

The regular meeting of the 2003-2004 Faculty Senate was called to order at 3:30 p.m. by President Nancy Reincke. The following senators were present for all or part of the meeting: Alexander, Bartschat, Clapham, Courard-Hauri, Dougherty, Esposito, Lyons, Morrow, Petersen, Rankin Reincke, Rozycki, Schaefer, Soltis, Vitha, Wade
Absent: Allen, Shulman, Sheehy

The January 2004 minutes were accepted.

Report from President Maxwell – none given He was not present due to a university related trip.

Report from Provost Troyer

-- The Fiscal Year 2004-2005 budget work is at the detail stage and the Provost is working with the Dean's Council on all matters. The salary pool was previously set.

-- During various faculty candidate presentations, the Provost has heard that Drake is a good place to work. He acknowledged the hard work of current employees during the search process. He noted that this is an effort which is noticed and appreciated by all parties.

-- The University's accreditation is several months away but the self study committee's work is underway. This is a large, lengthy process and the faculty will hear more about this process as it moves forward.

-- The Provost related that the previous Sunday afternoon was one of the best experiences he has had as provost. During the recognition of the athletes who had met a Fall term gpa of 3.00 or greater, there were 13 men's basketball players named. He commented that the Faculty Senate had stuck with the 2.0 participation rule and this is a signal that academics can be important.

Report from President Reincke

-- Mr. Bruce Gilbert, Chair on University Benefits Committee (UBC) reported to the Senate. The Emeriti Consortium presenters were on campus for public informational meetings which did include several Faculty Senators in attendance. The Emeriti Task Force will have its first meeting next week. The UBC will meet tomorrow to discuss rates and premiums and hopefully have recommendations to bring to the March Senate meeting. He asked for comments from the body.

Senator Schaefer commented that there was a great deal of time was spent on background material but did believe the idea showed promise. Senator Esposito indicated that the presenters were fine but he had concerns of how persons would make a transition to this program, especially those persons within two or three years of retirement. Senator Clapham acknowledged that she saw promise in the program especially for those beginning their careers. Mr. Gilbert agreed with the comments that the transition to this kind of program would be a big issue for the Task Force. The Task Force report is due during the Fall 2004 semester. The Senate wondered if the Board of Trustees would be willing to wait for the Task Force report. Provost Troyer indicated that he did not have direct knowledge on that point. He did indicate that the Task Force has an active Board member, Michael Early, as a member. The Provost expressed confidence in Mr. Early's ability to be an ambassador on the topic.

-- President Reincke reported that she has checked with each of the Faculty Senate committees. The responses received will become a part of the minutes for this month. She was troubled that the Admission and Financial Aid Committee has not met.

-- The Master Schedule Task Force, chaired by David Wright has had two faculty appointed, Luz DeAlba and Linda Espey. This Task Force is charged with reviewing scheduling coordination and implementation of scheduling software. Other topics for the Task Force will be the effective utilization

of classroom space, how course offerings are scheduled and establishing policies for how faculty are assigned to spaces.

-- There will be a Sabbatical Task Force established chaired by Klaus Bartschat. The concern for sabbatical policy revision came up last year. Any one interested in this topic should contact Klaus directly. The main issues are the length options available, split year for tenured faculty and what percent of salary is available.

-- At-Large Senator elections will begin March 8th. The process will use a new system of balloting via the web.

-- President Reincke asked if any one had questions or comments on the recent subpoena situation. Several senators commented on how they were pleased and impressed at how Drake handled itself.

Unfinished Business: None presented

New Business:

-- The Academic Attire issue will not be addressed today, since President Maxwell makes the decision; and he is not present.

-- Drew Gulley, Student Senator at Large and Martha Funk, Student Body President were introduced. Mr. Gulley highlighted the Student Senate's Ad Hoc committee's review of the Code of Conduct and other existing policies. The review produced a recommendation to establish an addition to Section III of the Code of Student Conduct call Bias-Motivated Offenses.

Bias-Motivated Offenses: The statement on Bias-Motivated Offenses and Drake University's response to such offenses is intended to reflect an abiding concern for the well-being of faculty, students, staff, and guests of the University community in which we work, learn, and live. The statement seeks to create an environment that recognizes, values, and respects a variety of differences among people; to encourage appreciation and tolerance for such differences; and to discourage those who would act out violently against an individual or group of individuals or otherwise show disrespect, harass, or discriminate because of those differences.

A person commits a Bias-Motivated Offense if, by reason of the actual or perceived race, color, religion, national origin, sexual orientation, disability, age or gender of another individual or group of individuals, that person commits a violation of the Code of Student Conduct as contained within the Drake University Student Handbook. A person also commits a Bias-Motivated Offense if that person commits a violation of the Code of Student Conduct because of another person's actual or perceived association with an individual or group of individuals falling within the categories of differences referenced in the preceding sentence. These categories of differences have been drawn from local, state, and federal laws and regulations because they share a history of systematic, often government-sanctioned, prejudice and discrimination.

Those found to have committed a Bias-Motivated Offense by a University Hearing Panel (as delineated under Section III. Procedures for Punishment of Non-Academic Misconduct), will be disciplined up to and including expulsion. In addition, if the circumstances warrant, the University Hearing Panel may recommend that the victim file a criminal complaint.

The student review included ACLU statements and assistance from a lawyer from the community. The document has been passed by the Student Senate and reviewed by University Counsel. Upon approval of the Faculty Senate, the document goes to the Board of Trustees Student Life Committee. With their approval, the document becomes apart of the Code and the Student Handbook.

There was a discussion of how a crime or incident is determined to be bias motivated and why this language was used. The new language will allow the University Hearing Panel to take into account the motivation behind an incident during their review. The current ACLU literature uses the bias language.

Senator Lovell quoted the case of Wisconsin vs. Mitchell, 508 U.S. 476 (1993) citing its statement on bias motivated language. He felt that the Student Senate submitted language was fine. When there is conduct which is meant to ^{incite} ~~insight~~ ^{incite} community unrest, there could be a reason to enhance the penalty. He noted that proving this portion will be hard. The University Hearing Panel is the body which will make the decision of guilt and any penalty, including the enhanced penalty.

Senator Rankin moved and Allen seconded motion **04-04**:

To endorse the Student Senate motion to add a Bias Statement to the Code of Conduct.

On a voice vote, the motion passed unanimously.

The meeting adjourned at 4:45 p.m. Submitted by Secretary, Nancy Geiger