

Lehigh University
MINUTES OF THE FACULTY MEETING
(Sinclair Auditorium)
March 30, 2009

Presiding: President Alice Gast

President Gast called the meeting to order at 4:10 PM.

1. Minutes: The February 9, 2008, meeting minutes were approved unanimously by the Faculty, as posted on both the Registrar's Web page and the Secretary of the Faculty/2008-09 folder on the Lehigh University Faculty Blackboard.

2. Consent Calendar: (See end materials included with these minutes.)

Consent Calendar motions were posted on the "Lehigh University Faculty" Blackboard website. The motions are for course and program changes from the Educational Policy Committee, and new courses, degree programs, and curriculum changes from the Graduate and Research Committee. With no discussion on any items on the consent calendar, it was accepted by unanimous consent.

3. Memorial Resolution: (See end materials included with these minutes.) Dr. Joseph P. Kender, Sr. presented a Memorial Resolution for Dr. Elvin G. Warfel, former professor in the College of Education.

4. Introduction of New Full-Time Faculty –Provost Mohamed El-Aasser introduced Alberto Bilenca, a new assistant professor who joined us this spring in Electrical and Computer Engineering. Alberto told us in a few words about his background and research specialties. This information was also available in a booklet provided by the Provost's Office in September, 2008.

5. Committee Motions: (See end materials included with these minutes.)

Graduate and Research Committee:

Professor Bob Flowers presented the first reading of a motion to amend R & P Section 3.22.1 on transfer credits allowed for masters graduate students, in which the current version has contradictory maximum of 6 versus a variable number in section 3.2.2, depending on the total number of program credits required. The relevant wording from 3.22.1 will be deleted leaving the 9, 12 or 15 transfer credits to be allowed. Also, the motion proposed some editing changes for typos (e.g., "will" should be "with"). There was no discussion.

Committee on Discipline:

Professor Anne Anderson was not available for the second reading for the motion to amend Student Code of Conduct (second reading) so Assistant Dean of Students Chris Mulvihill highlighted the changes briefly. First, the definition of sexual misconduct would be expanded to include electronic media such as videotape and Internet communications; "exposure" was defined to include any sexual activity seen not only in public but also semi-public places, such as dorm commons rooms. Second, the problem of "causing an emergency" was expanded to "pretend to cause an emergency." There were changes to the language about the student judicial appeals process. Finally, the person who chooses the type of hearing for a student appeal would be changed to the accused student, rather than the current situation in which Dean Mulvihill would decide.

There was no discussion; President Gast called the question and the motion passed unanimously.

Faculty Steering Committee:

Professor Dan Lopresti presented the second reading of a motion to add a new section to R&P, Section 1.2.2.7, which would establish a Faculty Committee on Student Life. He explained that this included an amendment that added two additional faculty members to the committee's composition, based on faculty comments at the last meeting. Also, in this version there is language that explicitly recognizes a channel for faculty input for the Student Handbook. There was no discussion on the amendment, and it passes unanimously. With no further faculty comment, the overall motion to establish this new committee passed unanimously.

R & P Subcommittee:

Professor Ed Lotto presented the second readings of motions for extensive revisions to R & P Section 4, "Miscellaneous regulations pertaining to student matriculation and conduct," by groups of sections. The first set, 4.1.1 to 4.1.5, had no further discussion, passed unanimously and thus were deleted from R&P. Similarly, 4.1.6 to 4.1.14 were dispatched and deleted unanimously by the faculty vote. Prof. Lotto then proceeded to propose the deletion of Section 4.3, "University Policy on Dissent," which he explained did not provide any defense for the right for students to dissent, but only that unacceptable student behavior would be subject to disciplinary action. As a side note, he mentioned that he could not find any place in the current R&P that provided a defense for such a right.

Prof. Moglen reiterated his question from the previous meeting, whether removing 4.3 would give up faculty control over issues about dissent. If there would be no transfer of control on this issue, i.e., remaining under faculty domain, then we should vote for 4.3's removal. However, he preferred specific language that specifically gave the faculty a decision making role to determine acceptable behavior when dissenting. Prof. Lotto responded that Ed Pol would be the faculty decision making body to oversee policies on dissent. Prof. Neti asked whether the Student Handbook gives students the right to dissent? Prof. Lotto said that he could not recall any pronouncements there on the "right to dissent." University General Counsel Roth added that when students matriculate, they get their information about relevant rules about behavior from the Student Handbook, not R&P.

Prof. Moglen questioned about the process by which the Student Handbook is changed, for example by faculty vote. Prof. Lotto stated that the new Faculty Committee on Student Life would provide input for change to this document. Prof. Neti observed that the new committee will have the chance to review the Handbook. Prof. Lopresti cautioned that faculty control over the Handbook is less formal than the process of voting on motions to approve changes to R&P. Prof Ripa suggested that 4.3.1 be left in R&P to affirm that the faculty has the right to determine the policy on dissent. Prof. Moglen strongly agreed because it would be a clear statement about the faculty's ability to vote on dissent policy changes. Prof. Kazakia asked why we should remove 4.3.1. Prof. Lotto responded that this would leave an odd, small section when the overall goal of this committee is to clean up the language of R&P. Counselor Roth commented that part of the problem with 4.3 is its passive voice which opens the door for an argument to allow outside, non-LU groups to come onto campus for the express purpose of actively dissenting, thereby possibly relinquishing the University's (including the Faculty's) ability to decide what acceptable behavior is on our private property. Prof. Paul suggested that the policy on dissent stay in R&P but with revisions similar to the wording in the Student Handbook. Parliamentarian Kay noted that we do have the option to send 4.3 back to the committee for further consideration. Prof. Lowe-Krentz suggested that the new faculty committee would be a reasonable group to which this motion could be sent for further work.

Prof. Moglen made a motion to return this motion on 4.3 to the R&P committee to provide language that guarantees faculty control over the dissent policy. Prof. Matthews seconded the motion. Prof. Cates opposed sending the 4.3 motion to R&P, which has been a more editorially oriented committee, and may not be the right colleagues to craft policy change. He asked whether there is a better suited

committee to work on a revision to 4.3. President Gast suggested deferring to the FSC, that the motion be changed to refer the motion to the FSC for reassignment to the appropriate committee, such as Student Life. Profs. Moglen and Matthews agreed to this alteration of their motion. The faculty then unanimously voted for this motion and R&P's proposal was sent to the FSC for redirection.

Personnel Committee:

Professor Ward Cates provided the second reading of motions to amend R & P Sections 2.9 and 2.12. These are mainly to update the language for the descriptions of the Professor of Practice (POP) and Lecturer positions to make them more consistent between the two categories and specific about how they are actually implemented among the colleges. Prof. Sivakumar asked who invites a POP to participate on a faculty committee, which is not included in the original or proposed versions. Prof. Cates suggested possibly the committee chair. Deputy Provost Moses added that a Lecturer is explicitly excluded from committee participation. Prof. Cates responded that this differing wording came from the fact that POPs have been more likely to participate in standing committees, whereas Lecturers have not. Prof. Coulter asked if POPs were prohibited from being an adviser to students and for an MS program. Prof. Cates replied that they were allowed to advise but not chair a doctoral committee. Prof. Coulter made the motion to add that POPs can be the principal adviser to both undergraduate and masters students. Prof. Traister seconded the amendment. Prof. Cates professed his amazement, "I don't know how the FPC missed this change!" to the amusement of the colleagues. The vote to approve the amendment was unanimous, and was followed immediately by the same approval for the main motion to modify these two sections of R&P.

Prof. Cates then presented the first readings of several motions proposing changes on tenure flexibility and issues related to faculty promotion and tenure processes, R&P sections 2.2.1.5, 2.2.4.1 & 2, 2.2.2.4, 2.2.6.14 & 2.2.6.1, and 2.2.6.10, et al. These cover: Triennial reviews; record of accomplishments bot before and since coming to Lehigh; probationary period(s) and extensions; second consideration for tenure; and, when provost and/or dean disagree. He had carefully allocated amounts of time for discussion of each of these motions, for which Prof. Hyclak would act as timekeeper. (See end materials included with these minutes for the procedural details.) He briefly described the lengthy history of the extensive review, revision and approval processes by many Lehigh committees and groups. Their objective was to be as transparent as possible. For the current discussion, Prof. Cates stated that his approach was simply to facilitate a complete first reading so that the faculty could have additional opportunities to provide feedback. Also, he explained that the FPC and FSC had agreed to reserve the usual time for an additional Lehigh faculty meeting on Tuesday, April 7, should it be necessary to continue discussion of these motions.

The first major item about which faculty had questions was whether prior academic experience should be considered with a faculty member's Lehigh record in 2.2.4.1 & 2. The proposed wording includes "Lehigh and elsewhere" to describe the appropriate reference base to evaluate a faculty candidate's productivity. Prof. Paul asked what the intended meaning of "elsewhere;" he wanted to know how broadly this could be interpreted, for example to include "industry" experience. Prof. Cates agreed that it would. Prof. Ripa asked how reviews of teaching "elsewhere" would be included in a candidate's evaluation. Prof. Cates suggested, course evaluation forms, syllabi, ratings, student reactions, all of which the candidate would be responsible to supply as part of "all relevant material" to the specific evaluation being done. To a more general question of why this new language is needed, Deputy Provost Soderlund said that there is a wide variation in practices across campus in how much previous experience can substitute for Lehigh experience. Some departments allow candidates varying amounts of probationary time depending on the candidate's experience; others require their candidates to wait the full probationary period, regardless of previous experience. These motions would help to standardize the process for all departments.

The next set of motions dealt with the flexibility in the probationary period for tenure evaluations and decisions. Prof. Cates summarized the highlights that would allow multiple reasons for extensions of this period of up to a total of 8 years with no more than 2 one-year extensions. There would be an elective extension available in the last year before “going up” for tenure. Faculty in the College of Business and Economics, for example, have begun to experience longer timetables for refereeing, revisions and final appearance in print for papers submitted to scholarly journals. Prof. Kazakia asked whether we have benchmarked with other universities about their length of probationary periods. Prof. Cates responded that they had and in general found increased tenure periods. Deputy Provost Soderlund added that the reference group included 17 similar schools to Lehigh plus others across the US. She summarized the results that the typical tenure period was 7 years before tenure was granted, one more than the Lehigh’s current period. There were quite a few different reasons for increased flexibility, the most common one being parenthood. The conclusion was that with these proposed motions Lehigh would be within the norm for “flexible tenure” policies at universities, allowing us to be competitive in recruiting and retaining pre-tenure faculty.

A faculty colleague asked whether the productivity required of a candidate would change because of an extension, for example more years before tenure could require more output. Prof. Cates responded that the FPC clearly recommended that promotion standards for productivity should not be increased when extensions are granted to a specific candidate. Another engineering colleague asked for verification that expectations of a candidate should not be increased with an extension. Prof. Cates opined that it is hard to legislate expectations, which can be more of a cultural issue, and the FPC had chosen, therefore, to use “criteria” instead of “expectations.” He continued that the FPC was aware that departments would have to carefully monitor and manage any increased expectations over time for successive candidates.

Prof. Cates then summarized the issues about “second consideration” for tenure if a faculty candidate has begun consideration for tenure before the final probationary year, but then has withdrawn. He stated that 2.2.6.14 and 2.2.6.1 were necessary motions to establish a uniform and clear process to handle this sort of situation, about which R&P is currently silent. While an informal process has been used in recent years, the FPC desires to eliminate any possible confusion about whether the department “supports” a candidate going up for tenure before the final year. These motions allow two considerations for tenure, with only one additional re-attempt after the first one: No third chance to be evaluated for tenure would be allowed. These motions are very detailed about the procedure required with explicit, written documentation (to improve the records in case of an appeal).

Prof. Ripa asked for a description of what happens to the external letters when a candidate withdraws and then comes up for tenure later. Prof. Cates explained that these letters would not be part of the second package. At least 3 new reviewers would be required and there must be a minimum pool of 5 external reviewers. Although we would hope for five new letters, an external reviewer who served on the previous review of that candidate could submit the same letter if he/she so chose. Prof. Cates added that the candidate does not see the external letters, although although it is possible that an external reviewer will talk with the candidate.

Finally, Prof. Cates introduced the last R&P changes in sections 2.2.6.10 and 2.2.9.13 that update the process when the Dean and/or Provost disagree with the department faculty on a reappointment, tenure, or promotion case. There have been questions about the purpose of the required meeting and how many meetings are allowed/required. Previous characterizations of these meetings have been that of a “cage match” with one party having to “win the match” over the other. The FPC strongly recommends that any such meeting and discussion should be held with the understanding that any participating members (especially faculty) do not have to be persuaded to change their minds. The appropriate goal is to have a productive session in which each party explains why they agree or

disagree. If the Provost has made a decision or is likely to make one that disagrees with the faculty recommendation, the Provost should go to the faculty to hear why the department faculty and/or the college tenure or promotion committee hold the position they do (either to support or not support the candidate for tenure or promotion). Prof. Matthews asked why we should not retain the previous language. The burden of proof should be on the Provost to show why the candidate is not acceptable. However, it has not been a two-way conversation; the Provost says “Yes” or “No” and that has been the end of any “discussion.” Prof. Sivakumar observed that Lehigh is different than most universities in that R&P states that the Board of Trustees resolves such disagreements. However, he said that he does not see why this provision is included. Prof. Cates replied simply that it is Lehigh’s process. Prof. Szczepanski commented that even the Provost must make a recommendation to the Board, and Board members make the final decision on tenure. If the Faculty opposes the Provost, the Board has the opportunity in person to hear the arguments of both sides as they “respectfully disagree.” Prof. Cates concluded with the observation that the motions to change these two R&P sections provide for dossiers and written documentation of each side’s view.

6. Unfinished business – None.

7. New business

8. Committee Report: (See end materials included with these minutes.)

FFPOC:

Prof. Matt Melone presented a report on the current Financial Status of the University, given the recent upheavals in the national economy and financial markets. He stated that the FFPOC has held extensive meetings with various levels of the administration. He noted that the faculty may be hesitant to believe the administration’s memos that have explained that Lehigh is not in dire straits. However, after the FFPOC research, they have concluded that Lehigh can get through the current economic downturn without major budget cuts because of their past conservative management, especially when compared to peer schools. FFPOC reasoning has been based on these past practices by our financial decision makers:

1. Modest reliance on endowment, with specific floor and cap procedures for current spending from assets;
2. Only moderate financial leverage with debt at a low 4% of the operating budget;
3. Generating consistent operating surpluses, indicating careful management of spending within our revenue means.

The proactive steps taken by the University to counter the major effects of the country’s financial problems have been:

1. Endowment controls changed from a strict adherence to a single formula to a more flexible one, suspending the floor on spending from endowment for FY 2010 and 2011, to be reinstated in 2012 as the economy recovers;
2. Continue with a 4.1% increase in financial aid, especially anticipating increased financial hardship and turmoil for our students’ family finances. The reserve fund is now 30% funded with previous operating surplus monies. The FFPOC anticipates that this will soon be up to 70% funded. There is a reserve of 18% budgeted for undergraduate financial aid.

3. Emphasis on variable cost savings for the coming year's operations spending, such as:
- a. A committee has been established to review vacant staff positions with the intent to avoid forced layoffs, saving funds through attrition instead;
 - b. Planning for a 10% cut in variable, non-personnel costs;
 - c. Upper management staff will forego raises and faculty raises will be delayed until the fall when the budgetary impact can be re-evaluated with then current market conditions;
 - d. Minor cuts in capital improvements, but not in the STEPS project;
 - e. Decreased numbers of adjuncts.

Prof. Melone reported that the FFPOC foresees Lehigh's major uncertainty will be the reliance on student revenues (60% of Lehigh budget funds originates from tuition and room/board fees). To date, there are not any discernable trends in admissions or financial aid requests. Although this may be a lagging indicator, few students have left Lehigh for financial reasons. Families have suffered severe losses in job income, home equity values and financial assets. The FFPOC will meet with Financial Aid soon to hear more details of possible impacts these losses on Lehigh. However, the FFPOC concludes that Lehigh is in a relatively good financial position at this time with hope that the effects now predicted for us will continue to generate relatively little financial hardship and pain.

President Gast thanked the FFPOC members for their extra work and analyses required for this report.

9. Reports and Announcements

President's Report

President Gast reported that the Strategic Plan will soon be available to the campus with a public launch on April 7 via the LU web site. Also, there will be a Town Hall meeting for the campus on April 7 at 1:30 in Packer Auditorium to discuss the Plan, the Lehigh budget and the impact of current economic events. Senior leadership team members will be present and answer questions. The President introduced Bruce Koel, interim Vice President for Research and Graduate Studies to provide details about the Research Symposium coming up on April 16. He asked everyone to publicize the many events of the day, including a special web site, 4 keynote speakers, graduate and undergraduate student research exhibits. On the web site for the Office of Research and Graduate Studies there is information and a wiki on the US government stimulus funds from the American Recovery and Reinvestment Act (ARRA).

The President had a number of announcements related to this year's Commencement ceremonies. The speaker will be economist Jeffrey Sachs. In preparation, a special faculty panel is planned to discuss his work on April 6 in RBC 91 at 4:10. This year all the faculty, administration and honored guests will be seated together on the stage and under one tent. Finally, new doctoral academic regalia has been designed and will be available to Lehigh doctoral graduates and alumni for purchase through the bookstore. President Gast asked for feedback from the faculty on whether they had an opinion on whether she should wear special Lehigh regalia designed for the president instead of her alma mater's. It has been Lehigh custom for the president to wear regalia from the institution from which she or he earned the doctorate. Please email her with any comments.

Finally, President Gast declared that the extra faculty meeting tentatively scheduled for April 7 appeared to be unnecessary for further discussion of the FPC proposals in their first reading. Thus, that meeting would not be held.

Provost's Report:

Provost El-Aasser provided a few comments and reminders. After consulting with the FSC and ERAC, the Faculty and Staff Dinners will be combined this year on May 5, in Rauch Field House at 4:45 p m. Invitations will be sent soon. Admissions numbers are looking good at this point with 47% of next year's class with early admissions offers have resulted in 553 deposits. The academic quality is good for the 3040 offers for "regular" admissions that were sent last Friday. By today, we have had 7 deposits and we are aiming for a class of 1165 incoming students. April will be a most important month for admissions with many candidates visiting the campus. The faculty always plays a major role in the decisions of students and their families. Please participate in college Candidates' Days; there will be 6 Lehigh Life programs that will need faculty support. As might be expected with the current financial uncertainty, it will be difficult to predict the yield for our targeted class of 1165 students.

Finally, the search for new faculty from a good pool is under way with 38 open slots, 21 accepted positions, and 3 offers pending. We will continue with our policies of searching for the best match with department needs and aiming for the highest possible quality in academic characteristics.

10. Adjournment: Approved unanimously by faculty acclamation at 6:10 pm.

Respectfully submitted,



Next Meeting: May 4, 2009, 4:10 p.m., Sinclair Auditorium, 3:30 p. m. reception.