MANOA FACULTY SENATE
March 19, 2003 – Wednesday
Architecture Auditorium

Members Present:

Excused
Eric DeCarlo, Tony Guerrero, Joan Peters

Absent:
Cristina Bacchilega, Catherine Cavaletto, James Cowen, Katalin Csiszar, Patricia Fryer, Robert Grace, Kenton Kramer, Spencer Leinweber, Stacey Marlow, Marian Melish, John Melish, Neal Milner, Brian Popp, David Sanders, Irwin Schatz, Richard Schmidt, Dan Spears, Charles Weems, Kelly Withy

Others in Attendance:
Meeting convened at 4:00pm

AGENDA

Adoption of February 19, 2003 minutes

Chair Forman extended thanks to David Flynn for the minutes since both Senate secretaries were away for the February senate meeting. Hearing no comments for revision, the minutes were approved by a voice vote.

Forman also noted that the Senate is making an effort to have the senate’s minutes available on the website before the meeting so that faculty can carefully review them before hand.

2. Chair's report (see above)

3. Committee Reports
   Committee on Administration and Budget

Robert Bley-Vroman reported for CAB.

Bley-Vroman noted that CAB has several basic responsibilities under the charter:

One is making sure that procedures for consultative governance consultation are in place and are observed.

Another is to review proposals for administration policies and changes in administrative structure, as they impact academic and budgetary matters.

In this respect, Bley-Vroman noted that CAB participated in the review of reorganization plans for the medical school.

Bley-Vroman went on to report that the UH administration's proposal for a major system level reorganization (or better said, the establishment of new system-level functions and offices), brought to the fore severe difficulties in consultative structures. CAB and the Senate felt that there was inadequate consultation on these matters, and a vote of censure was narrowly averted when the reorganization proposal was revised at the last minute to include ongoing consultation during the reorganization process. As part of that promised consultation, CAB proposed and the Senate approved a resolution calling for the formation of small representative System-level committee specifically to review job descriptions and search procedures of System-level offices. This committee has yet to be set up—a failure due in part to the lack of established effective consultative bodies at the System level. Addressing the problem of adequate system-level consultative procedures remains a serious challenge, one which concerns the Senate as a whole, the SEC, and CAB.

Bley-Vroman noted that CAB worked to develop a policy dealing with classified and other
publication-restricted research on campus. The resolution, which was approved by the Senate, would permit faculty to accept publication-restricted research, but requires that classified research not be performed on campus.

CAB members have indirectly been involved in discussions with the Chancellor aimed at constructing a policy for the allocation of overhead return (RTRF) funds at Manoa. However, this policy has not officially been presented to the Senate for its review.

Bley-Vroman said that on budgetary matters, CAB chair and representatives have been invited by the chancellor to participate in budget working groups. CAB has a liaison to the Manoa Budget Advisory Council.

Finally, Bley-Vroman observed that CAB is responsible for revisions of the Senate charter and by-laws. The recent separation of the office of the Chancellor and the System President will necessitate revision of the charter, and probably of relevant BoR policy on consultative governance. A CAB subcommittee is currently working on these matters.

Jim Caron, English, asked if the system is responding. Vroman noted that conversation is at the SEC/System level.

Mary Tiles reported that ACCFSC is a “work in progress.” The consultation on appointment of administrators is a bit messy. The system has been sending (somewhat chaotically) documents for review, but it is often unclear to whom these should be sent. Clearly, though, ACCFSC has recently transformed itself. Linda Johnsrud has been helping the group to think about how it might structure itself. It’s a big body, it takes awhile, still there are working groups being established.

Mike Forman then added had another discussion with two WASC visitors who met with ACCFSC. He noted that while it was a small group that met with the WASC folks, that sub-group took a position that surprised him. Forman thought was very clear that ACCFSC was a council, not a senate—therefore just an information sharing body. The non-UHM folks said that they had the intention of turning the body into a senate. That disturbed Forman. He objected to it on the spot.

Matt McGranaghan, asked about the intent of the structure if it is going to become a senate. Forman said that it is agreed that there is a small state, big state issue. UHM would be open to changes. Forman is personally not comfortable for the group to morph into a different role. There are plenty of models for doing a system senate. Tiles added that they would have to completely scrap that body; and write out a proper charter. The reason we hadn’t gone that route is that not everyone is comfortable with a seamless legislative body with impact on the campuses. Tiles thought that things have been left that the senates would have legislative authority, but the ACCFSC is simply information sharing. Forman and Tiles have tried to work cooperatively, but this last moment was a bit of a setback.

Ron Bontekoe said that he thought that maybe Forman was over-reacting. This was meeting with a small group; the larger group had a different view. Forman noted, however, that two folks who took the position were significant actors in the ACCFSC. WASC was supportive of a much more developed system level governance structure. They were egging on the development of something like that. We’ll probably move toward something like that as a result of the WASC visit.
Bley-Vroman added that it's important that if we set up good governance at the system level. He stressed that we need adequate consultation now.

Tiles stressed that even as a group have been trying to do that, but that things have to be getting to the faculty in a timely manner. There was a document which came down with less than a week for turnaround. One week’s turnaround is inadequate, but Forman said that we are reluctant to criticize short turn around times for fear that will be used as a pretext not to consult.

McGranaghan asked a point of clarification. When we diverted from the motion for censure, perhaps it would be good to realize how easy it is to bring that back around.

Forman said that we should remain mindful of the tools we have.

Committee on Programs and Planning

Roger Babcock gave the following report to the Senate. He noted as follows:

CAPP evaluated and presented resolutions to the Senate regarding the following proposals:

1. Law school LLM degree for Foreign Law Professionals – approved at September Faculty Senate
2. Allowing Concurrent Degrees in any two schools/colleges – approved at September Faculty Senate
3. Navy ROTC program – not approved at October Faculty Senate
4. School of Medicine reorganization – approved at November Faculty Senate
5. Admission criteria for home-schooled students – approved at January Faculty Senate
6. Mandatory teaching assistant training program – approved at February Faculty Senate

Other issues investigated/discussed at the request of the SEC include the following:

1. UH articulation policy
2. Residency requirements at the department level
3. Grading policy for repeat courses
4. Implementation of the BANNER student information system

CAPP is currently working on the following:

1. Graduate and Undergraduate Certificate program policy and guidelines
2. Proposal for Master of Science in Finance
3. Proposal regarding Admission Standards at UH Manoa

Ron Bontekoe asked whether have we finished with Certificate work.

He specifically asked Mike Forman whether he signed a memo of agreement that the administration had proposed. Forman noted that he has not signed it. Forman did want to wait for CAPP. We don’t have problems certificates that are within programs. Problems, though, can arise when Certificates cut across departmental structures. Essentially, Forman was inclined to
advice that the fast tracking system should stick the easy cases. Bontekoe said that suggestions will be coming from CAPP.

Committee on Professional Matters

Leslie Wilkens reported that CPM has been exploring the workplace policy. CPM had a meeting with administration, campus security, and human resources. CPM members felt that they had learned a lot of interesting things. The upshot: the big problem was that no one knew the the UHM policy on workplace violence existed. Flyers, stickers, zero tolerance for violence, etc. One CPM recommendation was that the policy needed to be presented, so at least members of the Senate will know what it says.

A presentation on Workplace Non-violence by Peggy Hong, System Director, Human Resources followed.

The full policy can be found at http://www.hawaii.edu/ohr/docs/violence.htm.

Peggy Hong then came from Human Resources. After going over the policy, Hon noted that unfortunately, the information on its existence has not been getting out. She is glad to be invited. UHM must follow the state policy. She specifically noted that we have a zero tolerance for violence. The definition of violence is included in the UHM policy, and it is quite broad. All employees are responsible for implementing this policy. As a state institution, we are charged with this responsibility. OSHA regulations require that the workplace is safe.

Hong noted that it is critical that we achieve a non-violent work environment. Civility, respect, and integrity are all aspects of this process and must be actively encouraged. When we think about violence, we have to remember that the state’s definition is quite broad and includes things like “threatening” remarks and gestures. The definition is very, very broad.

Turning to the next key paragraph. The decision to report an incident and the decision will not be questioned, even if this involves calling the police. Specifically, this means that if someone feels that an incident has occurred, they must report it to the appropriate authority. It is a required policy. Hong reported on the sorts of serious cases her office has handled, some involving drug abuse, weapons, and death threats. She said that UH is committed to providing employees and students with a safe learning environment and is prepared to hire security and other professionals when necessary to assure this.

Hong also introduced Carrie Wilhelm, from the Office of Legal Counsel. She also mentioned that Captain Dawson from Campus Security was present.

David Duffy noted that he had previously raised several issues with Dr. Mortimer when the policy on nonviolence was first issued but was told this was a matter for the next administration. Duffy expressed a concern that the policy would not withstand First Amendment scrutiny and was unacceptably vague. For example, the policy forbids "yelling" and "shouting" which are normal behaviors at football games. The policy does not define "threatening behavior": intercultural differences in eye-contact, tone of voice and interpersonal distance mean that one person's vigorous conversation could be interpreted as threatening behavior by another. In a university, words matter and they should matter in university policy. Violence and real threats
have no place at a university, but neither do ill-defined policies that could be used to censor unpopular ideas and people.

Dineh Davis takes a very difference stance. She has a case a year old and she has just had it resolved (with the UH agreeing to pay her medical expenses); Deana had a student who had fantasies about killing her. She felt she received little or no support from UHM officials to whom she reported the threat. “Who defines crisis?” She said that Capt. Dawson knew about this case. Davis spoke to campus security the moment that she could. “This case was dropped,” she went on. “People would not tell me what they did with this individual.” She went on that someone made the decision that my life was not worth much. As a result, she has medical bills.

Hong responded that she did not know of Davis’ case. If someone does have a problem with safety, they need to call Hong. Incident has to be investigated, and fact finding has to be part of the process.

She went on to provide other examples of incidents involving bullying and threatening. We are encouraging everyone to step forward.

Meda Chesney-Lind asked about the proper response to a death threat.

Hong responded that it must be reported. If anyone threatens to kill someone, you call the police. She noted that there are liability issues here as there were in the Xerox killings.

Luciano Minerbi noted that the different cases are useful. He also feels that the cultural sensitivity issues need to be explored, but he also feels that violence is very serious. Both are important issues.

Hong mentioned that a student told a faculty member about an incident of violence (she thought she was being stalked and asked a faculty member for help). In this instance, the faculty turns their back on problems of violence, saying that “they didn’t get involved in their student’s personal lives.” Hong noted that “We are not asking you to handle the situation, but we are asking you to get the student to someone who can help them.” For this reason, it is, therefore also important faculty know what issues they are responsible for, and that they know campus resources available to deal with these problems.

Amelia Jenkins asked about students who are harassing you. Lori Ideta has a pamphlet that is being passed out. Hong said that you report your problems to your Dean’s level.

Ron Bontekoe said that he did not know that he’s supposed to steer students having problems to resources.

Carrie Wilhelm talked “negligence” in the case of unreasonable risk of harm. If you are told about a particular harmful threat, you as a University employee have to take notice. You then have a duty to take reasonable steps to help the person. You have to correct the harm. If it’s a more immediate threat, call security or the policy. You take the next step; you do not have to be the intervener.

Chesney-Lind noted that it is dangerous to try to intervene if you are untrained.

MacGraghanan says that incidents are supposed to referred to your supervisor? When and who calls the police?
Hong the state policy is that if you feel threatened, you call the police.

Denise Antolini liked the idea of getting rid of unwanted emails. She also suggested that education of Deans and Directors seems key. It seems like there is more that needs to done there. Is there someone they can go to, who don’t have sympathetic person to go to. There needs to be another avenue besides of the chain of command. Clarity of a welcoming person is what is needed. Is there someone; is there a person of this sort?

Davis said that she was never given Peggy Hong’s name.

Hong said that she will go anywhere to talk about these issues. Generally, the only folks who came are those with problems. When she discusses this, people do not come. Its not just top down; it is also bottom up. People have not paid attention.

Halina Zaleski had a question about a borderline question. There are issues of housing on University property. If there are problems, call director of administrative services, Rudy Wong. Chancellor’s office personnel, Ed Yuen should be involved. This is a problem that has come up.

Forman thanked Peggy Hong. He further urged the Senators to please communicate with your constituents on this and other important matters.

Mary Tiles was asked by Patsy Fujimoto whether UHPA supports “cutting programs’ in order to support faculty pay increase. Tiles said that UHPA has not taken the position that we will not forego pay raises in order to prevent cuts. Tiles said that this is a weak bargaining position. “We are aware that there’s a risk in pushing the salary issue, but we think it has to be pushed.”

Meeting adjourned at 5:10.

The meeting was adjourned by Chair Forman at 4:55 pm

Respectfully Submitted,
Meda Chesney-Lind, Secretary