Minutes of the University Senate Meeting
February 5, 2004

1.
The February meeting of the University Senate was held at 4:05 p.m. on
Thursday, February 5, 2004 in Room 7, Gamble Hall. Walter Tschacher presided.

2.
The following members of the Senate were present:

Alfonso, Peter  Helgeson, Diane  Rakow, Lana
Anderson, Amanda  Hoffmann, Mark  Reese, Ty
Baker, Adam  Hume, Wendelin  Relling, David
Baldwin, Gayle  Jackson, Jon  Rice, Daniel
Benoit, Joseph  Kenville, Kimberly  Robertson, Charles
Blackburn, Royce  Keyser, Dorothy  Salehfar, Hossein
Boyd, Robert  Krogh, Nancy  Shaeffer, James
Bridewell, John  Kupchella, Charles  Smart, Kathy
Claflin, James  LaDuke, John  Smith, Bruce
Coleman, Joyce  Lee, Randy  Stevens, Wes
Dearden, Bruce  Lieberman, Victor  Stofferahn, Curtis
DeMers, Judy  Marshall, David  Sukalski, Katherine
Diez, Ray  Mochoruk, James  Thureen, Faythe
Effertz, Kayla  Muggli, Darrin  Tiffany, Mark
Elsinga, Lillian  Munski, Doug  Tozer, Ray
Erickson, Daniel  Murphy, Eric  Tschacher, Walter
Ettling, John  Myers, Bradley  Venhuizen, Brett
Fivizzani, Albert  Myrick, Matt  Vestal, Amber
Gallager, Robert  Northagen, Tanya  Watson, John
Gard, Betty  Nutz, Amber  White, Daniel
Goenner, Cullen  Perry, David  Yurkovich, Eleanor
Goodwin, Janice  Picklo, Matthew
Handy-Marchello, Barb  Poochigian, Donald

3.
The following members of the Senate were absent:

Chen, Tar-Pin  Klumb, Travis  Schuetzle, Jordan
Crawford, Richard  Kweit, Mary  Steen, Tom
Dever, Adam  McLennan, Kathleen  Stolt, Wilbur
Doze, Van  Neuerburg, Linda  Williams, Jim
Elbert, Dennis  Nichols, Elizabeth  Wilson, H. David
Gust, Amber  Parrish, Brad  Zierdt, Candace
Heitkamp, Thomasine  Potvin, Martha
Jenniges, Sharleene  Rendahl, Stephen

4.
The Chair called for announcements. There were no announcements.

5.
The Chair asked for corrections or additions to the December 4, 2003 minutes. There were none.

6.

The Chair opened the question period at 4:12 p.m.

A. Mr. Murphy asked Mr. Kupchella about who regulates conduct at athletic games, including the information presented on the score boards, some of which he considered inflammatory. The President responded that they have been working through issues with the Ralph Engelstad Arena. The University works with them to set boundaries on what is acceptable on the score board. The issue of sportsmanship goes beyond what is on the boards. The President stated that we will not tolerate unsportsmanlike behavior. It is not just a UND problem. The NCAA has identified this as a problem. He thanked Mr. Murphy for pointing this out.

B. Mr. Tschacher introduced a question that was received by email about the 15-day pay lag. Mr. Stofferahn responded that CCF has spent much time on considering this issue. It was presented to the Board and they upheld the original project decision. CCF decided not to draft a resolution about this matter. Mr. Lieberman asked if it would be possible for a senator to draft a resolution to be brought before the Senate and Mr. Tschacher agreed that this could be on the agenda.

C. Mr. Lee asked about the sick and vacation leave accrued and whether the lag of Blue/Cross coverage would constitute breach of coverage. Mr. Gallager responded that he understood that anything deducted from the pay check will not be impacted. Exact details will come later. He said he was sympathetic to the issue and the University will pass along information as soon as it is available.

D. Mr. Tiffany asked about the policy of listing on-line text books available. Ms. Handy-Marchello responded that she looked into a complaint from a student who said she was not able to access lists before the bookstore opened up access to the books. Mr. Tiffany asked about how they could make these books available. Mr. Gallager responded that access to the textbooks before they were put away was a safety issue. The problem comes with students taking textbook information from the bookstore so they can buy the book elsewhere. Mr. Tiffany asked why this was a problem. Mr. Gallager stated there was no intent to limit the time the names of textbooks were available. It was just a function of the bookstore procedures. Mr. Gallager responded that he could not provide the list because it was proprietary information with Barnes and Noble and that the previous UND-owned bookstore had the same policy. Mr. Benoit said he got the same question from distance graduate students about how they could get information to buy their texts elsewhere. Ms. Coleman asked whether this list is public record. Mr. Murphy stated students could go to the faculty member and ask about the books. Ms. Keyser stated that this would be a problem for faculty with large course sections. Mr. Rice stated that an easy solution is for faculty to post the information on Blackboard and students could access it there, but it was pointed out that Blackboard is not available until school begins. Mr. Gallager replied that this was not a conspiracy on the part of the University. Mr. Hoffman asked about an intermediary list compiled by the department. Would that be a contractual problem? Mr. Gallager did not believe that would be a problem.
E. Mr. Murphy asked about the chain of command with the pay lag issue. Why does the Board oversee the University, not the Governor? Mr. Kupchella stated that to his understanding, once the Board is appointed, they are independent of the Governor. Mr. Lee asked for people to put pressure on the Governor regarding the issue.

F. Mr. Bridewell pointed out that time was up for questions. The question period closed at 4:35 p.m.

7. Mr. Marshall moved to approve the annual reports of the Senate Legislative Affairs Committee, the Senate Summer Sessions Committee, and the Senate Academic Policies and Admissions Committee. The reports were approved unanimously.

8. Mr. Stofferahn requested that the order of the agenda be changed to consider the resolutions from CCF first. Ms. Sukalski requested that the Honorary degrees nomination be considered first. The Senate agreed.

9. Ms. Sukalski presented information about a nominee for an honorary degree. Mr. Mchoruk moved to approve. It was approved on a vote of 62 in favor with 1 abstention.

10. Mr. Stofferahn and Mr. Petros presented the following resolution from the Council of College Faculties regarding textbooks.

Whereas the State Board of Higher Education is concerned about the propriety of textbook companies paying faculty to adopt textbooks and of faculty accepting such payments for the adoption of textbooks, and

Whereas, faculty often write their own textbooks when they believe that existing textbooks are insufficient or inadequate for the courses that they teach, and the royalties from the adoption of such textbooks for their classes are often insignificant, and

Whereas, faculty believe that the choice of textbooks most appropriate for a course is a fundamental right of academic freedom, and that requiring their supervisor to approve the adoption of textbooks of which the faculty member may be an author would abridge that right of academic freedom,

Be it therefore resolved that, the University Senate supports the revised policy 611.9

NORTH DAKOTA STATE BOARD OF HIGHER EDUCATION

POLICY MANUAL
POLICY

The following rules govern selection of textbooks and other curricular materials:

1. An instructor may not receive financial compensation or any other form of remuneration from a publisher or an agent of the publisher for the purpose of adopting textbooks or other curricular materials.

2. If an instructor adopts a textbook or other curricular materials that he/she authored, and continues to receive financial compensation for the sale of the material; that instructor must disclose that situation to his/her supervisor.

3. Each institution's governing body shall appoint a committee of faculty, students and administrators to develop a policy to govern the potential conflict of interest in #2.

The Senate discussed. Ms. Sukalski moved to accept the resolution. It was approved unanimously.

11.

Mr. Mochoruk moved to accept the curriculum report. The report was approved on a vote of 54 in favor, with 2 abstentions.

12.

Mr. Marshall moved to approve the revisions to the probation/suspension/dismissal policy. Mr. Dearden moved to amend by inserting the wording at the end of the fourth paragraph of the policy to say: Students reinstated by deans are subject to conditions set by the deans. Mr. Marshall accepted this as a friendly amendment. The Senate discussed. Ms. Thureen moved to table the motion. The motion was approved on a vote of 55 in favor and 3 opposed.

13.

Mr. Fivizzani and Ms. Goodwin presented proposed revisions to the Senate Bylaws. The Senate discussed. Mr. Marshall moved to approve. The revisions were approved on a vote of 58 in favor with 1 abstention.

14.

Mr. Fivizzani and Ms. Goodwin presented proposed revisions to the Senate Standing Rules. The Senate discussed. Mr. Marshall moved to approve. The revisions were approved on a vote of 58 in favor with 1 abstention.

15.
Ms. Hume presented the announcement from the Ad Hoc Harassment Policy and Procedures Review Committee and requested that the Senate members look at the proposed document and provide comments. She also asked that the Senators encourage others to review the document.

16.

The meeting was adjourned at 5:20 p.m.

Nancy Krogh
Secretary to the Senate