Candidate Statements for the office of Speaker of the Faculty

The Faculty Nominations and Elections Committee has chosen Professors Marsha Hass (Accounting and Legal Studies) and Robert Mignone (Mathematics) as candidates for Speaker of the Faculty. Each candidate was asked to submit a statement for you, the faculty. A Speaker's Forum will be held Wednesday, February 8th, 3:30 p.m., Maybank # 223. All interested persons are welcome to attend.

Professor Marsha Hass

It is with honor and humility that I ask for your support as I seek election as Speaker of the Faculty. Much has changed at the College since I joined the faculty nearly two decades ago. The pervasive changes currently sweeping the College and academia dictate a need for a Speaker who is intimately familiar with the institution’s past as well as the present. As the 20th century draws to a close, faculty members will face difficult economic, political and social challenges as academic institutions redefine their role in educating students, discovering knowledge and serving their public constituencies. The Speaker must be able to address the changing role and responsibilities of faculty in the postmodern academy.

As Speaker I will work to ensure that the members of the faculty are an integral part of the decision process that will drive the College into the next century. My agenda will concentrate on equity in critical areas including recruitment, employment, tenure and promotion. The policies of the College must be equitable to all regardless of gender, race, religious affiliation, national origin, tenure status, or academic rank. I will work to ensure that all members of the faculty are treated fairly and equitably. I will work to ensure that tenure and promotion on our campus becomes a more civilized process. The future of the College depends on our ability to recruit and retain the best and brightest teachers and scholars. I will work to see that our students are treated fairly without compromising the standards of the College.

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Professor Robert Mignone

The primary role of the Speaker, as I see it, is to be an advocate for the faculty and to keep the faculty informed of important issues at all levels. The faculty and the administration work together toward the common goal of fulfilling the institutional mission. But, in my view, the faculty has a responsibility to work with the administration to influence and participate in the direction and operation of The College. At the same time, the administration has responsibilities to the faculty which include facilitating their optimal effectiveness in teaching and scholarly activities. The Speaker serves to help insure that these responsibilities are met: on the one hand by presiding over the Faculty Senate, reporting to the faculty, and insuring that our voice is heard and our participation sought, and on the other hand by articulating clearly what support we need and why it is needed.

Recently I was in San Francisco, along with several of my colleagues in Mathematics, conducting interviews for a faculty position in our department. When the point in the interview arrived where I would describe The College to the candidate, the picture I repeatedly painted was of a small/private- seeming liberal arts college with a rich curriculum, supported by a professionally active, dedicated faculty committed to their students' academic development. The reputation of The College, I explain, reaches far beyond our local region, attracting an increasingly higher quality student body. Finally,

continued on page 3, column 2
Black History Month Activities
Avery Research Center

February 9: Lecture by Dr. George Frederickson, Physicist's Auditorium, 7:00 pm

February 11: African-American Heritage Study Group; book to be discussed: Carter G. Woodson: *The Miseducation of the Negro*, 2-4 pm

February 15: Video Marathon on the life and times of Malcolm X; Videos: "Malcolm X: Make It Plain" and "The Real Malcolm X." 2-4 pm

February 16: Lecture by Dr. George Wright, Physicist's Auditorium, 7:00 pm

February 21: Lecture by Dr. W. Marvin Dulaney, Charleston Southern University, 4 pm

February 21: Black Student Union Black Talk Program on Malcolm X, Stern Center #408, 7 pm

February 23: Lecture by Dr. David Brion Davis, Physicist's Auditorium, 7:00 pm

February 25: African-American Heritage Study Group; book to be discussed: Melba Beals: *Warriors Don't Cry*, 2-4 pm

February 25: Lecture by Dr. W. Marvin Dulaney for the African American Society, Charleston AFB, 6 pm

--from David Mann:

To Everyone: Thanks for giving me the opportunity to serve the faculty—the entire College of Charleston. It was truly fun being Speaker. Proverbially, I have snatched the pebbles from his hand. It is time for me to leave ("Kung fu", circa 1971).

Miscellaneous

--Commentary regarding "The Contract for America:" Some people are actually beginning to read the Contract. It calls for massive cuts in student loan programs. According to Don Griggs, Director of Financial Aid, three campus based aid programs would be eliminated (Supplemental Educational Opportunity Grants, Perkins Loans, and College Work Study). The local dollar figure there is $788,507. Moreover, the Job Locator and Development Program at the College is funded in part from College Work Study. Students who found jobs through that office last year earned $1,295,715 from the private sector. Elimination of the in-school interest subsidy for "needy students" in the Federal Student Loan Programs would cost undergraduate students an additional 20% to continue borrowing at current levels; 34% for graduate students who borrowed as undergrads—total cost: $2,250,000. Griggs reports: Based on current estimates, the College of Charleston can expect to lose 636 students who are among our "neediest" students because they are dependent on campus-based funding to supplement the student loans they are currently receiving. The total projected loss of assistance to students would be $4,334,222. All of these data are projected over a four year period. [Editor's note: Hmmm. See also Jane Bryant Quinn's column, "Give It a Chance," *Newsweek*, Feb 6, 1995, p. 43].

--Letter from Ellenor Mahon, Director, Counseling and Psychological Services:

Dear David:

This letter is in response to the column in the latest issue of the Faculty Newsletter entitled "God Denied Tenure." I really don't think God is very concerned about not getting tenure at the College of Charleston; but rather, I think He is concerned about whether or not we will get tenure for eternity.
Professor Hass, continued from page one

If elected, I will continue the newsletter so that you may be kept abreast of important campus issues. I would like to see the newsletter become a powerful vehicle for the expression of faculty opinions and viewpoints as well as dissemination of information about academic and administrative issues. As Speaker, I will serve as your liaison with President Sanders and the Board of Trustees. Since much decision making responsibility now rests with the Faculty Senate, I believe that our ad-hoc and standing committees must be active and energetic.

As most of you know, I will be a vocal advocate for the faculty. My legal education and experience make me a qualified candidate for Speaker. I hold a graduate degree in business and a Juris Doctor degree. Since joining the faculty in 1976, I have served in a leadership position on almost every standing campus committee and numerous ad-hoc committees. I have served as President of the Southeastern Regional Business Law Association. Currently, I am the immediate national Past President of the Academy of Legal Studies in Business. I now hope to channel my energies into providing the highest possible level of dedicated service to the College of Charleston.

Sincerely,

Marsha E. Hass, Professor of Legal Studies

Professor Mignone, continued from page one

I conclude that this rare educational opportunity is financially within the reach of our state’s citizens.

I believe in the principle of accessible, high-quality education and I want to help preserve and enhance its realization at The College of Charleston. One way is to persuade people both of the value embodied in this principle and to show how uniquely the College manages to achieve this. As state governments all over America reassess their role in education, the importance of articulating the value of any given educational experience increases. This concerns all of us. The Speaker cannot be expected to be the lone articulator of the value of the educational experience at The College of Charleston, but the Speaker can help focus our attention and marshal our intellectual energy to meet this challenge.

In the Fall of 1981, I arrived at The College two years out of graduate school. In July 1994 I was promoted to Professor of Mathematics. Over the years I have served on several college-wide committees, including: the Research and Development Committee, once as Chair; the Advisory Committee to the President; and two distinct periods of service on the Committee on Nominations, twice as Chair. In addition, I have served on several ad hoc faculty and administrative committees and on the Graduate Council. During the 1993-94 academic year I served as a senator representing the Department of Mathematics with a one-year term, and this academic year I am serving as an at-large senator. Both years I was elected by the Faculty Senate as Speaker of the Faculty Pro Tempore.

Finally, there has been a tradition of excellent speakers at The College of Charleston and there are many among the faculty who would continue that tradition. Every year, except when there is only one candidate, we are faced with choosing from between or among such faculty. But frankly I am not certain whether or not I belong to this capable group. However, I am willing to run, if elected I would give it my best effort and it would be a unique privilege and an honor to serve as Speaker of the Faculty.

Sincerely,

Robert J. Mignone, Professor of Mathematics

Faculty Senate Meets:

Tuesday, February 7th
5:00 pm
ECTR 118
Focus Debate: State Ethics Interpretations

Dear David,

I feel that I must respectfully disagree with Mr. Abrams' interpretation of the application of the South Carolina Ethics Law to the activity of faculty members at the College of Charleston. The key phrase to be interpreted is "when I am acting in my 'official capacity' as a member of the Faculty of the College" and when I am acting as a professional scientist. Universities have traditionally recognized the independence of professors to carry out scholarly pursuits and engage in professional activities as a part of their academic status.

I submit that I am acting in my "official capacity" on behalf of the College when I teach my classes, advise my students, or enter into contractual agreements that bind the College to some course of action. I am acting as professional scientist when I am invited to give lectures before either public or private groups, engage in consulting activity, or perform any other functions which do not bind the institution to a course of action. All of these activities involve my "intellectual property", not my "official capacity" as a faculty member of the College and a State of South Carolina employee.

I can agree with Mr. Abrams' interpretation in the case where an organization calls the Department of Chemistry or the President and requests a College of Charleston faculty member to give a talk on any subject. But when a colleague at the University of Georgia personally offers me travel expenses and an honorarium for me to come and present a lecture on "Inductively Coupled Plasma - Mass Spectrometry of Trans-Plutonium Actinides," he could care less that I was a member of the faculty of the College. He is contracting for my "intellectual property". Similarly if an attorney in Charleston asks me to calculate the vapor pressure of trichloroethylene in an enclosed space, his contract is not with me as an employee of the State of South Carolina but as a professional chemist.

An important yardstick for determining the applicability of the South Carolina Ethics Law involves the significant use of College resources. If company X asked me to synthesize a new compound and I used College laboratory space, chemicals, and glassware to perform this task, I would ask that the contract be placed with the College. Things get a lot less clear-cut when someone asks me to run a sample on an instrument that involves no College resources other than the utilization of an existing instrument. In the latter case I have always made a contribution to the Foundation's Chemistry Fund to recognize that I have benefited from the existence of chemical instrumentation. Otherwise, I have tried to erect very clear barriers between my professional activities and my College activities, even going so far as purchasing my own computer and software for use in my office.

I think that "time" is a separate issue. As a faculty member at the College, I feel that my primary obligation to the State of South Carolina is to be well-prepared to meet all of my classes. I also must organize laboratories, direct student research, advise students, and engage in other common faculty service as part of my contract with the College. This does not mean that the State of South Carolina has an exclusive right to my time. As long as I perform the aforementioned duties in an acceptable manner, then how I use my time in other professional activities is not the business of the College other than for me to give my assurance that I am not being paid by some other entity for work that is done by missing obligations at the College. As a professional, if I choose to spend all day Thursday in North Charleston as a paid consultant for company X and I am not missing any of my classes, then it is none of the College's business that I spent my time on that day working for company X.

The heart of the ethics controversy is a "quid pro quo" activity to the detriment of the State of South Carolina. Buy a cabinet member a case of liquor to get quick action for a client. Invite a senator to a poker party and then "lose" $2,000 to sway a vote. Arrange for a judge to join a country club without paying membership fees to create perception of an obligation. Pay the expenses for a purchasing agent to attend a "seminar" in Palm Springs to influence a contract. All of these items involve some action that is not in the best interests of the citizens of South Carolina. Hopefully, if the Department of Chemistry at Clemson pays my travel expenses to present a seminar to their students and faculty, there is a benefit to the people of South Carolina. If Clemson decides there was no socially redeeming value to my lecture then I would be most happy to have them reimburse the state for my presentation.

I do not believe that the South Carolina Ethics Law asserts an exclusive right to the professional...
activities of a Professor of Chemistry. If it does assert this interpretation then it is clearly unconstitutional unless the state is willing to pay for an exclusive contract and comply with existing labor laws. I would welcome the overtime pay and the capital outlays necessary to meet my professional needs. If the state would agree to allow me to bill them at my hourly rate plus expenses that I earn consulting, then I could probably afford to drive to Clemson and present the lecture at my own expense.

Sincerely:

W. Frank Kinard
Professor of Chemistry
College of Charleston

cc: Mr. Andy Abrams, Vice-President for
    Institutional Research and Planning

Abrams Replies to Kinard on State Ethics

TO: FRANK KINARD
    DAVID MANN

FROM: ANDY ABRAMS

RE: ETHICS LAW INTERPRETATION

I am in receipt of Frank's letter of January 12, 1995, regarding my interpretation of the S.C. Ethics Law as it pertains to the ability of faculty to accept honorarium and travel reimbursements for speaking in their official capacity. First, let me say that I agree with virtually everything Frank has written regarding the way the law should be applied to college and university faculty. The statute was indeed designed to prevent the payment of a $2,000 honorarium in exchange for a vote. Unfortunately, the legislature drafted a statute that attempts to cover all state employees and, in doing so, made the statute far more sweeping in scope than was needed. Additionally, by attempting to cover all employees, the statute fails to take into account the unique nature of colleges/universities and their employees.

The legislation in question was drafted in direct response to "Bubbagate," and, regrettably, we were not consulted. The result is that we are now saddled with a set of laws that unduly restrict the state's faculties and fail to recognize the distinctions among the various types of state employees. The interpretation which I provided in my prior correspondence was based upon the ruling handed down by the State Ethics Commission, which is charged with interpreting the Ethics Law. I have enclosed the 1992 Opinion (SEC AO92-057) that deals directly with this issue and served as the basis of my letter to David. Clearly, as my letter indicated, there are ways to soften the impact of the legislation and the Commission's interpretation.

The most obvious way to avoid becoming entangled in the Act is to take the requisite steps to assure that you are not acting in your "official capacity." If you do not use College resources (and I agree that a reasonableness test should be employed in making this determination); if you engage in the "for pay" activity during your own time; if the activity is a part of your regular responsibilities; and if the activity does not interfere with the College's operation, then you are not acting in an "official capacity" and can accept compensation under the Act. The issue of working on your own time is indeed problematic, as Frank articulately demonstrates in his letter. Unlike the typical state worker, a faculty member's schedule cannot be neatly constructed into a 9 to 5 workday. It would be lovely for all of us at the College if our lives were so simple. Nevertheless, under the holding of the Ethics Commission, one element for determining "official capacity" is whether a person is acting on one's own time. On its face, however, "acting on one's own time" should not be that difficult to address. Faculty necessarily require more flexible schedules than the administrative assistants, for example. Accordingly, an approved talk given at 3 o'clock in the afternoon may well be on the faculty member's own time, where the same might not be the case for the departmental secretary. This is a determination that the chair and perhaps dean should make after consultation with the faculty member.

The down side of opting out of acting in an "official capacity" is that it would ordinarily preclude the faculty member from receiving College travel funds, state autos and the like. Additionally, if there is an accident and the faculty member is not acting in an official capacity, then the standard employment protections such as insurance and worker's compensation

continued on the next page
would not be available. In many instances the choice for the faculty member may become whether he/she would rather have the honorarium or the regular employment protections. I am unaware of any way to have both at the same time, as the law is currently written.

Please let me know if you have any thoughts, questions or concerns and please let me know if I may be of any assistance on this or other matters.

Self-Study Report

Memorandum

To: David Mann and all readers of the Faculty Newsletter

From: Hugh Haynsworth, Self-Study Director

Date: January 31, 1995

Re: The Self-Study

The focused self-study on “Creating an International, Multicultural Liberal Arts Educational Community” is now into its second semester. During the fall semester, each of the self-study committees met regularly and each committee chair was asked to submit an interim report on the work of the committee at the end of the fall term. Also, a Self-Study Manual and a detailed Self-Study Calendar have been approved by the Self-Study Steering Committee. These documents and the committee reports are available in the office of the Faculty Secretariat. Some highlights for the semester follow.

A Self-Study Library has been established for materials which are of interest to all committees. Prof. Amy McCandless agreed to serve as the librarian for the self-study and has maintained an annotated bibliography of self-study materials on reserve in the Robert Scott Small library. The materials include articles, books, and numerous reports. If you would like to review any of these materials, you may check them out on two-hour reserve.

Each committee has reviewed programs at the college which address the committee's charge. For example, the Committee on Curricular Initiatives reviewed the instructional programs of the College, to determine how those programs currently support the goal of becoming an internationalized, multicultural institution. They have collected extensive data from the deans, chairmen and academic departments on professional activities and curricular offerings which address this goal, including interviews with department representatives.

Members of several of the self-study committees have visited or will visit other institutions to review programs in place at those institutions which promote the goal of becoming an international, multicultural liberal arts community. Reports from these trips indicate that while the College of Charleston has similar support services for minority and international students and for study abroad programs, we do not have comparable financial resources and these programs are understaffed.

A campus climate survey was developed and administered last fall to a sample of nearly 400 students. The results will be used to better understand student attitudes and opinions with regard to diversity. Funding for the survey was provided by a South Carolina CHE Access and Equity grant. Titled “Student Leadership Development in Support of Cultural Diversity,” the grant will also partially fund a student leadership conference this spring. Discussion groups will be used this spring to explore some of the same issues raised in the student survey with faculty and staff. If you are asked to participate in a discussion group, please do so. Your participation will be greatly appreciated.

Finally, I would like to encourage you to participate in an upcoming event. There will be a live video conference on “Retention Strategies for Campus Diversity: Creating Effective Learning Environments,” Thursday, February 9, 1 - 3 p.m., in Room 228, of the Lightsey Conference Center. The conference is open to all faculty, students and staff. A flyer should appear in your department this week.

Future Faculty/Senate Meeting Schedule:

Senate: March 14th, April 4 (ECTR 118)

General Faculty Meeting: April 24 (Simons Recital Hall)

All meetings begin at 5:00 pm
These are open meetings.