

University of Pittsburgh  
Faculty Assembly Meeting  
Minutes of June 1, 2004

1. President Bircher called the meeting to order at 3:01 PM.
2. The minutes of the Faculty Assembly meeting on May 4, 2004 were approved as written.
3. Introduction of Items of Unfinished Business and New Business  
President Bircher asked if there was to be any introduction of unfinished business or new business other than the tabled report of the Senate Athletic Committee. There were none.
4. Remarks of the President, Nicholas G. Bircher
  - President Bircher noted that this was the last meeting of Faculty Assembly until Tuesday, September 7. He observed that it was a successful year thanks to the good work of the committees.
  - He reported on the activities of the following Standing Committees:
    - The Senate Athletics Committee is on the agenda to report further on the proposal of the Coalition on Intercollegiate Athletics on the shared governance of campus athletics.
    - A report from the Benefits and Welfare Committee is also on agenda.
    - Pat Kolar, co-chair of the Commonwealth Relations Committee, cannot attend the meeting but a report of the committee can be found on the back table.
    - A report from the Community Relations Committee is on agenda.
    - A report from the Student Affairs is on agenda.
    - Members of the Tenure and Academic Freedom Committee have compiled and approved a report on Tenure and Non-tenure Faculty Activity, measuring the percentage of faculty in tenure and non-tenure stream. Copies of the report are on the back table. Faculty can view a more detailed report in color on the TAFC home page on the Senate Web site. Professor Bircher thanked the TAFC members, particularly Mark Ginsburg and Carey Balaban, who worked on this report
  - Other Senate Committees:
    - Professor Bircher asked Vice President Frieze if she had an update on the Ad hoc Committee for the Support and Advancement of Women. She did not.
    - A report of the Ad hoc Committee to study the Expedited Review Process is on the agenda. Professors Hershey and Bircher met with the Provost on April 20. There were still some issues that needed to be resolved.
    - The Expanded Executive Committee will meet late in the summer to discuss upcoming issues for the fall. Each of the Chairs of the Standing Committees will be asked to give a brief report regarding the agenda for their committee for the upcoming year.
  - Other University Committees/Organizations:
    - Nominations for the University Review Board are still being solicited. The URB is the appellate board of the student disciplinary system, and faculty and students can appeal to it. They are looking for five new members. Terms for those currently serving expire on September 1, 2004. Any recommendations should be forwarded to Professor Bircher or any of the officers.
    - The Chancellor's Affirmative Action Award Committee: Professor Bircher thanked Professors Richard Tobias and Carol Stabile for serving on this committee. The

Chancellor will announce the recipient of the Award at the June 7 Senate Council Meeting. This is an award that Drs. Joseph and Maryann Coffey initiated at Pitt in 1986; the award was revitalized through the efforts of the Senate Anti-Discriminatory Policies Committee and the Office of the Chancellor in 1999.

- The Award for Service in the University Senate was initiated by Nathan Hershey five years ago when he was Senate President. Previous recipients have been: Richard Pratt, Phil Wion, Richard Tobias, Herbert Chesler and Nathan Hershey. This year's recipients are Pat Kolar and Debbie Rougeux, for their outstanding efforts in the Commonwealth Relations Committee. They have embodied the mission of the committee to foster and promote mutual understanding between the University faculty and our state government. Their efforts are greatly appreciated. The formal presentation of their awards will be on Monday at the Senate Council meeting.
  - The June Senate Council meeting will be Monday, June 7, also in the Assembly Room. The July and August FA and SC meetings are cancelled.
5. Reports by and Announcements of Special and Standing Committees of the Senate Athletics Committee, Professors Tony Eichelberger and William Zamboni, Co-Chairs. *On the Tabled Motion: Proposal from the Coalition on Intercollegiate Athletics (COIA)* Professor Zamboni said that his report summarizes a three-month discussion of the Senate Athletics Committee on the Coalition on Intercollegiate Athletics reform and its proposed framework for the reform. The primary issues are whether to join the Coalition and to accept the framework. It is a group of 34 universities that started with the PAC-10 with regard to spending on athletics versus spending on academics at the University of Oregon. They are looking for new members who will ratify their reform proposals. Their purpose is to articulate a broad national faculty voice in efforts to reform athletics to be in more in line with the academic mission of universities. The framework has five broad categories: Academics, Student Welfare, Finances, Commercialization, and Governance. In principle, the Athletics Committee is in favor of the stance the COIA is taking, but it has problems with the ways the COIA is going about doing this. The Committee's recommendation is not to join the Coalition at the present time and to reject the framework. The two primary issues are: 1) the Athletics Committee does not agree with some of the fundamental issues in the framework and 2) there is no way to modify the framework at this time. The Athletics Committee is in disagreement with the governance section, where a faculty committee would set policies for the Athletic Department, set budgets, select the faculty athletic representative and make major personnel decisions. This committee would be the over-riding policy-setting committee of the university as related to athletics. The Athletics Committee believes that faculty members would not have the time or in-depth knowledge to be members of such a committee. The other major issue was that the Coalition feels that the Faculty Athletic Representative (FAR), who is Dr. Susan Albrecht at Pitt, should be appointed by a faculty committee. This was brought up to the FAR organization at the national level and they recommended that the FAR be appointed by the chancellor. Another issue is related to the faculty committee—it is unclear what this committee is, how it governs, who governs, and how it relates to the current administration of the universities and the NCAA. The Athletics Committee believes that many of the decisions noted are ultimately the decisions of the Chancellor and the Athletic Director. The Coalition is asking Pitt to join without its having the ability to modify the framework or the bylaws. Professor Zamboni spoke with Bob Eno, co-chair

of the Coalition, and he reiterated that the framework cannot be modified at this time. In the future it is possible that the framework can be changed by a vote of members. Mr. Eno was also unclear as to the role of Coalition members who do not fully accept the framework. He suggested that if potential members do not agree with the framework, they should not join the organization. Based on these issues, the Athletics Committee does not believe Pitt should join the organization and accept the framework. The Athletics Committee believes that faculty at Pitt have a high involvement in overseeing and making decisions with respect to athletics—for example, admissions, oversight committees such as NCAA, and search committees for the Athletic Director. Mr. Eno felt that faculty members at Pitt have more oversight than perhaps anywhere else in the country. Most members of the Coalition have very little oversight and are trying to get some. This is important but given our situation we feel this is another reason why it is not appropriate to join.

#### Questions and Comments

Professor Brush asked that the motion that was tabled be repeated. The motion is that the Faculty Assembly should reject joining the coalition. It was noted that the motion was at the bottom on page two of the minutes of the last Faculty Assembly meeting: “The SAC recommends that the faculty of the University of Pittsburgh do not endorse the COIA Framework and do not become a formal member of COIA at this time.” Professor Brush also asked about the concrete character of the committee’s objections to the way the Coalition articulated the issues with regard to governance under III, 1 and 2, which is where faculty athletic representative and faculty governance fall. If Pitt is so far ahead, it would not cost much to be a member and it would show that Pitt is out front on faculty-shared governance on athletics. All it says is that the effectiveness of the FAR is central to athletics’ governance and the appointment has to be credible; there is nothing objectionable. The set of issues listed sounds like things we are already doing and our presence as part of this Coalition would be encouraging faculty participation in these very important issues on the balance of athletics and academics at other universities. As for the issue of flexibility, the Coalition is very careful to recognize differences and to suggest that the document can be revised over time. She does not know what more we can ask for in terms of eventual changes to meet changing needs. Professor Zamboni replied that they were not opposing faculty involvement, but the level of involvement. What is the definition of chief policy-setting committee? Mr. Eno’s stance is that the committee will be the chief policy maker. The document is flexible but inconsistent, and the problem is why should we join an organization where we have disagreement with its fundamental principles. He asked why Pitt was not asked to join a year ago when the document was being generated and when Pitt could have had some input.

Professor Balaban said it seems that they admit that Pitt is ahead of the curve and has a model but their document does not advocate following our model. That sums up the misgivings of the committee. Professor Eichelberger added that another concern was the ambiguity of what it means to be a member and how policies get changed. Every time Mr. Eno was asked, he replied that they should not expect any change in the framework; the committee did not know what that meant.

Professor Greeno commented that the Coalition has no way to enforce that we follow its framework exactly. Joining would indicate that we believe faculty should be involved when the athletic mission departs from the academic mission. She sees no downside to joining, but if we do not join, there is no provision for joining later. Professor Zamboni replied that his

committee's proposal is not to join now but to follow the Coalition and perhaps join at a later time. The Coalition also suggested that.

Professor Friedman asked about the nature of the response; she assumes we will explain why we are not joining. Professor Zamboni said that his committee's report will be modified based on the discussion at Faculty Assembly and then passed on to the Coalition.

Professor Ross noted that one down point for joining the organization is that Pitt's name would be on all its written materials and people may assume that we accept all their views.

Professor Zamboni agreed.

Professor Bircher said he will send a letter detailing our concerns and why we are not joining at this time. We believe the issues are important but their political model does not allow us to provide input.

Professor Balaban noted that we have a core of faculty with expertise and we would like to offer them our counsel. The root of the problem seems to be their lack of expertise.

Professor Chesler would like to be reassured that he is not endorsing the view on page 2 that there is general agreement that these are the responsibilities of the chancellor. Faculty have no power in decision making and if he votes not to join the Coalition, he does not want to be associated with endorsement of status quo. Professor Eichelberger said that was not the intent. The rest of the material is context setting regarding the nature of the discussion. He added that he and Professor Zamboni sit on a number of committees related to athletics and their votes count. Professor Zamboni said they would draft a letter to the Coalition which will be reviewed and can be changed.

Professor Tobias asked whether Professor Bircher had already written a response. Professor Bircher said he only wrote the Coalition to inform them that the Senate Athletics Committee would review their proposal.

Professor Greeno asked whether the faculty members are providing advice which the university can ignore or whether there is truly shared governance. Professor Eichelberger said his votes count on committees. Professor Greeno said the Coalition really cares about shared governance.

Professor Belle asked whether the concern is that joining the Coalition would actually "dumb down" faculty involvement. Professor Eichelberger said that they really have no sense about what the group is about and what they hope to accomplish. Professor Zamboni said that joining the group means you accept the principles. Professor Belle said that if you join the group, you have some influence. Professor Eichelberger said that only one Big East member is involved, but not officially. Professor Zamboni said that several universities have not joined because of their inability to change the framework.

Professor Wion said he went on their website today and found a fairly broad array of documents. On March 2003, they adopted a charter and membership is individual faculty members. Thus the response should come from the President of the Senate. He could be a member without listing a University of Pittsburgh affiliation. The document suggests an on-going process and it seems premature to join. The framework is dated October 2003 and has some of the statements of concern. Another document dated April 2004 includes the idea of best practices. It is an involving entity and perhaps our president should get involved in some way because the overall goal is to affect the environment in which college athletics exist.

There is a document against ACC recruiting from Big East and the organization was on our side. They have worked with NCAA and AAUP. It seems to be a group that is reaching out and trying to do what is best for intercollegiate athletics. Our response should be we are not

ready yet to join but we are interested and look forward to a time when we might be able to join.

Professor Tobias suggested we vote down membership but then have a second resolution. Professor Wion suggested the resolution be reduced to just saying that we will not join at the current time and have President Bircher send comments. Professor Bircher said he would like to have the Athletics Committee redraft its report to embrace the general principles of the Coalition but to express concern with the lack of internal shared governance.

**The resolution that the faculty of the University of Pittsburgh does not endorse the COIA Framework and does not agree to become a formal member of COIA at this time was approved with a vote of 18 in favor, eight against and one abstention.**

Professor Wion next proposed a motion that Faculty Assembly request that the president of the Senate respond to the request to join and give a description of the discussions that led us not to join at this time.

#### Questions and Comments

Professor Brush wanted to encourage our response to include our objections to statements such as “the ultimate authority for athletics governance must lie with university presidents,” which is the first point under governance. We should explain our objections to the statement that “the appointment and evaluation of the FAR must be credible to administration and faculty.” Be clear about the status of the equivalent of an athletic governance committee. Professor Bircher proposes a modification of the committee report be included with a letter from the Senate president. Professor Wion accepted that as a friendly amendment.

**Professor Wion’s motion was approved unanimously.**

#### Benefits and Welfare Committee

##### *New HR Policy Initiative*

Professor Chesler, Co-Chair, said he had planned to report on a new Human Resources initiative but it was reported in the *Pitt Chronicle*. A new medical insurance for retired employees will be going into effect on July 1, 2004. He said he wanted to separate commentary on the plan and on the process. With regard to the process, shared governance means appropriate committee participation in the process and Benefits and Welfare did not participate in the process. The Budget Committee of the Board of Trustees mandated that HR come up with a new health plan for retired employees within four months. The new plan is the outcome of the mandate.

Professor Chesler said his committee deplores the lack of involvement but cannot do anything about it. Moving to comments on the plan, Professor Chesler said that the new plan removes a source of anxiety. For the last several years employers have been eliminating retirement plans. We now have a plan. He argued that the proposed plan is an acceptable solution to a real problem, and the details are described in the *Chronicle* and also will be mailed to faculty.

#### Questions and Comments

Professor Wion said that everyone is affected but in different ways. Current retirees will continue to get the current plan. People retiring within two years will get the current

plan. Those retiring later will not get all their premiums paid. New hires will only get the fractional premium paid if their age plus years of service equal 85 or higher. Professor Chesler clarified that down the line current retirees can keep the plan in effect now or accept the new plan. The new plan might be more attractive for people who relocate out of the area. He went on to describe how benefits will vary depending on current age and age at retirement. In the new plan, the university will not pay full cost but will pay for the core plan, which currently costs \$245 a month.

#### *Fitness and Recreation*

Professor Chesler reminded the Assembly of its motion passed last year asking for the creation of an advisory committee on recreation facilities and programs. This was a result of the decision not to permit faculty and staff to use the Baierl Recreation Center in the Petersen Events Center. The faculty and staff then asked for equivalent facilities elsewhere in the University. The Chancellor then created a facilities committee and Professor Chesler was asked to serve on it. This committee is more ambitious than the concerns of the Faculty Assembly. He attended its meetings and tried to express Faculty Assembly concerns. The committee has sent a report to the Chancellor. Without going into the details, he noted that the report heard the concerns of the faculty and staff. They are still not permitted to use the Petersen Center but there will be improvements in Bellefield Annex and Trees Hall, which are used by faculty and staff. Priority is given to renovations that will increase and improve the sites for faculty and staff. One additional comment is that the report suggests that the Athletics Committee is the proper place for these concerns. Apparently part of the mission statement of the Athletics Committee is to advise on use of the university's facilities for faculty and staff. Professor Chesler said that the Benefits and Welfare Committee was turning over this issue to the Athletics Committee.

#### Questions and Comments

Professor Zamboni said he and Marilyn Ross were on the facilities committee and the Baierl Center is used to capacity. If there is anything that the Athletics Committee can do, please let them know. Professor Chesler replied that it is important for Faculty Assembly members to express their concerns to the Athletics Committee.

Professor Ross says she also does surveys every two years where faculty also have direct input. Professor Chesler replied that the fundamental point is that faculty and staff have to know that mechanisms for communication exist.

Professor Bircher encouraged all members to consider initiatives for fitness. He would not remove jurisdiction from Benefits and Welfare completely because an exercise program might be part of a health plan. Both committees are venues. Professor Chesler said that one of B&W's agenda items is for wellness programs. For example, Highmark has given subscribers memberships in community centers. He hopes that UPMC might consider doing the same.

#### Community Relations Committee

Professor Tracy Soska, chair of CRC, announced that he was rotating off the committee; this would be his last report and he thanked the Faculty Assembly. Joining him were Linda Hartman, new chair of the committee, and Wes Rohrer, vice chair of the committee. One update is that a computerized database is coming

together on community services. This will bring together all the community service activities at Pitt. The fall plenary session is scheduled for November 3<sup>rd</sup> and the topic is Scholarship of Community Service and Civic Engagement. It will revisit the plenary from several years ago, but will show that it creates a center of excellence around teaching and research. This event will have the usual afternoon program but will have additional programs in the morning co-sponsored by the Pittsburgh Council on Higher Education that will focus on a symposium on scholarship on service learning, community outreach and applied research. There will also be a showcase of community service initiatives on applied research and scholarship. He referred to a recent publication on service learning in the School of Pharmacy.

Next, there were two update reports. Linda Hartman reported on their housing survey. The committee had several speakers over the year on what is happening in the Oakland area, including those on housing issues. One of the problems is the issue of absentee or slum landlords and lack of code enforcement. Another issue is housing for the mentally and physically disabled. Still another issue is increasing the number of single-family units and people living in homes they own. They conducted a survey on housing and had 39 responses. One major finding that should benefit Oakland is that people would like to live close to their job. Some of the downsides for Oakland were safety and cleanliness. About half the respondents were not familiar with employer-assisted housing programs. The committee will have a more detailed report next year.

Wes Rohrer reported on the Pedestrian Safety Working Group. Their report is preliminary and does not have data yet. They will have a more comprehensive report at the end of the fall. It is only an outline of the strategy; they tried to highlight some of the approaches that might be pursued in looking at the issue of pedestrian and traffic safety. Also they want to broaden the base beyond the CRC to include more representatives of the community and other groups and universities. The decision to consider pedestrian safety was made last fall and then we had the death of two pedestrians, one in Oakland and one in Regent Square. The group will continue to work with campus police and look more seriously at strategies to minimize pedestrian accidents. It will be a several-pronged approach—increasing awareness and education, which is really a public health issue. They welcome any input. He also mentioned the work of the Staff Association Council on this topic.

#### Student Affairs Committee

Marian Hampton, Co-Chair, said she would give a brief report on the activities of the Student Affairs Committee. One of the committee's missions is to channel student concerns to Faculty Assembly; students can also receive counsel through the committee. In the past the committee has heard from representatives of student groups to air their concerns, raise questions, and seek counsel. Most recently Vice Provost Robert Pack discussed the new Peoplesoft Student Administration system with the committee. Committee members have also attended open meetings where students aired their concerns. The committee has not done much in terms of action items or worked on projects; there is concern they are not doing enough and should perhaps revisit their mission. The committee is presently rethinking its mission and will take it up again in the fall. She invited Faculty Assembly to remember the committee if there are items faculty think it should consider.

### Questions and Comments

Professor Salama asked what are some of the primary concerns of students that could involve the Faculty Senate. Dr. Hampton replied that safety on campus, especially the upper campus, is one issue. They have also discussed drinking on campus with Student Affairs. The Student Affairs office has a “fresh start” program where they have made presentations in the dorms from student health, safety, etc.

### Ad Hoc Committee on Expedited Review Process

Professor Hershey, Chair, reminded the Faculty Assembly that several years ago when he was Senate President he had requested an alternative or expedited procedure for faculty grievances and appeals. There are two separate procedures, one dealing with grievances and the other with appeals regarding tenure and continuing employment. He sought an alternative because the existing procedures took too long and the faculty member was often gone before the procedure was completed. He discussed this problem with the Chancellor and the Provost. After a long time, the Administration came up with a proposal, but it was not very satisfactory. In his view, and the view of the other members of the Committee (Professors Baker, Balaban and Pratt), there were three major problems. One was that if the faculty member wanted the alternative procedure, it would be up to the Provost to determine whether he or she could have the expedited procedure. Aside from getting a decision before one is gone, another reason a faculty member might want the expedited procedure is that before one can go to court, one must exhaust university procedures. The second had to do with the selection of the hearing officer. With a single individual rather than a committee, the selection is very important and there did not seem to be any limits on whom the Provost could appoint. The third concern was, if there was no control on the hearing officer, the faculty member should have the option of being able to opt for the regular procedure if she or he was not happy with the choice of the hearing officer. The proposed procedure was referred to the Tenure and Academic Freedom Committee, many of whom felt it was not a very useful procedure. Professor Hershey's view is that having an alternative is valuable. An ad hoc Committee was created by Professor Bircher a year ago to look at the expedited procedures proposal. It came up with a counterproposal. It asked that if the Provost denied a faculty member the expedited procedure, then the faculty member should be guaranteed employment until 60 days after conclusion of the regular procedures. The Provost rejected this idea. The second proposal was that the faculty member could consult with the TAFC before deciding whether he or she wanted the expedited procedure. That was also rejected. Their third proposal was that the Senate President would nominate several faculty members from whom the Provost would select one to be the hearing officer. That was rejected. Later he and Professor Bircher met with the Provost to negotiate on these issues without any success. About ten days ago, Vice Provost for Faculty, Professor Blair, contacted him and suggested that there was room for change. The Provost is apparently willing to consult with the President of the Senate with respect to the choice of a hearing officer, but it would not be a faculty member. Also, if the faculty member does not like the hearing officer, he or she can go back to the regular procedure. Based on these changes, Professor Hershey proposed that the Faculty Assembly recommend to the Senate Council that the

alternative procedure be adopted by the University as policy and procedure. It takes away nothing and adds flexibility for a faculty member.

Questions and Comments

Professor Frieze asked whether Tenure and Academic Freedom is in support of this resolution. Professor Hershey said he did not know because this just happened in the last two weeks. He thinks anything that offers faculty members additional options is valuable even if no member of TAFC likes the proposal.

Professor Metzger asked whether the concession on the part of the Administration is that the faculty member can drop out if he or she does not like the hearing officer. Professor Hershey replied that that was one of the two concessions; the other was that the Provost would consult with the Senate President. Professor Balaban added that these were two of the most important concerns of the committee.

**The motion that Faculty Assembly recommends to the Senate Council that the modified version of the expedited grievance process be adopted as university policy was passed unanimously.**

Questions and Comments

Professor Frieze asked for the proposed policy to be put up on the Senate website before the Senate Council meeting so that people could look at it.

6. Unfinished and New Business  
There was no new business.
7. Announcements  
There were no announcements.
8. Adjournment  
The meeting was adjourned at 4:50 PM.

Respectfully submitted,

Josephine E. Olson, Secretary

Members Attending:

Ansell, Balaban, Beatrous, Belle, Bircher, Brush, Cain, Cassing, Chesler, Costantino, Cothran, Czak, Deasy, Eichelberger, Friedman, Frieze, Greenberg, Greeno, Grove, Hampton, Kuller, Metzger, Olson, Orbach, Pike, Ross, Salama, Soska, Stoy, Sukits, Tobias, Wion, Zamboni

Others Attending:

Beeson, Blair, Fedele, Hart, Hartman, Hershey, Pack, Plotnicov, Rohrer, Steele