverse impact on teaching, research, or other academic functions, this would fall under one of the first three categories. If, on the other hand, the bullying is not so clearly connected to academic functions like teaching and research (say it involves a staff member or an administrator) then the case would be much less clear.

What you see in the Faculty Manual is that, apart from financial exigencies, all the bases for dismissal of a tenured faculty member are rooted in some kind of activity that impairs the principal missions of the University in teaching and research. In particular, tenured faculty members can be completely despicable, disgusting individuals who have outrageous personal lives; they can be mean, nasty people, but so long as they can carry out their duties and they do not disrupt the academic process, they cannot be dismissed. They can stand accused of vile crimes, but so long as they can meet their classes and carry out their other duties as faculty members, there are no adequate grounds for dismissal. Of course, if they were imprisoned, then the 4<sup>th</sup> condition would apply.

The proposed policy would change that. It would change the policies set forth by our faculty manual. Think about that.

Another objection to this proposed bullying policy is that such a policy can easily become just another restriction on the Freedom of Speech. It is unfortunate that many universities already have such a policy.

"Verbal abuse" or "Malicious criticism or gossip": what does this really mean? What if someone's criminal record shows up? For this person, talking about this record is malicious, and undermines his or her reputation. The cases when you can or cannot do that are governed by law. What is gossip for one may be the only source of relevant information for many others. What about stating that "someone stopped publishing"? Or he is "out of funding"? These comments may lessen the standing of someone, however, are valuable information for the faculty. They can be considered malicious by the person

in question and also can be considered gossip if such information is not readily available in other forms. This policy may be used to restrict the flow of this kind of information, as well as impair valid scientific criticism and inquiry.

It is not mentioned that the truth-value of forbidden statements will ever be evaluated. And who would evaluate them? The essence of Freedom of Speech is that people are left to decide what to accept from conflicting views.

Progress in any business requires that people push aggressively towards their agenda. This also applies to a university. Under these bullying rules, pushing any idea too much in a lukewarm pond could be judged as bullying by the opponents and then it does not require a factual criticism.

It was mentioned that the Carolinian Creed should be included in the Faculty Manual to give it teeth. Show of hands, please – how many of you can quote the Carolinian Creed? (no show of hands) Thank you. I have read it. Without teeth, it is a nice thing to show our students as rules to adhere to. It also can be used to severely restrict academic freedom, so it should be rewritten accordingly if we want to employ in the manual.

Let us face the facts – faculty regularly “bully” students in their classes by giving them bad grades and such, and much of the administration’s job includes “bullying” the faculty by withholding promotion, pay raises and other policies that we may object to (objection on the fact that the policy is on faculty-on-faculty bullying and no students are mentioned). The administration is faculty, too, and much of our jobs involve activities that can be considered bullying on one-other, similar in nature to. The administration’s job involves making policies that the faculty may object to. In a prolonged confrontation between faculty and administration about such policies, who is the likely bully? Where do we draw the line? Administrators have more opportunities to bully, yet dealing with their bullying is not expressly addressed here.

Much of the activity called "bullying" is already forbidden. Extreme cases require immediate police response, and to avoid legal responsibility, the university should stay out. Do we really want faculty committees investigating crimes parallel with the judicial system, or just before it? Just think about the problems when they reach different conclusions. For an extreme but very recent example of the dangers of the university meddling with police business, google "Landon Gambill UNC rape". The UNC's Honor Court procedures have backfired in a spectacularly awful way, with horrid consequences for one of their students as well as the university as a whole.

Workplace Bullying - and I quote again “may take, but is not limited to, one or more of the following forms: “

And in the list we find "Work interference or sabotage."

Really? Sabotage? I believe sabotage is clearly different from bullying and is already covered by employment law and corresponding USC rules. Those of us who remember

history before the fall of the iron curtain (which I certainly do, as I grew up there, and so did many of my colleagues) recall that sabotage can be the most convenient thing - it was the most frequent charge at mock trials in Stalinist countries. But what place does it have in a document about bullying?

And I do not even want to get into the possibility of the dismissal of a tenured faculty for actions belonging into the vague category of “not limited to”.

Independently of the intention of those who wrote it, and even the intentions of the current administration, at a certain point the bullying policy can be an effective tool to remove faculty who frequently opposes administrative goals or particular administrators. If we allow such tools to exist, eventually they will be used. I ask the senate to consider the implications. I ask the senate to vote against the introduction of such policy.

CHAIR KELLY assured the Senators that the Faculty Welfare Committee would take those comments under consideration. She emphasized that if the Senate is against the policy, the committee will not pursue it, but also noted that the Senate in October voted to develop a policy and that the committee has received a lot of positive feedback as well.

PROFESSOR MARCO VALTORTA (Computer Science & Engineering) asked for a recap of exactly what subject matter was voted on in October.

CHAIR KELLY explained that the positive vote was that the Faculty Welfare Committee develop a bullying policy for the consideration of the Senate. She noted that a summary of those proceedings could be found in the minutes of the October meeting. She noted that the Senate could still reject the policy but that the purpose of the vote in October was to prevent the Welfare Committee from doing an intensive amount of work if the Senate did not support the development of such a policy.

PROFESSOR PATRICK NOLAN (Sociology) and PROFESSOR DUNCAN BUELL (Computer Science & Engineering) expressed concerns similar to those expressed by the Mathematics Department, and thanked Professor Czabarka for bringing them before the Senate.

## **7. Unfinished Business.**

SECRETARY MAXWELL asked for further nominations for the vacancies on the Instructional Development Committee and the Tenure Review Board. There were none. Professor Joe Eller was elected to the Instructional Development Committee and Professor Jay Potts was elected to the Tenure Review Board. Professor Maxwell thanked both new committee members for being willing to serve.

CHAIR KELLY noted that Professor Jay Potts is taking the position on the Tenure Review Board that is being vacated by Professor Patrick Nolan. She recognized Professor Nolan as an outstanding scholar, as well as an outstanding teacher. Faculty

service has been his passion for many years, and Chair Kelly listed some of his activities through the years:

- He was Chair of Faculty Senate from 2009 to 2011.

- He has been a member, as well as Chair, of the University Committee on Tenure and Promotions.

-He has been Chair of his own department.

He has served this university very, very well over more than 30 years, he will be greatly missed. Chair Kelly thanked Professor Nolan and the Senators seconded with thunderous applause.

#### **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 June 12, 2013, at 3:00 p.m., in the School of Law auditorium.