Minutes of the February Faculty Senate Meeting

The Faculty Senate met Tuesday, 11 February for about two hours. Fifty-one Senators attended.

Speaker Hugh Wilder called the meeting to order. The January minutes were approved with no discussion.

Reports

Before giving his own report, the Speaker welcomed Andy Abrams (Provost), Marcia Moore (Administrative Computing), and Chief Donald Cronin (Public Safety), who were present in response to the Senate's request that they answer questions about about faculty privacy in offices and in the use of computers belonging to the College. Mr. Wilder requested that Senators respect the privacy of Robin Bowers, whose situation had brought these questions to light. Instead of asking about any specific details relating to Professor Bowers's case, the Speaker suggested, Senators should use this opportunity to ask about general College policies regarding privacy and computer use.

David Mann (Political Science) asked Chief Cronin about Public Safety's policy for responding to requests by off-campus law enforcement agencies. Mr. Cronin explained that Public Safety and state and local law enforcement agencies had "mutual agreements" for cooperating with each other, adding that Public Safety officers were certified police officers as well. When asked if there was a written policy in effect, Mr. Cronin said that it was "very loosely written" to allow for quick action in emergencies. Mr. Mann asked what Public Safety's protocal was when an outside agency calls and requests information. Mr. Cronin said they gave out any information that they were legally able to divulge to these agencies. Frank Kinard (Chemistry) asked if there was a search warrant in the Bowers case, when a computer was removed from a faculty member's office. Mr. Cronin said there was no requirement for a search warrant, and that courts have held that there is no expectation of privacy in a computer that is owned by a company. Mr. Kinard said he understood that the Supreme Court and South Carolina code held that an individual retains rights to privacy, and that a warrant is required for a criminal investigation. Mr. Cronin said that his office had been told by city police and the FBI that they could take the computer. Mr. Kinard pointed out that many universities require a search warrant to enter a dorm room pursuant to a crime, and Mr. Cronin said that computers were different from other personal property, like a lockable desk. At this point Mr. Wilder requested that the Committee on Technology look into this distinction. "I'm on it," Mr. Kinard replied.

Jim Carew (Geology) noted that former president Alex Sanders believed that faculty have the same expectation of privacy in their offices that they have in their homes. Mr. Carew said he wanted a statement clarifying exactly what privacy we could expect. If we don't have privacy, then he would buy his own computer, and would no longer "function like a normal professor." Mr. Carew also wondered what level of evidence was required before a search was conducted. Was one accusation all that was necessary? Mr. Cronin said that

there was more than that in the most recent case. He added that President Higdon has told Public Safety that the President and Provost must be informed in the future if a search is done. Provost Andy Abrams then said that he disagreed with Chief Cronin's interpretation of the law, and wanted the Committee on Technology to develop a new policy. He believed the law does not give the state the right to look into any part of our offices. Further, he wondered, should and institution, even if legally entitled to do so, search faculty offices while faculty members are "in class, or at a Faculty Senate meeting?" Such has not been the College's practice in the past, Mr. Abrams said. He planned to work with the Committee on Technology to develop a policy for our community. He believed it would be possible to comply with state law while still protecting faculty rights. Susan Kattwinkel asked if the Committee would develop this policy, noting that it wasn't reasonable to expect Public Safety to formulate policy. Mr. Abrams agreed that procedures need to be clarified. In the meantime, the President has requested that if a need for a search arises, Public Safety check with him first. In response to further questions, Mr. Cronin noted that he attempted to inform his supervisor in the Bowers case, but that the message did not get delivered. Next time, he said, he would inform the President and the Provost himself.

Other faculty asked questions about how the College would respond if asked for information about faculty or students in other cases. Mr. Abrams maintained that the College would require a subpoena or a warrant for any privileged information to be released. James Carew proposed that the College establish a policy of not letting anyone search a faculty member's office without a warrant. Terry Bowers (English) asked what the timeline would be for developing a policy. Mr. Abrams said he couldn't speak for a faculty committee, but that he hoped it would be developed soon and be brought to the Senate for feedback.

Norris Preyer asked Marcia Moore (Academic Computing) if the college monitored e-mail and other things in transit on the Internet. "Technically, yes," Ms. Moore replied. "Ethically, no," unless there was a good reason. She pointed out that hackers can monitor our e-mail, though. Mr. Preyer asked if it would be possible to encrypt our e-mail. Ms. Moore said that at this point, only individuals could install encryption tools at their own computers. Mr. Preyer asked if the College limited the transfer of MPG files. Ms. Moore replied that the College did try to monitor and discourage such use of the College server, mostly because MPG files take up so much server space, but also because of music copyright issues. Mark Lazzaro asked what sort of monitoring this was, and Ms. Moore explained that Administrative Computing looked at aggregate data on bandwidth use, not at individual use. David Mann asked if our computers could be tampered with by hackers while they were on. Ms. Moore said that this was possible. "We're working on that," she said, adding that most hacking is intranet (people within a system) rather than internet, and firewalls do not protect us against intranet activity.

Mr. Abrams reiterated his desire that the College adopt a policy that would require a search warrant before entering faculty offices. "Whenever we can protect ourselves, we should," he said. David Mann asked if there was a policy on faculty computer use, noting that there is a policy on student use. Mr. Abrams said that currently, this was the only

policy we had for the entire College. Brenton LeMesurier noted that the Committee on Information Technology has been asked to review this policy. Frank Morris (Classics) asked how we could filter unwanted (and sometimes unsavory) e-mail. Ms. Moore said that this was best done through filters that individuals set for themselves. Mr. Abrams said this was better than limiting academic freedom by filtering too much. (He suggested individuals could choose whom to filter; for instance, all e-mail from the Provost's office.) Marcia Moore noted that Administrative Computing does filter any viruses they learn about, but even this is imperfect; last year, in an attempt to block the "Hi" virus, they inadvertently blocked all e-mail for "Higdon."

The Speaker called the questioning to a close, thanking the guests for their time, and the Senators applauded. Mr. Wilder then turned to his own report. He reminded faculty of the deadline for Distinguished Faculty Awards (2/14) and of the open forums to be held that week on the Strategic Plan developed by the Long-Range Planning Coordinating Committee will take place Wednesday and Thursday, 2/12 and 2/13. The Strategic Plan is available at http://www.cofc.edu/~lrpcc/, where faculty may also comment upon it online.

The Speaker also noted that the Master Plan for the College's facilties is well underway, The firm of Ayers-St. Gross has done extensive research on the campus through visits and interviews, and it will distribute a draft of its plan to the College community in early fall. The Board will respond to this draft at its October meeting, and is expected to approve a final plan in January of next year.

Old Business

The Senate then turned to old business: a proposal, submitted in December by the Committee on Tenure & Promotion, recommending that all candidates for tenure and promotion be required to submit their research to external review. The Speaker reminded Senators that they had been charged with discussing this proposal with their departments, and opened the floor for discussion.

Tim Carens (English) read a statement signed by 19 members of the English Department.

"The following members of the Department of English support excellence in research and excellence in teaching and cannot, because of present inequities in workload, support this new proposal which does not promote either. Members of the department have voiced several concerns and objections to the proposal, including the following:
--The proposed process of external review does not guarantee a more objective or more rigorous assessment of scholarship than does the present process. The proposal does not indicate what standard a candidate is expected to meet. Hence it is not clear that requiring external review will enable the T & P committee to determine whether or not a packet contains "sufficient" evidence of scholarly excellence.
--The effect of the requirement of external review will be to raise pressure on and expectations of faculty, particularly at the junior level. We consider that without a change in workload this elevated expectation would have a damaging effect on teaching, service,

and even collegiality at the College. It is not reasonable to consider raising expectations across the board until teaching loads are equal for all tenure and tenure-track faculty."

In response to Mr. Carens, Glenn Lesses (Philosophy) said that the criteria were not changing and that institutions that we wished to emulate used external letters. "We think this will enhance the rigor of the review," he said. Bill Olejniczak (History) proposed an amendment to the motion, stipulating that this requirement be instituted when the standard teaching load for tenure-track faculty was no more than 9 hours per semester. Mr. Lesses said that a faculty member's teaching load was irrelevant. Susan Kattwinkel (Theatre) thought that attaching this amendment to the proposal was like saying we would begin requiring outside letters "when hell freezes over." Bob Mignone (Mathematics) said that faculty workload should be addressed by the Workload committee. Susan Farrell (English) said that the College should emulate these premier institutions, many of which require outside letters, but that we must emulate them in our teaching as well as in our research (all these institutions have less than a 12-hour load), so she believed it was proper to join the issues of scholarship and workload through this amendment. Finally the question was called. The amendment failed, and discussion of the main motion resumed.

David Mann said that Political Science had decided to vote against the motion, noting that the process would require his colleague who'd published 3 books to provide multiple copies to outside reviewers. Mary Beth Heston (Art History) said that her department opposed the motion, having decided that these letters would make so little difference to the outcome of a decision that they were not worth the demand they placed on the reviewer, and that the process would be "unfair if not pretentious." Andrew Sobiesu (Hispanic Studies) said that the foreign languages faculty opposed the motion. The option exists already for departments to require these letters or for candidates to request them. Mr. Sobiesu said that refereed publications already indicated that an informed editorial board had reviewed the article. Why send them out to be re-reviewed, he asked. Finally, he noted, over 50% of what we do at the College is teaching. "If we want to attain pre-eminence, why not start with that?" Terry Bowers (English) agreed with this statement, noting that outside letters duplicated what had already been done when the article was published. Presently, a candidate has the option to solicit external review, which Mr. Bowers thought was good, but not something to be required of everyone.

Mr. Lesses said that refereed publications were one mark of quality, but that the requirement for tenure was that the research meet the standard of quality that the Faculty-Staff Manual requires. He said that outside review would not necessarily inform the Tenure and Promotion Committee's decision, but frequently it does. Bob Mignone said that the Math department had been requiring outside letters, and that he found it very valuable. The process often helps a candidate whose work may be in doubt. Mr. Mignone also noted that external letters address the whole body of a candidate's work, rather than individual articles. Todd McNerny (Theatre) said that his department believed that outside letters could be very valuable, but in the case of its own discipline, it was not always possible for one's entire body of work (including performances) to be reviewed by one person. Victor Puleo (Economics/Finance) noted that when he chaired Faculty

Welfare several years ago, the committee had studied the process of peer review of teaching portfolios. They had concluded that it was useful, and that it should be optional. External letters, too, should remain an option, he said. Annette Godow (PEHD) stated that her department opposed the motion. Jim Carew asked if the T & P committee could be allowed to request letters in a case where they felt they could not judge the candidate's work adequately. Tom Kunkle (Mathematics) said that time constraints would make this option impossible. He said that we should support this proposal because the T & P committee has asked for it.

A vote was taken by a show of hands. The motion was defeated, 13 to 38.

Constituents' Concerns

With no new business, the Speaker invited constituents' concerns. Scooter Barnette (PEHD) addressed the Senate with her concern over the planned expansion of the gym. She said that this construction will cause courses to be cancelled and recreation space to be lost, and she hoped the Senate would voice its concerns about the detrimental effect this plan would have on students. Several Senators expressed concern about this plan as well, noting that it seemed to be undertaken without regard for the facilities master plan that was in progress, and that it seemed a large expense at a time that the College is cutting other programs, such as the campus in France.

Alex Kassman (Mathematics) raised a concern about professors moving the date of their final exam and causing conflicts for students. Tom Ross (Psychology) distributed a memo that his colleague, Robin Bowers, had asked him to bring to the Senate. Several other faculty raised questions about the time it took for students to travel from one class to another, and the resulting tardiness. With other concerns raised and the hour growing late, Peter McCandless (History) noted that the roof in Maybank had been leaking since the 1980's. The Speaker promised to follow up on all matters raised.

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Julia Eichelberger

Faculty Secretary

Remaining Spring 2002 Senate Meetings (5:00 PM, 116 ECTR):
Tuesday, March 11
Tuesday, April 1 (continued Tuesday, April 15, if necessary); agenda deadline Thursday, March 20, 3:00 PM.
Faculty Meeting (5:00 PM, Physicians Auditorium):
Monday, April 21; agenda deadline Wednesday, April 9, 3:00 PM