

**RUTGERS UNIVERSITY SENATE
EXECUTIVE COMMITTEE
M I N U T E S
January 10, 2020**

MEMBERS PRESENT: Bachmann, Boikess, Borisovets, Dasari, Gillett, Gould, Hunter, Kane, Matto, Oliver (Chair), Parsa, Stopyra, Thompson,

MEMBERS EXCUSED: Van Stine

ALSO ATTENDING: B. Lee (*Senior Vice President for Academic Affairs*), S. Mena (*Vice Chancellor for Student Affairs*), M. Mickelsen (*University Senate Executive Secretary*), M. Spiegel (*Faculty Representative to the Board of Trustees*), N. Tharney (*Rutgers Business School: Undergraduate New Brunswick Student Senator*)

The regular meeting of the University Senate Executive Committee was held on Friday, January 10, 2020 at 12:00 p.m. in Room 202 at Cook Student Center, Cook Campus.

1. Chair's Report – Jon Oliver, Senate Chair

Senate and Executive Committee Chair Jon Oliver called the meeting to order at 12:05 p.m. He introduced Vice Chancellor Mena and Senior Vice President Lee as the speakers for the afternoon and asked all keep on task due to the lengthy agenda.

2. Secretary's Report – Mary Mickelsen, Executive Secretary of the Senate

- **Agenda:** The meeting [agenda](#) was approved with the addition of FPAC's request of a deadline extension for charge S-1905: Normal Teaching Loads
- **Minutes:** The [Minutes of the December 6, 2019 Senate Executive Committee Meeting](#) were approved as distributed by the Executive Secretary.
- Communications:
 - It was noted that the following policies have been updated/added in the University Policy Library:
 - [University Policy 10.2.11: Code of Student Conduct](#)
 - Vice Chancellor Mena confirmed the changes to this policy were focused around student resources in cases of harassment.
 - [University Policy 10.3.12: Student Policy Prohibiting Sexual Harassment, Sexual Violence, Relationship Violence, Stalking, and Related Misconduct](#)
 - [University Policy 40.2.14: Investment Policy](#)

3. Administrative Report – Barbara Lee, Senior Vice President for Academic Affairs

Senior Vice President for Academic Affairs Barbara Lee presented an administrative report, which included comments on:

- [Ramy Youssef, first Rutgers Alum to win a Golden Globe](#);
- [President's Task Force on Carbon Neutrality and Climate Resilience](#) submitted their preliminary report prior to winter break and will be published online in the coming weeks. Town Halls will be conducted to gather insight from the Rutgers Community;
- 18,000 degrees were awarded in 2019;
- [Success of the Men's Basketball Team](#)

SVP Lee then answered questions on the following topics:

- the updated Investment Policy and what specifications it has on investing in fuel companies;
- the LMS conversion to Canvas and subsequent archiving of materials

4. **Student Affairs Report** – Salvador Mena, Vice Chancellor for Student Affairs

Vice Chancellor for Student Affairs Salvador Mena presented a report and answered questions on the following:

- [Rutgers Food Pantry](#); [Food Insecurity](#) and the bi-annual survey;
- Student Mental Health
 - Embedding counselors in communities to reduce stigma and increase accessibility;
 - Addition of diverse resources that match the community's needs;
 - Peer Counseling/Coaching
 - Mental Health Training for faculty and peers;
- Generalized Personal Wellness
- Diversity and Inclusion
 - [New Vice Chancellor for Diversity and Community Engagement](#);
 - support for a more diverse faculty body;
 - students building their own history, struggling to assimilate into the larger community;
- Sexual/Interpersonal Violence
 - [ISpeak Survey 2018](#);
 - understanding and being sensitive to cultural boundaries;
 - development of an action plan
- Capital Planning
 - space challenges;
 - Student Life Master Plan future goals;
 - E-Gaming Center in the Busch Student Center planned for spring 2020;
 - Livingston Student Center, Multipurpose Lounge moved to new location to include a meditation/prayer space;
 - opening of Café West in the [Rutgers Academic Building](#);
 - Daily Targum relocating to the [Student Activities Center](#);
 - IFNH has opened a Harvest Juice Bar on the Busch Campus;
- The publication of [Scarlet and Black, Volume 2](#)

5. **Standing Committees/Panels**

Proposed Charges

Proposed Charge to the Academic Standards, Regulations, and Admissions Committee (ASRAC) on Evaluation of the Minimum Standards for Honors and Admission – Submitted by Nicholas Tharney, RBS:UNB (S)

Proposed Charge: *Evaluate the minimum standards for honors and admission in light of the increasing numbers of applicants and acceptances, in addition to the increase of the Rutgers' status in university rankings. If needed, provide recommendations to the University Senate on heightening these standards.*

Tharney summarized the charge and its background. After much discussion, it was decided not to issue the charge at this time, due to the many honors programs at the University and their varying requirements.

Proposed Charge to the Budget and Finance Committee (BFC) on Re-evaluation of Student Fee Consolidations – Submitted by Nicholas Tharney, RBS:UNB (S)

Proposed Charge: *Re-evaluate the consolidation of student fees which occurred before/around the time of TUE and done in accordance with recommendations of the University Senate and its Budget & Finance Committee and the corresponding administrative task force; provide recommendations if needed.*

Tharney summarized the charge and its background. The Executive Committee discussed the charge at length and decided to issue it to the Budget and Finance Committee with a due date of December 2020.

Proposed Charge to the Budget and Finance Committee (BFC) on Review the Prospect of Income Share Agreements – Submitted by Nicholas Tharney, RBS:UNB (S)

Proposed Charge: *Review the financial viability prospect of student income share agreements as a student loan alternative and whether it would be beneficial to implement such a system, like the one offered at Purdue University. If warranted, provide recommendations to the administration to evaluate the matter further.*

Tharney summarized the charge and its background. The Executive Committee discussed the charge at length and agreed it would be best for Senate Chair Jon Oliver to discuss the issue with Michael Gower, Executive Vice President of Finance & Administration prior to issuing this charge. The following is Gower's response via email to Chair Oliver on January 15, 2020:

I have done some high-level, preliminary investigation of this idea, particularly relating to a recent announcement of a pilot program by Purdue. What these programs are generally are an alternative form of student debt, pushed into the future vis-à-vis income "garnishing" for repayment. The big difference from now is that these programs are institutionally-funded, not capitalized by the federal government (or other source); therefore, the institution needs to be able to carry large loans on its books for some time before cash flow commences. An institution like Purdue may be able to handle this because its cashflow and endowment are significantly higher than ours (even more so when tuition income constitutes almost 50% of our total income). It is a clever idea from a marketing perspective, and existing federal programs were SUPPOSED to reflect a similar construct for people going into service roles, but the Trump Administration reneged and made it almost impossible to obtain the waiver.

All that said, we likely should do a real investigation of this. I have been approached by a couple of companies who are treading into this field because they feel it is a new way to get into the student loan business (see attached). I may reach out to 1-2 of those to explore constructs, but I suspect we will need to turn this into a mini-project in order to respond to those who are interested (or think it is the panacea).

Proposed Charge to the Budget and Finance Committee (BFC) on Challenges Related to Parking and Transportation – Submitted by Nicholas Tharney, RBS:UNB (S)

Proposed Charge: *Review the ongoing planning and financial status of parking and transportation, including its use of permits and citations as a source of revenue, and the long-term planning as it relates to transportation and parking, including plans to reduce parking on campus and how the administration plans to meet the challenges this will provide.*

Tharney summarized the charge and its background. The Executive Committee discussed the charge and issued it to the Budget and Finance Committee with a due date of March 2021.

Proposed Charge to the Budget and Finance Committee (BFC) on Finances of the Athletic Department – Submitted by Nicholas Tharney, RBS:UNB (S)

Proposed Charge: *The Athletics Department is an auxiliary unit, which is supposed to be self-sustaining. The department has taken intra-university loans, and according to the President, is supposed to provide an additional source of revenue for the university. The Budget & Finance Committee should review the financial status of the department, the current status of the loans, and the long-term financial status of the department vis-a-vi its financial obligations, expressed or implied, to the university and the university to it.*

Tharney summarized the charge and its background. The Executive Committee discussed the charge and decided not to issue this charge until Rutgers becomes a full member of the BIG10.

Proposed Charge to the Student Affairs Committee (SAC) on Rutgers-Alumni Relations – Submitted by Nicholas Tharney, RBS:UNB (S)

Proposed Charge: *Evaluate alumni engagement and provide recommendations as to what changes could be made if necessary, particularly while students are still enrolled, to further Rutgers-Alumni relations.*

Tharney summarized the charge and its background. The Executive Committee discussed the charge and issued it to the Student Affairs Committee with a deadline of December 2020.

Proposed Charge to the University Structure and Governance Committee (USGC) on Student Governance – Submitted by Nicholas Tharney, RBS:UNB (S)

Proposed Charge: *Evaluate the formal and informal processes for the creation of student governing associations and staff and faculty councils, and if appropriate, provide recommendations to university policy for how new SGAs and Councils can be organized and recognized. Provide further recommendations concerning how this information could be published.*

Tharney summarized the charge and its background. The Executive Committee discussed the charge and issued the following to the Student Affairs Committee with a deadline of December 2020:

Evaluate the formal and informal processes for the creation of student governing associations, and if appropriate provide recommendations to university policy regarding the organization and recognition of SGAs. Provide recommendations to the USGC by December 2020.

The Executive Committee also issued the following to the University Structure and Governance Committee with a report deadline of March 2021:

Evaluate the formal and informal processes for the creation of student governing associations, and if appropriate provide recommendations to university policy regarding the organization and recognition of SGAs. Provide recommendations to the Senate Executive Committee by March 2021.

Proposed Charge to the University Structure and Governance Committee (USGC) on Senate Attendance Procedures and Increasing Attendance – Submitted by Nicholas Tharney, RBS:UNB (S)

Proposed Charge: *Provide recommendations as to what actions can be taken to collaborate with units to increase senate attendance.*

Tharney summarized the charge and its background. The Executive Committee discussed the charge and issued the following to an Ad Hoc Committee with a report deadline of December 2020. Chair Oliver then called for nominations from the Executive Committee to serve on the Ad Hoc committee, of which the following volunteered: Gloria Bachman, Peter Gillett, Jon Oliver, Karen Thompson, and Houshang Parsa. He then asked that Executive Secretary Mickelsen send a request to committee chairs to nominate one member of each committee to serve.

Proposed Charge to the Instruction, Curricula, and Advising Committee (ICAC) on Faculty Approval Survey of the Implementation of Course Atlas – Submitted by Xiangyue Wang, SAS-NB (S)

Proposed Charge: *To conduct a systematic survey among tenured faculty, nontenured full-time and part-time lecturers in all departments of Rutgers University at all campuses to find out whether, in their opinions, Course Atlas provides adequate flexibility for scheduling.*

The Executive Committee discussed the proposal and ultimately decided not to issue the charge, but instead facilitate a Committee of the Whole discussion around the topic at the February 21, 2020 Senate meeting.

Charge Extension – Submitted by Farid Alizadeh and Joseph Markert, FPAC Co-Chairs

Senators Alizadeh and Markert requested a charge extension for S-1905: Normal Teaching Loads to March 2021. The Executive Committee approved the request unanimously.

6. New Business

Appeal Surrounding the Implementation of Course Atlas – Submitted by Robert Boikess, SAS-NB Faculty Senator

The following is an email from Senator Boikess to Executive Secretary Mickelsen:

The administration is in the process of implementing Course Atlas. The implementation is a major decision affecting faculty and students. Article VII, Section 3 of the SAS Bylaws read as follows:

Each department shall adopt a set of bylaws in accordance with University Regulations and these bylaws. A copy of the bylaws shall be filed with the Executive Dean of SAS and, where appropriate, with the Dean of the Graduate School. All amendments shall be filed with the Executive Dean of SAS within thirty days of their adoption. Department bylaws shall include:

a. acknowledgement of the department's responsibility to provide a full and diverse curriculum, including appropriate options within the major, and to provide such offerings at a range of times and places for all students;

Since under Course Atlas the assignment of times and places for courses will no longer be done by the department, but rather by a robot; the faculty of the SAS should have been consulted as to whether they were willing to amend their bylaws to permit this change.

University Regulation 50.2.2C States:

Any major decision in any academic or administrative matter affecting the faculty or students made at a departmental, college or any other internal level which requires prior consultation with the affected bodies, under provision of a policy of the Board of Governors, of these Regulations, of State or Federal Law, of a contract to which the University is a party except contracts involving collective bargaining, or of a practice well established in the absence of a Board policy or University Regulation, or which establishes policy in a matter not regulated by any of the foregoing provisions, may be appealed to the University Senate by the faculty or any division thereof or the student governing body of any interested unit of the University on the ground that the faculty or student body was not adequately consulted prior to making the decision. The appeal shall be made in writing, and shall include copies of any relevant document and a short statement of the reasons why the appellant believes this paragraph of University Regulations is applicable and the decision should be reconsidered.

Accordingly, I am appealing to the Senate Executive Committee to implement this procedure.

Senator Boikess summarized his rationale for the appeal and answered relevant questions. It was ultimately decided that, as written, the appeal is not ready for assignment to an appeals committee. It was recommended the appeal be re-written and submitted at the next Executive Committee meeting by a Faculty Body. Vice Chair Gillett agreed to send his thoughts to Senator Boikess as follows:

Dear Senator Boikess,

You asked that I send you my thoughts (as University Senate Parliamentarian) on the appeals procedure set out in University Policy 50.2.2.C

Here they are. For the avoidance of doubt, let me clarify that I encourage you not to try to invoke this procedure because I do not see that doing so will help the Senate or the University in whose interests we act. I believe other forms of advocacy would be more effective in achieving faculty goals in relation to Course Atlas. Nevertheless, here is a summary of the points I was trying to communicate last Friday:

There is no general right of appeal to the University Senate, and many acts of the University, its administration, or its employees, are not appealable under this policy. You repeatedly asked if I considered certain actions acceptable (such as disregard by the University of the Bylaws of one of its units). I never intended to express a view on the acceptability of such actions: some actions may be illegal and can be addressed in a court of law; others may be prohibited under other policies, appealable to other bodies, etc. My intention was only to communicate that policy 50.2.2.C itself provides only a very limited and specific set of rights to appeal to the University Senate

The policy itself, which you sent to the Executive Committee, is:

Any major decision in any academic or administrative matter affecting the faculty or students made at a departmental, college or any other internal level which requires prior consultation with the affected bodies, under provision of a policy of the Board of Governors, of these Regulations, of State or Federal law, of a contract to which the University is a party except contracts involving collective bargaining, or of a practice well

established in the absence of Board policy or University Regulation, or which establishes policy in a matter not regulated by any of the foregoing provisions, may be appealed to the University Senate by the faculty or any division thereof or the student governing body of any interested unit of the University on the ground that the faculty or student body was not adequately consulted prior to making the decision. The appeal shall be made in writing, and shall include copies of any relevant document and a short statement of the reasons why the appellant believes this paragraph of University Regulations is applicable and the decision should be reconsidered. If the Senate decides to hear the appeal, the decision shall be suspended while the appeal is pending unless the President of the University determines that it is not practical to do so. If the President so determines, the President shall set forth in writing the reasons for the action. The Senate may exercise its power directly or provide that appeals be heard and decided by a committee. The Senate will not conduct a new hearing for the purpose of taking testimony but will act on the record of the committee's proceeding. The record will include a finding of facts on which the committee based its conclusions.

The part we debated at length was the long first sentence concerning the right of appeal. What follows is the procedure, which we discussed only briefly. An appeal suspends the decision unless it is not practical to do so; it may be decided by a committee that hears the appeal, or by the whole Senate based on the record of the committee's proceedings (but see the P.S. below).

The structure of the initial sentence appears to be:

- 1. what may be appealed*
- 2. by whom*
- 3. on what grounds*

and, in brief, the policy is:

- 1. major decisions in academic or administrative matters for which there is a requirement for prior consultation in one of a number of identified forms*
- 2. may be appealed to the University Senate by the faculty (or division thereof) or student governing body of any interested unit*
- 3. on the grounds that the faculty or student body was not adequately consulted prior to making the decision*

So, there is as I noted, no general right of appeal here for actions we do not like or find acceptable. There are several requirements for consultation, and a right of appeal if such consultation was not adequately carried out.

In the case of the decision to implement Course Atlas, I suggested that it did not seem to me that you personally could appeal, but that you might want to make a case that, say, the NB Faculty Council was a division of the faculty of an interested unit (say, Rutgers New Brunswick Campus). That would address 2. above. The grounds can only be that there was not adequate consultation (addressing 3. above) - but first, you would need to deal with what consultation would have been required (i.e., 1. above). This is where the discussion on Friday bogged down.

On Friday, you referred me to specific provisions in the Bylaws of a particular unit. My view was that:

- members of a unit are bound by their own Bylaws - but the University is not necessarily so bound*
- there is no general right of **appeal to the Senate** even if Bylaws are not followed (not to say there aren't other forms of redress - just not under 50.2.2.C)*
- the specific provision you referred me to was not in any case establishing a requirement for consultation of anyone by anyone*

So, to come to the most important part of this summary, if an appeal were to be made, it would need to be made under the provisions of the first part of the relevant sentence.

In full, those provisions as to what may be appealed, as cited above, are:

- Any major decision in any academic or administrative matter*
- affecting the faculty or students*
- made at a departmental, college or any other internal level*
- which requires prior consultation with the affected bodies,*
 - under provision of a policy of the Board of Governors,*
 - of these Regulations,*
 - of State or Federal law,*
 - of a contract to which the University is a party except contracts involving collective bargaining,*
 - or of a practice well established in the absence of Board policy or University Regulation,*
- or which establishes policy in a matter not regulated by any of the foregoing provisions*

If an appeal were to be made, it would need to set out in writing "a short statement of the reasons why the appellant believes this paragraph of University Regulations is applicable and the decision should be reconsidered"

Finally, I expressed some personal opinions as to how this might work out - they are not, of course, binding on anyone. But it seems to me fairly clear that the implementation of Course Atlas is a major decision in an academic or administrative matter affecting the faculty and students made at an internal level. The burden would be to establish that the implementation of Course Atlas:

- 1. falls under a policy of the Board of Governors (including 50.2.2), or under State or Federal Law, or under a contract (excluding collective bargaining)*

2. does NOT fall under existing Board policy or University Regulation but does fall under a practice well established, that requires prior consultation (which was not then adequately carried out)
3. establishes **policy** in a matter not regulated by [current Board of Governors policy, State or Federal Law, contracts, or] practice well established

I think our discussion reached this point. If you believe Course Atlas is covered by 1. above, you will need to show where. Note that Bylaws are not an item listed here.

*We did not discuss what follows: but it seems to me that at this point, you are either claiming under 2. above that there is an established practice (requiring consultation that was not adequately carried out); or under 3. above that there is no such established practice, or policy, or law, or contract, and that the implementation establishes a **policy** without adequate consultation. But you probably have to pick one. Finally, our discussion was framed in terms of the currently planned implementation of Course Atlas. The original selection of the Infosilem software as a basis for this is a different matter, presumably with different (lesser?) requirements for consultation with faculty and students (given that the University employs professionals to work on these matters), and it might be better not to get back into that matter now. In any case, it is clearly not practical to suspend THAT decision now!*

I'm not sure this is any clearer than the policy alone, or than our discussions on Friday, but I promised to write these things down, and hope it is helpful.

Best wishes

Peter

P.S. This was not discussed on Friday. The policy provided for appeals to be decided either by a committee or the whole Senate. However, my current information is that the currently adopted procedure is that we have created a committee - the Appeals Panel- and that:

Appeals filed with the Senate are heard by the Senate Appeals Panel, rather than the Senate as a whole (Senate action September 29, 1970). The Senate executive secretary will refer the appeal to the Appeals Panel, which will decide whether to entertain the appeal. If the Appeals Panel decides to hear the appeal, or if the Senate directs that it do so, it shall render a decision and file it with the Senate Executive Secretary, who will immediately provide a copy to the appellant. If the decision is adverse to the appellant, the appellant may appeal the decision to the Senate. If an appeal is not filed within 30 days of receipt of the committee's decision by the appellant, the committee's decision shall be deemed to be the decision of the Senate in the matter. The full Senate will be notified of all requests for appeals, and all final appeal decisions. The appeal request and the report of the panel shall be available for inspection by senators.

Best wishes,

Peter

7. Agenda for the January 24, 2020 Senate Meeting

- Regular Senate Meeting on New Brunswick Campus
- RBHS Chancellor's Report to be given by Chancellor Brian Strom

- Report on the President's Task Force on Carbon Neutrality and Climate Resilience by Kevin Lyons and Robert Kopp
- USGC Report on S-1907: Composition of the Senate
- USGC Report on S-1607: Committee Structure Review

8. Adjournment

The meeting adjourned at 5:27 p.m.

Minutes written and submitted by,

Mary Mickelsen
Executive Secretary of the University Senate