

LEHIGH UNIVERSITY FACULTY SENATE

Minutes of the Meeting held on February 5, 2021, 1:00 pm.

Via Zoom

Faculty Senate Chair Professor Kathy lovine called the meeting to order.

The roster of senators present for the meeting appears as Appendix 1.

[Appendix 1 available at <https://facultysenate.lehigh.edu/meeting-minutes>]

1. Minutes of the Faculty Senate Meeting of 12/04/2020

Professor Kathy lovine called for any corrections to the minutes of the Faculty Senate meeting of 12/04/2020. A motion to approve the meeting minutes was made and seconded. The minutes were unanimously approved.

The approved minutes are available at <https://facultysenate.lehigh.edu/meeting-minutes>.

2. Discussion Faculty Code of Ethics

The current draft of the Faculty Code of Ethics is (COE) available at

<https://facultysenate.lehigh.edu/sites/facultysenate.lehigh.edu/files/Faculty%20Code%20of%20Ethics%20Feb%202%202021.pdf>

The slides used for the presentation by Professors Tony DiMaggio and Ed Gomez are available at

<https://facultysenate.lehigh.edu/sites/facultysenate.lehigh.edu/files/Faculty%20Senate%20COE%20Revisions.pdf>

Professor Kathy lovine noted that faculty feedback had been incorporated in the latest version of the document. She acknowledged that the issue of incorporating interpersonal behaviors that are not illegal is a difficult one.

The following are the salient points made during the ensuing discussion.

- The COE covers interpersonal interactions that are detrimental to the university's mission but not deemed to be illegal. Academic freedom covers the content but does not address the nature of interpersonal interactions. The COE does not impinge on academic freedom (AF). The COE clarifies how we can use our AF and, in fact, strengthens AF. [Professor Doug Mahony]

- It is good that the Faculty Senate is considering this critical issue. COE and AF promote the same values that are important for academic institutions. [Provost Nathan Urban]
- The details of implementing the COE have not been entirely determined. Likely, the implementation will primarily fall under the purview of the department. [Professors Tony DiMaggio]
- If a faculty member engages in the resolution process but does not change their behavior, does the faculty member get suspended? [Professor Jeremy Littau]
- If it is suspension without pay, Human Resources should be involved. [Professor Liang Cheng]
- These details will need to be fine-tuned. [Professors Tony DiMaggio and Ed Gomez]
- There is no issue in specifically including teaching in the COE. [Professors Tony DiMaggio and Ed Gomez in response to Professors Scott Gordon]
- The enforcement mechanism is not clear. It is essential that the text not be vague; all details need to be finalized before the senators are asked to vote on the COE. [Professor George Nation]
- It is important to vote on something and put a version of the COE in place; the document can always be improved; people should agree in spirit about a COE. [Professor Jim Gilchrist]
- Using the COE, we are empowering faculty to discuss uncomfortable topics. [Professor Doug Mahony in response to Professor Frank Gunter's statement that COE provides guidelines for discussing issues that the university does not explicitly ban; Professor Frank Gunter's full statement appears as Appendix 2]
- COE can be construed as a document that aims to cover issues that are not covered by existing University policies such as Harassment, research, Title IX, etc. [Professors Ed Gomez and Kathy Iovine in response to Professor Josh Pepper's question about the scope of the COE]
- Even fair-minded documents can be misused for censorship; if every complaint has to go through a dispute resolution process, it will have a chilling effect on academic freedom. Since different departments can have different standards, it will be unfair to faculty. Regarding the document itself, voting on an imperfect document with opportunities for future changes is not good enough. [Professor Kevin Narizny]
- The issues with the dispute resolution process can occur even now; the details of enforcement of the COE need to be thought out more fully/ [Professor Kathy Iovine]

- Currently, a department chair can refuse to act on a complaint citing academic freedom. The COE may make such decisions difficult. [Professor Kevin Narizny]
- The improvements in the document are appreciated. However, issues in social sciences and humanities are inherently different from the issues in natural sciences and business. In the social sciences and humanities, we deal with issues that are controversial by their nature. The COE will have a chilling effect on the faculty in social sciences and humanities, as they may be afraid to address issues that students may have strong emotional responses to. Yet the core of a liberal arts education is our ability to open their minds and explore ideas with which they disagree. Furthermore, suspension without pay is akin to dismissal if it is indefinite. Even for shorter periods of time, it can lead to faculty hardship, as few professors can afford to lose their salaries during the dispute resolution process. [Professor Norrin Ripsman]
- The chair can still point out that a complaint does not violate the COE and need not act on a complaint. However, there are ambiguities in the implementation process as stated in the current document: we need clarity on the language of “concern” and “violation”: when does a concern meet the definition of a violation and which concerns should be acted upon. [Professor Jenna Lay]
- Suspending faculty without pay is not a good idea. [Professor Doug Mahony]

Professor Kathy Iovine noted that this is not the first reading of the COE but only a discussion. The Senate Subcommittee will work on incorporating the inputs from the Senate.

3. Second Reading: Faculty Ranks Proposal

The proposal is available at

<https://facultysenate.lehigh.edu/sites/facultysenate.lehigh.edu/files/Faculty%20Ranks%20Proposal%20Version16%20%2027%20Jan%202021.pdf>

Professor Ray Pearson introduced the proposal for a second reading. The following are the salient points made during the discussion.

- The rationale for why the colleges have to vote to adjust the cap rather than the Senate leaving the cap to the college faculty is unclear. Especially because the individual colleges can decide the limits, why create this cap in the proposal and make it difficult for the colleges to modify the cap? [College of Business Dean Georgette Phillips]
- The proposal offers flexibility for colleges. [Professor Frank Gunter]

- Without a prescribed limit, the number of non-tenure-track faculty can increase. [Professor Kathy Iovine]
- Currently, the limit is decided by the college deans. The current proposal empowers the faculty. [Professor Jim Gilchrist]
- Binding colleges to the 23% limit is not an operationally wise idea, even if the college faculty can vote to increase the limit. Colleges do not have control over admissions, and the Provost decides the faculty lines. With the constraints of the limits, the solution is to increase class sizes, increase faculty teaching loads, or increase the number of adjuncts. The best idea is for the colleges to decide the limits based on their constraints rather than imposing something. [College of Business Senior Associate Dean Paul Brockman]
- Changing the policy to take care of our faculty on contracts is a priority. The proposal accomplishes that. [Professor Jeremy Littau]

The motion was put to the vote and passed. Professor Kathy Iovine noted that the proposal will now be voted on by the entire University faculty and subsequently be submitted to the Board of Trustees (BOT) for approval.

4. Second Reading: Title IX R&P revisions

Ms. Karen Salvemini (Equal Opportunity Compliance Coordinator) briefly discussed the proposed changes. The documents are available at

<https://facultysenate.lehigh.edu/meeting-documents>

The motion was put to the vote and passed.

5. First Reading: R&P 1.3.2.2 GRC Ex Officio Members

Professor Michelle LaMaster introduced the proposal for a first reading. The proposal is available at

<https://facultysenate.lehigh.edu/sites/facultysenate.lehigh.edu/files/R%26P%201.3.2.2%20re%20ex-officio%20members.pdf>

The purpose of the change is to clarify that the ex officio members of GRC do not vote.

The proposal will come up for a second reading at the next Senate meeting.

6. Additional Points Made During the Meeting

- Professor Al Wurth referred to the [Lehigh 2030 Sustainability Strategic Plan](#) and the [Climate Action Strategy](#) (one of six "focus areas" of the Plan) and requested faculty (and Senate) attention to and suggestions and questions about the Climate Action Strategy and the Sustainability Plan while the planning process is developing. The advisory groups would welcome and the process would benefit from Lehigh colleagues' attention and input.
- It will be useful to know the percentage of Lehigh faculty who have been vaccinated. [Professor Frank Gunter]
- Pennsylvania has included university professors under the category of educators. When the educators are eligible, we will be vaccinated as well. [Professor Doug Mahony in response to Professor Peter Zeitler]

Respectfully submitted by

A handwritten signature in cursive script that reads "Siva" with a horizontal line underneath it.

K. Sivakumar ("Siva")
Arthur Tauck Chair and Professor of Marketing

Secretary of the Faculty