MINUTES
FACULTY SENATE MEETING
JANUARY 10, 2006

1. Call to Order: The meeting was called to order at 2:30 p.m. by President Connie W. Lee. Guests were then recognized and welcomed. John Ballato, newly-selected Faculty Representative to the Board of Trustees was introduced to the Senate.

2. Approval of Minutes: The Minutes of the Faculty Senate meeting of December 13, 2005 were approved as written.

3. “Free Speech”: None

4. Special Orders of the Day:
   a. Verna Howell, Director of Housing, provided a presentation regarding the closing of Douthit Hills, Clemson’s Family Housing. This presentation described the decision process to close the housing quarters. Questions and answers were then exchanged.
   b. Raquel Contreras, Director of Counseling and Psychological Services, enumerated the services of CAPS and provided a guide for faculty and staff on students in distress (Attachment A).
   c. Vince Gallicchio, Associate Vice President for Research, shared his thoughts on what he believes to be research issues that will be addressed in the near future which include compliance issues critical to the field and export control in scholastic activities. Dr. Gallicchio also noted that language in the Faculty Manual regarding academic freedom is vague and suggested that it be revisited (Attachment B).

5. a. Faculty Senate Select Committees:
   Grievance Procedures – Syd Cross, Chair, stated that the final version of a proposed change in Grievance procedures has been forwarded to the Policy Committee for review.

   b. Senate Standing Committee Reports:
      1) Finance – No report.
      2) Welfare – Chair Rachel Mayo, submitted, explained and moved to approve the instructions for the newly-created Alan Schaffer Faculty Senate Service Award. Discussion was held. Vote to approve instructions was taken and passed (Attachment C).
      3) Scholastic Policies – Senator Cindy Pury stated that there was no report.
4) **Research** – Chair Bill Bowerman stated that this Committee met in December and will meet again on January 24th.

5) **Policy** – Fran McGuire, Chair, stated that there was no report but that the Committee will meet on January 21st.

c. **University Committees/Commissions:**
   1) Lawrence Nichols, Chief Officer of Human Resources, thanked the Faculty Senate for input regarding the nine-month salary dispersion over twelve months. This opportunity will be available and will be able to accommodate individual faculty decision to spread across twelve months or remain as a nine-month dispersion. Mr. Nichols also announced that a seminar will be held for faculty and staff who are exiting Clemson University under the TERI Retirement System. The seminar will be held on January 19 from 2-3:30 p.m. at the Hendrix Center.

6. **President’s Report**: President Lee
   a. noted that the Class of ’39 Celebration held last night and the Bell Tower Ceremony honoring Ben Sill this morning were both great successes and were enjoyed by all who attended.
   b. reminded the Senators that Faculty Senate Officer elections will be held in March and that it is time to identify nominees for the positions of Vice President/President-Elect and Secretary.
   c. announced that the Senate will host a faculty-driven open forum, 2020: Faculty Vision of Clemson University, will be held on February 23 from 1-4:00 p.m. at the Hendrix Center.
   d. shared her report to the Board of Trustees (Attachment D).
   e. noted that the 2005 Fall Salary Report is now available on the Office of Institutional Research website.
   f. stated that she and John Ballato will attend the next Board of Trustees meeting in early February.

7. **Old Business:**
   a. Faculty Evaluation – Provost Dori Helms stated that the white paper will soon be distributed to all faculty. The recent change to post-tenure review and grandfathering in those faculty who come under review this year will be incorporated into the paper prior to dissemination.
   b. Evaluation of Deans – Provost Helms stated that she would like to continue this discussion and informed the Senate that she has been collecting information from other schools.

8. **New Business:**
   a. Provost Helms presented a new DVD that will be presented to faculty who are interested in positions at Clemson University and asked for Senators’ input. Suggestions and thoughts were then shared.
b. Elections to the Grievance Board were held by secret ballot. Bill Bowerman, Syd Cross, John Meriwether, Ed Moise, Cindy Pury were elected.

9. **Announcements**: None

10. **Adjournment**: 4:31 p.m.

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Donna Winchell, Secretary

Cathy Toth Sturkie, Program Assistant

The university years are characterized by multiple transitions. Stress is a normal and expected reaction to these transitions. College students may experience stress associated with academic demands, family problems, social relations, work, financial concerns and cultural experiences. Resources that students had while living at home are altered and they may find themselves isolated, lonely, and frustrated. While most students face stress and cope with the emerging demands of college life, for some, the pressures become overwhelming and unmanageable. The inability to cope effectively with emotional distress can lead to disruptions in a student’s overall functioning and pose a serious threat to academic success. As faculty/staff, you are in a unique position to show concern and care. Proactive, timely, and at times reactive expressions of concern can help in reestablishing the emotional equilibrium that can lead to a successful college career.

The purpose of this guide is to provide you with information that will assist you in identifying students in distress and specific options for intervention and for referral to campus resources.

Tips for recognizing a serious mental health crisis (emergency situation)
A crisis is a situation where a student’s usual coping style becomes overwhelmed and the emotional and physiological responses escalate. With increasing emotions, coping becomes less effective until the person may become disoriented, non-functional, or attempt harm. If a student is in serious mental health crisis, one might see the following:

Highly disruptive behavior (physical/verbal aggression)
Overt suicidal threats (written or verbal)
Homicidal threats, (written or verbal, attempted suicide or assault)
Inability to communicate clearly (incoherent, garbled, slurred speech)
Loss of contact with reality (seeing/hearing things that are not there)

What to do when you suspect a mental health crisis
For consultation in assessing the situation, call CAPS at 656-2451 during 8-5 Monday-Friday. If the student is willing, offer to walk the student to CAPS. Students in crisis will be seen immediately and services provided until the student is brought to safety. If emergency is after hours/weekends, contact 656-2222 and request that the CAPS counselor on-call be contacted.

If immediate assistance is needed on site, contact 911 or CUPD 656-2222.
While waiting for aid to arrive:
DO-Provide a secure, safe, quiet place
DO-Invite to stay until help arrives
DO-Listen actively and show empathy
DO-Maintain a straightforward, supportive attitude

DON'T-Leave student alone
DON'T-Try to restrain if he/she wants to leave
DON'T-Challenge or shock student
DON'T-Minimize student's distress

**Tips for recognizing distressed students (not in crisis/emergency)**
Everyone experiences symptoms of distress at one time or another. However, if symptoms persist over time and/or increase in severity, this may indicate need for assistance.

**Marked Changes in attitude towards Academic Performance**
- Poor preparation for class
- Drop in performance
- Expressions of non-caring about classes
- Excessive absences or tardiness to class
- Excessive anxiety about class work
- Strong reactions to class material
- Exaggerated emotional responses that are obviously inappropriate to the situation
- Exaggerated need to oppose the teaching or discussions
- Inability to communicate clearly
- Perfectionism and excessive worry

**Changes in behavior**
- Depressed or lethargic mood
- Avoiding participation in class activities
- Unusual or changed pattern of interaction with others
- Apathy or “in a daze”
- Oversleeping or not sleeping enough
- Disruptive behavior
- Consistently avoiding eating with others
- Marked increase or decrease in energy level
- Marked increase in irritability
- Low tolerance for frustration

**Unusual Appearance**
- Changes in personal hygiene or dress style
- Dramatic weight loss or gain
- Swollen or red eyes

**What Can You Do? (non-crisis/emergency)**
If you choose to approach a student, or if a student comes to you for help with personal problems, the following suggestions are recommended.

**TALK** to the student in private. You may need to set up a time to talk so that both of you are not rushed and preoccupied. Express your concern by referring to student's behavior in non-judgmental terms. Ask open-ended questions. Express empathy. Avoiding asking “why” questions.

**LISTEN** actively and give the student your undivided attention. Convey understanding by your body posture. Reflect feelings to make sure you understand.
INSTILL hope. Most situations have options. Assist the student by moving away from focusing exclusively on the problem. Suggest resources and support the student’s desire to move beyond the problem.

AVOID judgmental statements, evaluations, or criticism. Stay away from comparisons that place the student at a disadvantage. Respect the student’s value system even if it is different than your own.

MAINTAIN clear professional boundaries. The focus of the contact is on the student. Avoid unnecessary self-disclosures. Clarify rules and enforce them in the same manner as you would any other Student.

REFER to adequate resources. Encourage accessing of resources and explain it as a sign of strength and courage rather than a sign of weakness or failure. Support a student’s timetable for accessing services. If needed, assist with setting up of appointment or going to the appointment.

FOLLOW-UP with the student and see if they followed through with referral. Allow the student to express reactions to the appointment.

CONSULT CAPS if you need guidance with the intervention.

What to expect when a student comes to CAPS?

CAPS operates a daily walk-in clinic—CUNow. A student can arrive, without an appointment and be seen on a first-come, first-serve basis M-F from 10:00 a.m. to 2:30 p.m. Students should plan on 30 minutes for completing of forms and a brief 15-20 minute triage session. In this triage session, a counselor will do a preliminary assessment of the student’s needs and assign to a counselor for a Diagnostic Interview. The Diagnostic Interview is an in-depth clinical interview aimed at understanding the student’s concerns and developing a preliminary treatment plan. A student may be recommended individual or group counseling. It has been determined that many of the concerns that college students face can be treated optimally in a group format. There will be some rare occasions that the student’s needs are greater than what CAPS provides and in such cases an appropriate referral will be made for community resources.

CAPS services

Individual, Couple/Family and Group Counseling. A student is eligible for up to 10 individual sessions per semester covered by the student fee. CAPS offers a variety of educational, support and therapy groups throughout the semester. As the groups crystallize at the beginning of the semester, a flyer of active groups will be posted at CAPS and on the website. There is no session limit for couple/family and group.

Outreach and Consultation Services. CAPS has a formal liaison program with the Housing Department. CAPS conducts numerous educational programs on various topics of interest to students/faculty/staff.
LIFESTYLES. This program offers early intervention, education and treatment for drug misuse, abuse and dependence. A student can access this program through CUNow and will be set up with a LIFESTYLES counselor for an evaluation. If a student is mandated to go through LIFESTLES, a $50.00 monitoring fee is required.

Testing and Evaluation Services. Learning disorders batteries are given for a limited number of students each semester. Students are eligible for these evaluations on a first-come, first-serve basis. Students must go to the CAPS office at the beginning of the semester and request this service. There is a fee for this service.

CU CARES. (Counseling*Advocacy*Referral*Education*Support) Relationship and Sexual Violence Services. Although this program places strong emphasis on prevention by educating both men and women, it also provides intervention to victims of relationship and sexual violence.

Psychiatric and Nutritional Consultation. Psychiatric consultation monitors medication regimen. Nutritional services are often necessary for eating/food concerns. There is a fee for both of these services.

For a full listing of all CAPS’ services, please visit: http://stuaff.clemson.edu/redfern/caps/ Visit the Counseling Center Village for virtual pamphlets collection on mental health issues. http://ub-counseling.buffalo.edu/ccv.html

Resources Monday through Friday, 8-5
CAPS appointment Line 656-2451
CU CARES 656-1294
Health Center Appointment Line 656-1541
Pharmacy 656-3562
Women’s Health 656-1541
Health Education 656-0141
Student Insurance 656-3561

Emergency Numbers
CAPS on-call 656-2222 (leave a phone number and ask for CAPS counselor on-call to return call)
CU Ambulance 911
CU Police Department 656-2222
Clemson Urgent Care 654-6800
Oconee Memorial Hospital 882-3351 (Seneca)
Anderson Area Medical Center (864) 261-1000 (Anderson)
Cannon Memorial Hospital (864) 878-4791 (Pickens)
Rape Crisis Council of Pickens (800) 302-9719 Pager
Foothills Alliance Center (Rape Crisis in Anderson) (800) 585-8952 Hotline
Government Seeks to Track Research Time More Closely

By JEFFREY BRAINARD

Colleges should set up accurate reporting systems to track the time that their scientists spend on federally financed research projects, the U.S. Department of Health and Human Services said last week.

The proposed guidance, published in the November 28 Federal Register by the department's inspector general, does not specifically suggest that researchers punch timecards or record time worked the way lawyers do. But the proposal could be read to require that level of precision, which would burden colleges and researchers, said Anthony P. DeCrappeo, president of the Council on Government Relations, an association of research universities.

The department's inspector general requested comments on the proposed guidance by December. The notice says the guidance is not meant to bind grant recipients, but college officials say they ignore their peril.

The notice follows several recent cases in which the federal government said academic scientists overcommitted their time among research, teaching, and, at medical schools, caring for patients. Since 2003 Northwestern University, the Johns Hopkins University, and Harvard University all settled such allegations, without admitting liability.

The current federal rules, laid out in a document called Circular A-21, do not require colleges to specifically track or report their researchers' hours on federally supported projects. Instead, colleges provide "a reasonable estimate" of the percentage of researchers' time to be spent and confirm that promised work was performed. Such checking, sometimes called "effort reporting," is required at least every six months.
may participate in the call in person with staff by reporting to the Aerospace Center Office Building, 901 D Street, SW., Office of Public Affairs Conference Room, 7th Floor West, Washington, DC, no later than 2:45 p.m., Daylight Savings Time. Please bear in mind that space is limited.

SUMMARY: Pursuant to Section 10(a) of the Federal Advisory Committee Act as amended (5 U.S.C. Appendix 2) notice is hereby given that the President's Committee for People with Intellectual Disabilities will hold its third quarterly meeting by telephone conference call to discuss items related to people with intellectual disabilities. The conference call will be open to the public to listen, with call-ins limited to the number of telephone lines available. Individuals who plan to call in need special assistance, such as TTY, assistive listening devices, or materials in alternative format, should inform Ericka Alston, Executive Assistant, President's Committee for People with Intellectual Disabilities, Telephone—202-619-0634, Fax—202-205-9519, E-mail: eaalston@acf.hhs.gov, no later than November 30, 2005. Efforts will be made to meet special requests received after that date, but availability of special accommodations to respond to these requests cannot be guaranteed. This notice is being published less than 15 days prior to the conference call due to scheduling problems.

Agenda: The Committee plans to discuss the Social Security Administration's proposed amendments to the Ticket to Work and Self-Sufficiency Program, the Employer Work Incentive Act for Individuals with Severe Disabilities and an update on the Medicaid Commission. The Honorable Martin H. Gerry, Deputy Commissioner, Disability and Income Security Programs, Social Security Administration, and John D. Kemp, attorney and advocate for people with disabilities, will be guest speakers.

FOR FURTHER INFORMATION CONTACT: Contact Sally Atwater, Executive Director, President's Committee for People with Intellectual Disabilities, Aerospace Center Office Building, Suite 701, 901 D Street, SW., Washington, DC 20447, Telephone—(202) 619-0634, Fax—(202) 205-9519, E-mail: satwater@acf.hhs.gov.

SUPPLEMENTARY INFORMATION: The PCPID acts in an advisory capacity to the President and the Secretary of Health and Human Services on a broad range of topics relating to programs, services and supports for persons with intellectual disabilities. The Committee, by Executive Order, is responsible for evaluating the adequacy of current practices in programs, services and supports for persons with intellectual disabilities, and for reviewing legislative proposals that impact the quality of life experienced by citizens with intellectual disabilities and their families.

Dated: November 15, 2005.

Lena Stone,
Program Analyst, President's Committee for People with Intellectual Disabilities.

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DEPARTMENT OF HEALTH AND HUMAN SERVICES
Office of Inspector General

Draft OIG Compliance Program Guidance for Recipients of PHS Research Awards

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice and comment period.

SUMMARY: This Federal Register notice seeks the comments of interested parties on draft compliance guidance developed by the Office of Inspector General (OIG) for recipients of extramural research awards from the National Institutes of Health (NIH) and other agencies of the U.S. Public Health Service (PHS). Through this notice, OIG is setting forth its general views on the value and fundamental principles of compliance programs for colleges and universities and other recipients of PHS awards for biomedical and behavioral research and the specific elements that these awards recipients should consider when developing and implementing an effective compliance program.

DATES: To assure consideration, comments must be delivered to the address provided below by no later than 5 p.m. on December 28, 2005.

ADDRESSES: Please mail or deliver written comments to the following address: Office of Inspector General, Department of Health and Human Services, Attention: OIG—1026-CPG, Room 5246, Cohen Building, 330 Independence Avenue, SW., Washington, DC 20447. We do not accept comments by facsimile (FAX) transmissions. In commenting, please refer to file code OIG–1026–CPG. Comments received timely will be available for public inspection as they are received, generally beginning approximately 2 weeks after publication of a document, in Room 5527 of the Office of Inspector General at 330 Independence Avenue, SW., Washington, DC 20201 on Monday through Friday of each week from 8 a.m. to 4:30 p.m.


SUPPLEMENTARY INFORMATION:

Background

Compliance program guidance (CPG) is a major OIG initiative that was developed to assist the health care community in preventing and reducing fraud and abuse in Federal programs. In the last several years, OIG has developed and issued compliance program guidance directed at the following segments of the health care industry: clinical laboratories; hospitals; home health agencies; third-party medical billing companies; durable medical equipment, prosthetics, orthotics and supplies; Medicare+Choice organizations offering coordinated care plans; hospices; nursing facilities; individual and small group physician practices; ambulance suppliers; and pharmaceutical manufacturers. Copies of these CGPs can be found on the OIG Web site at http://oig.hhs.gov/fraud/complianceguidance.html.

Under its governing statute, OIG's oversight responsibility extends to all programs and operations of the Department of Health and Human Services (HHS or Department) and, accordingly, OIG promotes compliance efforts by all recipients of Department funds. One community of paramount importance to the Department's public health efforts is that of colleges, universities, and other recipients of public funds that conduct biomedical and behavioral research. These institutions may have organizational differences from the users of past compliance guidances, but we believe they have the same basic need to promote compliance measures. We understand that research institutions have been developing compliance programs in increasing numbers.

1 OIG and the PHS agencies, including NIH, share responsibility for encouraging compliance by recipients of research awards. In distinguishing the roles of the two agencies, we note that NIH is more focused on compliance with administrative, scientific, and financial requirements, while OIG is more focused on the avoidance of fraudulent activities. OIG has chosen to publish this guidance, in close coordination with NIH and other PHS agencies, as part of a larger initiative that is designed in part to assist institutions in avoiding criminal and civil fraud investigations. This compliance guidance is consistent with guidance provided by NIH on its Web site, http://grants.nih.gov/grants/orr.htm.
Moreover, over the last several years slightly more than 50 percent of recipients of NIH research awards have been medical schools, many of which may already have health care compliance programs in their affiliated hospitals.

As with OIG's earlier CPGs, the purpose of this draft guidance is to encourage the use of internal controls to effectively monitor adherence to applicable statutes, regulations, and program requirements. In developing the guidance, we have focused specifically on grant compliance and administration issues, i.e., whether recipients of research awards have misused program funds under the statutes, regulations, and other requirements governing the use of those funds. We believe this focus is consistent with OIG's responsibility for the identification of program overpayments and, in appropriate situations, the investigation of civil or criminal fraud. However, we believe that the principles set forth in the guidance will also assist institutions in developing compliance programs for their other activities wherein issues of program compliance arise.

This draft guidance for recipients of PHS research awards contains seven elements that have been widely recognized as fundamental to an effective compliance program, and an additional element—number 8 below—that we believe is especially important for research institutions. The eight elements include:

1. Implementing written policies and procedures,
2. Designating a compliance officer and compliance committee,
3. Conducting effective training and education,
4. Developing effective lines of communication,
5. Conducting internal monitoring and auditing,
6. Enforcing standards through well-publicized disciplinary guidelines,
7. Responding promptly to detected problems and undertaking corrective action, and
8. Defining roles and responsibilities and assigning oversight responsibility.

As with previously issued guidelines, this draft CPG represents OIG's suggestions regarding how institutions can establish internal controls to ensure adherence to applicable rules and program requirements. The contents of the guidance should not be viewed as mandatory or as an exclusive discussion of the advisable elements of a compliance program. Moreover, the guidance does not establish a set of program rules or standards by which to evaluate the compliance of an institution. Rather, it is merely a set of suggestions regarding how institutions may establish internal controls to allow the institution to better comply with rules and standards that apply to PHS extramural research awards.

Developing This Draft Compliance Program Guidance

In developing this draft guidance, we have consulted closely with NIH, which dispenses the majority of biomedical and behavioral research awards within HHS, and have coordinated as well as with other PHS agencies that have compliance responsibilities for biomedical and behavioral research awards. The statutes, regulations, and policies pertaining to NIH and other PHS awards constitute an appropriate focus for award recipients who seek to establish an effective compliance program. We have also consulted with the U.S. Department of Justice and with OIGs of other agencies—such as the National Science Foundation—that fund significant extramural research.

In an effort to receive initial input on this guidance from the research community, we published a Federal Register notice on September 5, 2003, (68 FR 52783), "Solicitation of Information and Recommendations for Developing Compliance Program Guidance for Recipients of NIH Research Grants." In response to that notice, we received a total of 20 comments from research institutions, associations, and from one individual. Although the September 5, 2003, solicitation notice requested information and recommendations for developing a CPG for recipients of research awards only from NIH, we have expanded the scope of the guidance to other biomedical and behavioral research awards from the public health agencies of this Department. In part, we made this change based on a comment, received in response to the solicitation, that we avoid inconsistent sets of guidance from various agencies. In addition to NIH, which awards the majority of HHS (and Federal) research awards, other public health agencies that fund biomedical and behavioral research include the Agency for Healthcare Research and Quality, the Agency for Toxic Substances and Disease Registry, the Health Resources and Services Administration, the Indian Health Service, the Centers for Disease Control and Prevention, the Substance Abuse and Mental Health Services Administration, and the Food and Drug Administration.

In an effort to ensure that all parties have an opportunity to provide input into OIG's guidance, we are publishing this guidance in draft form. We welcome any comments regarding this document from interested parties. OIG will consider all comments that are received within the above-cited timeframe, incorporate any specific recommendations as appropriate, and then prepare a final version of the guidance for publication in the Federal Register. The final version of the guidance will be available on the OIG Web site at http://oig.hhs.gov.

Draft OIG Compliance Program Guidance for Recipients of PHS Research Awards (November 2005)

I. Introduction

The Office of Inspector General (OIG) of the Department of Health and Human Services (HHS or Department) is continuing in its efforts to promote voluntary compliance programs for recipients of Department funding. This is the first guidance that is designed for a segment of the Federal grant community and that is not specifically focused on Medicare and Medicaid issues. However, many recipients of Public Health Service (PHS) research awards are familiar with our previous compliance guidances, in part because among the largest recipients of PHS research funds are academic medical centers, which were the focus of one of our first compliance guidances, to the hospital industry, in February 1998.

As with the earlier guidances, this compliance guidance is intended to assist recipients of PHS biomedical and behavioral research awards in developing and implementing internal controls and procedures that promote adherence to applicable statutes, regulations, and other requirements of PHS programs. This compliance guidance follows closely those earlier guidances in its format and basic elements. At the same time, this guidance departs from those earlier publications in certain areas to accommodate the many differences for recipients of extramural research awards.

Although we refer in this guidance to commonly used terms such as grant community and grant compliance and administration, the guidance is intended to apply more broadly to all PHS research "awards," which includes cooperative agreements and certain contracts that are not governed by Federal procurement laws and regulations. For a definition of the term "awards," see 45 CFR part 74, Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Nonprofit Organizations, and Commercial Organizations," § 74.2 ("Definitions").

That guidance was recently supplemented. See OIG Supplemental Compliance Program Guidance for Hospitals, 70 FR 4858 (January 31, 2005).
As with hospitals and other health care companies, an increasing number of colleges, universities, and other recipients of PHS biomedical and behavioral research funds have developed compliance programs. One purpose of this guidance is to assist these institutions in evaluating and, as necessary, refining existing compliance programs.

This guidance is not a compliance program itself, nor does it establish a set of cost principles or program requirements, which would be beyond the responsibility of OIG. This guidance does not establish criteria by which to conduct an audit or review of regulatory or program compliance. Rather, it is intended to serve as a set of guidelines that recipients of extramural research awards may consider when developing and implementing a compliance program or evaluating an existing one.

For those institutions with an existing compliance program, this guidance may serve as a useful comparison against which to measure ongoing efforts.

We recognize that there are recipients of biomedical and behavioral research awards that may be small institutions or businesses, such as those receiving funds under the Small Business Innovation Research (SBIR) program, or that may be larger institutions that receive a relatively small amount of PHS funding. We anticipate that these institutions share with larger entities the same basic concern about establishing adherence with Federal program requirements. However, some of these institutions may determine that it is not practicable to establish the same type of comprehensive compliance program that may exist, for example, at an academic research institution associated with a medical school. We encourage these institutions to develop a compliance program that relies on the same eight basic elements of the guidance, but that is suited to their own size and needs.

A. Scope of the Compliance Program Guidance

Because the responsibilities of OIG are focused on the effective operation of this Department's programs and the misuse of its funds, the scope of this voluntary guidance concentrates on issues that fall under the rubric of grant compliance and administration. By this, we mean those issues involving the application of statutes, regulations, and other program requirements that affect the "allowability" of costs and whether awardees should be subjected to a disallowance action or, in appropriate circumstances, an investigation for criminal or civil fraud. This guidance is also focused specifically on PHS awards from this Department. We recognize that institutions may have multiple sources of funding and that the term "compliance" is used more broadly by the research community to include areas such as human and animal subject research, conflicts of interest, research misconduct, and intellectual property issues. While this guidance is not focused on these other award sources and these other regulatory areas, the compliance elements presented by this guidance may be useful in connection with other sources of funding and with regard to other regulatory areas. For example, appointing a compliance officer and committee, developing a code of conduct, and instituting a training and education program would contribute to promoting compliance with National Science Foundation award requirements, as well as requirements related to research misconduct and human subject research.

Institutions may currently have, or be considering, separate compliance systems for their various areas of regulated activity. We recognize that each of these areas may involve distinct personnel and present different regulatory frameworks. However, because the basic elements for a compliance program are shared among these systems, institutions may receive management efficiencies by integrating their compliance efforts through the elimination of overlapping systems or by developing a single compliance program covering all compliance areas. Integrating compliance systems may also offer collateral benefits. For example, audits and reviews of one area of compliance may develop information useful to other areas.

OIG also recognizes that a body of literature already exists on research compliance issues, including guidance on establishing a compliance program. Nonetheless, we believe that providing OIG CPG consistent with the other compliance guidances we have published is appropriate. For the convenience of the reader, we have compiled a bibliography of some of these other publications, which is attached to this guidance as Appendix A.

Our experience with compliance programs is that an institution's implementation of a serious, meaningful, and effective compliance program may require a significant commitment of time and resources, especially for those institutions that have not developed a compliance program in the past. We believe, however, that this commitment is justified by the benefits of a compliance program.

B. Benefits of a Compliance Program

While the decision to implement a compliance program is entirely voluntary, OIG believes that an effective compliance program provides numerous advantages that will inure to the benefit of institutions that choose to establish one. An effective compliance program addresses the Government's and research community's mutual goals of ensuring good stewardship of Federal funds by eliminating erroneous or improper expenditure of Federal research funds, improving administration of grants (both from the Federal Government and from private sources), and demonstrating to employees and the community at large the institution's commitment to honest and responsible conduct. These goals may be achieved by:

• Identifying and correcting unlawful and unethical behavior at an early stage;
• Encouraging employees to report potential problems and allowing for appropriate internal inquiry and corrective action;
• Minimizing, through early detection and reporting, any financial loss to the Government and any resulting financial loss to the institution; and
• Reducing the possibility of Government audits or investigations regarding unallowable payments or fraud that could have been prevented at an early stage.

Institutions may also want to note that several of the elements of this compliance guidance are considered "mitigating factors" that must be considered as part of a formal debarment action by the Department.*

C. Application of Compliance Program Guidance

There is no single "best" compliance program. Institutions may take differing approaches to how they rely upon internal audits in monitoring compliance issues, how they comprise their compliance committee, and whether they include compliance for research misconduct and animal subject protections as part of a single compliance program. Some institutions may already have a compliance program in place; others only now may be initiating such efforts.

Institutions may also have identified, through audits or internal inquiries, particular management concerns or areas of high risk that may call for

* See 45 CFR 79.8600((n.), (p), and (q).
developing or refining compliance elements to address these areas.

OIG has identified three major potential risk areas for recipients of NIH research awards: (1) Time and effort reporting, (2) properly allocating charges to award projects, and (3) reporting of financial support from other sources. These risk areas, although not exhaustive of all potential risk areas, are discussed in greater detail in section II below.

The compliance measures adopted by an institution should be tailored to fit the unique environment of the institution (including its organizational structure, operations and resources, as well as prior enforcement experience). In short, OIG recommends that each institution should adapt the objectives and principles underlying the measures outlined in this guidance to its own particular circumstances.

II. Risk Areas

As with previous OIG CPGs, in this section we highlight examples of risk areas to assist institutions in developing a compliance program. The identification of risk areas is an important aspect of formulating policies and procedures, developing a training and education program, and conducting internal monitoring and audits. This section addresses a few examples of risk areas for recipients of PHS research awards that have come to OIG’s attention: (1) Time and effort reporting, (2) properly allocating charges to award projects, and (3) reporting of financial support from other sources. The areas identified in this section are in no way intended to be exhaustive of all potential risk areas. Institutions may identify other areas based on their own operations and experiences. As an example, subrecipient monitoring may be an important risk area for those institutions that rely heavily on their own grants and contracts to fulfill the purposes of a PHS award.

A. Time and Effort Reporting

One critical compliance issue is the accurate reporting of research time and effort. Because the compensation for the personal services of researchers—direct salary and fringe benefits—is typically a major cost of a project, it is critical that the portion of the researcher’s compensation for particular research projects be accurately reported. One reason that we view time and effort reporting as a critical risk area is that many researchers have multiple responsibilities—sometimes involving teaching, research, and clinical work—that must be accurately measured and monitored. In the course of a researcher’s workday, the separation between these areas of activity can sometimes be hard to discern, which heightens the need to have effective timekeeping systems.

For this reason, institutions need to be especially vigilant in accurately reporting the percentage of time devoted to projects. Accurate time and effort reporting systems are essential to ensure that PHS and other funding sources are properly charged for the activities of researchers. The failure to maintain accurate time and effort reporting may result in overcharges to funding sources and, in certain circumstances, could subject an institution to civil or criminal fraud investigations.

We are aware of situations in which researchers falsely report the amount of time they intend to devote to research projects. For example, it would be clearly improper for researchers in award applications to separately report to three awarding agencies that they intend to spend 50 percent of their time on each of the three awards. Some recent cases we have seen involved the “commitment of effort” by researchers wherein the Government believed that the institution failed to account properly for the clinical practice time of researchers, in addition to their academic and research time at the institution. As an example, it would be improper to report to NIH or another awarding agency that 70 percent of a researcher’s time would be spent on an award when 50 percent of the researcher’s time would be spent on clinical responsibilities.

For colleges and universities, the rules governing compensation for personal services, including payroll distributions, are contained in OMB Circular A-21, Cost Principles for Educational Institutions, section J.10. Under section J.10 of OMB Circular A-21, institutions must establish a system of payroll distribution and must usually maintain “after-the-fact Activity Reports” or employ another method to report accurately the distribution of activity of employees. (See especially, section J.10, paragraphs b.(2)(a)—(c).) The accuracy of these activity reports is critical for the awarding agency to understand the amount of research conducted under the award. More specific guidance is contained in the instructions to PHS Form 398, Application for a Public Health Service Grant, available at www.grants.nih.gov/grants/funding/phs398.html ("Definitions," definition of "Institutional Base Salary").


Another issue in reporting the commitment of effort to research projects is the accurate and consistent treatment of "institutional base salary" (IBS). IBS effectively serves as the denominator in calculating the proportion of an employee’s activity that is allocated to particular Federal awards. While IBS typically includes only nonclinical work of employees, certain institutions include clinical work based on a more expansive definition of the "institution" for cost reporting purposes. For those institutions, it is critical that the clinical and nonclinical work activities of researchers are reported so that salary is correctly allocated among Federal and non-Federal sources.

B. Properly Allocating Charges to Award Projects

Research institutions commonly receive multiple awards for a single research area. It is essential that accounting systems properly separate the amount of funding from each funding source. Institutions must also be vigilant about clearly fraudulent practices such as principal investigators on different projects banking or trading award funds among themselves. The failure to account accurately for charges to various award projects can result in

The Public Health Service Grant Application, PHS Form 398, is being replaced with an electronic application form, the standard form 424 R&R. According to NIH, the new form will incorporate all the policies and definitions currently contained in the Form 398.

4 NIH has recently expanded its guidelines addressing when institutions may include clinical practice compensation as part of institutional base salary. Among other tests, the compensation must be set by the institution, be paid through or at the direction of the institution, and be included and accounted for in the institution’s effort reporting and payroll distribution systems. Guidance for Inclusion of Clinical Practice Compensation in Institutional Base Salary Charged to NIH Grants and Contracts, http://grants.nih.gov/grants/guide/notice-files/NOT-OD-050661.html.
significant disallowances or, in certain circumstances, could subject an institution to criminal or civil fraud investigations.

In one recent civil fraud action, an institution settled allegations by the Government that it made end-of-year transfers of direct costs on various Federally funded research awards from overspent accounts to underspent accounts with the purpose of maximizing its Federal reimbursement and, in some cases, avoiding the refunding of unused grant proceeds.

The general principles governing the allocation of costs are found in the appropriate sets of cost principles, such as OMB Circular A-21 for colleges and universities. Among those principles in Circular A-21 is the rule that a "cost is allocable to a particular cost objective if the goods or services involved are chargeable or assignable to such cost objective in accordance with relative benefits received or other equitable relationship." Circular, §C.4.9

Additional guidance on the allocation of costs may be found in the NIH Grants Policy Statement, Part II, Cost Considerations, available at http://grants1.nih.gov/grants/policy/nihgps. Also, the Departmental Appeals Board has jurisdiction over cost allocation and rate disputes, as well as more generally over direct, discretionary grants, including biomedical research grants from NIH. (The Board's process is described in 45 CFR part 16.) Several Board decisions address the proper allocation of costs by colleges and universities.10

As with other administrative requirements governing Federal awards, the improper allocation of charges to various sources is not a mere "accounting problem," in the sense that it has no real impact on the conduct of science. On the contrary, the failure to allocate correctly charges—which cause poor record-keeping or as part of an intent to deceive funding sources—has the effect of drawing away limited Federal research funds from projects for which they were intended and subverting the Government's ability to distribute funds to those projects most in need of support.

C. Reporting Financial Support From Other Sources

As with the proper reporting of time and effort and the allocation of charges, the reporting of financial support from other sources is critical for the awarding agency to understand the commitment of resources by the grantee to a particular project or award. Without complete and accurate information on other funding sources, PHS may be unable to determine whether a particular project should be funded and the amount of such funding. In some cases, failure to identify other support for a research project could cause PHS to provide duplicate funding to the project. At a minimum, information on other support would allow PHS to use its limited resources on other worthy projects that might otherwise be left unfunded.

For PHS awards, the reporting of other financial support is a required element of award applications and the failure to provide this information could, in certain, subject an institution to criminal or civil fraud investigations. Other funding support is required to be reported as part of the application for funding (PHS Form 398), the instructions for which state that the applicant organization must disclose all compensation and salary support. (See PHS 398 Rev. 9/2004, § III.H ("Other Support") available at http://www.grants.nih.gov/grants/funding/phs398/PoSAnsureDef.doc.) Moreover, the face page of the PHS application includes a certification by both the Principal Investigator/Program Director and by the Applicant Organization that all statements in the application are "true, complete, and accurate to the best of my knowledge" and that "false, fictitious, or fraudulent statements or claims could subject me to criminal, civil, or administrative penalties." (The face page is available at http://www.grants.nih.gov/grants/funding/phs398/p1.doc.) Additional guidance for NIH grants is found in the NIH Grants Policy Statement, Part II, Just-in-Time Procedures, available at http://grants1.nih.gov/grants/policy/nihgps.

A problem related to the failure to accurately and completely report support from other financial sources is the charging of both award funds and Medicare and other health care insurers for performing the same service. This is clearly improper and has subjected institutions to fraud investigations.

III. Compliance Program

A. The Basic Compliance Elements

At a minimum, a comprehensive compliance program should include the following elements:

(1) The development and distribution of written standards of conduct, as well as written policies and procedures, that reflect the institution's commitment to compliance.

(2) The designation of a compliance officer and a compliance committee charged with the responsibility for developing, operating, and monitoring the compliance program, and with authority to report directly to the head of the organization, such as the president and/or the board of regents in the case of a university.

(3) The development and implementation of regular, effective education and training programs for all affected employees.

(4) The creation and maintenance of an effective line of communication between the compliance officer and all employees, including a process (such as a hotline or other reporting system) to receive complaints or questions that are addressed in a timely and meaningful way, and the adoption of procedures to protect the anonymity of claimants and to protect whistleblowers from retaliation.

(5) The clear definition of roles and responsibilities within the institution's organization and ensuring the effective assignment of oversight responsibilities.

(6) The use of audits and/or other risk evaluation techniques to monitor compliance and identify problem areas.

(7) The enforcement of appropriate disciplinary action against employees or contractors who have violated institutional policies, procedures, and/or applicable Federal requirements for the use of Federal research dollars, and

(8) The development of policies and procedures for the investigation of identified instances of non-compliance or misconduct. These should include directions regarding the prompt and proper response to detected offenses, such as the initiation of appropriate corrective action and preventive measures.

B. Written Policies and Procedures

In developing a compliance program, every institution should develop and distribute written policies and procedures addressing compliance with Federal award requirements. These policies and procedures should be developed under the direction and supervision of the compliance officer, the compliance committee, and relevant institution officials. They should also be
reviewed at regular intervals to ensure that they are current and relevant.

At a minimum, the policies and procedures should be provided to all faculty members and other employees who are affected by them, to students who may be conducting research with Federal awards, and to any agents or contractors who may furnish services in connection with Federal research awards. The policies and procedures should be easily found and accessible, such as, for example, on the institution's Internet or intranet site. Since institutions also typically maintain policies and procedures governing other compliance issues, including conflicts of interest, human subject research, and the maintenance and reporting of research data, they may choose to compile these various policies and procedures on a single Internet or intranet site.

In addition to a clear statement of detailed and substantive policies and procedures, OIG recommends that institutions that receive PHS research awards develop a general institutional statement of ethical and compliance principles that will guide the institution's operations. One common expression of this statement of principles is the code of conduct. The code should function in the same fashion as a constitution, i.e., as a document that details the fundamental principles, values, and framework for action within an organization. The code of conduct for research institutions should articulate the institution's expectations of commitment to compliance by management, employees, and agents, and should summarize the broad ethical and legal principles under which the institutions must operate. Unlike the more detailed policies and procedures, the code of conduct should be brief and cover general principles applicable to all employees.

OIG strongly encourages the participation and involvement, as appropriate, of senior management of the institution, such as the board of regents and president, as well as other personnel from various levels of the organizational structure, in the development of all aspects of the compliance program, especially the code of conduct. Management and employee involvement in this process communicates a strong and explicit commitment by management to foster compliance with applicable program requirements. It also communicates the need for all employees to comply with the organization's code of conduct and policies and procedures.

C. Designation of a Compliance Officer and a Compliance Committee

1. Compliance Officer

Every research institution should designate a compliance officer who will have day-to-day responsibility for overseeing and coordinating the compliance program. For smaller institutions, the compliance officer responsibilities might be added to other management responsibilities, or, for very large institutions, there could be several compliance officers who would have responsibility for different major activities of the institution. However, designating a compliance officer with the appropriate level of authority is critical to the success of the program. Optimally, the officer should report directly to the institution's president and should have direct access to the board of regents or other governing body, senior administration officials, and legal counsel. For very large institutions, if it is not possible to report directly to the president, the officer should report to the provost or official with similar high-level responsibility for the oversight of research administration. The compliance officer should have sufficient funding, resources, and staff to perform his or her responsibilities fully.

The compliance officer's primary responsibilities should include:
- Overseeing and monitoring implementation of the compliance program;
- Reporting on a regular basis to the board of regents, president, and compliance committee (if applicable) on compliance matters and assisting these individuals or groups to establish methods to reduce the institution's vulnerability to fraud and abuse;
- Periodically revising the compliance program, as appropriate, to respond to changes in the institution's needs and applicable program requirements, identified weakness in the compliance program, or identified systemic patterns of noncompliance;
- Developing, coordinating, and participating in a multifaceted educational and training program that focuses on the elements of the compliance program, and seeking to ensure that all affected employees understand and comply with pertinent Federal and State standards;
- Developing policies and procedures;
- Assisting the institution's internal or independent auditors in coordinating compliance reviews and monitoring activities;
- Reviewing and, where appropriate, acting in response to reports of noncompliance received through the hotline (or other established reporting mechanism) or otherwise brought to his or her attention (e.g., as a result of an internal audit or by counsel who may have been notified of a potential instance of noncompliance);
- Independently investigating and acting on matters related to compliance. To that end, the compliance officer should have the flexibility to design and coordinate internal investigations (e.g., responding to reports of problems or suspected violations) and any resulting corrective action (e.g., making necessary improvements to policies and practices, and taking appropriate disciplinary action) with particular departments or institution activities;
- Participating in consultation with the institution's legal counsel in the appropriate reporting of any self-discovered violations of Federal requirements; and
- Continuing the momentum and, as appropriate, revising or expanding the compliance program after the initial years of implementation.11

The compliance officer must have the authority to review all documents and other information relevant to compliance activities. This review authority should enable the compliance officer to determine whether the institution is in compliance with PHS or other Federal program requirements. Where appropriate, the compliance officer should seek the advice of competent legal counsel about these matters.

2. Compliance Committee

OIG recommends that a compliance committee be established to advise the compliance officer and assist in the implementation of the compliance program.12 If structured appropriately, the committee can provide the compliance officer with contacts in various parts of the institution and the names of individuals who possess subject matter expertise. If the

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11 There are many approaches the compliance officer may enlist to maintain the vitality of the compliance program. Periodic on-site visits of offices, bulletin boards update and reminders, distribution of audiotapes, videotapes, CD ROMs, or computer notices about different risk areas, lectures at campus meetings, and circulation of recent articles or publications discussing fraud and abuse are some examples of approaches the compliance officer may employ.

12 The compliance committee benefits from having the perspectives of individuals with varying responsibilities and areas of knowledge in the organization, such as operations, finance, audit, human resources, and legal, as well as faculty members. The compliance officer should be an integral member of the committee. All committee members should have the requisite authority and comprehensive experience within their respective areas to recommend and implement any necessary changes to policies and procedures.
institution employs individuals who already have responsibility for compliance in various subject areas, for example biosafety or care and use of animals, these individuals would be obvious candidates for the compliance committee.

When developing an appropriate team of people to serve as the compliance committee, the institution should also consider including individuals with a variety of skills and personality traits as team members. The institution should expect its compliance committee members and compliance officer to demonstrate integrity, good judgment, assertiveness, and an approachable demeanor, while eliciting the respect and trust of employees. These interpersonal skills are as important as the professional experience of the compliance officer and each member of the compliance committee. Examples of individuals that the institution might consider as members of the compliance committee include institutional ombudsman staff and alternative dispute resolution staff.

Once an institution chooses the members of the compliance committee, the institution needs to train these individuals on the policies and procedures of the compliance program, as well as how to discharge their duties. In essence, the compliance committee should function as an extension of the compliance officer and provide the organization with increased oversight.

D. Conducting Effective Training

The training of appropriate administrators, both at the institution and department levels, faculty (including principal investigators), other staff, and contractors on award administration and other program requirements is an important element of an effective compliance program. The focus of the training and its level of detail will depend on the particular needs of the institution. In addition to training sessions, the institution may also undertake other educational efforts, such as disseminating publications that explain specific requirements in a practical manner. In developing training programs, it may be helpful to involve faculty, such as principal investigators, who will be receiving the training. This will allow these individuals to offer their insights, encourage more enthusiastic participation in the training sessions, and promote buy-in with the compliance program.

An institution should provide general training sessions that cover such issues as fiscal standards and the institution’s commitment to compliance issues. All employees, and where feasible and appropriate contractors, should receive the general training. General training should include the contents of the institution’s compliance program, such as the role of the compliance officer and committee and the availability of an anonymous complaint mechanism. It should include both a description of the many types of compliance issues that administrators, faculty, and other employees may need to address in the course of their careers, and the sources of guidance in resolving those issues.

More specific training programs would be designed for more specialized audiences. For example, administrative personnel who manage award funding should receive detailed training on Federal cost principles and grant administration regulations and policies. Employees who are involved with clinical research should receive training on the protection of human subjects, the Institutional Review Board process, and the responsible conduct of research. Administration officers and other key staff can assist in identifying additional specialized areas for training. Areas of training may also be identified through internal audits and monitoring, and from a review of any past compliance problems.

Training instructors may come from outside or inside the organization, but must be qualified to present the subject matter involved and sufficiently experienced in the issues presented to adequately field questions and coordinate discussions among those being trained. Ideally, training instructors should be available for follow-up questions after the formal training session has been conducted.

General and specific training sessions should be provided both upon initial employment with the institution as well as on some periodic schedule, depending on the needs of the audience. Specialized training should be provided on a more frequent basis, perhaps annually or more frequently.

One technique to consider for training is to report actual examples of compliance problems at the institution or at other institutions, typically without any identifying information. This may serve to educate staff on these issues the institution considers important, how the compliance process works, and the actions that can be taken against individuals for more serious problems.

An institution may wish to vary the manner of training, both for general and specific training. In-person training sessions may be more effective than other types of training and are usually important for initial training sessions for new employees or when employees have changed their job responsibilities. However, follow-up training may be provided in other formats, such as through videotaped presentations or web-based programs.

E. Developing Effective Lines of Communication

1. Access to Supervisors and/or the Compliance Officer

For a compliance program to work, employees must be able to ask questions and report problems. University officials, department chairpersons, or other supervisors play a key role in responding to employee concerns and it is appropriate that they serve as a first line of communication. Research institutions should consider the adoption of open-door policies to foster dialogue between management and employees. To encourage communications, confidentiality and nonretaliation policies should also be developed and distributed to all employees.

Open lines of communication between the compliance officer and employees are equally important to the successful implementation of a compliance program. In addition to serving as a contact point for reporting problems and initiating appropriate responsive action, the compliance officer should be viewed as someone to whom personnel can go for clarification on the institution’s policies.
2. Hotlines and Other Forms of Communication

OIG encourages the use of hotlines, e-mails, newsletters, suggestion boxes, and other forms of information exchange to maintain open lines of communication. In addition, an effective employee exit interview program could be designed to solicit information from departing employees regarding potential misconduct and suspected violations of the institution’s policies and procedures. Institution officials may also identify areas of risk or concern through periodic surveys. If an institution establishes a hotline or other reporting mechanism, information regarding how to access the reporting mechanism should be made readily available to all employees and contractors by including that information in the code of conduct or by circulating the information (e.g., by publishing the hotline number or e-mail address on wallet cards) or conspicuously posting the information in common work areas. Employees should be permitted to report matters on an anonymous basis.

For the reporting mechanism to maintain credibility, it is important that the institution’s review of the allegations be meaningful and that prompt and appropriate followup be conducted. Reported matters that suggest substantial violations of Federal program requirements should be documented and investigated promptly to determine their veracity and the scope and cause of any underlying problem. The compliance officer should maintain a thorough record of such complaints as well as any investigation, its results, and any remedial or disciplinary action taken. The institution may wish to provide such information, redacted of individual identifiers, to the institution’s senior management, such as the board of regents and the president, and to the compliance committee.

F. Auditing and Monitoring

Auditing of an institution’s operations and activities is a critical internal control mechanism. Under the Single Audit Act of 1984 (Pub. L. 98–502), as amended, all institutions that expend $500,000 or more in Federal assistance are required to have a single audit of the “non-Federal entity,” which must be conducted in accordance with generally accepted Government auditing standards. (31 U.S.C. 7502, OMB Circular A-133.) Major institutions typically also have an annual financial statement audit, often conducted by the same firm that conducts its single audit, for the purpose of expressing an opinion as to the fairness of the information contained in the financial statements for the institution.

In addition to the mandated single audit and the financial statement audit, institutions should consider having additional performance audits, focused on particular areas of activity. Internal auditors may already be performing such audits, although an external auditor may in some cases be able to provide a greater level of independence in this work or should be considered when there is a particular problem or risk area that needs attention. Whether audits of compliance with Federal program requirements are performed by internal or external auditors, they should follow generally accepted Government auditing standards, published by the Government Accountability Office as “Government Auditing Standards,” known as the “Yellow Book.”

Institutions should consider conducting risk assessments to determine where to devote audit resources, such as for separate performance audits, and may wish to consider the risk areas we identified above in section II. Risk assessments could be coordinated by the compliance officer. The institution’s disclosure statement under OMB Circular A–21— if it is required to submit one—may already include identification of risk areas. The A–133 audit itself may also identify risk areas or the program agencies may identify risk areas based on their review of the A–133 audit.

An effective compliance program should also incorporate thorough monitoring of its implementation and an ongoing evaluation process. The compliance officer should document this ongoing monitoring, including reports of suspected noncompliance, and provide these assessments to the institution’s senior management and the compliance committee. The extent and frequency of the compliance audits may differ depending on variables such as the institution’s available resources, prior history of noncompliance, and the risk factors particular to the institution. The nature of the reviews may also vary and could include a prospective systemic review of the institution’s processes, protocols, and practices, or a retrospective review of actual practices in a particular area.

Although many assessment techniques are available, it is often effective to engage internal or external evaluators who have relevant expertise to perform regular compliance reviews. The reviews should focus on those divisions or departments of the institution that have substantive involvement with or impact on Federal programs and on the risk areas identified in this guidance. The reviews should also evaluate the policies and procedures regarding other areas of concern identified by OIG and Federal and state law enforcement agencies. Specifically, the reviews should evaluate whether: (1) The institution has policies covering the identified risk areas, (2) the policies were implemented and communicated, and (3) the policies were followed.

C. Enforcing Standards Through Well-Publicized Disciplinary Guidelines

An effective compliance program should include clear and specific disciplinary policies that set out the consequences of violating Federal or State requirements, the institution’s code of conduct, or its policies and procedures. Any research institution should consistently undertake appropriate disciplinary action across the institution for the disciplinary policy to have the required deterrent effect. Intentional and material noncompliance should not be tolerated and should subject transgressors to significant sanctions. Such sanctions could range from oral warnings to suspension, termination or other sanctions, as appropriate. Disciplinary action also may be appropriate when a responsible employee’s failure to detect a violation is attributable to his or her negligence or reckless conduct. Each situation must be considered on a case-by-case basis, taking into account all relevant factors, to determine the appropriate response.

H. Responding to Detected Problems and Developing Corrective Action Initiatives

1. Violations and Investigations

Violation of an institution’s compliance program, failure to comply with applicable Federal or State law, and other types of misconduct threaten the institution’s reputation in the scientific and research community. Consequently, upon receipt of reasonable indications of suspected noncompliance, it is important that the compliance officer or other officials immediately investigate the allegations to determine whether a material violation of applicable law or the requirements of the compliance program has occurred and, if so, take decisive
steps to correct the problem. The exact nature and level of thoroughness of the investigation will vary according to the circumstances, but the review should be detailed enough to identify the cause of the problem. As appropriate, the investigation may include a corrective action plan, an assessment of internal controls, a report and repayment to the Government, and/or a referral to law enforcement authorities or regulatory bodies.

2. Reporting

Where the compliance officer, compliance committee, or member of the institution's administration discovers credible evidence of misconduct from any source and, after a reasonable inquiry, believes that the conduct may violate criminal, civil, or administrative law, the institution should promptly report the existence of misconduct to the appropriate authorities within a reasonable period, but not more than 60 days, after determining that there is credible evidence of a violation. This includes the reporting of criminal or civil misconduct to Federal and State authorities, or, for example, in the case of research misconduct to the Department's Office of Research Integrity. Prompt voluntary reporting will demonstrate the institution's good faith and willingness to work with governmental authorities to correct and remedy the problem. In addition, reporting such conduct may be considered a mitigating factor by the responsible law enforcement or regulatory office, including OIG.

When reporting to the Government, an institution should provide all information relevant to the alleged violation of applicable Federal or State law(s) and the potential financial or other impact of the alleged violation. The compliance officer, under advice of counsel and with guidance from the governmental authorities, could be requested to continue to investigate the

reported violation. Once the investigation is completed, and especially if the investigation ultimately reveals that criminal, civil or administrative violations have occurred, the compliance officer should notify the appropriate authorities of the outcome of the investigation.

I. Establishing Roles and Responsibilities and Assigning Oversight Responsibility

It is especially important that roles and responsibilities regarding the use of PHS research awards be clearly defined and understood. Defining roles and responsibilities promotes accountability and is essential to the overall internal control structure of the institution.

Institutions should clearly delineate the responsibilities of all persons involved with the conduct of federally supported research, including both administration or department personnel with oversight responsibility as well as principal investigators and other personnel who are engaged in research. Under PHS regulations, it is typically the institution itself that qualifies as the "responsible legal entity" for grant compliance purposes. (See 42 CFR 52.2 ([definition of "Grantee"]).) Clearly defining roles and responsibilities can assist institutions in fulfilling their legal responsibility to comply with Department requirements, removing any uncertainty as to the precise responsibility of all individuals involved in the research enterprise. It can also assist individuals in defending against allegations that they recklessly disregarded award requirements.

Roles and responsibilities for each position should be clearly communicated and accessible, including roles and responsibilities in the institution's written policies and procedures and in its formal training and education program could accomplish this objective.

IV. Conclusion

The growth in Federal funding for scientific research over the past decade has prompted a need for more effective compliance by recipient institutions. Many institutions have recognized this need and have developed formal compliance programs. We believe that all research institutions would benefit from compliance programs that, if effectively implemented, would foster a culture of compliance that begins at the administration or management level and permeates throughout the organization. The purpose of this voluntary guidance is to offer a "checklist" of items that we believe is critical for refining or developing an effective compliance program. While the guidance focuses on award administration and the principles and standards in the guidance would benefit other activities that are subject to Government regulation, including human subject research, ethics, and the responsible conduct of science.

Dated: November 21, 2005.
Daniel R. Levinson, Inspector General.

Appendix A

Crant, Geoffrey, et al., Creating Effective Research Compliance Programs in Academic Institutions, 74 American Medicine 9 (September 1999).
Steinberg, Nisan A., Regulation of Scientific Misconduct in Federally Funded Research, 10 S. Cal. Interc. L.J. 39 (Fall 2000).
Walsh, Barbara E., et al., The Compliance Umbrella, Business Officer 18 (January 2000).
[FR Doc. E5–6548 Filed 11–25–05; 8:45 am]
PART III.

THE FACULTY

A. General Philosophy

Institutions of higher learning are communities of scholars in which faculty gather to seek, teach, and disseminate knowledge for its own sake rather than for any immediate political, social, or economic goal. Such institutions are conducted for the common good and not to further the interests of either the individual faculty member or the institution as a whole. The attainment of that common good depends upon the free search for truth and its free expression.

Academic freedom is essential to these purposes. Colleges and universities can fulfill their missions only when their faculties enjoy the academic freedom to pursue knowledge without fear of pressure from sources inside or outside their institutions. For this reason academic freedom is a right and not a privilege to be granted or withheld. As will be indicated below, however, such freedom carries with it commensurate duties and responsibilities.

It is the policy of Clemson University to preserve and defend academic freedom by vigorously resisting all efforts from whatever source to encroach upon or restrict it. In policy and in practice, the university and its accrediting agency, the Southern Association of Colleges and Schools, adhere to the 1940 Statement of Principles on Academic Freedom and Tenure of the American Association of University Professors (AAUP), which has long been recognized as providing reasonable and authoritative guidelines for American institutions of higher learning. The section on academic freedom below essentially reiterates the principles set forth in this statement, with some modification and extension consistent with its intent and with later declarations by the Association.

B. Academic Freedom and Responsibility

Their scholarship and mastery of their subjects entitles faculty to hold teaching positions and to enjoy freedom in the presentation of those subjects in the classroom. Thus it is inappropriate and improper for faculty persistently to intrude materials unrelated to their subjects into their teaching. It is likewise a violation of professional responsibility to fail to present the subject matter of a course as announced to students and as approved by the faculty in its collective responsibility for the curriculum.

Faculty members are entitled to full freedom in research and publication, subject to any restrictions set by law or by applicable codes of professional ethics, and subject to the satisfactory performance of their other academic duties and to stated university policy on outside employment. Research and/or consultation for pecuniary return should be based upon an understanding between the individual faculty member and the institution. Except under conditions of national emergency, a faculty member should not undertake research on university time or use university facilities or funds under any agreement which would (except for a clearly stated, reasonable time) prohibit open communication of the results.

Faculty members are citizens, members of learned professions, and officers of institutions of higher learning. As members of a community, Clemson faculty have the rights and obligations of any citizen. They measure the urgency of these obligations in the light of their responsibilities to their students, disciplines, professions, and to the university. When they speak or write as private persons, faculty shall be free from institutional censorship or disciplinary action, but they shall avoid creating an impression that they are speaking or acting for the university. When they speak or write within the areas of their expertise, faculty have the right to identify themselves by academic rank and institutional affiliation. In so doing, they should not assert or imply that they are acting as
THE ALAN SCHAFFER FACULTY SENATE
SERVICE AWARD

The Faculty Senate is proud to announce the 1st bi-annual Faculty Senate Service Award.

Purpose: To recognize exceptional service on behalf of the Faculty Senate (e.g. demonstrated excellence in leadership, innovation, a champion of Faculty Senate issues).

Eligibility: Any faculty, staff, or administrator, with strong preference given to individuals who have provided direct service to the Faculty Senate. (Note: Current Faculty Senate officers are ineligible.)

Award: The recipient of this award will be granted a stipend of $1,500, and will be recognized at the April meeting of the Faculty Senate. ($1,000 to be awarded to the Library in recipient’s honor; $500 stipend to be awarded to recipient)

Nomination requirements: Nominations will be accepted from any current or former Faculty Senator or Alternate. The nomination packet must include:
- Nomination form (below)
- Letter of nomination (narrative detailing nominee’s exceptional service on behalf of the Faculty Senate)

Award Selection Committee will consist of:
- Last 2 recipients of the Faculty Senate Award (starting in 2008)
- Faculty Senate President
- 4 individuals from the Faculty Senate Executive/Advisory Committee appointed by the FS President

Deadline: February 15, 2006
Submit To: Cathy Sturkie, Faculty Senate Office, Cooper Library, Clemson University, Clemson, SC 29634 (scathy@clemson.edu)

NOMINEE NAME: ___________________________________________ Telephone: ________
Address: ____________________________
E-mail address: ____________________________

NOMINATOR NAME: ___________________________ Telephone: ________
Address: ____________________________
E-mail address: ____________________________
FACULTY SENATE REPORT
TO THE
CLEMSON UNIVERSITY BOARD OF TRUSTEES
February 2, 2006
Connie W. Lee, President

Policy Committee
- Post-tenure review revisions that reduce evaluation redundancy and the paperwork burden on upper administrators while still meeting the mandates of the Commission on Higher Education
- Accountability related to the evaluation of Deans

Scholastic Policies Committee
- Final exam schedule
- Online teaching evaluations
- Faculty’s active involvements in their students’ grade changing process

Research Committee
- Graduate Assistant Differentials oversight
- Reinvestment of indirects into infrastructure
- Clemson University’s intellectual property policy
- Research and faculty relationships with compliance committees

Welfare Committee
- Clemson University insurance benefits

Finance Committee
- Examining the total compensation report

Faculty Senate Select Committee on Faculty Mentoring
- Interim report on the goals of successful development and retention of the new faculty and on the significant institutional and administrative commitment and financial resources

Others
- Ongoing and open dialogues with Provost Helms on faculty evaluations and the evaluation of deans
- The issue of confidentiality, which is vital to the facilitation of several University procedures and of upholding the Faculty Manual and all it entails for accountability
- A faculty-driven open forum will be held on February 23, 2006 at the Hendrix Student Center, entitled 2020: Faculty Vision of Clemson University
- A new Faculty Representative, Dr. John Ballato of Materials Science and Engineering, will replace Dr. Alan Grubb, who has served for the last three years
MINUTES
FACULTY SENATE MEETING
FEBRUARY 14, 2006

1. Call to Order: The meeting was called to order at 2:30 p.m. by President Connie W. Lee. Guests were then recognized and welcomed.

2. Approval of Minutes: The Minutes of the General Faculty and Staff Meeting dated December 21, 2005 and the Minutes of the Faculty Senate meeting of January 10, 2006 were approved as written.

3. "Free Speech": None

4. Special Orders of the Day:
   a. John Ballato, Faculty Representative to the Board of Trustees, informed the Senate of his interactions with the Trustees and provided a report of the recent Trustees meeting in Columbia (Attachment A).

   b. Lois Petzold, Undergraduate Student Ombuds, provided information on her role as Ombuds for undergraduate students and on the services provided, in general, by the Ombuds Office. She especially noted that an Ombuds is an independent, informal, neutral and confidential resource for undergrads.

5. Slate of Officers: The Slate of Officers was presented by the Advisory Committee to the Faculty Senate.

   Vice President/President-Elect:
   Charles Gooding
   Bryan Simmons
   Donna Winchell

   Secretary:
   Des Layne
   Peg Tyler

6. a. Faculty Senate Select Committee Reports:

   b. Senate Standing Committee Reports:
   1) Finance – No report.
2) **Welfare** – Chair Rachel Mayo submitted and briefly explained the Report dated January 30, 2006 (Attachment C). Senator Mayo encouraged everyone to visit the Women's Health Forum to be held on February 24, 2006.

3) **Scholastic Policies** – Chair Gary Lickfield submitted this Committee’s Report dated January 17, 2006 (Attachment D).

4) **Research** – Chair Bill Bowerman stated this Committee’s Report dated January 24, 2006 (Attachment E). Senator Bowerman announced that the new Director of Research Compliance has been hired.

5) **Policy** – Fran McGuire, Chair, submitted and briefly explained the Committee Report dated January 17, 2006 (Attachment F).

c. **University Committees/Commissions:**

1) President Lee and Vice President Kunkel provided information on the Grievance I and II activity for the past year (Attachment G).

2) Lawrence Nichols provided four different scenarios regarding the issue of spreading nine-month salary over twelve months. This option will be available in August, 2006. Details will be forthcoming.

3) Vince Gallicchio, Vice President for Research, provided information on grant proposals and dollars generated during the past six months (Attachment H).

6. **President’s Report:** President Lee

   a. reminded everyone of the Faculty Senate Open Forum on Thursday, February 23rd with a free lunch at noon followed by the Forum from 1-4:00 p.m. President Lee noted that a summary of the Forum will be forwarded to the President, the Provost and the Board of Trustees.

   b. Reminded everyone of college elections and for senators to be sure they are being held within their respective colleges. She asked that senators encourage colleagues to consider being a part of the senate and also reminded senators to consider diversity when encouraging others to participate.

   c. noted that the nominations will close on February 15th for the Alan Schaffer Faculty Senate Service Award. The Selection Committee will be Connie Lee, Chair, Gloria Bautista, Des Layne, Gary Lickfield and Rachel Mayo.

   d. announced that plans are now beginning to begin the celebration of the 50th Anniversary of the Faculty Senate.

7. **Old Business:**

   a. Evaluation of Deans – the Provost noted that there is an issue of goals to be determined. Upon receipt from the Provost, President Lee will take to the Executive/Advisory Committee in February under New Business for discussion.
b. Post-Tenure Review – the Provost informed the Faculty Senate of the Deans’ proposal. Discussion was held. Senator McGuire moved to accept that faculty will go on a six-year cycle beginning with the year of his/her first tenure. In addition and in an effort of confidentiality, the Post-Tenure Review Committee will be established before the process begins. Motion was seconded. Vote was taken and passed unanimously. The Provost will send policy to Senator McGuire and Holley Ulbrich, the Faculty Manual Editorial Consultant, for their approval before it goes out to all faculty.

c. White Paper on Evaluation – The Provost stated that this paper will be sent out to all faculty as soon as possible. It has been shared with all dean candidates.

8. New Business:
   a. Senator McGuire submitted the proposed Faculty Manual change, Staff Representation on Search and Screening Committees, for approval. There was no discussion. Vote was taken and proposed changed passed unanimously (Attachment I).

9. Announcements:
   a. Annual Spring Reception will be held on Tuesday, April 11, 2006 at the FirstSun Connector between the Martin Inn and Madren Center immediately following the Faculty Senate meeting.

   b. Secretary Donna Winchell shared her experience regarding a dangerous situation with a student. Senator Winchell was thankful that the Senate had Raquel Contreras speak the month before on the correct procedures to handle such situations. The system worked and the student is doing fine.

10. Adjournment: 4:30 p.m.

Donna Winchell, Secretary

Cathy Toth Sturkie, Program Assistant

Report to Faculty Senate on Trustee Meeting

- The BoT meeting was held Wednesday and Thursday, February 1 and 2, 2006 in Columbia, SC.
- Wednesday meeting was held entirely in Executive Session to discuss and then develop a common response to the Governor's proposed tuition cap. Nothing to report publicly.
- Thursday's was split between morning committee meetings and then the afternoon full Board meeting. Items of potential interest/impact to faculty:
  - Executive and Audit Committee
    - no report
  - Agriculture and Natural Resources Committee
    - Informational item: $20MM in 2005, $5MM in 2006 and now $4MM ('07) cut proposed to PSA. Working to eliminate the cuts.
      If cuts do pass, then likely will target programs in forestry management, turf grass, and Sandhill [Sandhill Research and Education Center (REC), Columbia, SC]
  - Educational Policy Committee
    - Faculty Senate report (Dr. C. Lee): publicized open forum on February 23rd (at Hendrix Center).
    - Admissions Update: As of January 6, 2006:
      - 11,228 applications received (4,462 in-state, 6,766 out-of-state), which is a 3% increase from this point in 2005. Another 1400 applications expected by end of the year. 1,215 accepted and receiving recruiting scholarships. Most acceptances will be mailed out in mid-February.
      - Additional 308 transfer applications received (207 in-state, 101 out-of-state); 5% increase from last year. 37 accepted.
  - Finance and Facilities Committee
    - As noted in the newspaper, a few fees were passed (transportation, housing, health services, meal plan, ...).
    - Classified Staff Report: Staff ombuds position approved. Staff compensation to be considered next.
  - Institutional Advancement Committee
    - Foundation pay-out from 4.5% to 4% to reduce volatility of the base for coming FY but all beneficiaries will receive same as last year.

Date Prepared: Monday. February 13, 2006
Date Presented: Tuesday, February 14, 2006
• Foundation Goals: $30MM cash, $35MM cash/pledges, and 27% alumni participation.
  • YTD $18.7MM (14% ahead of last year)
  • 11.5% current versus 11% last year this time.
  • Endowment total presently $303MM which is highest ever (~$200MM when stock market slumped)

  o Research Committee

  • Economic Impact report, precipitated by Governor Sanford’s comments about lack of data to support assertion that the research universities affect economic impact, has been completed and is available through CEGP’s office. The three research universities developed it together and take generally into account (a) economic impact of employees, (b) economic impact of alumni in the State, (c) research productivity, and (d) start-ups, IP, and licenses.

  • Research Productivity: $125MM last year.
    • $41MM mid year last year; $45MM mid year this year.
    • On track for 2008 goal of $150MM even with retirements and new hires.
    • An action item from the Trustees was for the Office of Research to develop a set of goals and metrics for the 2008 goal; College based versus emphasis area based?
    • Export control remains a major consideration and one that will continue to receive attention and education of the faculty.

  o President’s Report

    • President Barker discussed his February 2006 Report Card.
January 30, 2006

Select Committee on Grievance Procedures
Syd Cross, Chair, Holley Ulbirch, Renee Roux, Clay Steadman, Cathy Sturkie, Beth Kunkel, Eleanor Hare

Since our initial meeting on April 28, 2005 the Select Committee on Grievance Procedures has addressed a number of concerns. Here is a general list of actions and proposals that have taken place since then:

First, for comparison, Cathy Sturkie and her staff gathered ‘grievance procedures from peer institutions: Georgia Tech, Virginia Commonwealth, University of SC, UNC Charlotte, and University of GA, Virginia Tech, and NC State.

- After reviewing other institution’s policies we agreed that our procedures as they stood, were still of the most complete and fairly implemented practices AND that Clemson Faculty are more engaged in their own governance than many of the other institutions.

Propose a reorganization of the written procedures to make them more accessible for use. (Holley bore the majority of the labor on this one!):

- Overview with bullet format of grievable matters.
- Replacing Grievance I and II with Category I and II and defining them and their hearing panels.
- Changing the word days to week days when referring to calendar of actions.
- Charging the hearing panels with specifically addressing the ‘relief sought’ in their final recommendations.
- Propose one Grievance Board instead of the former system of two. A representative of the library, two representatives from each college and all shall be tenured faculty that have served as Faculty Senators or FS alternates. Service is a two year term. The Senate Advisory Committee may appoint other members if the Board deems it necessary.
- Numerous editing changes to remove redundancy and or non-pertinent information, and to provide consistent wording to the rest of the manual.
- Subcommittee to develop a handbook for grievance Board Members.

Other items we considered:

- A flow chart that distinguishes PTR from TPR
- Training of New Professional Responsibility procedures
- Possibility of an individual who permanently runs the Grievance Board (Czar)
Welfare Committee
January 30, 2006
103 Cooper Library
1:30 pm
Minutes

Approval of Minutes

Old Business

1) Faculty Senate Award for Service
   -Cathy Sturkie sent out the call for nominations 1/23/06. Deadline for receipt of
   nominations is 2/15. Each representative from the Welfare committee was asked to send
   out a personal reminder to their College encouraging nominations. Connie Lee has
   appointed a selection committee and Cathy has contacted Dr. Schaffer’s family to let
   them know of the award.

New Business

1) Follow-up on request from USC-letter to support Preventive Care benefits
   -committee worked in January on a letter to the Provost to support this initiative to improve
   current preventive care benefits offered through SC Blue-Cross Health Plan. Letter was
   circulated for all committee members’ signature. (See attached)
   There have been several conversations with USC Faculty senate on this issue. MUSC has also
   been invited as a partner. (MUSC may already have additional preventive care options under
   its “MUSC options” package for faculty and staff). The CU Welfare committee will await a
   response from the Provost before moving forward to meet with state EIP.
   
   Donna Winchell reported that she met with EIP last year, and that there needs to be continued
   follow-up.

2) Questions were raised as to the status of the 12 month salary option for 9 month
   employees. Committee members have had some questions from faculty as to how/when to
   enroll, whether or not they would be better off tax-wise, etc…
   Question was also raised as to status of additional staff in HR office. This was one of the
   recommendations from last year’s Welfare committee report.

Next Meeting Dates:

2/28, 1:30 pm
3/28, 1:30 pm
Scholastic Policies Meeting  
Tuesday January 17, 2006  2 PM  Sirrine 152

Members Present – Cindy Pury, Mike Ellison, Gary Lickfield

1. Final Exam - Rick Jarvis emailed that the study is continuing- making progress.
Two other informational items were discussed:
   a. Building janitorial & staff support for Saturday Exams
   b. Room assignments for Final exams & common exams.

2. The committee reviewed Section XIII , pages 2-6 of the faculty manual and will be sending corrections & comments to Holly Ulbrich.

Research Committee Report

Submitted by William Bowerman

The research committee met on January 24, 2006 at 2:00 pm in the small conference room on the 2nd Floor, Cooper Library.

Members attending: Bill Bowerman, Peg Tyler, Richard Figliola

Guest: Vincent Gallicchio, Associate VP for Research

1) Old Business: Update on Progress of Committee Assignments

a) Update on communication with Chris Przirembel about reinvestment of indirects into research infrastructure. No new information. Information from Dr. Przirembel was clear. Additional information was requested from Dr. Kelly and has not been received yet. Lead: Richard Figliola and Dennis Smith

b) Status of conversations with Compliance Committees. Dr. Gallicchio announced that Tracie Arwood, from Mississippi State University, has been hired as the new Director of the Office of Research Compliance. Her first day will be March 24. This priority will therefore not be completed this cycle, but will be carried over for the next Faculty Senate year. Lead: Bill Bowerman and Dennis Smith

c) Plans for a forum on Creative Inquiry. No date has been set. It may be included in an ACC meeting here at Clemson, but we are awaiting final decisions on this. Lead: Peg Tyler

d) Report on GADs oversight. Lead: Bill Bowerman Bill will meet with Dean Rafert on this issue on 1/26 and will report on it at the next meeting.

e) Clemson’s intellectual property policy. We have asked Dr. Gallicchio to find out where the “new” policy is within the administration and report to us during our February meeting.

2) New Business

a) Faculty Manual Revisions. Dr. Gallicchio has reviewed the Faculty Manual regarding instructions it gives to faculty regarding research activities. He has pointed out some discrepancies with the Manual and Federal and State laws which need to be addressed to ensure that faculty have the best information related to acceptable research practices. He is working with the Research Committee to draft acceptable language and then forward this to the Policy Committee within the next month.
Minutes of the January 17, 2006 Policy Committee Meeting

Members Present: D. Layne, F. McGuire, B. Simmons, T. Straka
Others in attendance: C. Lee, B. Kunkel, P. Smart, C. Sturkie, H. Ulbrich

1. We discussed a request to determine whether it is possible to hire lecturers for a period less than one year. There is a position called “temporary lecturer” allowing such employment. This information will be sent to the party making the inquiry.

2. We continued our discussion of the proposal to include staff representation on administrator search and screening committees. We unanimously approved a policy addressing the issue. It will be proposed for approval under new business.

3. We discussed the appropriateness of a faculty member directly selling required texts to students. The committee agreed that this was not appropriate. However, there is not a policy in the Faculty Manual.

4. We discussed a request to develop a policy for approving new degree programs. This is a complicated issue and we recommend it be taken up by the 2006 – 2007 Senate.

5. We reaffirmed the policy that department chairs should not see the promotion or tenure recommendation letter of the PTR Committee until after the chair has completed his/her evaluation and made a written recommendation.

6. We discussed the proposed changes in the grievance procedures. After much discussion, we unanimously approved the proposal. It will be brought to the Senate under new business.
# GRIEVANCE ACTIVITY

## January, 2005 through January, 2006

<table>
<thead>
<tr>
<th>Category</th>
<th>Detailed Information</th>
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<tr>
<td>Total Number of Grievances</td>
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<tr>
<td>Grievances Found Non-Grievable by Grievance Board</td>
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<tr>
<td>Grievances Found to be Grievable by Grievance Board</td>
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<tr>
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<td>Grievances In Process</td>
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<td>Suspended Grievances</td>
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<td>Petitions Supported by Hearing Panel</td>
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<tr>
<td>Petitions Not Supported By Hearing Panel</td>
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<tr>
<td>Hearing Panel Grievance Recommendations Supported By Provost/President</td>
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<tr>
<td>Presidential Decisions Supporting Petitioner</td>
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<td>Male</td>
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## GRIEVANCE ACTIVITY BY COLLEGE

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<th>College</th>
<th>Total</th>
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<td>AAH</td>
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<td>AFLS</td>
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<td>BBS</td>
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<tr>
<td>E&amp;S</td>
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<tr>
<td>HEHD</td>
<td>0</td>
</tr>
<tr>
<td>LIBRARY</td>
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</table>
CLEMSON UNIVERSITY GRIEVANCE BOARD
GRIEVANCE PROCEDURE ACTIVITY
GRIEVANCE II PROCEDURE PETITIONS
January, 2005 through January, 2006

Total Number of Grievances 7

Grievances Found Non-Grievable by Advisory Committee 1

Grievances Found to be Grievable 6

Not Yet Determined Grievable Or Non-Grievable 0

Grievances In Process 4

Suspended Grievances 0

Withdrawn Grievances 0

Petitions Supported by Hearing Panel 0

Petitions Partially Supported by Hearing Panel 1

Petitions Not Supported by Hearing Panel 1

Hearing Panel Grievance Recommendations Supported By Provost 2

Grievances Appealed to President 0

Presidential Decisions Supporting Petitioner 0

Male 2

Female 5

GRIEVANCE ACTIVITY BY COLLEGE

<table>
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<tr>
<th>AAH</th>
<th>AFS</th>
<th>BBS</th>
<th>E&amp;S</th>
<th>HEHD</th>
<th>LIBRARY</th>
<th>OTHER</th>
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<td>1</td>
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### Clemson University
Research and Sponsored Programs Activity (FY 2005 ~ FY 2006 Comparison)

**Clemson University Research Foundation**

- College of Agriculture, Forestry & Life Sciences
- College of Architecture, Arts & Humanities
- College of Business & Behavioral Science
- College of Engineering & Science
- College of Health, Education & Human Development
- Division of Computing & Information Technology
- Other Non-College Related Departments
- Public Service and Agriculture

<table>
<thead>
<tr>
<th></th>
<th>FY 2005 Awards ($)</th>
<th>FY 2006 Awards (through Jan 23, 2006)</th>
<th>Percentage of FY 2005 Total Awards (%)</th>
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<tr>
<td>Clemson University Research Foundation</td>
<td>125,555,559</td>
<td>45,977,249</td>
<td>37.4%</td>
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<tr>
<td>Public Service and Agriculture</td>
<td>59,773,394</td>
<td>23,000</td>
<td>58.2%</td>
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<tr>
<td>Other Non-College Related Departments</td>
<td>0</td>
<td>6,000</td>
<td>0%</td>
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<tr>
<td>VP for Research and Interdisciplinary Institutes</td>
<td>4,286,576</td>
<td>3,398,900</td>
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<tr>
<td>Division of Computing &amp; Information Technology</td>
<td>4,318,937</td>
<td>2,917,676</td>
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<tr>
<td>College of Health, Education &amp; Human Development</td>
<td>8,772,244</td>
<td>1,625,670</td>
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<tr>
<td>College of Engineering &amp; Science</td>
<td>22,180,760</td>
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<td>College of Business &amp; Behavioral Science</td>
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<td>College of Agriculture, Arts &amp; Humanities</td>
<td>2,455,410</td>
<td>1,172,200</td>
<td>49%</td>
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</tbody>
</table>

**Inclusion Notes:**
(1) Includes both Clemson University direct/indirect plus CURF direct/indirect sponsored programs awards
(2) Includes units such as Cooper Library, Graduate School and off-campus research activities not associated with one of the above listed colleges
(3) Includes institutes without college affiliations
(4) Does not include awards to the College of Agriculture, Forestry & Life Sciences
(5) Does not include awards to the College of College of Architecture, Arts & Humanities
Proposed Faculty Manual Change II. L-M.
Staff Representation on Search and Screening Committees

Holley H. Ulbrich, Faculty Manual Editorial Consultant

II.L. Present wording:
L. Selection of the President and Other Academic Administrators

In the selection of the President of the University, the Board of Trustees recognizes the interests of the university Faculty and Extension Personnel and other university constituencies. The President of the Faculty Senate, the President of the Extension Senate, and one Professor elected for this purpose by the Professors are appointed to the eleven-member Screening Committee for President of the University. The Screening Committee develops a list of approximately ten available candidates and submits their names to the Selection Committee.

The Selection Committee is comprised of five members: three Trustees, the President of the Faculty Senate, and the President of the Student Body. The Chairman of the Board of Trustees is an additional ex-officio member of both committees. The Committee receives the report and recommendations of the Screening Committee and makes recommendations to the Board of Trustees.

The Board of Trustees elects the President of the University to serve at its pleasure. The complete Selection Process for the President of Clemson University can be found in the Trustee Policy Manual. The Board also reserves to itself final review authority over the appointment of officers of the university who report directly to the President and over the appointment of the deans of the university.

When the appointment to any other academic administrative position is to be made, a faculty search-and-screening committee, with student and staff representation when appropriate, shall be formed to recommend persons to fill that position. This committee shall submit a short list of candidates for the position from which the appointment shall be made. If an appointment cannot be made from this list, the search-and-screening committee may take additional nominations. If no other candidates are acceptable to the committee, the matter shall be brought to the attention of the Provost, who shall consult with the appointing administrator and the search-and-screening committee with regard to appropriate actions....

For the selection of an assistant dean, associate dean, or director within a college, a committee that includes at least one student from that college shall be formed. A majority of the members of the search-and-screening committee shall be elected by the faculty of that college or equivalent administrative unit (for the Dean and Director of the Cooperative Extension Service, a majority of the members of the committee shall be elected by the Extension Senate); the minority may be appointed by the dean of the college or an equivalent administrator. The dean shall make the appointment from the list submitted by the committee, subject to the approval of the Provost and the President....

For the selection of an academic administrator of an off-campus program, the search-and-screening committee shall represent both the off-campus program and the appropriate on-campus academic areas. The majority of the representatives to this committee shall be elected by the affected faculty; the minority may be appointed by the dean of the college. The dean shall make the appointment from the list submitted by the committee, subject to the approval of the Provost and the President.

For the selection of the dean of a college or Library, a search-and-screening committee shall be formed which includes at least one student, at least one department chair (or equivalent) from within the college, and either an off-campus representative of an appropriate profession or a dean from another college within the university. The majority of the representatives to the committee shall be elected by the faculty from within the affected administrative unit; the minority may be appointed by the Provost. The Provost shall make the appointment from the list submitted by the committee, subject to the approval of the President.
II.L-M. Proposed wording

L. Selection of the President and Other Academic Administrators

In the selection of the President of the University, the Board of Trustees recognizes the interests of the university Faculty and Extension Personnel and other university constituencies. The President of the Faculty Senate, the President of the Extension Senate, and one Professor elected for this purpose by the Professors are appointed to the eleven-member Screening Committee for President of the University. The Screening Committee develops a list of approximately ten available candidates and submits their names to the Selection Committee.

The Selection Committee is comprised of five members: three Trustees, the President of the Faculty Senate, and the President of the Student Body. The Chairman of the Board of Trustees is an additional ex-officio member of both committees. The Committee receives the report and recommendations of the Screening Committee and makes recommendations to the Board of Trustees.

The Board of Trustees elects the President of the University to serve at its pleasure. The complete Selection Process for the President of Clemson University can be found in the Trustee Policy Manual. The Board also reserves to itself final review authority over the appointment of officers of the university who report directly to the President and over the appointment of the deans of the university.

M. Selection of Other Academic Administrators

When the appointment to any other academic administrative position other than the President is to be made, a faculty search-and-screening committee shall be formed to make recommendations to fill that position. The committee shall include one classified staff representative; student representation shall be encouraged when appropriate, with student and staff representation when appropriate, shall be formed to recommend persons to fill that position. This committee shall submit a short list of candidates for the position from which the appointment shall be made. If an appointment cannot be made from this list, the search-and-screening committee may take additional nominations. If no other candidates are acceptable to the committee, the matter shall be brought to the attention of the Provost, who shall consult with the appointing administrator and the search-and-screening committee with regard to appropriate actions.

For the selection of an academic department chair or other academic administrator within a department or school, a search-and-screening committee shall be formed from the faculty within that department, school, or college, including a classified staff representative and a student from that college. A majority of the members of the search-and-screening committee shall be faculty members elected by the faculty of that department, school, or college or equivalent administrative unit (for the Dean and Director of the Cooperative Extension Service, a majority of the members of the committee shall be elected by the Extension Senate). A minority of the members of the committee may be appointed by the dean of the college or an equivalent administrator. The staff representative shall be elected by the classified staff of the college. The dean shall make an appointment to the administrative position from the list submitted by the committee, subject to the approval of the Provost and the President.

For the selection of an assistant dean, associate dean, or director within a college, a committee shall be formed that includes a student from that college and a classified staff representative elected by the classified staff in that college. A majority of the members of the search-and-screening committee shall be elected by the faculty of that college or equivalent administrative unit (for the Dean and Director of the Cooperative Extension Service, a majority of the members of the committee shall be elected by the Extension Senate); the minority may be appointed by the dean of the college or an equivalent administrator. The dean shall make an appointment to the administrative position from the list submitted by the committee, subject to the approval of the Provost and the President.

For the selection of an academic administrator of an off-campus program, the search-and-screening committee shall represent both the off-campus program and the appropriate on-campus academic areas, including one classified staff representative and, where appropriate, a student representative. The
1. Call to Order: The meeting was called to order at 2:30 p.m. by President Connie W. Lee. Guests were recognized and welcomed.

2. Approval of Minutes: The Minutes of the Faculty Senate meeting of February 14, 2006 were approved as written.

3. Election of Officers: There being no nominations from the floor nor statements from candidates, the election of Faculty Senate officers was held by secret ballot. Charlie Gooding, Department of Chemical Engineering and Biomolecular Engineering, was elected as Vice President/President-Elect, and Des Layne, Department of Horticulture, was elected as Secretary.

4. "Free Speech": None

5. Special Orders of the Day:
   a. Mary Poore, Associate Vice President of Municipal Services, and Geary Robinson, Director of Parking Services, provided information on parking practices and plans and shared information regarding new parking garages to be built on campus (Attachment A).

6. a. Faculty Senate Select Committee Reports:
   1) Faculty Ranks and Titles – Hap Wheeler, Chair, briefly described the Committee’s Interim Report dated March 14, 2006 (Attachment B). In closing, Dr. Wheeler stated that the Select Committee strongly believes that all faculty positions must be appointed through and to an academic department.

   2) Grievance Procedures – Syd Cross, Chair, briefly described the Select Committee’s Report dated January 30, 2006 and noted major proposed changes (Attachment C).

   b. Senate Standing Committee Reports:
   1) Finance – Dan Warner, Chair, submitted and explained the Committee Report dated March 9 (Attachment D).

   2) Welfare – Chair Rachel Mayo submitted the Committee Report dated February 28, 2006 (Attachment E). Dr. Mayo announced that Alan Grubb is the first recipient of the Alan Schaffer Faculty Senate Service Award and that monies are being collected this afternoon from Senators for Curtis White, Senator from Agriculture, Forestry and Life Sciences, who is serving our country in Afghanistan.
3) Scholastic Policies – Chair Gary Lickfield submitted this Committee’s Report dated February 7, 2006 (Attachment F).

4) Research – For Chair Bill Bowerman, Peg Tyler submitted the Committee’s Report dated March 13, 2006 (Attachment G).


President Lee reminded all Committee Chairs to present an annual committee report at the April, 2006 meeting.

c. University Committees/Commissions:

1) Lawrence Nichols stated that the issue of spreading 9-month faculty paychecks over twelve months is on target; a website is being established containing individual information pertaining to this paycheck distribution; he and President Lee will go to Columbia to address the preventive care issue with others; complimented Syd Cross, Chair of the Select Committee on Grievance Procedures, noting that this review was much needed; offered his assistance with training of those faculty involved in grievances and noted that the job title confusion regarding faculty and non-faculty is being addressed and cleaned up as much as possible.

7. President’s Report: President Lee
a. stated that the Faculty Senate Open Forum held on February 23, 2006 was a success. About eighty (80) people were in attendance including Board of Trustee member, Les McCraw, who made opening remarks. Feedback from the Forum is being compiled and will be shared with the President, the Provost, the Trustees and faculty.

b. noted that the Provost continues to work on the White Paper on Evaluation, an ongoing project, until the new deans are in position. Once their approval is received, it will be shared with faculty.

8. Old Business: None

9. New Business:

a. Senator McGuire submitted and explained the proposed Faculty Manual change, Sale of Textbooks, for approval. Discussion followed. Vote was taken and proposed changed passed (Attachment I).

b. Senator McGuire submitted and explained the proposed Faculty Manual change, Independent Review by Chair, for approval. There was much discussion. Motion was made by Senator Robert Campbell to postpone until the April Faculty Senate meeting. Dr. McGuire asked for the sense of the Senate regarding three
scenarios to assist the facilitation of the topic of discussion: (1) withdraw proposed change, (2) send back to Policy Committee or (3) define the word, “independent” within current language in the Faculty Manual. A vote was taken on each scenario and it was determined that the Policy Committee would define the word, “independent.” Senator Mike Ellison moved to completely take out the word, “independent.” There was no discussion. Vote was taken for a sense of the Senate and it was determined to completely take out the word, “independent” (Attachment J).

c. Senator McGuire submitted the proposed Faculty Manual change, Revision of Post Tenure Review, for approval. There was no discussion. Vote was taken and proposed change passed unanimously (Attachment K).

d. Senator McGuire stated that no information was received regarding the proposed Faculty Manual change, Items Related to Research. Senator Campbell moved to postpone until the April meeting, which was seconded. Vote to postpone was taken and passed unanimously.

e. Senator McGuire submitted for approval the proposed Faculty Manual change, Part V. Grievance Procedures and deferred to Syd Cross to explain. There was no discussion. Vote was taken and proposed changes passed unanimously (Attachment L).

f. Senator Des Layne requested permission for Webb Smathers to present for approval to the Faculty Senate a Resolution of Appreciation for the Service of Eddie H. Kaiser. Following the reading, Senator Layne made a motion to approve by acclamation, which was seconded. There was no discussion. Vote was taken and resolution passed (Attachment M).

10. **Announcements:**
a. The Annual Spring Reception will be held on Tuesday, April 11, 2006 at the FirstSun Connector between the Martin Inn and Madren Center immediately following the Faculty Senate meeting. Invitations will soon be sent.

11. **Adjournment:** 4:25 p.m.

[Signature]
Donna Winchell, Secretary

[Signature]
Cathy Toth Sturkie, Program Assistant

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Report to Faculty Senate  
March 14, 2006  
Senate Select Committee on Ranks and Titles  
Submitted by: A.P. Wheeler

The committee has turned its attention to obtaining data on research (assistant, associate, full) professors. Faculty with this title are required to obtain funding from extramural sources according to the Faculty Manual.

One of the charges of this committee is to consider whether or not such faculty could be funded in part from other sources. Tied to this is the expressed need for various employees at Clemson to have a faculty title in order to successfully compete for extramural funds.

From data obtained through Institutional Research and through interviewing administrators on campus, it appears that such a need has already resulted in some apparent irregularities in the use of the research faculty titles. Specifically:

1. There are 52 employees that have research faculty ranks by job description (Human Resources). Of these 21 receive salary from categories other than “funded” research. However, the actual “sources” of these funds needs to be determined. For example, incentive monies may end up in state E&G accounts from which these faculty are paid.

2. There are approximately 17 “faculty” who have the business title research associate/research (mostly assistant) professor. These short-term employees are actually categorized by Human Resources as faculty. Most of these are paid entirely from extramural funds. The CES states that they use the research associate/faculty rank for employees who will participate in research projects under a mentor or PI. They may serve as a co-PI, participate in grant writing and may participate in teaching. They consider these employees as individuals pursuing advanced research experience in preparation for an independent career. As co-PI's, potential PI's and for professional advancement, the title of research faculty is beneficial and perhaps essential and for whom a research associate title is nor sufficient for these purposes.

3. It appears that Public Service funds are being used to support some research faculty. In part, these funds are of federal origin, but not obtained through a national peer review competitive process.

4. A few research faculty are listed as being paid 100% from other than extramural sources. These can be either instruction (E&G), E&G research or administration. Again the exact source of these funds needs to be explored.

Human Resources has no control over the source of the funds for these ranks.
The committee will continue to interview administrators and faculty in order to understand the rationale and origins of these anomalies and the exact "source" of funds. However, in general it appears that there is a perceived need for more flexibility. This could be in the form of:

1. Bridge money between grants (from incentive funds?)
2. Start-up money for prospective research faculty (from incentive funds?)
3. Young researchers with terminal degrees who are paid from grant funds other than their own (the current slash faculty)
4. Other sources—such as instruction on an occasional basis in order to take advantage of special expertise not resident in the tenure-track faculty.

New guidelines could include some of these considerations and a rule that maintains the spirit of a research position. For example, an average of X% of a research faculty’s appointment should be from extramural funds over Y-year period.

Finally, the consensus of the committee remains that all faculty positions (including research faculty) must be appointed through and to an academic department.
January 30, 2006

Select Committee on Grievance Procedures
Syd Cross, Chair, Holley Ulbirch, Renee Roux, Clay Steadman, Cathy Sturkie, Beth Kunkel, Eleanor Hare

Since our initial meeting on April 28, 2005 the Select Committee on Grievance Procedures has addressed a number of concerns. Here is a general list of actions and proposals that have taken place since then:

First, for comparison, Cathy Sturkie and her staff gathered ‘grievance procedures from peer institutions: Georgia Tech, Virginia Commonwealth, University of SC, UNC Charlotte, and University of GA, Virginia Tech, and NC State.

- After reviewing other institution’s policies we agreed that our procedures as they stood, were still of the most complete and fairly implemented practices AND that Clemson Faculty are more engaged in their own governance than many of the other institutions.

Propose a reorganization of the written procedures to make them more accessible for use. (Holley bore the majority of the labor on this one!):

- Overview with bullet format of grievable matters.
- Replacing Grievance I and II with Category I and II and defining them and their hearing panels.
- Changing the word days to week days when referring to calendar of actions.
- Charging the hearing panels with specifically addressing the ‘relief sought’ in their final recommendations.
- Propose one Grievance Board instead of the former system of two. A representative of the library, two representatives from each college and all shall be tenured faculty that have served as Faculty Senators or FS alternates. Service is a two year term. The Senate Advisory Committee may appoint other members if the Board deems it necessary.
- Numerous editing changes to remove redundancy and or non-pertinent information, and to provide consistent wording to the rest of the manual.
- Subcommittee to develop a handbook for grievance Board Members.

Other items we considered:

- A flow chart that distinguishes PTR from TPR
- Training of New Professional Responsibility procedures
- Possibility of an individual who permanently runs the Grievance Board (Czar)
Faculty Senate Finance Committee  
Minutes from March 9, 2006

The Faculty Senate Finance Committee met on Thursday, March 9, 2006. Present were Mary LaForge, Glenn Birrenkott, Brad Meyer and Dan Warner. Roy Dodd contributed his information verbally earlier in the day. The committee recommends that the total compensation report be organized as follows.

1. The report should be limited to those faculty and administrators who are included in the annual salary survey, that is, those whose annual salary is $50,000 or above.

2. The report should list the name, base annual salary, 9 or 12 month, and any supplemental payments divided into four categories: (1) dual employment pay, (2) summer school pay, (3) summer pay through E&G or PSA funds, and (4) Other. The four supplemental payment categories should only show the percentage of the base salary.

3. For 12 month employees the only supplemental figure should be dual employment. However, there are situations where the person might receive additional funds above the budgeted salary. Such a situation might be the remuneration for leave time when a person TERI's. This excess should simply be recorded in the Other category.

4. For a 9 month employee there could be dual employment, and/or summer school pay, and/or summer pay from E&G or PSA funds, and/or Other (sponsored programs, small grants and contracts, etc.).

5. Based on the preliminary report, dual employment is reflected under the Payment Type. The budgeted salary is normally E&G or PSA, funding codes 15, 10, and 17. However, for some situations, such as endowed chairs, this salary may also include other funding codes such as code 22 (Other restricted). Summer school pay can be identified as funding code 14. All other supplemental funds in excess of the budgeted salary should simply be recorded as Other.
Present: Rachel Mayo, Grant Cunningham, Nancy Porter, Denny Smith, Michelle Martin, Donna Winchell

- Preventive Health benefits
  - Lawrence Nichols has sent a letter to Mr. Robin Tester, Dir. of Employee Insurance Program in Cola. with a copy of the Welfare committee's request. We are requesting a meeting with him and all 3 universities (CU, MUSC, USC), so will keep you posted.

**ACTION item:** Mr. Nichols has asked that we please e-mail the faculty in your colleges and ask them if they have any further questions/concerns that we might address re: Insurance Benefits with Mr. Tester.
I have already had one inquiry as to why some lecturers receive no benefits at all.....

- Alan Schaffer FS Service Award
  - The selection committee met last Friday, February 24, and an awardee was selected. The announcement will be made at next month's FS meeting with the Award to be given at the April FS meeting.

- Spousal Hiring
  - This issue was raised at the last Exec. Advisory committee and President Lee has given notice that the Welfare committee may need to address the current policies/practices in place for hiring the 200+ faculty. More to come....

**March meeting is scheduled for: Tues., March 28, 1:30**
Members Present - Charlie Gooding, Cindy Pury, Mark Smotherman, Alma Bennett, Gary Lickfield.

Topics Discussed

1. Online Evaluations -
   Continued discussion on how to increase student response rate. The consensus of the committee is that "bribing students" is the wrong way, that evaluations should be common university requirement for every course, and that it should be handled at the University level. The evaluation should be completed prior to releasing grades. A proposal is being developed to address this.

2. Registration Request Logs-
   The committee is currently surveying departments & college as to how requests logs are used and how students are added to courses.

3. Incomplete Grades-
   We have continued discussions about how I's are used in computing the GPA. An unofficial survey of nearby institutions showed that we are one of the few that calculate an I as an F until the work is completed. We are continuing to survey other institutions as to how they handle I grades. We will be developing a proposal on I grades for the next meeting.

4. Final Exam Schedule-
   Rick Jarvis will be presenting the results of his study concerning eliminating the first Saturday exams at the next meeting.

Next & Final Meeting - Tuesday April 4 @ 2 PM in 152 Sirrine Hall
The research committee met February 21, 2006.

Members attending: Bill Bowerman, Adly Girgis, Peg Tyler, Richard Figliola
Guests attending: Bill Geer, Steve Chapman

1) Old Business: Update on Progress of Committee Assignments

   a) Status of conversations with Compliance Committees. Will continue to new Senate term. Lead: Bill Bowerman and Dennis Smith

   b) Plans for a forum on Creative Inquiry. Peg Tyler has been working with the planning committee for the upcoming, first-annual ACC Meeting of the Minds Conference (http://www.clemson.edu/accresearch/) to offer a session about Creative Inquiry/Undergraduate Research for interested Clemson faculty. This session will be co-sponsored by the Faculty Senate. The conference will be held April 24-25 at the Madren Conference Center, presenting undergraduate research projects and "best practices" forums from all 12 ACC schools. Lead: Peg Tyler

   c) Report on GADs oversight. Bill Bowerman talked with Dr. Raffert. He will be invited to one of our upcoming meetings to talk with us about how we would like the GADs use reported to us. Lead: Bill Bowerman

2) New Business

   a) Faculty Manual Revisions. Bill Geer and Steve Chapman attended our meeting. Dr. Gallicchio has brought up necessary changes to the Faculty Manual regarding the Research section of the manual. These changes are necessary to ensure that new and continuing faculty are given the best information on state, federal and university requirements for faculty research. The committee had the chair bring this issue to the Policy Committee for consideration.

Next meeting, 2:00 pm, 16 March, 2nd Floor Conference Room, Library.
Minutes of the February 21, 2006 Policy Committee Meeting

Members Present: F. McGuire, B. Simmons, T. Straka Guests: B. Bowerman, T. Keinath, B. Kunkle, C. Lee, P. Smart, C. Sturkie, H Ulbrich,

1. We discussed the post-tenure review policy recently passed by the Senate and clarified some components of the policy.

2. We discussed two policy recommendations from the Scholastic Policies Committee. Both policies related to teaching evaluations. The first would add a faculty Manual mandated requirement providing faculty the opportunity to write a rejoinder to each set of student evaluations. The Policy Committee believes this opportunity already exists and does not need to be a separate policy in the Manual. The second policy would require administrators to reflect all teaching evaluations in their review of teaching evaluations rather than a select sample. The Policy Committee supports this policy but would like the Scholastic Policies Committee to further develop the wording of the policy.

3. We discussed adding further wording to the faculty manual to clearly specify what is meant by a “separate and independent” recommendation from departmental chairs in promotion and tenure decisions. We unanimously approved a statement and will bring it to the Senate under new business.

4. We discussed a policy related to the sale of textbooks by faculty. A proposed policy will be brought to the Senate under new business.

5. Senator Bill Bowerman from the Research Committee proposed some alterations to the research policies stipulated in the Faculty Manual. These will be brought to the Senate under new business.

6. The next and final meeting of the Policy Committee was moved to Thursday, March 16 at 3:00.
VIII. F. 10. Sale of Textbooks and Other Course Materials to Students
Under no circumstances should the professor engage in the direct sale of textbooks or other course materials to students. This restriction does not limit the freedom of faculty members to assign their own textbooks or other materials or to develop course materials that can be sold through, the bookstore, the department office, or other suppliers.

Rationale: This addition was suggested in response to a student complaint.
Proposed Faculty Manual Change IV.D.
Independent Review by Chair
HolleyH. Ulbrich, Faculty Manual Editorial Consultant

IV. D Present wording:
Procedures for Renewal of Appointment, Tenure, and Promotion

Because the faculty of a department or equivalent academic unit is the primary judge of the qualifications of its members, peer evaluation is essential in recommendations for appointment, renewal of appointment, tenure, and promotion. All peer recommendations regarding any individual holding faculty rank in a department shall, therefore, originate within the faculty of that department. Individual departments at Clemson University establish written procedures and committee structures in order to facilitate peer evaluation. These written procedures must incorporate attention to “Best Practices for a Performance Review System for Faculty” Appendix G, numbers 1-11...

The chair shall ensure that any faculty member eligible for renewal of appointment, tenure, or promotion is given an opportunity to be reviewed. The appropriate committee reviews each case in accordance with departmental procedures and policies, and renders a formal recommendation. The chair shall render a separate and independent recommendation as to the disposition of the case. The chair shall provide the committee charged with peer review with a copy of the recommendation. The chair shall also ensure that the affected faculty member is promptly informed in writing as to the results of and rationale for both recommendations. In cases of promotion or early tenure consideration, the candidate may withdraw from further consideration at this point.

IV.D. Proposed wording:
Procedures for Renewal of Appointment, Tenure, and Promotion

Because the faculty of a department or equivalent academic unit is the primary judge of the qualifications of its members, peer evaluation is essential in recommendations for appointment, renewal of appointment, tenure, and promotion. All peer recommendations regarding any individual holding faculty rank in a department shall, therefore, originate within the faculty of that department. Individual departments at Clemson University establish written procedures and committee structures in order to facilitate peer evaluation. These written procedures must incorporate attention to “Best Practices for a Performance Review System for Faculty” Appendix G, numbers 1-11...

The chair shall ensure that any faculty member eligible for renewal of appointment, tenure, or promotion is given an opportunity to be reviewed. The appropriate committee reviews each case in accordance with departmental procedures and policies, and renders a formal written recommendation. The chair shall render issue a separate and independent recommendation as to the disposition of the case prior to being informed in any way about the deliberations and recommendations of the review committee. The chair shall provide the committee charged with peer review with a copy of the recommendation. The chair shall also ensure that the affected faculty member is promptly informed in writing as to the results of and rationale for both recommendations. In cases of promotion or early tenure consideration, the candidate may withdraw from further consideration at this point.

Rationale: In order to ensure consistency across departments and schools in the review process, this clarification is intended to ensure that the chair’s or director’s review is fully independent of the committee’s.
Proposed Revision of Faculty Manual IV.H. Post Tenure Review  
Holley Ulbrich, Faculty Manual Editorial Consultant

[Note: although the entire section is reproduced here, the only substantive changes are in Section 4, which is in italics.]

H. Post Tenure Review

1. Purpose. Post-tenure review (PTR) serves to evaluate rigorously a faculty member’s professional contributions. The review should be used to ensure that all faculty serve the needs of the students and the institution.

2. Coverage. All faculty members holding a tenured faculty position shall be subject to PTR except for a faculty member planning to retire by August 15th of the same academic year in which the post-tenure review would occur providing that a binding letter of intent to retire is signed thereby waiving the PTR. The period for Post Tenure Review is every five years. The first five year period begins at the time that tenure is granted. PTR reviews are conducted during the fall semester of sixth year when one or more faculty members in a department or equivalent unit is scheduled for review. Review of tenured academic administrators is accomplished in accordance with Section II.N of the Faculty Manual.

3. Guidelines. The faculty of each academic unit shall prepare written guidelines (approved by a majority of the faculty, the respective dean, and the Provost) providing details of the PTR process. These guidelines must incorporate attention to “Best Practices for Post-Tenure Review,” Appendix H numbers 1 through 12. Although the details may vary from one academic unit to another or from one college to another within the university, such guidelines must be consistent with the following principles to ensure appropriate rigor.

(a) The primary basis for PTR is the individual’s contributions in the areas of research and/or scholarship, teaching, and service.
(b) Guidelines must be flexible enough to accommodate faculty members with different professional responsibilities.
(c) PTR shall not infringe upon the accepted standards of academic freedom. Sex, age, ethnicity, and other factors unrelated to an individual’s professional qualifications shall not be considered in the review process.
(d) The chairperson of the academic department and the dean of the college must not be involved directly in the peer review process at the departmental level.
(e) The Post-Tenure Review must be linked to the annual reviews.

8. Promotion will be counted as post-tenure review at any time within the six year cycle. If a faculty member desires to be considered for promotion in his/her sixth year in the cycle (or by the departmental bylaws established to identify colleagues during the first six years), he must also be considered for post-tenure review in the same academic year. In addition to the materials needed for promotion review, the PTR file would need to include: (a) two additional years of student evaluations and Evaluation Form 3o, (b) a plan for continued professional growth; (c) detailed information about any sabbaticals; and (d) any additional materials deemed necessary for PTR by departmental bylaws. The PTR outcome is automatically considered as ‘satisfactory’ if the candidate is promoted or if the candidate is recommended for promotion by the department’s peer review committee or the department chair. The time clock for PTR is reset at this time. If the individual being considered for promotion is not promoted, the will be required to undergo PTR at the time normally assigned or during the sixth year after the last PTR.
4. **Post Tenure Review Committee.** Whenever any faculty member(s) are scheduled for regular review or when any faculty member is in a period of PTR remediation, a PTR committee will be constituted in accordance with departmental bylaws that is separate from the regular personnel committee(s). Faculty members subject to Part II of PTR will be recused from participating in this second stage process. Only tenured faculty members are eligible for election to the PTR committee. The size of the committee may vary from one academic unit to another; however, the committee must have a minimum of three members. In cases in which the department does not have enough tenured faculty members to constitute a PTR committee, the departmental peer review committee will elect outside faculty members from other departments who are qualified to serve on the PTR committee. The PTR committee will elect its own chair.

5. **Part I Post Tenure Review.** The PTR committee will review the ratings received on the most recent available series of five years of annual performance reviews, as specified in the Best Practices for Post-Tenure Review (#3). Merit salary increments are based on these annual performance reviews, as is consistent with the Best Practices for Post-Tenure Review (#9). All tenured faculty members receiving no more than one (of five) annual performance rating of "fair," "marginal," or "unsatisfactory" in Part I of the Post Tenure Review process receive a Post Tenure Review rating of "satisfactory." These faculty members are thereby exempt from Part II of Post Tenure Review.

6. **Part II Post Tenure Review.** Part II consists of additional review by the Post Tenure Review Committee and the department chair of those identified in Part I as subject to further review. All tenured faculty members receiving two or more annual performance ratings of "fair," "marginal," or "unsatisfactory" will be reviewed under Part II of Post Tenure Review.

   a. In order to ensure adequate external representation in the Part II Post Tenure Review process, departments must choose ONE of these options in drafting departmental personnel policy procedures.

      (1) utilize reference letters submitted from outside the department on each individual under review,
      (2) add to the PTR committee a faculty member or professional equivalent from outside the department nominated and elected according to departmental bylaws, OR,
      (3) allow each faculty member under review the option of either having external letters solicited or incorporating the external committee member in the review process.

   b. The faculty member undergoing Part II of PTR must provide, at a minimum the following documents to the PTR committee and the department chair.

      (1) a recent copy of the curriculum vita (paper or electronic);
      (2) a summary of teaching evaluations (if appropriate to the individual’s duties) for the last 5 years, including student evaluations;
      (3) a plan for continued professional growth;
      (4) detailed information about the outcomes of any sabbatical leave awarded during the preceding five years;
      (5) if required by departmental personnel policy procedures, the names of six referees outside the department whom the PTR committee could contact for references; and
      (6) any other documents relevant to the review.

   c. The chair of the academic unit must provide the PTR committee with copies of the faculty member’s annual performance reviews covering the preceding five years.

   d. The role and function of each faculty member, as well as the strength of the overall record, will be examined by the PTR committee. If provided in departmental bylaws, the PTR committee is required to
obtain a minimum of four reference letters of which at least two must come from the list of six submitted by the faculty member.

e. The PTR committee will provide a written report to the faculty member. The faculty member should be given at least two weeks' time to provide a response to the committee. Both the committee’s initial report and the response of the faculty member will be given to the dean of the academic unit. The department chair will submit an independent written report to the faculty member who will then have two weeks to provide a response. The chair’s original report and the faculty member’s response will be submitted forwarded to the college dean. The ratings of either Satisfactory or Unsatisfactory will be used in all stages of the review by the PTR committee and the chair, the dean, and the Provost.

f. If both the PTR Committee and the chair, or either the PTR Committee or the chair, rates the candidate as satisfactory, the candidate’s final rating shall be satisfactory. If both the PTR Committee and the Chair rate the candidate as unsatisfactory, the candidate’s final rating shall be unsatisfactory.

g. If the candidate’s final rating is satisfactory, the dean will forward that information to the Provost in summary form without appending any candidate materials. If the candidate’s final rating is unsatisfactory, the dean will all materials to the Provost.

7. Remediation. Individuals who receive a rating of Unsatisfactory must be given a period of remediation to correct deficiencies detailed in the PTR reports. The chair in consultation with the PTR committee and the faculty member will provide a list of specific goals and measurable outcomes the faculty member should achieve in each of the next three calendar years following the date of formal notification of the unsatisfactory outcome. The university will provide reasonable resources (as identified in the PTR reports and as approved by the chair and the dean) to meet the deficiencies. The chair will meet at least twice annually with the faculty member to review progress. The faculty member will be reviewed each year by the PTR committee and the chair, both of whom shall supply written evaluations. At the end of the three-year period, another post-tenure review will be conducted. If the outcome is again Unsatisfactory, the faculty member will be subject to dismissal for unsatisfactory performance. If the review is Satisfactory, then the normal five-year annual performance review cycle will resume.

8. Dismissal for Unsatisfactory Professional Performance. If dismissal for unsatisfactory professional performance is recommended, the case will be subject to the rules and regulations outlined in the Faculty Manual described in section IV.K.

Rationale: This change was recommended by Dean Keinath and reviewed by the Policy Committee. It significantly reduces the number of faculty members subject to post-tenure review.
PART V.

GRIEVANCE PROCEDURE

A. Overview

A formal grievance procedure is available to faculty members to facilitate the redress of alleged injustices. This single procedure replaces the two different procedures formerly in effect. Category I grievances address such matters as dismissal, termination, or unlawful discrimination. Category II grievances address unfair or improper application of administrative authority or allegations of lack of civility and/or lack of professional responsibility. In all cases the burden of proof rests on the faculty member who has filed the petition, which includes faculty members holding administrative rank.

All parties to a grievance, including witnesses, are expected to adhere to the highest standard of honesty and professional responsibility expected of all faculty members at all times. Each faculty member and any other person involved in grievance procedures shall be free from any or all improper restraint, interference, coercion, or reprisal on the part of associates or administrators in filing a grievance, in accompanying a faculty member filing a grievance, in appearing as a witness, or in seeking information in accordance with the procedures described herein. These principles apply with equal force after a grievance has been adjudicated. Should these principles be violated, the violations should be brought to the attention of the Provost or the President, if necessary, for appropriate remedial action.

Should the faculty member not receive satisfaction from the remedial action taken by the Provost, an appeal may be made to the President, and subsequently (if necessary) to the Board of Trustees. The procedure for pursuing such remedial action is the same as the procedures for addressing alleged violations of the Faculty Manual (I.C.)

Guidelines related to all aspects of the grievance procedure may be obtained from the Faculty Senate Office or the Faculty Senate web site (http://www.lib.Clemson.edu/fs/) prior to filing any grievance. A descriptive flow chart in the Appendices explains the sequence and time frame for the various steps in the grievance process. Weekdays, for purposes of the grievance process, are defined as Monday-Friday, excepting University holidays.

1. Assistance in dealing with complaints: Ombudsman for Faculty, Postdoctoral Fellows, and Graduate Students

Faculty, post-doctoral fellows, and graduate students are encouraged to use the services of their Ombudsman, who acts as a mediator in any dispute in which they may be involved. The services of this professor, knowledgeable about the grievance process, are available free of
charge with the expectation of resolving disagreements before they reach the formal stages outlined in the following sections on grievance procedures. Services are confidential. Separate ombuds serve undergraduate students and classified staff, respectively.

The Ombudsman reports to a sub-committee of the Faculty Senate Executive/Advisory Committee composed of the immediate past president and the president of the Faculty Senate; the faculty representative to the Board of Trustees; one faculty member appointed annually by the Faculty Senate Advisory Committee; and one faculty member appointed annually by the Ombudsman. Members of this committee may not simultaneously serve on the Grievance Board. In conducting the affairs of this office the ombudsman shall be independent and free from any and all improper restraint, interference, coercion or reprisal. The ombudsman shall be protected from retaliation. Should these principles be violated, the violations should be brought to the attention of the Provost and, if necessary, to the President of the University.

2. Assistance in dealing with complaints: Grievance Counselors

For persons seeking assistance in understanding grievance procedures, the faculty senate provides the services of grievance counselors. A counselor offers advice on which of the grievance categories to cite prior to filing a grievance petition. At the request of the petitioner, the grievance counselor will review the petition before it is submitted to assist in clarifying the grievable allegations. The counselor, however, does not render any decision on the merits or substance of the petition. Administrators may also seek advice of counselors on grievance matters. Information about general procedures followed in grievance hearings helpful to the respondent can be obtained from grievance counselors. Grievance counselors will not advise faculty members or administrators from their own colleges and will not act for both parties to the same case. Individual counselors may seek advice from fellow counselors and may refer their clients to other counselors to expedite the grievance process.

Five counselors selected from different colleges will usually be in office at the same time. These counselors are appointed annually by the faculty senate advisory committee from the ranks of tenured Associate Professors and above who have a thorough knowledge of the Faculty Manual and the grievance processes. At least one of the five counselors appointed will be an academic administrator. The Faculty Senate Advisory Committee will attempt to stagger the counselors' terms on a three-year rotation and to provide minority representation whenever possible. The counselors are accorded the same protection afforded faculty members involved in grievance procedures. The names of the counselors are available from the Faculty Senate Office, the President of the Faculty Senate or the Provost.

B. Grievance Procedure

1. Coverage. Any person holding a faculty appointment (see Part III, Sections D and E) at Clemson University, including academic administrators, may file a grievance.

2. Bases for Grievances: Category I. Category I grievances may be based on dismissal, termination, and/or allegations of unlawful discrimination.

a. Dismissal from employment with the university is grievable. A dismissal is the "removal or discharge of a faculty member from a tenured position, or from an untenured position before the end of the specified appointment, for cause." Adequate cause for dismissal must be related directly and substantively to the fitness of the faculty member in his/her professional capacity. (See Section IV. K.)
b. Termination from appointment by the university of a faculty member with tenure, or of
a non-tenured faculty member before the end of a specified term of appointment, is
grievable under this procedure. Termination is to be understood to mean "the removal or
discharge of a faculty member with tenure, or of an untenured faculty member before the
end of the specified term of the appointment because of institutional exigencies." (See
Section IV.K.)
c. Allegations of unlawful discrimination in compensation, promotion, and/or work
assignments are also grievable. A grievance may be filed alleging discrimination based
on age, gender, disability, race, religion, national origin or sexual orientation, or status as a
disabled veteran or a veteran of the Vietnam era, or discrimination prohibited by federal
law or regulation.
d. In addition to the above, petitions from any non-tenured faculty member who alleges
that violations of academic freedom significantly contributed to a decision to cease, in any
manner, his/her appointment with the university, will be included in this category. (For a
definition of academic freedom, see Section III.B.)

3. Bases for Grievances: Category II. Category II grievances include allegations of improper
or unfair actions or procedures by administrators and others in positions of responsibility, lack of
civility or professional responsibility, or other matters that the Grievance Board and/or the
Provost may agree are grievable. Other Category II matters may be grievable based on a
determination by the Provost and/or the Grievance Board. Minor complaints are usually not
grievable. What constitutes a "minor complaint" is left to the discretion of the Grievance Board
or the Provost.

a. A Category II grievance may be based on an allegation that a person or persons in
appropriate position of authority or responsibility have failed to properly implement
departmental, college or university policies or procedures so as to adversely affect the
complainant. Category II grievances include allegations of improper or unfair actions in
such matters as
  • application of recognized criteria or guidelines used in formal review processes
  • assignment of professional duties by an administrator
  • appraisal (by an administrator) of the complainant's performance
  • denial (by an administrator) of the complainant's access to departmental, college,
or university resources
  • determination (by an administrator) of the complainant's salary increment.
Complaints arising out of the authorized exercise of faculty and administrative judgment and
discretionary powers are usually not grievable.
b. A Category II grievance may also be based on allegations of a serious, aggravated lack of
civility and/or lack of professional responsibility, that is, actions, activities or behaviors which
seriously disrupt the normal workday or educational mission. Such allegations must be related
directly and substantively to the professional responsibilities of the faculty member in his/her
professional capacity as a teacher or researcher and member of the University community.
Before such an allegation is filed, every effort shall be made and documented that the involved
parties have exhausted all other administrative avenues and processes to mediate and resolve the
dispute. In addition, using the services of the Faculty Ombudsman is strongly encouraged.
d. Allegations that may be considered in this general class include, but are not limited to:
disrespect for the free inquiry of colleagues; disrespect for the opinion of others; lack of equitable
treatment of all personnel; creation of the impression that a faculty member speaks or acts for the
University; lack of cooperation and civil interaction with colleagues; personal attacks against
colleagues; intolerance or intimidation of colleagues; failure to follow University policies
established to eliminate violence, discrimination and harassment. Allegations must be of a serious and disruptive nature. Sanctions imposed by the Provost may include, but are not limited to: oral or written warnings; oral or written reprimands; suspension without pay; or dismissal.

4. Attempts to resolve matters without filing a grievance

a. A faculty member with a grievance shall first meet with the department chair for an informal discussion of the matter. This discussion must take place within 65 weekdays of the matter's occurrence. Weekdays, for purposes of the grievance process, are defined as Monday-Friday, excepting University holidays. Both parties shall meet in good faith and shall make every attempt to resolve the matter in an equitable and professional manner.

b. If the matter cannot be resolved at the level of the academic department, the faculty member shall meet with the dean for an informal discussion. The faculty member must request this interview within fifteen weekdays of the discussion of the matter with the department chair. The dean shall confer with the faculty member within ten weekdays upon receiving the request. Again, the resolution of the matter in an equitable and professional manner shall be the primary goal of those involved.

c. In the case of non-reappointment or denial of tenure or denial of promotion, the requirements to meet with the department chair and the dean are waived.

5. Filing a petition

a. A faculty member who desires to file a grievance must submit a written petition within 20 weekdays after the date of the alleged grievance in 4.c. above, or after the completion of the meetings specified in 4 a. and b. (As an example of the time limits, if notification is given that a faculty member will be dismissed for cause, the time period begins with the date of receipt of the letter in which the faculty member was notified. The time period does not begin with the effective date of dismissal.)

b. The procedure that begins with a petition and ends with a decision is described in a flow chart in an appendix to the Faculty Manual. The petition is to be submitted to the Provost's Office, which will forward the original petition and supporting documents to the Faculty Senate Office. After twenty weekdays have passed, the faculty member forfeits the right to petition and any actions taken with respect to the faculty member shall become final.

c. The grievance petition must state the specific individual(s) against whom the grievance is filed, the dates upon which the alleged grievable matter occurred, the specific basis or bases on which the grievance is filed (see Sections IV.B. 2 and 3, above), a list of the supporting documents appended to the petition and the specific relief sought by the petitioner. Sufficient supporting evidence should be provided for the Grievance Board to determine probable cause that a grievable matter has occurred. See Appendix B for a grievance petition form. An informal guide to the grievance process can also be found on the Faculty Senate web site.

6. The Grievance Board

a. The Grievance Board consists of members elected by the members of the Faculty Senate from a pool of nominees named by the Executive and Advisory Committees of the Faculty Senate in a joint meeting, and from nominations made from the floor at the Senate election meeting. The Senate shall hold an election each January to replace Grievance Board members whose terms have expired, and to fill positions that have become vacant during the previous
calendar year. If necessary, the Faculty Senate Advisory Committee may make interim appointments to ensure a sufficient number of members on the Grievance Board. The Faculty Senate Advisory Committee shall appoint the Chair of the Grievance Board.

b. Members of the Grievance Board must be tenured regular faculty, and shall be members, alternates, or former members of the Faculty Senate. These Grievance Board members shall consist of a representative from the Library and two representatives from each college with two-year terms of service. The Board, through selected hearing panels, hears grievances brought to it in accordance with the faculty grievance procedure.

c. Once each academic year, the Chair of the Grievance Board will give the Faculty Senate a summary report concerning grievance activities.

7. Determination of Grievability

a. Grievance petitions are submitted to the Provost, who forwards the originals to the Faculty Senate Office to be reviewed by the Grievance Board. The Grievance Board determines whether the allegations in the petition are grievable according to the criteria in sections V.B.2 and/or 3. At least five members of the Board must be present in order to make a determination. The Board shall render its decision on grievability within ten weekdays of receipt of the petition, and notify all named parties.

b. If the petition is filed during one of the long semesters of the regular academic year, the Grievance Board shall call a special meeting within ten weekdays of receipt of a properly submitted petition. If the petition is filed at any other time, it will be reviewed no later than ten weekdays after the first day of classes of the next long semester. A quorum for this meeting shall consist of five members of the Grievance Board. If the petition is deemed grievable, the chair of the Board shall send copies of the petition to those against whom the grievance is brought.

c. The petitioner may request that the matter be addressed by the Provost rather than the Grievance Board. If the matter is not to be considered by the Grievance Board, the Provost shall review the case and request any additional information from any person involved, as needed. If the Provost determines the matter to be grievable, the Provost shall render a final decision within thirty weekdays of receipt of the petition. If the Provost determines the matter to be non-grievable, the Provost shall notify all parties. The written decision will be transmitted to the named parties and the Faculty Senate Office, which will notify the Grievance Board.

d. The Grievance Board or the Provost shall determine to which of the person(s) named in the petition copies of the petitions or relevant portions thereof shall be sent. Respondents to the petition may file a response with the Provost or the Grievance Board. Any such responses must be filed within fifteen weekdays of receiving the petition. This response is not to exceed ten pages excluding supporting documents which may be submitted as an appendix to the response.

e. If the person filing the grievance has since left the employ of the University, the Grievance Board may at its discretion decide not to proceed further at any point in the process.

8. Grievance Hearings

a. The Grievance Board shall create a hearing panel of five members for each Category I grievance and a panel of three members for each Category II grievance from among the members of the Board. The Board will, within 20 weekdays after reaching the decision to hear the petition, set a date for the initial hearing, which will be a single hearing for Category I and one or more hearings as needed for Category II. For a Category I hearing, the chair shall give each party to the grievance seven weekdays written notice of the hearing. Notification of the hearing date will include: i) the time, place and nature of the hearing; ii) the procedure to be followed during the hearing; iii) a statement of the basis or bases on which the petition is to be heard; and iv) references to pertinent university statutes and portions of the Faculty Manual. For Category II,
the initial hearing will be scheduled within 20 weekdays of the Board's determination of grievability.

b. The hearing shall be held during one of the long semesters of the regular academic year, unless the Provost deems the matter of sufficient urgency, and requests that the hearing take place at a time outside the normal academic year. In this case those members of the Grievance Board who have nine-month appointments will be compensated at a rate equal to that of their normal salary for any day or fraction thereof.

c. Members of the Grievance Board shall remove themselves from the case if they deem themselves disqualified for reasons of bias or conflict of interest, or if they are from the same college as the petitioner. The named parties shall each have a maximum of two challenges without stated cause. If such removals and challenges reduce the membership of the hearing panel below five, the President of the Faculty Senate shall make additional appointments from the Senate to ensure a hearing panel composed of at least five members.

d. All named parties shall be permitted in all proceedings to have and be accompanied by an advisor of their choice. All matters pertaining to the grievance shall be kept confidential to the extent permitted by law. The hearing shall be closed to the public. For Category I grievances, a verbatim record of the hearing shall be taken and made a part of the record.

e. Both parties shall be permitted to offer evidence and witnesses pertinent to the issue. The Provost (or the President if the Provost is a named party) shall, so far as possible, assist the hearing panel in securing the cooperation and attendance of witnesses and named parties and shall make available documents and other evidence under her/his control. When the hearing may be expedited and the interest of the parties shall not be substantially prejudiced, any part of the evidence may be received in written form. All written evidence submitted by all parties to the grievance hearing in a Category I petition must be received by the chair of the hearing panel not less than seven weekdays prior to the date set for the hearing; any material received after that date may be allowed or excluded by the hearing panel at its discretion. For Category II, written material can be received any time during the hearing process. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. If an objection is made to any evidence being offered, the decision of the majority of the panel shall govern.

f. In Category I hearings, the hearing panel may at its discretion grant adjournment to either party to investigate evidence concerning which a valid claim of surprise is made. Both parties may ask questions of witnesses and each named party. Members of the panel may ask questions of any party or witness at any time during the hearing. Members of the panel are expected to keep all discussions confidential to the best of their ability and to the extent permitted by law.

g. In Category I hearings, findings of fact and recommendations of the hearing panel must be based solely on the hearing record and shall be submitted to the Provost. In Category II hearings, findings are based on hearings and written evidence. In petitions alleging unfairness in applying university procedures, it is important that the hearing panel not substitute its judgment for that of the faculty or administrator who made the decision at issue. The merits of the decision, per se, are not at issue. Rather, the issues are whether or not some unfair or improper influence so colored or affected the judgment of the faculty or administrator that the decision reached would have been different had no such improper or unfair influence existed. Thus, so long as the appropriate policies and procedures were followed the only issues are the existence of improper or unfair influences and the extent of their influence upon the decision involved. The petitioner has the burden of proof in establishing that such influence existed and that its presence dictated the nature of the decision reached.

h. In cases of complaints alleging lack of civility and/or lack of professional responsibility, the findings of fact and recommendations of the hearing panel must specify the impact of the actions, activities, or behaviors on the educational mission of the department, school, other relevant unit
and explicitly address the issue of culpability so that the Provost may impose appropriate sanction(s), if deemed appropriate.

9. Concluding the Grievance Process

a. Within ten weekdays of the final hearing for either category, the panel shall submit its findings and recommendations to the Provost along with appropriate documents and records. In the event the Provost has been recused from a decision making capacity, the findings and recommendations shall be submitted to the President. The majority vote shall be the recommendation forwarded to the Provost by the hearing panel. The recommendation must be submitted only to the Provost within ten weekdays after conclusion of the hearing.

b. The Provost or the President shall review the record of the hearing and shall render a written decision within 22 weekdays of receipt of the hearing panel’s report. The decision shall include findings of fact and recommendations, separately stated. Copies of the decision, including the hearing panel’s findings and recommendations, shall be sent to all named parties, the hearing panel, and the Faculty Senate Office.

c. The faculty member may appeal the Provost’s decision to the President. A written appeal must be submitted to the Office of the President within ten weekdays after receipt of the Provost’s decision. If an appeal is made, the President shall review the hearing record and the decision of the Provost and shall render a written decision within 20 weekdays of receipt of the request for the review. The decision shall include findings of fact and recommendations, separately stated. Copies of the decision of the President shall be sent to all parties, the Provost, the Faculty Senate office, and the hearing panel.

d. In the case of a Category I grievance, the faculty member may appeal the decision of the President to the Board of Trustees. A written appeal must be submitted to the Executive Secretary of the Board of Trustees within ten weekdays after the receipt of the President’s decision. Receipt by the Executive Secretary shall be deemed receipt by the Board. If an appeal is made, the Board of Trustees, or a committee of Board members appointed by the Chair, shall review the record of the hearing and the decisions of the President and the Provost, and shall render a final decision on behalf of the university. The decision shall be in writing and shall include findings of fact and recommendations, separately stated. Copies of the decision shall be sent to all parties, the President, the Provost, and the hearing panel.

10. Protection of Petitioners

a. If a grievance has been filed in a timely manner, any action taken against the faculty member that forms the basis for the grievance shall not become final until the appeals process is exhausted and a final decision is rendered on behalf of the university. If the faculty member does not appeal any step of the procedure within the time limits prescribed herein, the last decision rendered shall become the final decision of the university.

b. If the action which forms the basis for the grievance filed by the faculty member could eventually involve any type of discontinuance of appointment with the university as stated above, the faculty member shall not be removed from his/her university duties until a final decision is rendered under this grievance procedure. The exception to this principle would be that, prior to the final decision being rendered, the faculty member may be relieved of all duties or assigned to other duties if the risk of adverse consequences to himself/herself, to others, or to the institution is heightened by continuance in the affected individual’s normal assignment. Before taking such action the administration shall consult with the Faculty Senate Advisory Committee. The salary of the faculty member shall always continue until a final decision is rendered by the university.
A RESOLUTION OF APPRECIATION FOR THE SERVICE OF EDDIE H. KAISER

Whereas, Dr. Eddie H. Kaiser served the Department of Applied Economics and Statistics; the College of Agriculture, Forestry and Life Sciences; and Clemson University with great distinction for 29 years, and

Whereas, Dr. Kaiser served as a member of the curriculum committee for the College of Agriculture, Forestry, and Life Sciences since 1987, as its chair since 1991, and for those 15 years, represented the college on the university curriculum committee, and

Whereas, Dr. Kaiser practiced the art and science of teaching with such passion and commitment that his students loved and respected him as an outstanding teacher and his courses were consistently among the most popular in the college,

Be it therefore resolved that the Faculty Senate of Clemson University officially recognizes and sincerely appreciates the commitment and service of Dr. Eddie H. Kaiser to Clemson University and to the Clemson family.

Passed by the Faculty Senate on March 13, 2006.
MINUTES
FACULTY SENATE MEETING
APRIL 11, 2006

1. **Call to Order**: The meeting was called to order at 2:30 p.m. by President Connie W. Lee. Guests were recognized and welcomed.

2. **Approval of Minutes**: The Minutes of the Faculty Senate meeting of March 14, 2006 were approved as written.

3. **“Free Speech”**: None

4. **Special Order of the Day**:
   a. Jan Schach, Dean of the College of Architecture, Arts & Humanities, updated the Senate of the current status of the Restoration Institute in Charleston, South Carolina.

5. a. **Faculty Senate Select Committee Reports**:
   1) **Grievance Procedures** – Beth Kunkel (for Chair Syd Cross), noted that the Senate awaits approval of the proposed changes to the Grievance chapter in the *Faculty Manual* from the Provost; Select Committee will continue to work on a handbook and training for Grievance Board members and counselors. The Report dated March 28, 2006 was submitted (Attachment A).

   2) **Mentoring** – Kinly Sturkie, Chair, noted that the Committee had worked on the development and maintenance of a sustainable mentoring program for faculty which must contain lasting characteristics and administrative and financial requirements and submitted the Final Report dated March 28, 2006 (Attachment B).

   3) **Faculty Ranks/Titles** – President Lee noted for Chair Hap Wheeler that a final report will be submitted to the Senate at the end of this summer.

b. **Senate Standing Committee Reports**:
   1) **Finance** – Dan Warner, Chair, submitted and explained the Committee’s Annual Report for 2005-2006 and noted that the Total Compensation Report remains to be the Committee’s focus (Attachment C).

   2) **Welfare** – Chair Rachel Mayo submitted the Committee’s Final Report dated April 11, 2006 (Attachment D). Dr. Mayo noted that the employee insurance program ideas for a preventative health care plan was not well received by state employees in Columbia, but that the issue will continue to be pursued.
3) Scholastic Policies – Chair Gary Lickfield submitted this Committee’s Report dated April 4, 2006 (Attachment E).


President Lee reminded all Committee Chairs to present an annual committee report at the April, 2006 meeting.

c. University Committees/Commissions: None

6. President’s Report: President Lee
a. asked if any senators had received feedback from the Faculty Senate Open Forum.

b. announced that Larry LaForge has been named as Faculty Athletic Representative replacing Cecil Huey.

c. presented an award to Alan Grubb, as the first recipient of the Alan Schaffer Faculty Senate Service Award. Senator McGuire then read aloud a letter from Dick Conover, a former Faculty Senator who thanked the Senate for its efforts to save the Clemson forests thru the Select Committee on Clemson’s Land Use and donated one thousand ($1,000.00) to the Alan Schaffer Faculty Senate Foundation.

d. presented certificates of appreciation to all the retiring Faculty Senators.

7. Old Business:
 a. Senator McGuire submitted and explained the proposed Faculty Manual change, Procedure for Developing Interdisciplinary Courses, for approval. There was no discussion. Vote was taken and proposed changed passed unanimously (Attachment I).

b. Senator McGuire submitted and explained the proposed Faculty Manual change, Annual Evaluation Rejoinder, for approval. There was no discussion. Vote was taken and proposed changed passed unanimously (Attachment J).

c. Senator McGuire submitted and explained the proposed Faculty Manual change, Reporting Violations of the Faculty Manual, for approval. There was no discussion. Vote was taken and proposed changed passed (Attachment K).
d. Senator McGuire submitted and explained the proposed *Faculty Manual* change, Independent Review by Chair, for approval. Discussion followed. Senator Peg Tyler made a motion to refer back to Policy Committee which was seconded. Vote to refer back to Committee was taken and passed (Attachment L). The Policy Committee asked the Senate for direction and suggestions. Discussion followed.

8. **Outgoing Remarks and Introduction of Senate President:** Outgoing remarks were made by President Connie Lee who then introduced Beth Kunkel, as the Faculty Senate President for 2006-07. New officers were installed at approximately 3:45 p.m.

   Donna Winchell, Secretary

9. **New Business:**
   a. The new and continuing senators introduced themselves.

   b. President Kunkel stated that two alternate senators are still needed in the Colleges of Business and Behavioral Sciences and Engineering and Sciences.

   c. President Kunkel stated that college delegations need to identify their lead senator and representative to the Faculty Senate Executive/Advisory Committee and to notify the Senate Office of the results as soon as possible.

   d. President Kunkel reminded the new senators of the New Senator Orientation to be held on May 9th at 12:30 p.m. at the Madren Center. Responses of attendance are to be forwarded to the Faculty Senate Office.

   e. President Kunkel reminded the senators to return their Committee Preference Questionnaire soon so that committee assignments could be made.

   f. President Kunkel stated that she would like to continue the Select Committees on Faculty Titles and Ranks and made a motion for approval to do so. Motion was seconded. Vote was taken and passed unanimously.

   g. Senator Tyler submitted for approval and read aloud the Resolution to Honor Dean of Libraries, Joseph F. Boykin, Jr. Senator Charlie Gooding submitted for approval and read aloud the Resolution to Honor the Dean of the College of Engineering and Science, Thomas M. Keinath. Both resolutions were approved by acclamation (Attachments M and N, respectively).
10. **Announcements:** President Kunkel invited everyone to join the reception held in the FirstSun Connector commencing at 4:30 p.m.

11. **Adjournment:** 4:17 p.m.


Des Layne, Secretary

Cathy Toth Sturkie, Program Assistant
March 28, 2006

Select Committee on Grievance Procedures
Syd Cross, Chair, Holley Ulbirch, Renee Roux, Clay Steadman, Cathy Sturkie, Beth Kunkel, Eleanor Hare

Since our initial meeting on April 28, 2005 the Select Committee on Grievance Procedures has addressed a number of concerns. Here is a general list of actions and proposals that have taken place since then:

First, for comparison, Cathy Sturkie and her staff gathered ‘grievance procedures from peer institutions:’ Georgia Tech, Virginia Commonwealth, University of SC, UNC Charlotte, and University of GA, Virginia Tech, and NC State.

- After reviewing other institution’s policies we agreed that our procedures as they stood, were still of the most complete and fairly implemented practices AND that Clemson Faculty are more engaged in their own governance than many of the other institutions.

Propose a reorganization of the written procedures to make them more accessible for use. (Holley bore the majority of the labor on this one! There were by my count at least twelve drafts that the committee and Holley generated):

- Proposed one Board that would address both Category I and II
- Replacing Grievance I and II with Category I and II and defining them and their hearing panels.
- Changing the word days to weekdays when referring to calendar of actions.
- Charging the hearing panels with specifically addressing the ‘relief sought’ in their final recommendations.
- Propose one Grievance Board instead of the former system of two. A representative of the library, two representatives from each college and all shall be tenured faculty that have served as Faculty Senators or FS alternates. Service is a two year term. The Senate Advisory Committee may appoint other members if the Board deems it necessary.
- Proposed that advisors for named parties be present but not representative in hearings.
- Numerous editing changes to remove redundancy and or non-pertinent information, and to provide consistent wording to the rest of the manual.
- Subcommittee to develop a handbook for grievance Board Members.

Other items we considered and are now (hopefully) in progress:

- A flow chart that distinguishes PTR from TPR
- Training of Grievance Counselors
- Training of New Professional Responsibility procedures for chairs and other personnel
- Possibility of an individual who permanently runs the Grievance Board (Czar)
- A handbook for grievance counselors
Committee Charge: The Faculty Senate Select Committee on Faculty Mentoring was appointed by Webb Smathers in April, 2005, and has met regularly since its inception. The purpose of the Committee has been to:
1. gather information on the relative value of Mentoring Programs nationally;
2. examine the characteristics of those programs which are most likely to be beneficial and sustainable;
3. review programs that have already been implemented at the Departmental and College levels at Clemson;
4. assess the degree to which Mentoring Programs are formally supported by, and included in, current Departmental By-Laws; and
5. make recommendations to the Senate on the implementation of a mentoring program University-wide.

Committee Members: Melanie Cooper, COES; Debra Jackson, Provost's Office; Connie Lee, HEHD & Faculty Senate; Kinly Sturkie, BBS (Chair); Dan Warner, COES; and Frankie Keels Williams, HEHD. Also contributing were: Pat Smart, HEHD & Provost's Office; Webb Smathers, CAFLS, Ex Officio (as Immediate Past President of the Faculty Senate); and Curtis White, CAFLS (currently on Military Leave).

The Mentoring Committee has also relied upon consultations from Fran McGuire of the HEHD Mentoring Program, Linda Nilson of OTEI, and Byron Wiley of A&E for a variety of specialized information.

Based on our review, the Select Committee recommends a Mentoring Program with the following goals and characteristics:

I. The Goals of the Mentoring Program:
   A. To provide direction and support to faculty in order to increase the likelihood of their being successful in the faculty role, including being tenured and promoted.
   B. To enhance the quality of the faculty experience over time in a developmental way so as to facilitate the retention of quality faculty and decrease revolving door recruitment.

II. Successful Faculty Mentoring Programs:
   A. are fully integrated into, but are never a substitute for, other faculty development and support programs including:
      1. new faculty orientations.
      2. administrative mentoring at the department chairs' and Deans' levels.
3. formal peer mentoring from Departmental Promotion, Tenure, and Review Committees (and related committees at the College level).
4. informal peer mentoring from departmental colleagues.

B. are formally supported at the Departmental, College and University levels:
1. by making them a priority, rather than having them be just one more add-on faculty responsibility.
2. through the provision of significant professional development funds or salary supplements for the mentors. First year funding would cost approximately $1,250 per mentee.
3. by providing formal administrative recognition, including service credit within the FAS system.
4. by developing an annual Mentoring Award within each College.

C. have a formal organizational structure that:
1. is administered at the College-level.
2. flexibly assigns and/or recruits mentoring pairs based on the mentee's specific needs.
3. links individual mentors and supports them collectively.
4. links individual mentees and supports them collectively.
5. provides mentor and mentee training in regular plenary sessions focusing on key areas such as grant proposal development and teaching skills.
6. provides ongoing consultation to clarify expectations for the mentoring relationship.
7. provides a mechanism to help resolve mentor / mentee goodness-of-fit issues.
8. employs a formal mentoring text or workbook.
9. emphasizes the need for standing mentor-mentee appointment times.

D. are flexible and individualized enough to address the specific needs of:
1. male and female mentees.
2. minority faculty.
3. newly-minted faculty.
4. persons joining the faculty from business and industry who have not previously worked in academia.
5. more senior faculty, particularly those who have come to Clemson from other academic institutions.
6. faculty from different disciplines and colleges who may have varied professional standards and expectations.
7. lecturers, as well as tenure-track faculty.

The mentoring Program would also have to deal with these potential, programmatic, barriers.
A. cultural resistance within the institution by departmental, school, and college administrators, as well as Promotion, Tenure and Review Committees, to rewarding significant service commitments by faculty.

B. significant operating expenses that would likely exceed $150,000 per year for plenary meetings, trainings, salary supplements, and other administrative requirements.

C. a limited supply of faculty who have the requisite skill sets and/or the desire to make the significant time commitment necessary to be a quality mentor, even if alternative resources such as emeritus faculty are employed.

D. competing quality initiatives such as “Creative Inquiry.”

E. appropriately integrating a mentoring program into existing faculty support systems.

Respectfully submitted,
The Faculty Senate Select Committee on Faculty Mentoring
March 28, 2006
The Finance Committee was charged with working with Institutional Research to complete the Total Compensation report that was requested in 2004-2005. The Total Compensation Report was not completed last year because of staffing difficulties within Institutional Research.

During the Summer, Institutional Research completed a preliminary version of the Total Compensation Report. Table 1 provides a summary showing the numbers of Administrators and Faculty receiving Dual Employment and/or Summer Pay. The document discussing this summary is also attached. Institutional Research also provided an 833 page report detailing all the compensation sources for all Academic positions including Administrators, Tenure Track Faculty, Visiting Faculty, Lecturers, and Instructors.

Table 1 and the attached Summary of the Total Compensation Report, provide little insight beyond the fact that about 78% of the full-time, permanent faculty and administrators (n=1184) receive some form of additional compensation. The detailed report, on the other hand, had two major problems. First, it could not be distributed as prepared because it included many personnel whose salaries, by state law, are exempt from public disclosure. Second, the amount of detail virtually precluded any simple analysis, and also made it likely that generating the report on an annual basis would be untenable.

The committee then decided to determine the purpose for the report. It should be kept in mind that supplementary compensation is restricted by state law, and it is reported to the state by the University. The committee discussed with several senators, both active and retired, the original intent of the request for the Total Compensation Report. The committee concluded that given the State oversight, the primary value of this report would be to provide some insight into the discretionary decisions by deans and chairs regarding Summer School and Dual Employment assignments. A few small details concerning the final form of the report are still being negotiated with Institutional Research. The Fiscal Year 2004 report should be available shortly.

Respectfully submitted,

Faculty Senate Finance Committee
  Daniel Warner, Chair
  Sarit Bhaduri
  Glenn Birrenkott
  Roy Dodd
  Mary LaForge
  Brad Meyer
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Table 1. Summary from the FY 2004 Total Compensation Report
Total Compensation Analysis:
Faculty and Administrators (FY2004)

Introduction

This report attempts to capture all payments to faculty members for the fiscal year 2004. Please note that the time frame for this report is different from past reports, which were based on a calendar year. For each person, information is provided about special payments included in their salary and courses taught that may have been associated with dual employment. This information should provide a good background to judge the sources and reasons for most extra pay. However, the process for developing this information is not prefect and any situation that appears to be true from examination of this report, should be verified prior to taking any action.

Methodology

OIRP assessed total Clemson University compensation in comparison with the average budgeted salaries, dual employment activities, and summer school activities for full-time, permanent faculty and administrators (n=1184). These faculty and administrators were employed as of employment data snapshots on September 30, 2003 and/or March 15, 2004. The analysis encompassed activities and payments occurring in Fiscal Year 2004. For this report, reference to the fiscal year is not according to the strict finance definition. Instead, we attempted to shift payments to the fiscal year in which the payments were earned, rather than the year in which they were paid. This is required to allow alignment of payroll payments with payroll corrections. It is not possible to identify all such issues, so the results should be considered as our best estimate of what was intended.

Data sources for this study included CUBS payroll journal and payroll corrections, HR's dual employment records, course records submitted to CHE each semester, and archived CUBS employee records. Part of the process of combining these sources of information involves alignment of payroll adjustments and payroll corrections with the correct employee and fiscal year. In some cases, it was not possible to properly align records and some payroll corrections were ignored. In many cases, there was enough information within the records to make adjustments to associated records with the likely employee and fiscal year. Since there are numerous corrections included, the results should not be considered the final accounting. Any person of interest identified from this analysis should be investigated in more detail to confirm all adjustments.
Results

Individual compensation sources and compensated activities for each employee are provided in the attached report. Across the university:

- 684 faculty members and 48 administrators received summer pay.
- 169 faculty members and 16 administrators received dual employment payments from Clemson University.
- 12 faculty members received dual employment payments from other state agencies.

A review of members who had higher than estimated income revealed several situations that will occur normally. These include the following situations; many of these remain uncorrected in the report. There are dual employment payments that actually apply to a previous fiscal year. Some dual employment, summer or summer school payments were not coded with the correct account number and so will not be identified among the summary of payments. Some employees received payment for unused annual leave upon joining the TERI program or retiring. Some faculty awards are included as regular pay. A few individuals received retroactive pay raises or contract payments coded as regular pay. We did not attempt to correct these errors, but they should not affect many members.
Welfare Committee
April 11, 2006
Minutes of 3/28/06
And Final Report

Attending: Nancy Porter, Michelle Martin, Denny Smith, Grant Cunningham, Donna Winchell, Rachel Mayo (chair)

Approval of Minutes

1) Committee discussed primary accomplishments for this year:
   Preventive Care benefits, support of Curtis White, Alan Schaffer FS Service Award,
   follow-up with Child Care initiative

New Business

Recommendations for next year
-Committee spent bulk of meeting discussing concrete recommendations for next year’s Welfare committee:

1) Preventive Care Benefits
   Mr. Lawrence Nichols and President Lee attending meeting in Cola. With Mr. Robin Tester, Employee Insurance Program (EIP), presenting our letter of request and issues that had been solicited directly from the faculty. While responsive, his standpoint was that CU already offers employees some benefits (through CU for Health program), and that only about 3% CU employees utilize this service (vs app. 9% for other state employees). Rachel will follow-up with these numbers.

   Unfortunately, CU for Health is limited to health assessments, and is not the type of preventive services that our letter was requesting (including women’s health screenings, immunizations and routine physical exams). Next year’s committee should follow-up with this timely issue.

2) Continued support and follow-up with Child Care for Clemson University
   -include “sick” child care—committee recommended formulating a list of possible providers for parents to call on.
   - the issue of child care was mentioned in the findings of the FS Forum.

   Important that Welfare committee to continue to pursue this issue and be involved next year

3) FS Forum
   -Tuition/Scholarship for Family Members

4) Faculty Liaison for Insurance/Health Care
   -Committee may continue to explore ways to improve insurance coverage for employees; Currently, seems to be some understanding of insurance/HC benefits, vesting and work obligations when an employee becomes sick. Would be helpful to have this liaison to help faculty navigate the insurance system.

5) Spousal Hiring
   -Committee needs to be involved in this issue, to determine what the current policies toward Spousal Hiring are, what practices have been, and that all faculty involved with search committees are on “the same page”
6) Parking
   -Welfare committee should be involved in Parking Advisory Committee, as this is an important employee welfare issue

7) Travel/mileage reimbursement for employees
   -Costs for gasoline are going up, but mileage reimbursement has not in some time.
   -Overall, seems to be trend where costs for working at CU are going up, but salaries have not increased at the same rate.

8) Suggest addressing trend toward lower class loads, but higher student/teacher ratios
Minutes of the Scholastic Policies Committee Meeting - Tuesday April 4, 2006

Members present: Charlie Gooding, Mark Smotherman, Alma Bennett, Gary Lickfield
Guests: Rick Jarvis & Christine Kraft (Math), Stan Smith & Reagan Blondeau (Registrars Office)

The major topic discussed concerned the Final Exam Schedule

Rick Jarvis presented a summary of the work he & his doctoral student Christine Kraft have thus completed on reducing the number of days for final exams from seven to six days. This study was undertaken at the bequest of Katy Bayless to determine if the first Saturday exams could be eliminated thus reducing the final exam week to a Monday – Saturday schedule. The criteria used was

1) minimize the number of conflicts – exams scheduled at the same time; and 2) minimize the number of back-to-back exams. Using these, a six-day exam was generated and three semesters of student data have been examined. While the number of conflicts and back-to-back exams were similar in both schedules, the number of exams on the last day increases significantly in going from a seven-day to a six-day schedule. Additional semesters data will be examined and new potential exam schedules will also be investigated using this approach, such as having four exams each day.

Other topics discussed briefly (and to be continued next year):

1. There needs to be a recommended procedure on how to resolve final exam conflicts.

2. Stan Smith will be invited back to one of the next meeting for further discussion of I grades

3. Data is still being collected on how “Requests Logs” are handled by departments & colleges. A common policy may need to be developed.

4. Academic Dishonesty – first offense. The committee is discussing the idea of a first-offense academic dishonesty intervention policy (not a punishment).

5. The final report of the Scholastic Policies Committee for 2005-06 will be issued at a later date.
Faculty Senate

Research Committee Report

Submitted by William Bowerman

March 16, 2006

The research committee meet on 16 March 2006 at 2 PM, 2nd Floor of the Library.

Members attending: Bill Bowerman, Adly Girgis, Richard Figliola, Peg Tyler

1) Old Business: Update on Progress of Committee Assignments

a) Status of conversations with Compliance Committees. Will be carried on to next term. Lead: Bill Bowerman and Dennis Smith

b) Plans for a forum on Creative Inquiry. Clemson University is hosting the ACC Meeting of the Minds Conference 23-25 April 2006, an undergraduate research forum. There will be an invitation to Faculty to attend this conference. It is hoped that this meeting will re-invigorate Creative Inquiry at Clemson. Lead: Peg Tyler

c) Report on GADs oversight. Dr. Bruce Rafert will attend the May meeting to begin discussions on how the Faculty Senate would like reporting of GADs to occur. Lead: Bill Bowerman

d) Faculty Manual Revisions. Dr. Gallicchio will be submitting a final version for consideration at the April Faculty Senate meeting under old business.

e) Update on communication with VPs on reinvestment of indirects into research infrastructure. VP Kelly clarified that the detailed breakdown of indirect returns included all of the PSA amount except for about $16,000 used for University administrative purposes. Lead: Richard Figliola and Dennis Smith
Faculty Senate
Research Committee Annual Report

Submitted by William Bowerman

Members: Bill Bowerman, Adly Girgis, Dennis Smith, Peg Tyler, Sean Williams (Chair to November), Richard Figliola

1) Committee Assignments Completed

a) **Update on communication with Chris Przirembel about reinvestment of indirects into research infrastructure.** VP Kelly clarified that the detailed breakdown of indirect returns included all of the PSA amount except for about $16,000 used for University administrative purposes. Lead: Richard Figliola and Dennis Smith.

b) **Plans for a forum on Creative Inquiry.** Peg Tyler has been working with the planning committee for the upcoming, first-annual ACC Meeting of the Minds Conference (http://www.clemson.edu/accresearch/) to offer a session about Creative Inquiry/Undergraduate Research for interested Clemson faculty. This session will be co-sponsored by the Faculty Senate. The conference will be held April 24-25 at the Madren Conference Center, presenting undergraduate research projects and "best practices" forums from all 12 ACC schools. Lead: Peg Tyler

2. Work to Be Completed During the Next Senate

a) **Status of conversations with Compliance Committees.** We met with Dr. Gallicchio on November 8th to begin these discussions. In February, Dr. Gallicchio announced that Tracie Arwood, from Mississippi State University, has been hired as the new Director of the Office of Research Compliance. Her first day will be March 24. This priority will therefore not be completed this cycle, but will be carried over for the next Faculty Senate year. Lead: Bill Bowerman and Dennis Smith

b) **Report on GADs oversight.** Dr. Bruce Rafert will attend the May meeting to begin discussions on how the Faculty Senate would like reporting of GADs to occur. Lead: Bill Bowerman

c) **Faculty Manual Revisions.** Dr. Gallicchio will be submitting a final version for consideration at the May Faculty Senate meeting after going through the Policy Committee. Bill Geer and Steve Chapman attended our February meeting. Dr. Gallicchio has brought up necessary changes to the Faculty Manual regarding the Research section of the manual. These changes are necessary to ensure that new and continuing faculty are given the best information on state, federal and university requirements for faculty research.

d) **Clemson’s intellectual property policy.** Continuing to wait for a response from inquiries throughout the year. The revised policy has not been approved and is not available.
Minutes of the March 16, 2006 Policy Committee meeting

Members Present: R. Campbell, F. McGuire, T. Straka
Guests Present: C. Lee, H. Ulbrich, P. Smart

1. We discussed two policy recommendations from the Scholastic Policies Committee. The first add a statement in the faculty manual specifying that faculty may include a rejoinder to student evaluations in their annual evaluation material. The Policy Committee supported that policy and a proposal will be made under new business. The second recommendation was that a mechanism be put in place that would require department chairs to use a “representative” sample of student comments from evaluation forms when evaluating faculty. The Policy Committee believes a faculty member could address an unfair summary using the current mechanism for filing a disclaimer and no further action is needed.

2. We discussed a policy change recommended by the Research Committee. We decided more information is needed and therefore this item will be sent to the new Policy Committee chair for further action.

3. We discussed a proposed change in the description and membership of the Recreation Advisory Committee. Further discussion is needed and this item will be forwarded to the new Policy Committee with a recommendation they invite the Director of Fike Recreation Center to a meeting.

4. We discussed the status of the policy changes passed by the Senate and sent to the Provost for signature. Three of the proposed policy changes have not been approved and were discussed by the Policy Committee:

   a. “Evaluation of other academic administrators” will be forwarded to the committee chaired by Senator Campbell for further discussion and modification;
   b. “Review of Interdisciplinary Course proposals” was revised based on the Provost’s concerns and the revised policy will be brought to the Senate for approval under old business;
   c. “Changes in procedures for addressing alleged violations of the Faculty Manual” was revised based on the Provost’s concerns and the revised policy will be brought to the Senate under old business.

5. We discussed the “separate and independent” clause in the faculty evaluation section of the Faculty Manual (section iv-D, page iv-3) and agreed to remove the word “independent” from the policy. We further explained the “separate” component. The proposed changes will be brought to the Senate under old business.

6. The Faculty Constitution (Part VII of the Faculty Manual) stipulates that a quorum of faculty is defined as “at least one-half of the faculty” and this is rarely
met at the general faculty meetings, making it impossible to amend the Constitution. Therefore we recommend this definition be altered. However, this change can only be approved if a quorum is present at the time of voting. So, it is recommended that a "virtual faculty meeting" be held with all faculty given the opportunity to approve a change in the Constitution's definition of a quorum. Further discussion is needed on this suggestion.

Having concluded its business for this year, the Policy Committee will have no further meetings.
Proposed Revision to Faculty Manual VI.A.2.
Procedure for Developing Interdisciplinary Courses
Holley H. Ulbrich, Faculty Manual Consultant

Present wording:

VI.A.2.b. Undergraduate Curriculum Committee is comprised of the Dean of Undergraduate Studies or some other member of the Provost’s staff who serves as non-voting chair and two voting members from each college has two voting members, one of whom is chair of the collegiate curriculum committee. The collegiate committee elects the second representative. The term of office is for three years in rotation. Non-voting members in addition to the chair include one elected library faculty, one undergraduate student appointed by the student body president, the registrar, the Calhoun honors college director, and other members of the Dean of Undergraduate Studies as needed. The committee’s jurisdiction is set forth in the Faculty Constitution.

Proposed additional wording:
Interdisciplinary curricular proposals may be brought to the Undergraduate Curriculum Committee from oversight committees in the particular interdisciplinary area that are created by the college or colleges participating in the creation and staffing of these courses or curricula. If the participating departments or academic units are within a single college, a committee to oversee the interdisciplinary curriculum should be established in the college bylaws providing for representation by affected departments or academic units. If the participating departments or academic units come from more than one college, a joint committee must be established and be reflected in the bylaws of each participating college. The Honors College is also authorized to initiate interdisciplinary honors courses. Interdisciplinary proposals must be sent to college curriculum committees for review and comment before being considered by the university curriculum committees. The curriculum committees will maintain a list of such committees to be published annually as an appendix to the Faculty Manual.

Rationale: The proposed designation of a Science and Technology in Society Committee that will serve as the curriculum committee for that program, along with the established practice of having the Calhoun Honors College Committee serve that same function for the honors program, suggests a need for a more general policy for addressing interdisciplinary courses and interdisciplinary curricula that provides an appropriate initiatory body as well as review at both the college and university levels. This change would cover undergraduate interdisciplinary courses only.
Addition to IV. E., Annual Faculty Evaluation Using Form 3
At the end of the first paragraph
For teaching faculty, student evaluations must be used as indicated in Section VIII.F.8.

Present wording:

VIII.F.8
Evaluation of Teaching by Students. The university provides a standard form that meets the minimum requirements of best practices for student evaluation of teaching faculty. This form must be approved by the Scholastic Policies Committee of the Faculty Senate. Individual departments may develop questions supplemental to the university’s minimum standard questions or employ comprehensive supplemental questions, but the standard questions are required. These forms will be distributed in every class near the end of the semester. The instructor will announce to the students that completed forms will not be examined until course grades have been submitted. It is required that instructors leave the room while forms are being completed by students. A student proctor will conduct the evaluation.

Student evaluation of teaching is mandatory for all instructors at both the undergraduate and graduate levels. All evaluation forms are returned directly to the instructor to be retained for a six-year period. Course summary information from the evaluation forms will become part of the personnel review data for annual review, reappointment, tenure and promotion, and for post-tenure review consideration. The university will retain electronic copies of all evaluation summaries for the purpose of verification that the evaluations have been carried out. These summaries will also be used for annual review, reappointment, tenure, promotion or post-tenure review in accordance with guidelines found elsewhere in the Faculty Manual only if a faculty member’s forms are not available. Access to these electronic summaries shall be with notification to the faculty member involved.

Other evaluation methods which must be given at least equal weight in the teaching evaluation process include one or more of the following:

a) evaluation of course materials, learning objectives, and examinations by peers and/or supervisors,
b) in-class visitation by peers and/or supervisors,
c) a statement by the faculty member describing his/her methodology,
d) exit interviews/surveys with current graduates and alumni, and
e) additional criteria as appropriate to the discipline.
Proposed revised wording:

**Evaluation of Teaching by Students.** The university provides a standard form that meets the minimum requirements of best practices for student evaluation of teaching faculty. This form must be approved by the Scholastic Policies Committee of the Faculty Senate. Individual departments may develop questions supplemental to the university’s minimum standard questions or employ comprehensive supplemental questions, but the standard questions are required. These forms will be distributed in every class near the end of the semester. The instructor will announce to the students that completed forms will not be examined until course grades have been submitted. It is required that instructors leave the room while forms are being completed by students. A student proctor will conduct the evaluation.

Student evaluation of teaching is mandatory for all instructors at both the undergraduate and graduate levels. All evaluation forms are returned directly to the instructor to be retained for a six-year period. Course summary information from the evaluation forms will become part of the personnel review data for annual review, reappointment, tenure and promotion, and for post-tenure review consideration. The university will retain electronic copies of all evaluation summaries for the purpose of verification that the evaluations have been carried out. These summaries will also be used for annual review, reappointment, tenure, promotion or post-tenure review in accordance with guidelines found elsewhere in the *Faculty Manual* only if a faculty member’s forms are not available. Access to these electronic summaries shall be with notification to the faculty member involved.

Other evaluation methods which must be given at least equal weight in the teaching evaluation process include one or more of the following:

a) evaluation of course materials, learning objectives, and examinations by peers and/or supervisors,
b) in-class visitation by peers and/or supervisors,
c) a statement by the faculty member describing his/her methodology,
d) exit interviews/surveys with current graduates and alumni, and
e) additional criteria as appropriate to the discipline and
f) any rejoinders or comments on student evaluations provided by the faculty member.

**Rationale:** This request comes from the Scholastic Policies Committee.
Proposed Faculty Manual Change I.C.
Reporting Violations of the Manual
Holley H. Ulbrich, Faculty Manual Editorial Consultant

I.C. Present wording:

Reporting violations of the Manual. If the procedures and policies outlined in this Manual have not been followed, a report should be made to the President of the Faculty Senate. The report should include the section of the Manual that is not being followed, the person(s), department(s), etc. involved, and a brief description of the situation. The President may handle the matter or refer it to the relevant committee or person for resolution. The name(s) of the person(s) filing the report shall be kept confidential by the President of the Faculty Senate.

I.C. Proposed wording:

1. Reporting Alleged Violations of the Manual. If the procedures and policies outlined in this Manual have not been followed, a written and signed report should be made to the President of the Faculty Senate. The report should include the section of the Manual that is not being followed, the person(s), department(s), etc. involved, and a brief description of the situation. The President may handle the matter or refer it to the relevant committee or person for resolution. The name(s) of the person(s) filing the report shall be kept confidential by the President of the Faculty Senate.

2. Resolving the issue. The President of the Faculty Senate, or one of the standing committees that s/he may designate to address the matter in his/her stead, may seek additional information. If the Senate President, or the designated committee, decides that a Faculty Manual violation has not occurred, that decision shall be communicated to the individual making the allegation and the matter will be considered closed. If the Senate president, or the designated committee, decides that a Faculty Manual violation has occurred, s/he or the committee will recommend a resolution to address the violation. The Senate president will communicate the proposed resolution to all named parties and the Provost in writing. All parties shall respond in writing within seven week days of receiving the decision. If any of the named parties do not accept the resolution, the Senate president shall forward the proposed resolution, as well as any relevant materials, to the Provost. The Provost shall render a decision and communicate it to the Senate president and all involved parties.

3. Recusal of Senate President or Provost. If the alleged Faculty Manual violation involves the Senate President, the chair of the Senate Policy Committee shall serve in place of the Senate President. If the alleged Faculty Manual violation involves the Provost, the President of the University shall serve in place of the Provost.

Rationale: The present wording does not provide a clear procedure for resolving issues of alleged Faculty Manual violations. This additional wording lays out a clear step by step process for addressing such allegations. Revised March 2006 to reflect some concerns by the Provost about who is informed.
Proposed Faculty Manual Change IV.D.  
Independent Review by Chair  
Holley H. Ulbrich, Faculty Manual Editorial Consultant

IV. D Present wording:
Procedures for Renewal of Appointment, Tenure, and Promotion

Because the faculty of a department or equivalent academic unit is the primary judge of the qualifications of its members, peer evaluation is essential in recommendations for appointment, renewal of appointment, tenure, and promotion. All peer recommendations regarding any individual holding faculty rank in a department shall, therefore, originate within the faculty of that department. Individual departments at Clemson University establish written procedures and committee structures in order to facilitate peer evaluation. These written procedures must incorporate attention to “Best Practices for a Performance Review System for Faculty” Appendix G, numbers 1-11...

The chair shall ensure that any faculty member eligible for renewal of appointment, tenure, or promotion is given an opportunity to be reviewed. The appropriate committee reviews each case in accordance with departmental procedures and policies, and renders a formal recommendation. The chair shall render a separate and independent recommendation as to the disposition of the case. The chair shall provide the committee charged with peer review with a copy of the recommendation. The chair shall also ensure that the affected faculty member is promptly informed in writing as to the results of and rationale for both recommendations. In cases of promotion or early tenure consideration, the candidate may withdraw from further consideration at this point.

IV.D. Proposed wording:
Procedures for Renewal of Appointment, Tenure, and Promotion

Because the faculty of a department or equivalent academic unit is the primary judge of the qualifications of its members, peer evaluation is essential in recommendations for appointment, renewal of appointment, tenure, and promotion. All peer recommendations regarding any individual holding faculty rank in a department shall, therefore, originate within the faculty of that department. Individual departments at Clemson University establish written procedures and committee structures in order to facilitate peer evaluation. These written procedures must incorporate attention to “Best Practices for a Performance Review System for Faculty” Appendix G, numbers 1-11...

The department chair shall ensure that any faculty member eligible for renewal of appointment, tenure, or promotion is given an opportunity to be reviewed. The appropriate committee reviews each case in accordance with departmental procedures and policies, and renders a formal written recommendation. The department chair, while free to consult with the committee, does not participate in the deliberations of the committee (except by invitation to serve as a resource person), but does issue a separate and independent recommendation as to the disposition of the case before being informed of the recommendation of the committee. The chair shall, subsequently, provide the committee charged with peer review with a copy of the recommendation. The chair shall also ensure that the affected faculty member is promptly informed in writing as to the results of and rationale for both recommendations. In cases of promotion or early tenure consideration, the candidate may withdraw from further consideration at this point.
Rationale: In order to ensure consistency across departments and schools in the review process, this rewording is intended to clarify what it means to say that the chair's or director's review is separate from that of the committee.
RESOLUTION TO HONOR DEAN OF LIBRARIES
JOSEPH F. BOYKIN, JR.

FS06-4-1 P

Whereas, Dean Joseph F. Boykin, Jr. has been a strong and successful advocate for the role of librarians as equal and valued members of the University Faculty; and

Whereas, under his leadership, the University Libraries have consistently provided examples to the rest of the University of excellence in its Faculty policies, bylaws and guidelines, and the fair and thoughtful application of these in the tenure/reappointment/promotion processes; and

Whereas, Dean Boykin made enormous efforts to provide the best possible library resources to support faculty in their teaching, research, and service missions during years of painfully tight budgets; and

Whereas, when President Barker championed the Libraries by placing them on the Road Map, Dean Boykin’s creative vision and empowering leadership of his faculty and staff resulted in a remarkable library “re-invention” that has revitalized the Libraries as a resource, a place, and the academic heart of the campus; and

Whereas, most importantly, Dean Boykin has been a dear friend and gracious landlord of the Faculty Senate in Cooper Library for the past 18 years, providing the “neutral ground” necessary for faculty governance activities to flourish. The Faculty Senate Office, its occupants, and all senators have received generous logistical and technical support and warm welcome in library activities;

Resolved, that the Clemson University Faculty Senate expresses its sincere gratitude and highest regard for Dean Joseph F. Boykin, Jr. upon his retirement from the University.

Passed unanimously by the Faculty Senate on April 11, 2006.
RESOLUTION TO HONOR THE DEAN OF THE COLLEGE OF ENGINEERING AND SCIENCE THOMAS M. KEINATH

FS06-4-2 P

Whereas, Dean Thomas M. Keinath has shown genuine respect and strong support for the role of the faculty in university governance throughout his career at Clemson University, and

Whereas, Dean Keinath has worked diligently to set a high standard of open communication between the university administration and faculty, and

Whereas, Dean Keinath has served as a leader among deans by anticipating potential problems in interpretation of the Faculty Manual and has sought the counsel of and advised the Faculty Senate on such matters in order to promote harmonious working relationships, and

Whereas, Dean Keinath has provided further leadership by drafting and submitting to the Senate proposed policy changes that provide valuable administrative perspective, and

Whereas, Dean Keinath has served unselfishly as a grievance counselor for university administrators for many years, and

Whereas, Dean Keinath has further supported and encouraged productive interactions with the Senate by employing a delightful administrative staff in his office,

Resolved, that the Faculty Senate expresses its sincere gratitude and highest regard for Dean Thomas M. Keinath upon his retirement from Clemson University.

Passed unanimously by the Faculty Senate on April 11, 2006.
MINUTES
FACULTY SENATE MEETING
MAY 9, 2006

1. Call to Order: The meeting was called to order at 2:34 p.m. by President Beth Kunkel.

2. Approval of Minutes: The Minutes of the Faculty Senate meeting of April 11, 2006 were approved as distributed.

3. “Free Speech”: None

4. Special Orders of the Day:
   a. Gerald Vander Mey, Campus Planner, informed the Senate of plans to redevelop the University Union location.
   b. Steve Wainscott, Director - Calhoun Honors College, provided an update on the growth of the Honors College, plans to have two honors programs (University Honors Program and Calhoun Scholars Program) and how the college is dealing with a lack of resources.

   John Herbert Tibbs, a new member of the Class of 1939, and Cecil Huey, retiring Faculty Athletics Representative, were elected and recognized by the Senate as Honorary Faculty Senators.

5. Elections to University Committees/Commissions

6. a. Faculty Senate Select Committee Reports: None

   b. Senate Standing Committee Reports:
      1) Policy – Bryan Simmons, Chair, stated that the Committee had not yet met but will within the next two weeks to clean up the wording of a few proposed Faculty Manual changes. Items that will be brought to the full Senate include: Violations of the Faculty Manual, Post-Tenure Review Revisions, Sale of Textbooks, Grievance Procedure Revisions and the Research Ethics Policy.

      2) Finance – Dan Warner, Chair, reported that the Finance Committee will begin to complete the work last year’s Senate session began regarding the Total Compensation Report.

4) **Scholastic Policies** – Mark Smotherman, Chair, stated that this Committee had not met yet. The topic of the proposed academic redemption policy will be discussed at the Committee’s next meeting. Senator Smotherman noted that the Committee will work with Gary Lickfield, recently retired Senator, on topics carried over from the last Senate session.

5) **Research** – No report.

   c. University Committees/Commissions: None

7. **President’s Report**: President Kunkel submitted and briefly described her Report dated April 24th (Attachment B) and also:
   a. recognized and welcomed guests.
   b. stated that she, Vice President Charlie Gooding and Secretary Des Layne met with the Provost. The Provost informed them that the parking fee increase will not happen this fall. More consideration will be given to the proposal and more opportunities for input will be provided; however, the student charges have been approved already and will go into effect.

8. **Old Business**: None

9. **New Business**:
   a. Senator Bill Bowerman was to submit a resolution regarding the parking fee increase but instead forwarded it to the Welfare Committee (Attachment C) for review.

10. **Announcements**:
    a. Next Faculty Senate Meeting – June 13, 2006
    b. No Faculty Senate meeting in July, 2006.
    c. August meeting will be held on August 15, 2006.
    d. Immediate Past President Connie Lee reminded everyone of the General Faculty Meeting to be held at 10:00 a.m. on May 11, 2006.

11. **Adjournment**: 4:17 p.m.

    [Signature]

    Desmond R. Layne, Secretary

    [Signature]

    Cathy Toth Sturkie, Program Assistant
Absent: C. Wells (H. Liu for), B. Bauerle, A. Grubb, G. Tissera (S. Hilligoss for), G. Bautista, M. Martin (J. Erdman for), F. Edwards, R. Figliola, B. Meyer (S. Sarasua for), N. Porter
Welfare Committee
May 9, 2006

Welfare Committee Membership for 2006 - 2007:

Nancy Porter, Chair
Grant Cunningham
Alan Grubb
Steve Stuart
Deborah Thomason
Curtis White

Meeting Schedule:

The Welfare Committee plans to meet on the first Tuesday of every month at 2:30 PM, with the exception of the first meeting which will be held on August 8.

Agenda Items:

Discussion of items from the past Welfare Committee will continue
  Alan Schaffer Faculty Senate Service Award
  Preventive care benefits
  Continued support and follow-up with child care for Clemson University
  Tuition/scholarship for family members
  Faculty liaison for insurance/health care
  Spousal hiring
  Parking
  Travel/mileage reimbursement for employees
  Class loads and student/teacher ratios
  Faculty/staff priority for athletic tickets

Please send additional agenda items and concerns for the Welfare Committee to any member.

Submitted by: Nancy M. Porter, Chair
May 9, 2006
Report of the Faculty Senate
April, 2007

The 2006-2007 Faculty Senate concluded a productive year on April 10 with the induction of new officers and senators. The new Faculty Senate officers are Dr. Charles Gooding, President; Dr. Bryan Simmons, Vice-President/President-elect; and Dr. Deborah Thomason, Secretary. They are joined by Dr. Fran McGuire as the Faculty Manual Editorial Consultant, replacing retiring Editorial Consultant Dr. Holley Ulbrich. At this meeting, we also recognized the recipient of the second Alan Schaffer Faculty Senate Service Award, Dr. Pat Smart, Professor of Nursing.

Highlights of work accomplished since our last Report include sponsoring the February Faculty Forum, featuring presentations by Dr. Horace Fleming and Dr. Reginal Harrell, who each provided a historical frame of reference for faculty governance at Clemson. Those presentations were followed by round table discussions on specific aspects of faculty governance. Some recurring themes from these discussions were that the Faculty Senate plays a major role in building/maintaining trust between faculty and administration, works mainly "behind the scenes," and functions effectively as the voice of the faculty. Communicating more effectively and working more proactively were areas identified for improvement.

The committees were very active throughout the year. The Policy Committee, chaired by Dr. Bryan Simmons, led the way for a remarkable number of changes in the Faculty Manual, including our extensive revision of the grievance process, changes in the structure of several committees, and clarifications for promotion and tenure processes. The Research Committee, chaired by Dr. Dennis Smith, continued to work on technology transfer issues and on summer pay from grant funds. The Welfare Committee, chaired by Dr. Nancy Porter, worked on insurance and day care issues as well as continuing to take the lead in parking and transportation issues. The Finance Committee, chaired by Dr. Dan Warner, has continued to address issues surrounding per diems and return of indirect funds. The Scholastic Policies Committee, chaired by Dr. Mark Smotherman, addressed issues related to academic integrity, academic grievance procedures and on-line course evaluations.

The Senate Select Committee on Professional Development and Performance Evaluation, chaired by Dr. Mary Ann Taylor, is completing their work on identifying skill sets for effective faculty members. They will continue working to develop/identify mechanisms for faculty development and evaluation.

I would like to conclude by thanking each of the members of the Faculty Senate, who gave freely of their time and energy throughout the year and by thanking you for your dedication and service to the University. It has been incredibly apparent throughout the year that the faculty and the Faculty Senate at Clemson University have a unique relationship with our Board of Trustees that is the envy of many of our colleagues throughout the country. Thank you for the privilege of serving Clemson in this way!

Respectfully submitted,

Beth Kunkel
Faculty Senate President, 2006-2007
A RESOLUTION AGAINST A TAX INCREASE FOR FACULTY AND STAFF

The Faculty Senate wishes to express to President Barker that we do not support a 400% increase in parking fees at this university over the next 4 years;  
Whereas we have not received across the board pay increases to justify this tax on faculty and staff;  
Whereas some staff who have not received pay raises in the past 5 years will have their entire pay raise wiped out by this increase;  
Whereas we currently do not have adequate parking at the university for faculty and staff;  
Whereas this tax will negatively affect the morale of faculty and staff;  
Whereas this tax will negatively affect our hiring of adjunct faculty;  
Whereas as recently as 20 years ago, parking for faculty and staff was free;  
And, whereas, this plan has never been brought to all faculty and staff to receive their input;  
Therefore, we request that the university find some other means of paying for parking structures outside of placing most of the burden on the backs of their employees.
Call to Order: The meeting was called to order at 2:33 p.m. by President Beth Kunkel.

Approval of Minutes: The Minutes of the Faculty Senate meeting of May 9, 2006 were approved as distributed.

"Free Speech": None

Special Orders of the Day:

a. Becky Bowman, Associate Athletics Director of the Student Athlete Enrichment Program, stated the three objectives of her presentation: priorities in Vickery Hall; services in Vickery Hall; questions from Senate. Vickery Hall is to understand the rules of the University, the ACC and the NCAA and communicate these rules to the student athletes. Vickery Hall provides to the student athletes academic athletic advisors, subject specific tutoring, personal growth and development classes, guidance for pre-registration, and motivation. Questions and answers were then exchanged.

b. Elaine Richardson of the Academic Success Center informed the Senate of awards that have recently been bestowed on the Center: International Outstanding Supplement Instruction Program Award and in 2005, the Association for the Tutoring Profession Program of Excellence Award. Katie Abole was also presented with one of two outstanding supplement leaders awards which was the first time both awards were given to one institution. Dr. Richardson explained the services provided by the Center and how data proved that the Center is a huge benefit to all students. Questions and answers were then exchanged.

5. a. Faculty Senate Select Committee Reports: None

b. Senate Standing Committee Reports:

1) Policy – Bryan Simmons, Chair, submitted and briefly explained the stated Committee Report dated May 23, 2006 (Attachment A). The next meeting is scheduled for August 21, 2006.

2) Finance – Dan Warner, Chair, reported that the Finance Committee has not yet met.
3) **Welfare** – Chair Nancy Porter noted that the Committee will meet on August 8, 2006 and then on the first Tuesday of each month. The Committee is compiling agenda items for the year.

4) **Scholastic Policies** – Mark Smotherman, Chair, submitted and briefly explained the Committee Report dated June 2, 2006 (Attachment B) and also stated that the Committee will work with Student Government on issues such as Reading Day, casting with iPods and a Core Values Statement.

5) **Research** – No report.

c. **University Committees/Commissions**: None

6. **President’s Report**: President Kunkel submitted and briefly described her Report dated June, 2006 (Attachment C), recognized and welcomed guests and informed the Senate that a Kick-Off Celebration of the 50th Anniversary of the Faculty Senate will be held immediately following the August 15th Senate meeting. Details are forthcoming.

7. **Old Business**: None

8. **New Business**:
   a. Senator Simmons submitted for approval and explained the proposed *Faculty Manual* change, Post Tenure Review. Following much discussion during which three amendments were offered, accepted and passed, vote to accept entire amended proposed change was taken and passed unanimously (Attachment D).

   b. Senator Simmons submitted for approval and explained the proposed *Faculty Manual* change, Part V. Grievance Procedures (Attachment E). Again, there was much discussion. The quorum question was asked and there being only 22 senators out of 24 for a quorum, further discussion and action was immediately suspended. It was discussed that a July meeting of the Faculty Senate may be called.

9. **Announcements**:
   a. President Kunkel reminded Senators to vote in the Primary Elections today, that the August meeting will be held on August 15, 2006 and that Academic Convocation is scheduled for August 22, 2006.

10. **Adjournment**: 4:12 p.m.
Absent: C. Wells, B. Bauerle, B. Bowerman, G. Birrenkott, G. Tissera, A. Bennett (S. Hilligoss for), D. Detrich, M. Martin, E. Weisenmiller, F. Edwards, R. Figliola, J. Meriwether, D. Smith
Minutes of the May 23, 2006 Policy Committee meeting

Members Present: T. Boland, B. Meyer, B. Simmons B. Surver, P. Tyler, E. Weisenmiller
Guests Present: B. Kunkel, P. Smart, H. Ulbrich

1. We discussed several changes to the recently approved Grievance Procedures. The changes were suggested by the Provost, Deans and Faculty Ombudsman.

2. We discussed the recently approved policy on Sale of Textbooks. At the suggestion of the Deans we removed any wording regarding sales through departmental offices.

3. We discussed the recently approved Post Tenure Review process. We added language to clarify the length of the review period. We also made changes to the exclusion period wording.

4. We discussed the recently approved policy on Reporting Violations of the Faculty Manual. If an allegation is deemed to be a violation of the Faculty Manual the complainant, the person charged with the violation and the Provost are notified.

Next scheduled Policy Committee meeting: Monday August 21, 2006 at 2:30 PM room 205 of Cooper Library.
Minutes  
Scholastic Policies Committee  
June 2, 2006

Members present: A. Katsiyanni, M. Smotherman, D. Willoughby  
Guests present: B. Kunkel, G. Lickfield

1. We discussed the proposed increase in academic redemption hours from nine to ten. We recommended that the increase be approved and that the study of redemption hours usage be continued with results additionally presented that will show the majors of the students using redemption hours. The committee will invite Stan Smith to one of the fall meetings to discuss this study.

2. We discussed carry-over items from last year, including the final exam schedule, GPR calculations for incompletes, the academic integrity policy with regards to plagiarism and the possibility for some type of intervention, and request log policies (waiting lists) for closed classes. [One final carry-over item not mentioned today is seeing whether the completion of the on-line teacher evaluation could be required of a student before his or her grade in a class would be posted (with some form of opt-out provision for students not wishing to evaluate).] We also discussed the determination of eligibility for faculty awards to undergraduates graduating with a 4.0 (currently 75% of courses must be from Clemson).

We will correspond over the summer by email regarding agenda items for the coming year and will set up the next meeting for August.
I had the privilege of presenting Faculty Awards to 41 graduates at the 2 graduation exercises this spring. All 41 of them had perfect 4.0 GPA’s and had completed at least 75% of their coursework here at Clemson. I also represented you at the Alumni Reunion and heard many wonderful stories about college life. The Class of 1956 gave a very generous donation to support a building for the Academic Success Center and the Cadet Corp and the alumni association made a generous unrestricted donation as well as a donation to the WestZone project.

The President and Provost generously agreed to fund the 50th anniversary of faculty governance activities. The past senate presidents along with Charlie Gooding, Des Layne, Cathy Sturkie, and a graduate assistant are working on these events and we hope to have a tentative calendar by late summer. We sincerely appreciate their support.

There was a sparse turnout at the focus group on the plans for the core precinct. The committee working on this plan will continue through the next several years, with the first phase housing starting in the next couple of years. The total project will not be completed for about 10 years.

Plans are shaping up for the Thomas Green Clemson 200th birthday celebration, which will begin in the fall and last through the fall of 2007. Please keep this celebration in mind as you are planning activities that might be able to be tied into this celebration.

At the Joint City University Committee annual reception, former President Walter Cox was recognized for his role in establishing the committee, which serves as a national model for committees on “town-gown” relationships. Former Mayor Catherine Smith was also recognized for her role in the committee’s early development. Updates on city and university plans were provided.

An offer has been made for the staff ombudsman position. The university ombudsman office, including Gordon Halfacre, Lois Petzel and the staff ombudsman, will be fully staffed for the first time ever! There are new standards of practice for ombudsmen that Gordon is implementing so that our ombudsmen are on track for achieving accreditation.

Most of the standing committees are beginning to work—of course, policy committee is already at work to finalize some of the proposed Faculty Manual changes for inclusion in the 2006-2007 Manual. Please remember that the process for these changes is that the Provost must also approve all changes in the Manual. And, in the case of the proposed grievance revision, approval must also be obtained from the state Budget and Control Board. Work is progressing on appointing select committees on emeritus faculty and faculty development; expect to hear committee compositions in the next week or so.

I met with Vice President diSabitino and Undergraduate Student Body President Stephen Gosnell on areas of collaboration in the upcoming year; some issues for the scholastic policy committee have already been referred for their fall agenda.

Upcoming activities include meeting with the Board of Trustees, the Foundation Board of Directors, the ombudsman committee, and the TG Clemson birthday committee.

Please let me know how I can be of service to you. We appreciate all you do!
H. Post Tenure Review

1. Purpose. Post-tenure review (PTR) serves to evaluate rigorously a faculty member’s professional contributions. The review should be used to ensure that all faculty serve the needs of the students and the institution.

2. Coverage. All faculty members holding a tenured faculty position shall be subject to PTR except for a faculty member planning to retire by August 15th of the same academic year in which the post-tenure review would occur providing that a binding letter of intent to retire is signed thereby waiving the PTR. The period for Post Tenure Review is after every five-fifth years. The first five year period begins at the time that tenure is granted. Promotion during that period does not alter the schedule for review. PTR reviews covering that five year period are conducted during the fall semester of sixth year when one or more faculty members in a department or equivalent unit is scheduled for review. Review of tenured academic administrators is accomplished in accordance with Section II.N of the Faculty Manual.

Periods of sick leave, sabbatical leave, or leave without pay will be excluded from this five-year period. Faculty who give birth, father, or adopt a child during any five-year period may, at their request, receive a one-year extension of the post-tenure review. The request for an extension must come within two months of the birth or adoption. The extension will automatically be granted unless the chair or dean can document sufficient reason for denial. Extension of the post-tenure review period of a faculty member for serious illness, family tragedy or other special circumstances may be granted with the approval of the department chair, dean and Provost.

3. Guidelines. The faculty of each academic unit shall prepare written guidelines (approved by a majority of the faculty, the respective dean, and the Provost) providing details of the PTR process. These guidelines must incorporate attention to “Best Practices for Post-Tenure Review,” Appendix H numbers 1 through 12. Although the details may vary from one academic unit to another or from one college to another within the university, such guidelines must be consistent with the following principles to ensure appropriate rigor.

(a) The primary basis for PTR is the individual’s contributions in the areas of research and/or scholarship, teaching, and service.
(b) Guidelines must be flexible enough to accommodate faculty members with different professional responsibilities.
(c) PTR shall not infringe upon the accepted standards of academic freedom. Sex, age, ethnicity, and other factors unrelated to an individual’s professional qualifications shall not be considered in the review process.
(d) The chairperson of the academic department and the dean of the college must not be involved directly in the peer review process at the departmental level.
(e) The Post-Tenure Review must be linked to the annual reviews.

4. Post Tenure Review Committee. Whenever any faculty member(s) are scheduled for regular review or when any faculty member is in a period of PTR remediation, a PTR committee will be constituted in accordance with departmental bylaws that is separate from the regular personnel committee(s). Faculty
members subject to Part II of PTR will be recused from participating in this second stage process. Only tenured faculty members are eligible for election to the PTR committee. The size of the committee may vary from one academic unit to another; however, the committee must have a minimum of three members. In cases in which the department does not have enough tenured faculty members to constitute a PTR committee, the departmental peer review committee will elect outside faculty members from other departments who are qualified to serve on the PTR committee. The PTR committee will elect its own chair.

5. Part I Post Tenure Review. The PTR committee will review the ratings received on the most recent available series of five years of annual performance reviews, as specified in the Best Practices for Post-Tenure Review (#3). Merit salary increments are based on these annual performance reviews, as is consistent with the Best Practices for Post-Tenure Review (#9). All tenured faculty members receiving no more than one (of five) annual performance rating of “fair,” “marginal,” or “unsatisfactory” in Part I of the Post Tenure Review process receive a Post Tenure Review rating of “satisfactory.” These faculty members are thereby exempt from Part II of Post Tenure Review.

6. Part II Post Tenure Review. Part II consists of additional review by the Post Tenure Review Committee and the department chair of those identified in Part I as subject to further review. All tenured faculty members receiving two or more annual performance ratings of “fair,” “marginal,” or “unsatisfactory” will be reviewed under Part II of Post Tenure Review.

a. In order to ensure adequate external representation in the Part II Post Tenure Review process, departments must choose ONE of these options in drafting departmental personnel policy procedures.
   (1) utilize reference letters submitted from outside the department on each individual under review,
   (2) add to the PTR committee a faculty member or professional equivalent from outside the department nominated and elected according to departmental bylaws, OR,
   (3) allow each faculty member under review the option of either having external letters solicited or incorporating the external committee member in the review process.

b. The faculty member undergoing Part II of PTR must provide, at a minimum, the following documents to the PTR committee and the department chair.

   (1) a recent copy of the curriculum vita (paper or electronic);
   (2) a summary of teaching evaluations (if appropriate to the individual’s duties) for the last 5 years, including student evaluations;
   (3) a plan for continued professional growth;
   (4) detailed information about the outcomes of any sabbatical leave awarded during the preceding five years; and
   (5) if required by departmental personnel policy procedures, the names of six referees outside the department whom the PTR committee could contact for references; and
   (6) any other documents relevant to the review.

c. The chair of the academic unit must provide the PTR committee with copies of the faculty member’s annual performance reviews covering the preceding five years.

d. The role and function of each faculty member, as well as the strength of the overall record, will be examined by the PTR committee. If provided in departmental bylaws, the PTR committee is required to obtain a minimum of four reference letters of which at least two must come from the list of six submitted by the faculty member.
e. The PTR committee will provide a written report to the faculty member. The faculty member should be given at least two weeks time to provide a response to the committee. Both the committee's initial report and the response of the faculty member will be given to the dean of the academic unit. The department chair will submit an independent written report to the faculty member who will then have two weeks to provide a response. The chair's original report and the faculty member's response will be submitted forwarded to the college dean. The ratings of either Satisfactory or Unsatisfactory will be used in all stages of the review by the PTR committee and the chair, the dean, and the Provost.

f. If both the PTR Committee and the chair, or either the PTR Committee or the chair, rates the candidate as satisfactory, the candidate's final rating shall be satisfactory. If both the PTR Committee and the Chair rate the candidate as unsatisfactory, the candidate's final rating shall be unsatisfactory.

g. If the candidate's final rating is satisfactory, the dean will forward that information to the Provost in summary form without appending any candidate materials. If the candidate's final rating is unsatisfactory, the dean will forward all materials to the Provost.

7. Remediation. Individuals who receive a rating of Unsatisfactory must be given a period of remediation to correct deficiencies detailed in the PTR reports. The chair in consultation with the PTR committee and the faculty member will provide a list of specific goals and measurable outcomes the faculty member should achieve in each of the next three calendar years following the date of formal notification of the unsatisfactory outcome. The university will provide reasonable resources (as identified in the PTR reports and as approved by the chair and the dean) to meet the deficiencies. The chair will meet at least twice annually with the faculty member to review progress. The faculty member will be reviewed each year by the PTR committee and the chair, both of whom shall supply written evaluations. At the end of the three-year period, another post-tenure review will be conducted. If the outcome is again Unsatisfactory, the faculty member will be subject to dismissal for unsatisfactory performance. If the review is Satisfactory, then the normal five-year annual performance review cycle will resume.

8. Dismissal for Unsatisfactory Professional Performance. If dismissal for unsatisfactory professional performance is recommended, the case will be subject to the rules and regulations outlined in the Faculty Manual described in section IV.K.

Rationale: This change was recommended by Dean Keinath and reviewed by the Policy Committee. It significantly reduces the number of faculty members subject to post-tenure review. Further revisions in boldface were added in May 06 to reflect some concerns of the Provost's Advisory Council.
PART V.

GRIEVANCE PROCEDURE

A. Overview

A formal grievance procedure is available to faculty members to facilitate the redress of alleged injustices. Any person holding a faculty appointment (see Part III, Sections D and E) at Clemson University, including academic administrators, may file a grievance under the procedure described in this section. This single procedure replaces the two different procedures formerly in effect. Category I grievances address such matters as dismissal, termination, or unlawful discrimination. Category II grievances address unfair or improper application of administrative authority or allegations of lack of civility and/or lack of professional responsibility. In all cases the burden of proof rests on the faculty member who has filed the petition, which includes faculty members holding administrative rank.

All parties to a grievance, including witnesses, are expected to adhere to the highest standard of honesty and professional responsibility expected of all faculty members at all times. Each faculty member and any other person involved in grievance procedures shall be free from any or all improper restraint, interference, coercion, or reprisal on the part of associates or administrators in filing a grievance, in accompanying a faculty member filing a grievance, in appearing as a witness, or in seeking information in accordance with the procedures described herein. These principles apply with equal force after a grievance has been adjudicated. Should these principles be violated, the violations should be brought to the attention of the Provost or the President, if necessary, for appropriate remedial action. Should the faculty member not receive satisfaction from the remedial action taken by the Provost, an appeal may be made to the President, and subsequently (if necessary) to the Board of Trustees. The procedure for pursuing such remedial action is the same as the procedures for addressing alleged violations of the Faculty Manual (I.C.)

Guidelines related to all aspects of the grievance procedure may be obtained from the Faculty Senate Office or the Faculty Senate web site (http://www.lib.Clemson.edu/fs/) prior to filing any grievance. A descriptive flow chart in the Appendices explains the sequence and time frame for the various steps in the grievance process. Weekdays, for purposes of the grievance process, are defined as Monday-Friday, excepting University holidays.

1. Assistance in dealing with complaints: Ombudsman for Faculty, Postdoctoral Fellows, and Graduate Students

Faculty, post-doctoral fellows, and graduate students are encouraged to use the services of their Ombudsman, who acts as a mediator in any dispute in which they may be involved. The services of this faculty professional, who is knowledgeable about faculty governance and
the grievance process, are available free of charge with the expectation of resolving disagreements before they reach the formal stages outlined in the following sections on grievance procedures. The Ombudsperson may discuss how to access formal processes appropriate in various circumstances but does not participate in any formal proceeding, including serving as a witness with respect to confidential conversations. Services are confidential within the ability of the Ombudsman to do so to the best of his/her abilities and to the extent permitted by law. Separate ombudspersons serve undergraduate students and classified staff, respectively.

The Ombudsman reports to a sub-committee of the Faculty Senate Executive/Advisory Committee composed of the immediate past president and the president of the Faculty Senate; the faculty representative to the Board of Trustees; one faculty member appointed annually by the Faculty Senate Advisory Committee; and one faculty member appointed annually by the Ombudsman. Members of this committee may not simultaneously serve on the Grievance Board. In conducting the affairs of this office the ombudsman shall be independent and free from any and all improper restraint, interference, coercion or reprisal. The ombudsman shall be protected from retaliation. Should these principles be violated, the violations should be brought to the attention of the Provost and, if necessary, to the President of the University.

2. Assistance in dealing with complaints: Grievance Counselors

For persons seeking assistance in understanding grievance procedures, the faculty senate provides the services of grievance counselors. A counselor offers advice on which of the grievance categories to cite prior to filing a grievance petition. At the request of the petitioner, the grievance counselor will review the petition before it is submitted to assist in clarifying the grievable allegations. The counselor, however, does not render any decision on the merits or substance of the petition. Administrators may also seek advice of counselors on grievance matters. Information about general procedures followed in grievance hearings helpful to the respondent can be obtained from grievance counselors. Grievance counselors will not advise faculty members or administrators from their own colleges and will not act for both parties to the same case. Individual counselors may seek advice from fellow counselors and may refer their clients to other counselors to expedite the grievance process.

Six counselors selected from the five colleges and the library, respectively, will usually be in office at the same time. These counselors are appointed annually by the faculty senate advisory committee from the ranks of tenured Associate Professors and above who have a thorough knowledge of the Faculty Manual and the grievance processes. At least one of the five counselors appointed will be an academic administrator. The Faculty Senate Advisory Committee will attempt to stagger the counselors' terms on a three-year rotation and to provide minority representation whenever possible. The counselors are accorded the same protection afforded faculty members involved in grievance procedures. The names of the counselors are available from the Faculty Senate Office, the President of the Faculty Senate or the Provost.

B. Bases for Grievances: Category I. Category I grievances may be based on dismissal, termination, and/or allegations of unlawful discrimination.

1. Dismissal from employment with the university is grievable. A dismissal is the "removal or discharge of a faculty member from a tenured position, or from an untenured position before the end of the specified appointment, for cause." Adequate cause for dismissal must be related directly and substantively to the fitness of the faculty member in his/her professional capacity. (See Section IV. K.)
2. Termination from appointment by the university of a faculty member with tenure, or of a non-tenured faculty member before the end of a specified term of appointment, is grievable under this procedure. Termination is to be understood to mean "the removal or discharge of a faculty member with tenure, or of an untenured faculty member before the end of the specified term of the appointment because of institutional exigencies." (See Section IV.K.)

3. Allegations of unlawful discrimination in compensation, promotion, and/or work assignments are also grievable. A grievance may be filed alleging discrimination based on age, gender, disability, race, religion, national origin or sexual orientation, or status as a disabled veteran or a veteran of the Vietnam era, or discrimination prohibited by federal law or regulation.

4. In addition to the above, petitions from any non-tenured faculty member who alleges that violations of academic freedom significantly contributed to a decision to cease, in any manner, his/her appointment with the university, will be included in this category. (For a definition of academic freedom, see Section III.B.)

C. Bases for Grievances: Category II. Category II grievances include allegations of improper or unfair actions or procedures by administrators and others in positions of responsibility, lack of civility or professional responsibility, or other matters that the Grievance Board and/or the Provost may agree are grievable. Other Category II matters may be grievable based on a determination by the Provost and/or the Grievance Board. Minor complaints are usually not grievable. What constitutes a "minor complaint" is left to the discretion of the Grievance Board or the Provost. Complaints arising out of the authorized exercise of faculty and administrative judgment and discretionary powers are usually not grievable.

1. A Category II grievance may be based on an allegation that a person or persons in appropriate position of authority or responsibility have failed to properly implement departmental, college or university policies or procedures so as to adversely affect the complainant. Category II grievances include allegations of improper or unfair actions in such matters as
   - application of recognized criteria or guidelines used in formal review processes
   - assignment of professional duties by an administrator
   - appraisal (by an administrator) of the complainant's performance
   - denial (by an administrator) of the complainant's access to departmental, college, or university resources
   - determination (by an administrator) of the complainant's salary increment.

2. A Category II grievance may also be based on allegations of a serious, aggravated lack of civility and/or lack of professional responsibility, that is, actions, activities or behaviors which seriously disrupt the normal workday or educational mission. Such allegations must be related directly and substantively to the professional responsibilities of the faculty member in his/her professional capacity as a teacher or researcher and member of the University community. Before such an allegation is filed, every effort shall be made and documented that the involved parties have exhausted all other administrative avenues and processes to mediate and resolve the dispute. In addition, using the services of the Faculty Ombudsman is strongly encouraged.

3. Allegations that may be considered in this general class include, but are not limited to: disrespect for the free inquiry of colleagues; disrespect for the opinion of others; lack of equitable treatment of all personnel; creation of the impression that a faculty member speaks or acts for the University; lack of cooperation and civil interaction with colleagues; personal attacks against colleagues; intolerance or intimidation of colleagues; failure to follow University policies established to eliminate violence, discrimination and harassment. Allegations must be of a serious
and disruptive nature. Sanctions imposed by the Provost may include, but are not limited to: oral or written warnings; oral or written reprimands; suspension without pay; or dismissal.

D. Attempts to resolve matters without filing a grievance

1. A faculty member with a grievance shall first meet with the department chair for an informal discussion of the matter. This discussion must take place within 60 weekdays of the matter's occurrence. Extensions may be granted by the Provost as needed during the summer period. Weekdays, for purposes of the grievance process, are defined as Monday-Friday, excepting University holidays. Both parties shall meet in good faith and shall make every attempt to resolve the matter in an equitable and professional manner.

2. If the matter cannot be resolved at the level of the academic department, the faculty member shall meet with the dean for an informal discussion. The faculty member must request this interview within fifteen weekdays of the discussion of the matter with the department chair. The dean shall confer with the faculty member within ten weekdays upon receiving the request. Again, the resolution of the matter in an equitable and professional manner shall be the primary goal of those involved.

3. In the case of non-reappointment or denial of tenure, denial of promotion, termination or dismissal, the requirements to meet with the department chair and the dean are waived.

E. Filing a petition

1. A faculty member who desires to file a grievance must submit a written petition within 20 weekdays after the date of the alleged grievance in 4.c. above, or after the completion of the meetings specified in 4.a. and b. (As an example of the time limits, if notification is given that a faculty member will be dismissed for cause, the time period begins with the date of receipt of the letter in which the faculty member was notified. The time period does not begin with the effective date of dismissal.)

2. The procedure that begins with a petition and ends with a decision is described in a flow chart in an appendix to the Faculty Manual. The petition is to be submitted to the Provost's Office, which will forward the original petition and supporting documents to the Faculty Senate Office. After twenty weekdays have passed, the faculty member forfeits the right to petition and any actions taken with respect to the faculty member shall become final.

3. The grievance petition must state the specific individual(s) against whom the grievance is filed, the dates upon which the alleged grievable matter occurred, the specific basis or bases on which the grievance is filed (see Sections IV.C., above), a list of the supporting documents appended to the petition and the specific relief sought by the petitioner. Sufficient supporting evidence should be provided for the Grievance Board to determine probable cause that a grievable matter has occurred. See Appendix B for a grievance petition form. An informal guide to the grievance process can also be found on the Faculty Senate web site.

F. The Grievance Board

1. The Grievance Board consists of members elected by the members of the Faculty Senate from a pool of nominees named by the Executive and Advisory Committees of the Faculty Senate in a joint meeting, and from nominations made from the floor at the Senate election meeting. The Senate shall hold an election each January to replace Grievance Board members whose terms have expired, and to fill positions that have become vacant during the previous
calendar year. If necessary, the Faculty Senate Advisory Committee may make interim appointments to ensure a sufficient number of members on the Grievance Board. The Faculty Senate Advisory Committee shall appoint the Chair of the Grievance Board.

2. Members of the Grievance Board must be tenured regular faculty at the time of their election, and shall be members, alternates, or former members of the Faculty Senate. These Grievance Board members shall consist of a representative from the Library and two representatives from each college with two-year terms of service. Training for Grievance Board members as well as grievance counselors will be offered annually and both groups are strongly encouraged to participate. The Board, through selected hearing panels, hears grievances brought to it in accordance with the faculty grievance procedure.

3. Once each academic year, the Chair of the Grievance Board will give the Faculty Senate a summary report concerning grievance activities.

G. Determination of Grievability

1. Grievance petitions are submitted to the Provost, who forwards the originals to the Faculty Senate Office to be reviewed by the Grievance Board. The Grievance Board determines whether the allegations in the petition are grievable according to the criteria in sections V.B.2 and/or 3. At least five members of the Board must be present in order to make a determination. The Board shall render its decision on grievability within ten weekdays of receipt of the petition, and notify all named parties.

2. If the petition is filed during one of the long semesters of the regular academic year, the Grievance Board shall call a special meeting within ten weekdays of receipt of a properly submitted petition. If the petition is filed at any other time, it will be reviewed no later than ten weekdays after the first day of classes of the next long semester. A quorum for this meeting shall consist of five members of the Grievance Board. If the petition is deemed grievable, the chair of the Board shall send copies of the petition to those against whom the grievance is brought.

3. The petitioner may request that the matter be addressed by the Provost rather than the Grievance Board. If the matter is not to be considered by the Grievance Board, the Provost shall review the case and request any additional information from any person involved, as needed. If the Provost determines the matter to be grievable, the Provost shall render a final decision within thirty weekdays of receipt of the petition. If the Provost determines the matter to be non-grievable, the Provost shall notify all parties. The written decision will be transmitted to the named parties and the Faculty Senate Office, which will notify the Grievance Board.

4. The Grievance Board or the Provost shall determine to which of the person(s) named in the petition copies of the petitions or relevant portions thereof shall be sent. Respondents to the petition may file a response with the Provost or the Grievance Board. Any such responses must be filed within fifteen weekdays of receiving the petition. This response is not to exceed ten pages excluding supporting documents which may be submitted as an appendix to the response.

5. If the person filing the grievance has since left the employ of the University and has accepted employment elsewhere, the Grievance Board may at its discretion decide not to proceed further at any point in the process.

H. Grievance Hearings and Decisions

1. The Grievance Board shall create a hearing panel of five members for each Category I grievance and a panel of three members for each Category II grievance from among the members of the Board. The Board will, within 20 weekdays after reaching the decision to hear the petition, set a date for the initial hearing, which will be a single hearing for Category I and one or more hearings as needed for Category II. For a Category I hearing, the chair shall give each party to the grievance seven-20 weekdays written notice of the hearing. Notification of the hearing date
will include: a) the time, place and nature of the hearing; b) the procedure to be followed during the hearing; c) a statement of the basis or bases on which the petition is to be heard; and d) references to pertinent university statutes and portions of the *Faculty Manual*. For Category II, the initial hearing will be scheduled within 20 weekdays of the Board’s determination of grievability.

2. The hearing shall be held during one of the long semesters of the regular academic year, unless the Provost deems the matter of sufficient urgency, and requests that the hearing take place at a time outside the normal academic year. In this case those members of the Grievance Board who have nine-month appointments will be compensated at a rate equal to that of their normal salary for any day or fraction thereof.

3. Members of the Grievance Board shall remove themselves from the case if they deem themselves disqualified for reasons of bias or conflict of interest, or and shall not serve if they are from the same college as the petitioner or respondent(s). The named parties shall each have a maximum of two challenges without stated cause. If such removals and challenges reduce the membership of the hearing panel below five, the President of the Faculty Senate shall make additional appointments from the Senate to ensure a hearing panel composed of at least five members.

4. All named parties shall be permitted in all proceedings to have and be accompanied by an advisor of their choice. All matters pertaining to the grievance shall be kept confidential to the extent permitted by law. The hearing shall be closed to the public. For Category I grievances, a verbatim record of the hearing shall be taken and made a part of the record.

5. Both parties shall be permitted to offer evidence and witnesses pertinent to the issue. The Provost (or the President if the Provost is a named party) shall, so far as possible, assist the hearing panel in securing the cooperation and attendance of witnesses and named parties and shall make available documents and other evidence under her/his control. Witnesses are strongly encouraged but cannot be compelled to testify. When the hearing may be expedited and the interest of the parties shall not be substantially prejudiced, any part of the evidence may be received in written form. All written evidence submitted by all parties to the grievance hearing in a Category I petition must be received by the chair of the hearing panel not less than seven weekdays prior to the date set for the hearing; any material received after that date may be allowed or excluded by the hearing panel at its discretion. For Category II, written material can be received any time during the hearing process. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. If an objection is made to any evidence being offered, the decision of the majority of the panel shall govern.

6. In Category I hearings, the hearing panel may at its discretion grant adjournment to either party to investigate evidence concerning which a valid claim of surprise is made. Both parties may ask questions of witnesses and each named party. Members of the panel may ask questions of any party or witness at any time during the hearing. Members of the panel are expected to keep all discussions confidential to the best of their ability and to the extent permitted by law.

7. In Category I hearings, findings of fact and recommendations of the hearing panel must be based solely on the hearing record and shall be submitted to the Provost. In Category II hearings, findings are based on hearings and written evidence. In petitions alleging unfairness in applying university procedures, it is important that the hearing panel not substitute its judgment for that of the faculty or administrator who made the decision at issue. The merits of the decision, per se, are not at issue. Rather, the issues are whether or not some unfair or improper influence so colored or affected the judgment of the faculty or administrator that the decision reached would have been different had no such improper or unfair influence existed. Thus, so long as the appropriate policies and procedures were followed the only issues are the existence of improper or unfair influences and the extent of their influence upon the decision involved. The petitioner
has the burden of proof in establishing that such influence existed and that its presence dictated
the nature of the decision reached.

8. In cases of complaints alleging lack of civility and/or lack of professional responsibility, the
findings of fact and recommendations of the hearing panel must specify the impact of the actions,
activities, or behaviors on the educational mission of the department, school, other relevant unit
and explicitly address the issue of culpability so that the Provost may impose appropriate
sanction(s), if deemed appropriate.

9. Within ten weekdays of the final hearing for either category, the panel shall submit its
findings and recommendations to the Provost along with appropriate documents and records. In
the event the Provost has been recused from a decision making capacity, the findings and
recommendations shall be submitted to the President. The majority vote shall be the
recommendation forwarded to the Provost by the hearing panel. The recommendation must be
submitted only to the Provost within ten weekdays after conclusion of the hearing.

10. The Provost or the President shall review both the record of the hearing and, for Category I
grievances, the audiotape or transcript of the hearing, and shall render a written decision
within 22 weekdays of receipt of the hearing panel’s report. The decision shall include findings
of fact and recommendations, separately stated. Copies of the decision, including the hearing
panel’s findings and recommendations, shall be sent to all named parties, the hearing panel, and
the Faculty Senate Office.

I. Appeals

1. The faculty member may appeal the Provost’s decision to the President. A written appeal
must be submitted to the Office of the President within ten weekdays after receipt of the Provost’s
decision. If an appeal is made, the President shall review the hearing record and the decision of
the Provost and shall render a written decision within 20 weekdays of receipt of the request for
the review. The decision shall include findings of fact and recommendations, separately stated.
Copies of the decision of the President shall be sent to all parties, the Provost, the Faculty Senate
office, and the hearing panel.

2. In the case of a Category I grievance, the faculty member may appeal the decision of the
President to the Board of Trustees. A written appeal must be submitted to the Executive
Secretary of the Board of Trustees within ten weekdays after the receipt of the President’s
decision. Receipt by the Executive Secretary shall be deemed receipt by the Board. If an appeal
is made, the Board of Trustees, or a committee of Board members appointed by the Chair, shall
review the record of the hearing and the decisions of the President and the Provost, and shall
render a final decision on behalf of the university. The decision shall be in writing and shall
include findings of fact and recommendations, separately stated. Copies of the decision shall be
sent to all parties, the President, the Provost, and the hearing panel.

J. Protection of Petitioners

1. If a grievance has been filed in a timely manner, any action taken against the faculty member
that forms the basis for the grievance shall not become final until the appeals process is exhausted
and a final decision is rendered on behalf of the university. If the faculty member does not appeal
any step of the procedure within the time limits prescribed herein, the last decision rendered shall
become the final decision of the university.

2. If the action which forms the basis for the grievance filed by the faculty member could
eventually involve any type of discontinuance of appointment with the university as stated above,
the faculty member shall not be removed from his/her university duties until a final decision is
rendered under this grievance procedure. The exception to this principle would be that, prior to
the final decision being rendered, the faculty member may be relieved of all duties or assigned to
other duties if the risk of adverse consequences to himself/herself, to others, or to the institution
is heightened by continuance in the affected individual’s normal assignment. Before taking such
action the administration shall consult with inform the Faculty Senate Advisory Committee. The salary of the faculty member shall always continue until a final decision is rendered by the university.

Rationale for additional changes:
A number of changes were recommended by the Provost’s Advisory Council, most of which are modest and/or clarifying. Changes are in boldface. There has been some resectioning for the benefit of the reader. Changes in Ombudsman section were requested by the Ombuds’ office. Several other changes dealt with adjusting time periods, making sure that people do not hear grievances from their own colleges, encouraging training for grievance board members and grievance counselors, acknowledging that no one can be compelled to testify.
THERE WAS NO

FACULTY SENATE MEETING

IN

JULY, 2006
MINUTES
FACULTY SENATE
AUGUST 15, 2006

1. Call to Order: The meeting was called to order by President Beth Kunkel at 2:34 p.m. President Kunkel noted the publication of the book, Women in History at Clemson University, and thanked Alma Bennett for assuring a large Faculty Senate presence within the book. Guests were then recognized.

2. Minutes: The General Faculty and Staff Meeting Minutes dated May 11, 2006 were approved as distributed and the Faculty Senate Meeting Minutes dated June 13, 2006 were approved as corrected.

3. Committees:
   a. Senate Committees
      1) Policy Committee – Bryan Simmons, Chair, stated that there was no report since the Committee had not met since June. The next meeting will be on August 21, 2006 at 2:30 p.m.

      2) Finance Committee – Dan Warner, Chair, stated that there was no report and that the Committee will meet in two weeks.


      4) Scholastic Policies Committee – Mark Smotherman stated that there was no report.

      5) Research Committee – No report.

   b. Other University Committee/Commissions

4. President’s Report: President Kunkel informed the Senate that she had attended the Department Chairs Retreat where notable topics were guidelines for FAS, merit raises (information forthcoming from department chairs) and surveys for student, faculty, and staff satisfaction (Attachment B). Also attached is President Kunkel’s Report to the Board of Trustees given at the July, 2006 Retreat (Attachment C).

    John Ballato, Faculty Representative to the Board of Trustees, noted principal issues of the Board Meeting and Retreat held in July (approval of budget and the capital campaign).
5. Old Business:
   a. Senator Simmons requested that the proposed Faculty Manual change, Part V. Grievance Procedures, be postponed indefinitely. There was no discussion. Vote to postpone was taken and passed unanimously (Attachment D).

6. New Business:
   a. Senator Simmons submitted for approval and explained the proposed Faculty Manual change, Reporting Violations of the Manual. Friendly amendments were offered, seconded and accepted. There was no discussion on the amendments. Vote on amendments was taken and passed unanimously. Vote was then taken on the amended Faculty Manual change which passed unanimously (Attachment E).

   b. Senator Simmons submitted for approval and explained the proposed Faculty Manual change, Sale of Textbooks. There was no discussion. Vote was taken and passed (Attachment F).

   c. Senator Simmons submitted for approval and explained the proposed Faculty Manual change, Nepotism Policy. An amendment was offered, seconded and accepted. Discussion was held and vote was taken on the amendment. Vote to amend was taken and passed unanimously. Vote was then taken on amended change and passed unanimously (Attachment G).

   d. Senator Simmons submitted for approval and explained the proposed Faculty Manual change, Ombuds for Faculty, Post Doctoral Fellows, and Graduate Students. Discussion was held during which an editorial change was offered. Vote to accept change was held and passed unanimously (Attachment H).

   e. Senator Simmons submitted for approval and explained the proposed Faculty Manual change, Graduate Academic Integrity. Discussion was held. Vote was taken and passed (Attachment I).

7. Announcements:
   a. Gordon Halfacre, Ombudsman for Faculty, Graduate Students, Post Doctoral and Graduate Students, announced that Tom Ward, Staff Ombudsman, has joined Clemson and is already accepting appointments.
   b. Victor Hurst Convocation will be held at 9:00 a.m. on August 22, 2006 at the Brooks Center.
   c. The Summer Reading Discussion will be held on August 22, 2006.
   d. The Kick-Off Party for the 50th Anniversary of the Faculty Senate will be held immediately following today’s meeting in Joe’s Place at the Madren Center.

8. Adjournment: 3:30 p.m.
Absent: B. Surver, C. Wells, F. Edwards, R. Figliola, A. Girgis, D. Smith, P. Tyler (M. Futral for)
Welfare Committee Minutes
August 8, 2006

Present: Nancy Porter (Chair), Alan Grubb, Deborah Thomason

The proposed meeting schedule will be reviewed by the full committee at the September 5, 2006 meeting which will be held in room 205 of Cooper Library at 2:30 PM. The Chair has a conflict with October 3 and December 5 and the November 7 meeting falls during Fall Break and must be rescheduled. In addition, January 2 may not be a convenient time for most committee members.

A discussion of each item on the list of Faculty Welfare Concerns was held to provide input on the status of current concerns and to begin to prioritize issues to focus on this year. Committee members are being asked to volunteer to investigate one or more of the issues deemed as priorities and to serve as the contact person for future inquiries.

Priority Issues

Parking and Transportation (contact - Nancy Porter) – Status: A firm has been hired to prepare a Parking and Transportation Master Plan focusing primarily on campus parking and transit issues to be completed by December, 2006. Faculty are urged to provide input through all available opportunities this fall in order to have their needs considered in the plan.

Nine Versus Twelve Month Pay Option (contact - Nancy Porter) – Status: Lawrence Nichols and Kim Cassell from Human Resources met with the Exec/Advisory Committee on August 1 to describe two options for faculty. Option 1 “Pay Spread Evenly over 12 Months” would provide even distribution of income and checks received in the summer with an even distribution of insurance premiums, but would mandate 100% participation by faculty. Option 2 “Pay Withheld” allows amounts of pay to be withheld from employee’s check (after tax) through payroll deduction each pay period from August to May. Amounts would be given back in June and July. The Exec/Advisory Committee unanimously recommended implementation for the optional method for faculty (Option 2) since it was deemed that 100% participation in Option 1 could not be achieved. Senator Grubb suggested that Option 2 be carefully explained to faculty.

Alan Schaffer Faculty Senate Service Award (Welfare Committee members will promote and seek nominations for February 15, 2007 deadline)

Spousal Hiring (Contact – Alan Grubb) Status is being checked.

Child Care Center for Clemson University (contact – Deborah Thomason) Status is being checked.
Potential Issues

Faculty Merit Pay (Welfare Committee will work with Senator Warner and the Finance Committee if faculty concerns arise and to continue monitoring total compensation for Administrators and Faculty)

iTunes U Program (Welfare Committee will work with Senator Smotherman and the Scholastic Policies Committee if faculty welfare concerns/benefits arise)

Faculty/Staff Priority for Athletic Tickets and Reseating Plan Additional information is needed about these issues.

Campus Safety Walk with Student Government (Welfare Committee will support Student Government with their efforts)

Noise – disruption of classes caused by external noise from transportation, landscaping, and services. Additional information is needed.

Issues with Continuing Support

Preventive Care Benefits (Last year’s Welfare Committee submitted a letter of support to Faculty Welfare Committee at USC to seek an increase in preventive care benefits in health insurance plan. No additional communication has been received.

Faculty Liaison for Insurance/Health Care – Faculty Ombudsman can fill this need and faculty should be referred if concerns arise.

Tuition Assistance/Scholarships for Family Members of Faculty

Class Loads and Student/Teacher Ratios Additional information is needed about this issue.

Resolved Issues

Mileage Reimbursement – As of July 1, 2006 faculty who use personal vehicles for business travel receive $ .405 per mile (if motor pool vehicle is available) or $ .445 for all other mileage - including mileage to and from nearby airports and train depots when using a commercial carrier. Travel policies are listed in the updated Pocket Guide To Official Travel located at http://virtual.clemson.edu/groups/procurement/Travel_Brochure.pdf.

Submitted by: Nancy M. Porter, Chair
August 9, 2006
While it has seemed to be an extraordinarily short summer, filled with lots of activity, there is not a whole lot to report.

John Ballato and I represented you at the July Board of Trustees meeting in Charleston and we thank the Provost and the Board for their hospitality. Chairman Hendrix, at the formal meeting, asked us to convey to the faculty how much the Board appreciates the work we do. The Board also approved the budget for this coming year and approved the development of a Center for the Visual Arts.

The Foundation Board of Directors meeting focused on results of a feasibility study for an upcoming capital campaign. This Board directed the development office to develop a plan for the campaign prior to their November meeting.

President Barker graciously invited me to lunch in his office where we discussed allocation of his time in anticipation of the upcoming capital campaign, the controversy over the summer reading book, and Senate plans for this year. His response to my query about what he would like to see the Senate do was to work on how we balance tradition and change as we incorporate the new faculty.

The President's Cabinet meetings have focused on revisions in the purchasing system and on a new program in the Athletic Department which takes a holistic approach to development of the student-athletes.

Work is underway on development of a university and county plan for dealing with a pandemic. The plan will outline how university operations will proceed under various scenarios of a pandemic.

Plans for the 50th anniversary celebration are progressing, with the first event to occur on Aug. 15th, immediately after the Senate meeting. We are also planning to host a couple of speakers throughout the year, to update the Senate history, and to have displays in the First Sun Connector and the library.

Cathy and I received a notice of a possible Faculty Manual violation, which I have referred to an appropriate committee for advice. Other questions have been about interpretations of the Manual and appropriate work loads. There have also been queries from the press about the Restoration Institute, academic freedom, and ICAR.

Thanks for all you do and please let me know how I may serve you!
First of all, let me extend my sincere appreciation to past President Connie Lee and past Secretary Donna Winchell for their leadership and dedication to the Senate over the past academic year. Also, I am very much looking forward to working with each of you over the next year.

The President and Provost have generously agreed to fund activities to commemorate the 50th anniversary of faculty governance. We truly appreciate their support. The past senate presidents along with Charlie Gooding, Des Layne, Cathy Sturkie, and a graduate assistant are working on these events and we will have a tentative calendar by late summer. We will make sure that you are invited to these events and hope that you will be able to attend many of them.

Standing committees have been appointed and are setting their agendas for work this year. Work is ongoing to appoint select committees on emeritus faculty/college responsibilities and relationships and one on faculty evaluation/development.

Meetings have been held with representatives of undergraduate student government, student affairs, and human resources to identify initial areas of collaboration for the upcoming year.

Major items on our agenda for the upcoming year are
• finalizing changes to the grievance process,
• examining the system for faculty and administrator development,
• finalizing implementation of the 12-month pay option,
• implementing changes to the final examination schedule,
• implementing recommendations related to utilization of the total compensation study,
• examining research policies,
• examining issues related to expectations of privacy by faculty, and
• facilitating implementation of recommendations from the faculty forum that was held in February.

Please let me know how I can be of service to you. Thank you for all you do on behalf of the faculty at Clemson University!

Respectfully submitted,

Beth Kunkel
President, Faculty Senate, 2006-2007
PART V.

GRIEVANCE PROCEDURE

A. Overview

A formal grievance procedure is available to faculty members to facilitate the redress of alleged injustices. Any person holding a faculty appointment (see Part III, Sections D and E) at Clemson University, including academic administrators, may file a grievance under the procedure described in this section. This single procedure replaces the two different procedures formerly in effect. Category I grievances address such matters as dismissal, termination, or unlawful discrimination. Category II grievances address unfair or improper application of administrative authority or allegations of lack of civility and/or lack of professional responsibility. In all cases the burden of proof rests on the faculty member who has filed the petition, which includes faculty members holding administrative rank.

All parties to a grievance, including witnesses, are expected to adhere to the highest standard of honesty and professional responsibility expected of all faculty members at all times. Each faculty member and any other person involved in grievance procedures shall be free from any or all improper restraint, interference, coercion, or reprisal on the part of associates or administrators in filing a grievance, in accompanying a faculty member filing a grievance, in appearing as a witness, or in seeking information in accordance with the procedures described herein. These principles apply with equal force after a grievance has been adjudicated. Should these principles be violated, the violations should be brought to the attention of the Provost or the President, if necessary, for appropriate remedial action. Should the faculty member not receive satisfaction from the remedial action taken by the Provost, an appeal may be made to the President, and subsequently (if necessary) to the Board of Trustees. The procedure for pursuing such remedial action is the same as the procedures for addressing alleged violations of the Faculty Manual (I.C.).

Guidelines related to all aspects of the grievance procedure may be obtained from the Faculty Senate Office or the Faculty Senate web site (http://www.lib.Clemson.edu/fs/) prior to filing any grievance. A descriptive flow chart in the Appendices explains the sequence and time frame for the various steps in the grievance process. Weekdays, for purposes of the grievance process, are defined as Monday-Friday, excepting University holidays.

1. Assistance in dealing with complaints: Ombudsman for Faculty, Postdoctoral Fellows, and Graduate Students

Faculty, post-doctoral fellows, and graduate students are encouraged to use the services of their Ombudsman, who acts as a mediator in any dispute in which they may be involved. The services of this faculty professional, who is knowledgeable about faculty governance and
the grievance process, are available free of charge with the expectation of resolving disagreements before they reach the formal stages outlined in the following sections on grievance procedures. The Ombudsperson may discuss how to access formal processes appropriate in various circumstances but does not participate in any formal proceeding, including serving as a witness with respect to confidential conversations. Services are confidential within the ability of the Ombudsman to do so to the best of his/her abilities and to the extent permitted by law. Separate ombudspersons serve undergraduate students and classified staff, respectively.

The Ombudsman reports to a sub-committee of the Faculty Senate Executive/Advisory Committee composed of the immediate past president and the president of the Faculty Senate; the faculty representative to the Board of Trustees; one faculty member appointed annually by the Faculty Senate Advisory Committee; and one faculty member appointed annually by the Ombudsman. Members of this committee may not simultaneously serve on the Grievance Board. In conducting the affairs of this office the ombudsman shall be independent and free from any and all improper restraint, interference, coercion or reprisal. The ombudsman shall be protected from retaliation. Should these principles be violated, the violations should be brought to the attention of the Provost and, if necessary, to the President of the University.

2. Assistance in dealing with complaints: Grievance Counselors

For persons seeking assistance in understanding grievance procedures, the faculty senate provides the services of grievance counselors. A counselor offers advice on which of the grievance categories to cite prior to filing a grievance petition. At the request of the petitioner, the grievance counselor will review the petition before it is submitted to assist in clarifying the grievable allegations. The counselor, however, does not render any decision on the merits or substance of the petition. Administrators may also seek advice of counselors on grievance matters. Information about general procedures followed in grievance hearings helpful to the respondent can be obtained from grievance counselors. Grievance counselors will not advise faculty members or administrators from their own colleges and will not act for both parties to the same case. Individual counselors may seek advice from fellow counselors and may refer their clients to other counselors to expedite the grievance process.

Six counselors selected from the five colleges and the library, respectively, will usually be in office at the same time. These counselors are appointed annually by the faculty senate advisory committee from the ranks of tenured Associate Professors and above who have a thorough knowledge of the Faculty Manual and the grievance processes. At least one of the five counselors appointed will be an academic administrator. The Faculty Senate Advisory Committee will attempt to stagger the counselors' terms on a three-year rotation and to provide minority representation whenever possible. The counselors are accorded the same protection afforded faculty members involved in grievance procedures. The names of the counselors are available from the Faculty Senate Office, the President of the Faculty Senate or the Provost.

B. Bases for Grievances: Category I. Category I grievances may be based on dismissal, termination, and/or allegations of unlawful discrimination.

1. Dismissal from employment with the university is grievable. A dismissal is the "removal or discharge of a faculty member from a tenured position, or from an untenured position before the end of the specified appointment, for cause." Adequate cause for dismissal must be related directly and substantively to the fitness of the faculty member in his/her professional capacity. (See Section IV. K.)
2. Termination from appointment by the university of a faculty member with tenure, or of a non-tenured faculty member before the end of a specified term of appointment, is grievable under this procedure. Termination is to be understood to mean "the removal or discharge of a faculty member with tenure, or of an untenured faculty member before the end of the specified term of the appointment because of institutional exigencies." (See Section IV.K.)

3. Allegations of unlawful discrimination in compensation, promotion, and/or work assignments are also grievable. A grievance may be filed alleging discrimination based on age, gender, disability, race, religion, national origin or sexual orientation, or status as a disabled veteran or a veteran of the Vietnam era, or discrimination prohibited by federal law or regulation.

4. In addition to the above, petitions from any non-tenured faculty member who alleges that violations of academic freedom significantly contributed to a decision to cease, in any manner, his/her appointment with the university, will be included in this category. (For a definition of academic freedom, see Section III.B.)

C. Bases for Grievances: Category II. Category II grievances include allegations of improper or unfair actions or procedures by administrators and others in positions of responsibility, lack of civility or professional responsibility, or other matters that the Grievance Board and/or the Provost may agree are grievable. Other Category II matters may be grievable based on a determination by the Provost and/or the Grievance Board. Minor complaints are usually not grievable. What constitutes a "minor complaint" is left to the discretion of the Grievance Board or the Provost. Complaints arising out of the authorized exercise of faculty and administrative judgment and discretionary powers are usually not grievable.

1. A Category II grievance may be based on an allegation that a person or persons in appropriate position of authority or responsibility have failed to properly implement departmental, college or university policies or procedures so as to adversely affect the complainant. Category II grievances include allegations of improper or unfair actions in such matters as
   - application of recognized criteria or guidelines used in formal review processes
   - assignment of professional duties by an administrator
   - appraisal (by an administrator) of the complainant's performance
   - denial (by an administrator) of the complainant's access to departmental, college, or university resources
   - determination (by an administrator) of the complainant's salary increment.

2. A Category II grievance may also be based on allegations of a serious, aggravated lack of civility and/or lack of professional responsibility, that is, actions, activities or behaviors which seriously disrupt the normal workday or educational mission. Such allegations must be related directly and substantively to the professional responsibilities of the faculty member in his/her professional capacity as a teacher or researcher and member of the University community. Before such an allegation is filed, every effort shall be made and documented that the involved parties have exhausted all other administrative avenues and processes to mediate and resolve the dispute. In addition, using the services of the Faculty Ombudsman is strongly encouraged.

3. Allegations that may be considered in this general class include, but are not limited to: disrespect for the free inquiry of colleagues; disrespect for the opinion of others; lack of equitable treatment of all personnel; creation of the impression that a faculty member speaks or acts for the University; lack of cooperation and civil interaction with colleagues; personal attacks against colleagues; intolerance or intimidation of colleagues; failure to follow University policies established to eliminate violence, discrimination and harassment. Allegations must be of a serious
and disruptive nature. Sanctions imposed by the Provost may include, but are not limited to: oral or written warnings; oral or written reprimands; suspension without pay; or dismissal.

D. Attempts to resolve matters without filing a grievance

1. A faculty member with a grievance shall first meet with the department chair for an informal discussion of the matter. This discussion must take place within 60 weekdays of the matter's occurrence. Extensions may be granted by the Provost as needed during the summer period. Weekdays, for purposes of the grievance process, are defined as Monday-Friday, excepting University holidays. Both parties shall meet in good faith and shall make every attempt to resolve the matter in an equitable and professional manner.

2. If the matter cannot be resolved at the level of the academic department, the faculty member shall meet with the dean for an informal discussion. The faculty member must request this interview within fifteen weekdays of the discussion of the matter with the department chair. The dean shall confer with the faculty member within ten weekdays upon receiving the request. Again, the resolution of the matter in an equitable and professional manner shall be the primary goal of those involved.

3. In the case of non-reappointment or denial of tenure, denial of promotion, termination or dismissal, the requirements to meet with the department chair and the dean are waived.

E. Filing a petition

1. A faculty member who desires to file a grievance must submit a written petition within 20 weekdays after the date of the alleged grievance in 4.c. above, or after the completion of the meetings specified in 4.a. and b. (As an example of the time limits, if notification is given that a faculty member will be dismissed for cause, the time period begins with the date of receipt of the letter in which the faculty member was notified. The time period does not begin with the effective date of dismissal.)

2. The procedure that begins with a petition and ends with a decision is described in a flow chart in an appendix to the Faculty Manual. The petition is to be submitted to the Provost's Office, which will forward the original petition and supporting documents to the Faculty Senate Office. After twenty weekdays have passed, the faculty member forfeits the right to petition and any actions taken with respect to the faculty member shall become final.

3. The grievance petition must state the specific individual(s) against whom the grievance is filed, the dates upon which the alleged grievable matter occurred, the specific basis or bases on which the grievance is filed (see Sections IV.C., above), a list of the supporting documents appended to the petition and the specific relief sought by the petitioner. Sufficient supporting evidence should be provided for the Grievance Board to determine probable cause that a grievable matter has occurred. See Appendix B for a grievance petition form. An informal guide to the grievance process can also be found on the Faculty Senate web site.

F. The Grievance Board

1. The Grievance Board consists of members elected by the members of the Faculty Senate from a pool of nominees named by the Executive and Advisory Committees of the Faculty Senate in a joint meeting, and from nominations made from the floor at the Senate election meeting. The Senate shall hold an election each January to replace Grievance Board members whose terms have expired, and to fill positions that have become vacant during the previous
calendar year. If necessary, the Faculty Senate Advisory Committee may make interim appointments to ensure a sufficient number of members on the Grievance Board. The Faculty Senate Advisory Committee shall appoint the Chair of the Grievance Board.

2. Members of the Grievance Board must be tenured regular faculty at the time of their election, and shall be members, alternates, or former members of the Faculty Senate. These Grievance Board members shall consist of a representative from the Library and two representatives from each college with two-year terms of service. Training for Grievance Board members as well as grievance counselors will be offered annually and both groups are strongly encouraged to participate. The Board, through selected hearing panels, hears grievances brought to it in accordance with the faculty grievance procedure.

3. Once each academic year, the Chair of the Grievance Board will give the Faculty Senate a summary report concerning grievance activities.

G. Determination of Grievability

1. Grievance petitions are submitted to the Provost, who forwards the originals to the Faculty Senate Office to be reviewed by the Grievance Board. The Grievance Board determines whether the allegations in the petition are grievable according to the criteria in sections V.B.2 and/or 3. At least five members of the Board must be present in order to make a determination. The Board shall render its decision on grievability within ten weekdays of receipt of the petition, and notify all named parties.

2. If the petition is filed during one of the long semesters of the regular academic year, the Grievance Board shall call a special meeting within ten weekdays of receipt of a properly submitted petition. If the petition is filed at any other time, it will be reviewed no later than ten weekdays after the first day of classes of the next long semester. A quorum for this meeting shall consist of five members of the Grievance Board. If the petition is deemed grievable, the chair of the Board shall send copies of the petition to those against whom the grievance is brought.

3. The petitioner may request that the matter be addressed by the Provost rather than the Grievance Board. If the matter is not to be considered by the Grievance Board, the Provost shall review the case and request any additional information from any person involved, as needed. If the Provost determines the matter to be grievable, the Provost shall render a final decision within thirty weekdays of receipt of the petition. If the Provost determines the matter to be non-grievable, the Provost shall notify all parties. The written decision will be transmitted to the named parties and the Faculty Senate Office, which will notify the Grievance Board.

4. The Grievance Board or the Provost shall determine to which of the person(s) named in the petition copies of the petitions or relevant portions thereof shall be sent. Respondents to the petition may file a response with the Provost or the Grievance Board. Any such responses must be filed within fifteen weekdays of receiving the petition. This response is not to exceed ten pages excluding supporting documents which may be submitted as an appendix to the response.

5. If the person filing the grievance has since left the employ of the University and has accepted employment elsewhere, the Grievance Board may at its discretion decide not to proceed further at any point in the process.

H. Grievance Hearings and Decisions

1. The Grievance Board shall create a hearing panel of five members for each Category I grievance and a panel of three members for each Category II grievance from among the members of the Board. The Board will, within 20 weekdays after reaching the decision to hear the petition, set a date for the initial hearing, which will be a single hearing for Category I and one or more hearings as needed for Category II. For a Category I hearing, the chair shall give each party to the grievance seven-20 weekdays written notice of the hearing. Notification of the hearing date
will include: a) the time, place and nature of the hearing; b) the procedure to be followed during the hearing; c) a statement of the basis or bases on which the petition is to be heard; and d) references to pertinent university statutes and portions of the Faculty Manual. For Category II, the initial hearing will be scheduled within 20 weekdays of the Board’s determination of grievability.

2. The hearing shall be held during one of the long semesters of the regular academic year, unless the Provost deems the matter of sufficient urgency, and requests that the hearing take place at a time outside the normal academic year. In this case those members of the Grievance Board who have nine-month appointments will be compensated at a rate equal to that of their normal salary for any day or fraction thereof.

3. Members of the Grievance Board shall remove themselves from the case if they deem themselves disqualified for reasons of bias or conflict of interest, or and shall not serve if they are from the same college as the petitioner or respondent(s). The named parties shall each have a maximum of two challenges without stated cause. If such removals and challenges reduce the membership of the hearing panel below five, the President of the Faculty Senate shall make additional appointments from the Senate to ensure a hearing panel composed of at least five members.

4. All named parties shall be permitted in all proceedings to have and be accompanied by an advisor of their choice. All matters pertaining to the grievance shall be kept confidential to the extent permitted by law. The hearing shall be closed to the public. For Category I grievances, a verbatim record of the hearing shall be taken and made a part of the record.

5. Both parties shall be permitted to offer evidence and witnesses pertinent to the issue. The Provost (or the President if the Provost is a named party) shall, so far as possible, assist the hearing panel in securing the cooperation and attendance of witnesses and named parties and shall make available documents and other evidence under her/his control. Witnesses are strongly encouraged but cannot be compelled to testify. When the hearing may be expedited and the interest of the parties shall not be substantially prejudiced, any part of the evidence may be received in written form. All written evidence submitted by all parties to the grievance hearing in a Category I petition must be received by the chair of the hearing panel not less than seven weekdays prior to the date set for the hearing; any material received after that date may be allowed or excluded by the hearing panel at its discretion. For Category II, written material can be received any time during the hearing process. Documentary evidence may be received in the form of copies or excerpts if the original is not readily available. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. If an objection is made to any evidence being offered, the decision of the majority of the panel shall govern.

6. In Category I hearings, the hearing panel may at its discretion grant adjournment to either party to investigate evidence concerning which a valid claim of surprise is made. Both parties may ask questions of witnesses and each named party. Members of the panel may ask questions of any party or witness at any time during the hearing. Members of the panel are expected to keep all discussions confidential to the best of their ability and to the extent permitted by law.

7. In Category I hearings, findings of fact and recommendations of the hearing panel must be based solely on the hearing record and shall be submitted to the Provost. In Category II hearings, findings are based on hearings and written evidence. In petitions alleging unfairness in applying university procedures, it is important that the hearing panel not substitute its judgment for that of the faculty or administrator who made the decision at issue. The merits of the decision, per se, are not at issue. Rather, the issues are whether or not some unfair or improper influence so colored or affected the judgment of the faculty or administrator that the decision reached would have been different had no such improper or unfair influence existed. Thus, so long as the appropriate policies and procedures were followed the only issues are the existence of improper or unfair influences and the extent of their influence upon the decision involved. The petitioner
has the burden of proof in establishing that such influence existed and that its presence dictated
the nature of the decision reached.
8. In cases of complaints alleging lack of civility and/or lack of professional responsibility, the
findings of fact and recommendations of the hearing panel must specify the impact of the actions,
activities, or behaviors on the educational mission of the department, school, other relevant unit
and explicitly address the issue of culpability so that the Provost may impose appropriate
sanction(s), if deemed appropriate.
9. Within ten weekdays of the final hearing for either category, the panel shall submit its
findings and recommendations to the Provost along with appropriate documents and records. In
the event the Provost has been recused from a decision making capacity, the findings and
recommendations shall be submitted to the President. The majority vote shall be the
recommendation forwarded to the Provost by the hearing panel. The recommendation must be
submitted only to the Provost within ten weekdays after conclusion of the hearing.
10. The Provost or the President shall review both the record of the hearing and, for Category I
grievances, the audiotape or transcript of the hearing, and shall render a written decision
within 22 weekdays of receipt of the hearing panel’s report. The decision shall include findings
of fact and recommendations, separately stated. Copies of the decision, including the hearing
panel’s findings and recommendations, shall be sent to all named parties, the hearing panel, and
the Faculty Senate Office.

I. Appeals
1. The faculty member may appeal the Provost's decision to the President. A written appeal
must be submitted to the Office of the President within ten weekdays after receipt of the Provost's
decision. If an appeal is made, the President shall review the hearing record and the decision of
the Provost and shall render a written decision within 20 weekdays of receipt of the request for
the review. The decision shall include findings of fact and recommendations, separately stated.
Copies of the decision of the President shall be sent to all parties, the Provost, the Faculty Senate
office, and the hearing panel.
2. In the case of a Category I grievance, the faculty member may appeal the decision of the
President to the Board of Trustees. A written appeal must be submitted to the Executive
Secretary of the Board of Trustees within ten weekdays after the receipt of the President's
decision. Receipt by the Executive Secretary shall be deemed receipt by the Board. If an appeal
is made, the Board of Trustees, or a committee of Board members appointed by the Chair, shall
review the record of the hearing and the decisions of the President and the Provost, and shall
render a final decision on behalf of the university. The decision shall be in writing and shall
include findings of fact and recommendations, separately stated. Copies of the decision shall be
sent to all parties, the President, the Provost, and the hearing panel.

J. Protection of Petitioners
1. If a grievance has been filed in a timely manner, any action taken against the faculty member
that forms the basis for the grievance shall not become final until the appeals process is exhausted
and a final decision is rendered on behalf of the university. If the faculty member does not appeal
any step of the procedure within the time limits prescribed herein, the last decision rendered shall
become the final decision of the university.
2. If the action which forms the basis for the grievance filed by the faculty member could
eventually involve any type of discontinuance of appointment with the university as stated above,
the faculty member shall not be removed from his/her university duties until a final decision is
rendered under this grievance procedure. The exception to this principle would be that, prior to
the final decision being rendered, the faculty member may be relieved of all duties or assigned to
other duties if the risk of adverse consequences to himself/herself, to others, or to the institution
is heightened by continuance in the affected individual's normal assignment. Before taking such
action the administration shall consult with inform the Faculty Senate Advisory Committee. The salary of the faculty member shall always continue until a final decision is rendered by the university.

Rationale for additional changes:
A number of changes were recommended by the Provost's Advisory Council, most of which are modest and/or clarifying. Changes are in boldface. There has been some resectioning for the benefit of the reader. Changes in Ombudsman section were requested by the Ombuds' office. Several other changes dealt with adjusting time periods, making sure that people do not hear grievances from their own colleges, encouraging training for grievance board members and grievance counselors, acknowledging that no one can be compelled to testify.
Proposed Change to Faculty Manual I.C.
Holley H. Ulbrich, Faculty Manual Editorial Consultant

Present wording:
I. C. Reporting Violations of the Manual
If the procedures and policies outlined in this Manual have not been followed, a report should be made to the President of the Faculty Senate. The report should include the section of the Manual that is not being followed, the person(s), department(s), etc. involved, and a brief description of the situation. The President may handle the matter or refer it to the relevant committee or person for resolution. The name(s) of the person(s) filing the report shall be kept confidential by the President of the Faculty Senate.

Proposed wording:
I. C. Alleged Violations of the Manual. If the procedures and policies outlined in this Manual have not been followed, a written and signed report should be made to the President of the Faculty Senate. The report should include the section of the Manual that is not being followed, the person(s), department(s), etc. involved, and a brief description of the situation. The name(s) of the person(s) filing the report shall be kept confidential by the President of the Faculty Senate.

2. Resolving the issue. The President of the Faculty Senate, or one of the Senate’s standing committees that she may designate to address the matter in his/her stead, may seek additional information. If the Senate president, or the designated committee, decides that a Faculty Manual violation has not occurred, that decision shall be communicated to the individual making the allegation and the matter will be considered closed. If the Senate president, or the designated committee, decides that a Faculty Manual violation has occurred, she or the committee will notify the person(s) charged with the alleged violation and may recommend a resolution to address the alleged violation. The Senate president will communicate the proposed resolution, if any, to all parties the complainant, the alleged violator(s), and the Provost in writing. All parties shall respond in writing within seven days of receiving the decision. If any party does not accept the resolution, the Senate president shall forward the proposed resolution, as well as any relevant materials, to the Provost in writing. The Provost shall render a decision and communicate it to the Senate President and all involved parties.

3. Recusal of Senate President or Provost. If the alleged Faculty Manual violation involves the Senate President, the Chair of the Senate Policy Committee shall serve in place of the Senate President. If the alleged Faculty Manual violation involves the Provost, the President of the University shall serve in place of the Senate President.

Rationale: The present wording does not provide a clear procedure for resolving issues of alleged Faculty Manual violations. This additional wording provides a clear series of steps to follow in addressing such allegations. Revised March 2006 to reflect concerns expressed by the Provost about who is informed. Revised again to reflect concerns from
the deans about informing the alleged violator if, indeed, the Senate president or designated committee determines that a violation has occurred.
VIII. F. 10. Sale of Textbooks and Other Course Materials to Students
Under no circumstances should the faculty member engage in the direct sale of textbooks or other course materials to students. This restriction does not limit the freedom of faculty members to assign their own textbooks or other materials or to develop course materials that can be sold through the bookstore-or other suppliers.

Rationale: This addition was suggested in response to a student complaint. The Senate approved this in March, but the Dean's requested that we not explicitly list the department office as a possible vendor.
Delete the following section and renumber those that follow:

IX. A. 4. Nepotism Policy. It is the policy of Clemson University that there shall not exist, in writing or practice, any prohibition, restriction or limitation on the simultaneous employment of two or more members of the same family which has an adverse impact on one or the other. For the purposes of this policy, the term "members of the same family" includes any combination of two or more of the following: each spouse, and the father, mother, brother, sister, son, daughter, niece, and nephew of each spouse.

Members of the same family may be employed in academic or nonacademic positions, in the same or different departments or offices, provided, however, that when one member of the family would be required to function in a supervisory capacity in specific situations involving another member of the same family, the prior approval of the appropriate administrative officer for such an arrangement must be obtained. In such cases the administrative officer shall determine whether a member of the same family would be required to initiate or participate in institutional decisions involving a direct benefit - for example, appointment, reappointment, tenure, promotion, salary, leave of absence, etc. - to an applicant from the same family. A good faith determination by the appropriate administrative officer that it would not be in the best interests of the university to establish such a close working relationship between members of the same family, and that the additional family member should be denied employment, would not constitute a denial of equal employment opportunity to one sex over another. In such case the university shall make reasonable efforts to place the applicant in some other university position for which the applicant is qualified.

In situations where in one family member could influence personnel decisions affecting the other member of the same family, propriety dictates that the former excuse himself/herself from the decision-making process.

Rationale: This deletion was recommended by University legal counsel because the current statement is inconsistent with state law. A modified statement will be developed in the fall for inclusion in the next year's Faculty Manual.
Present Wording:

V.2.B. Ombuds for Faculty, Post doctoral Fellows, and Graduate Students

The Faculty Senate through the Provost provides and Ombudsman who serves the interests of faculty, post-doctoral fellows, and graduate students by acting as mediator in any dispute in which they may be involved. The confidential services of this professor, knowledgeable about the grievance process, are available free of charge with the expectation of resolving disagreements before they reach the formal stages outlined in the following sections on grievance procedures.

The Ombudsman reports to a sub-committee of the Faculty Senate Executive/Advisory Committee composed of: the immediate past president and the president of the Faculty Senate; the faculty representative to the Board of Trustees; one faculty member appointed by the advisory committee and one faculty member appointed by the Ombudsman annually, who do not simultaneously serve on the grievance board or the Faculty Senate Advisory Committee. In conducting the affairs of this office the ombudsman shall be independent and free from any and all restraint, interference, coercion or reprisal. The ombudsman shall be protected from retaliation. Should these principles be violated, the violations should be brought to the attention of the Provost and, if necessary, to the President of the University.

Proposed Wording:

V.2.B. Ombuds for Faculty, Post doctoral Fellows, and Graduate Students

A Professional Ombudsman with experience as a faculty member and knowledge of faculty governance serves the Faculty, post-doctoral fellows, and graduate students. The Professional Ombudsman serves as an independent, informal, neutral and confidential resource to assist in exploring alternative dispute resolution options. Faculty, post-doctoral fellows, and graduate students are encouraged to use the confidential services of their Professional Ombudsman which are available free of charge. The Professional Ombudsman may discuss how to access formal processes appropriate in various circumstances but does not participate in any formal proceeding, including serving as a witness. Communications with the Professional Ombudsman do not constitute notice of claims against the university. The Professional Ombudsman and members of his/her office staff adhere to the International Ombudsman Association (IOA) Code of Ethics and Standards of Practice. http://www.ombudsassociation.org/standards.html. Separate Professional Ombudsman serve undergraduate students and classified staff, respectively.

The Professional Ombudsman reports to the Provost for administrative purposes and, without breaching confidentiality, provides both the Provost and a sub-committee of the
Faculty Senate Executive/Advisory Committee with summary reports of the types of issues handled by his/her office. The sub-committee of the Faculty Senate Executive/Advisory Committee is composed of the immediate past president and the current Faculty Senate President, the faculty representative to the Board of Trustees, one faculty member appointed annually by the Faculty Senate Advisory Committee, and one faculty member appointed annually by the Professional Ombudsman. Members of this committee may not simultaneously serve on the Grievance Board.

In conducting the affairs of this office, the Professional Ombudsman shall be independent and free from any and all improper restraint, interference, coercion or reprisal. The Professional Ombudsman shall be protected from retaliation. Should these principles be violated, the violations should be brought to the attention of the Provost and, if necessary, to the President of the University.

Rationale: The deletion and replacement were recommended by both the Ombuds Subcommittee (of the Faculty Senate Executive/Advisory Committee) and the Ombuds External Legal Counsel in order to provide more information and clarity of the Ombuds services.
Proposed Deletion from Faculty Manual
Section VI-4. A.3.f. Graduate Academic Integrity Committee
Holley H. Ulbrich, Faculty Manual Editorial Consultant

Delete the following section:

vi-4. A.3.f. Graduate Academic Integrity Committee. When in the opinion of a faculty member that a student has committed an act of academic dishonesty, the faculty member shall make a formal written charge to the Dean of the Graduate School. When, in the opinion of a student, there is evidence that another student has committed an act of academic dishonesty, the student should contact the faculty member for the course. If in the opinion of the faculty member, there is evidence that another student has committed an act of academic dishonesty, the faculty member shall make formal written charge to the Dean of the Graduate School. The Committee convenes when there is a case to be heard. Membership of this committee consists of five tenured faculty members involved in graduate education (one from each college elected by the collegiate faculty for two-year terms) and two graduate students approved by the Graduate Student Senate for no more than a two-year term. A chairperson will be elected from within the Committee’s membership. The chairperson is a voting member of the Committee. The Dean is the administrative coordinator and non-voting member of the Academic Integrity Committee. All proceedings of the committee are confidential. Details as to definitions and procedures may be found in Graduate School Announcements.

Replace the section with:

vi-4. A.3.f. Graduate Academic Integrity Committee. Allegations of violations of academic integrity on the part of a graduate student should be brought to the attention of the Graduate Academic Integrity Committee through the Office of the Graduate School dean. The Committee’s policies and procedures are available in the Graduate School.

Rationale: This deletion and interim replacement were recommended by the Dean of the Graduate School because the current statement is being totally revised. The modified statement will be developed in the fall for inclusion in the next year’s Faculty Manual.
1. Call to Order: The meeting was called to order by President Beth Kunkel at 2:30 p.m.

2. Approval of Minutes: The Faculty Senate Meeting Minutes dated August 15, 2006 were approved as written.

3. Special Orders of the Day: Rick Jarvis, Professor of Mathematical Sciences, provided statistics that resulted in a study of current exam days and possible alternative schedules.

   Student Body President Stephen Gosnell, provided information on students' positive sentiments regarding Reading Day; stated the reason for Student Government support of an alternate four exam/five day exam day schedule (Attachment A); and provided an update of a core value statement which is still a work-in-progress (Attachment B).

4. "Free Speech": Connie Lee, Chair of the Council on Community and Diversity, called for an open and full discussion of "prayer" at University functions (Attachment C).

5. Committees:
   a. Senate Committees


      3) Scholastic Policies Committee – Chair Mark Smotherman submitted and explained the Committee’s Report dated September 5, 2006 (Attachment F).

      4) Research Committee – Committee member Richard Figliola (for Chair Dennis Smith) submitted and explained the Committee’s Report dated September 5, 2006 (Attachment G).

      5) Policy Committee – Bryan Simmons, Chair, submitted and explained the Committee’s Report dated August 21, 2006 (Attachment H).

   b. Other University Committee/Commissions
6. **President's Report:** President Kunkel submitted her President’s Report dated August 29, 2006 (Attachment I).

7. **Old Business:** None

8. **New Business:**
   a. Senator Simmons submitted for approval and explained the proposed *Faculty Manual* change, Date of Incorporation of Faculty Manual. There was no discussion. Vote was taken and passed (Attachment J).

   b. Senator Simmons submitted for approval and explained the proposed *Faculty Manual* change, Probationary Period for Nine and Twelve-Month Faculty. There was no discussion. Vote was taken and passed (Attachment K).

   c. Senator Simmons submitted for approval and explained the proposed *Faculty Manual* change, Definition of “Confidentiality”. There was no discussion. Vote was taken and passed unanimously (Attachment L).

   d. Senator Smotherman submitted and explained the motion to approve the concept of a Five-Day Exam Schedule. There was much discussion. Vote to approve concept was held and passed (Attachment M).

9. **Announcements:**
   a. Lawrence Nichols asked the Senate to have faculty forward to him any problems regarding the newly-implemented 12-month pay distribution system. He also encouraged everyone to attend the Benefits Fair to be held on October 17, 2006.

   b. The call for nominations for the Class of '39 Award for Excellence has been distributed. Nominations are due on October 24, 2006 to the Faculty Senate Office.

   c. Members appointed to the Class of '39 Review Committee are: Ben Sill, Chair; Art Young; Charles Duke; Connie Lee; Fran McGuire; Jerry Waldvogel, Alternate. The Provost will serve in an ex-officio capacity.

   d. The Cooper Library Book Sale will be held on Friday, September 29, 2006.

   e. Board of Trustees Dinner hosted by the Faculty Senate will be held on October 19, 2006.

   f. Senator Michelle Martin stated that the Children’s Book Sale will also be held on September 29, 2006 from 11:00 a.m. until 1:00 p.m. The reading of banned books will begin that same day.
g. Senator Warner stated that Kilowatt Ours, an event to re-energize America regarding energy conservation, will be held tonight at the Strom Thurmond Institute at 7:30 p.m.

Adjournment: 3:53 p.m.

Desmond R. Layne, Secretary

Cathy Toth Sturkie, Program Assistant

Absent: G. Birrenkott (H. Liu for), F. Edwards, D. Smith, S. Stuart (B. Moss for), B. Meyer (W. Sarasua for), D. Thomason
I. Introduction

Miss Katy Bayless, former Student Body President (2005-06), proposed that Clemson eliminate final exams on the first Saturday after classes end. Dr. Rick Jarvis, along with his graduate assistant, did research on the impact of such a plan. They evaluated several schedule options, and presented them to Provost Helms in April. Student Government favored two options; the first having three, 3 hour final periods from Monday to Saturday, and the second having four, 2½ hour final periods from Monday to Friday. Student Government then polled students, using a stratified random sample, to gauge their opinion.

The students were asked three questions:
1. Would you like to have a reading day prior to exams starting?
   a. Yes
   b. No

2. Have you ever used the conflict resolution period?
   a. Yes
   b. No
   c. Not applicable

3. If a reading day were to be implemented, which schedule would you prefer?
   a. Three, 3 hour final periods from Monday to Saturday
   b. Four, 2½ hour final periods from Monday to Friday

II. Results

A total of 499 students were polled. Below is a table summarizing the results.*

<table>
<thead>
<tr>
<th>College</th>
<th>Question #1/Dead Day</th>
<th>Question #2/Conflict Resolution</th>
<th>Question #3/Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>CBBS</td>
<td>122</td>
<td>15</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>89.05%</td>
<td>10.95%</td>
<td>10.87%</td>
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<tr>
<td>CAFLS</td>
<td>61</td>
<td>10</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>85.92%</td>
<td>14.08%</td>
<td>7.04%</td>
</tr>
<tr>
<td>HEHD</td>
<td>66</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>88.00%</td>
<td>12.00%</td>
<td>0.00%</td>
</tr>
<tr>
<td>AAH</td>
<td>56</td>
<td>8</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>87.50%</td>
<td>12.50%</td>
<td>6.06%</td>
</tr>
<tr>
<td>CES</td>
<td>114</td>
<td>29</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>79.72%</td>
<td>20.28%</td>
<td>5.52%</td>
</tr>
<tr>
<td>Total</td>
<td>419</td>
<td>71</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>85.51%</td>
<td>14.49%</td>
<td>6.46%</td>
</tr>
</tbody>
</table>

* CBBS: College of Business and Behavioral Science
CAFLS: College of Agriculture, Forestry and Life Sciences
HEHD: College of Health, Education and Human Development
AAH: College of Architecture, Arts and Humanities
CES: College of Engineering and Science
Clemson University Core Values Statement

Thomas Green Clemson, in conceiving this University, envisioned that it would be “a high seminary of learning.” Fundamental to the pursuit of this vision is the common foundation provided to students, faculty, staff and all members of the University family by the understanding and adoption of the Clemson University Core Values:

Integrity, Honesty, Respect

Therefore, as heirs to the Clemson that was dreamt of long before us, we each pledge this to our University and peers.

As a member of the Clemson University family, I will uphold Clemson’s Core Values as I pursue excellence in all aspects of my life.
President Kunkel and Distinguished Senators and Guests,

Thank you for allowing me to share a few thoughts with you this afternoon. I have approached this group wearing many different hats in the past, but today I come more in my role as Chair of the Council on Community and Diversity.

In this capacity, I have come to appreciate the ways in which diversity strengthens the community we share. We move toward our goal of “One Clemson” as we welcome into our midst those who have unique views and different perspectives to share.

Clemson is certainly a wonderful place to live and work; this has long been a characteristic of the region in which we live. Many traditions we hold to have long served to define our community, yet some of these traditions are in need of re-examination. Some Clemson traditions of years past are now only memories because of such questioning, and their quiet retirement has made Clemson a community more welcoming to all its members. When any practice becomes an impediment to the inclusion of those we have invited to join this community, we must reflect on those practices.

I come before you today to ask this Faculty Senate to become a participant in, or at the very least, encourage our community to begin, a difficult discussion. There are many among us who strongly believe the tradition of open public prayer at gatherings of faculty, enclaves sponsored by the University, and other official gatherings which bear the name “Clemson” needs re-examination. Is this practice appropriate for the Clemson community today and all its members?

Many events have spawned this feeling over the past years, one as recent as a few weeks ago, recently addressed at a meeting of the Diversity Administrators and one of the Religious Awareness Committee over which I preside. A new member of our Clemson Faculty voiced their distress to me and others over how a university function concluded with prayer. Although this faculty member was a member of the faith that was mentioned in the prayer, the individual was still very uncomfortable.

It became obvious that this action, well intended as it might have been, was alarming to some of these new additions to our faculty community. This action implied that the university endorses, and publicly proclaims, a specific religious practice, and that new faculty are expected to follow it.

There are several reasons to call for an open and full discussion of “prayer” at University functions. First, while everyone assembled might be “thankful,” it should not be assumed that their method of saying “thank you” is the same. A prayer offered at some occasions, might be a traditional practice for some, but may not be the tradition for all present. Second, a message given from the perspective of one faith tradition may differ from other faith traditions that are represented in the University’s faculty or student body. Third, while a sincere prayer is an expression of one’s piety, another may not understand
or internalize its well-intentioned purpose. Fourth, a public prayer implies the University’s endorsement of a particular faith. With so much diversity in our Clemson community, is that appropriate?

Given the admitted sensitivity on our campus concerning this issue, this matter has been an important subject of discussion at meetings of the Religious Awareness Committee, the Clemson Campus Minister’s Association and the Diversity Administrators Meeting. Chief among those asking for dialogue on this issue are many well known and respected clergy who serve our campus. I received assistance for this speech from the Rev. Chris Heavner, Lutheran Campus Ministry-Clemson, and Dr. Peter Cohen, a member of the faculty of the Philosophy and Religion Dept. and Advisor of The B’nai Brith Hillel, Jewish Organization. Rev. Heavner wrote, “Prayer is held in perpetual tension between expressing one’s thoughts to God and instructing what one thinks about God. Geoffrey Wainwright’s book, Doxology, illustrates how prayer informs our creedal statements even as it reflects what it is we believe. In short, every prayer has as a sub-text the role of instructing those who pray.” Dr. Cohen is careful to point out, “We live in a time in our energies should be focused on the recognition of and, yes, our acceptance, of the differences of others (this does not mean embracing those differences); rather than dismissing some by the use of exclusionary language.”

I invite you, the Faculty, to take a role (even if it be only one of encouragement) in what many from our Clemson Family see as a very important and long overdue discussion on the issue of how prayer is to continue to be incorporated at University events and gatherings, as one of so many of our traditions, in whatever form, if at all.

The call for such a discussion rises from many quarters. The desire to discuss this issue should not be confused with an attempt to limit free speech or the practice of religion. Rather, it should be understood as starting a dialogue amongst us, one in which we seek to make our community more inclusive, more inviting to our new members and to stand as a model which we can be proud to call “One Clemson.”
The Faculty Senate Finance Committee met on Thursday, October 31, 2006. Present were Beth Kunkle, Graciela Tissera, Robert Campbell, and Dan Warner. Bill Bowerman is on sabbatical this semester. Bill Bauerle and David Detrich were out of town.

The committee discussed a number of issues and decided to place the following items on the agenda for this semester.

1. Finish the specifications on the total compensation report so that it will become an annual report.
2. State regulations on per diem. How are they determined, and to what extent are they open to interpretation by chairs and deans.
3. Insure that the committee is represented on the Budget Accountability Committee.
4. Determine the existing policies on indirect costs. Particularly return to centers and institutes.
5. Determine how revenue from the Myrtle Beach land sale is allocated.
6. Determine the rules or guidelines for start-up costs and endowments.

The next meeting is scheduled for Thursday, September 21, from 9:30 to 10:30 in Cooper Library, room 205.
Welfare Committee Minutes
September 5, 2006

Present: Nancy Porter, Alan Grubb, Steve Stuart, and Deborah Thomason.

Confirmed Meeting Schedule for Fall Semester:

October 17 at 2:30 PM Location to be announced
November 21 at 2:30 PM Location to be announced

In addition, January 2 may not be a convenient time for most committee members so it will be rescheduled.

Issues Discussed and Assigned Contacts:

Priority Issues
Parking and Transportation - Nancy Porter attended September 1 meeting of Parking Committee and shared four faculty concerns:
Confusion with metered/visitor parking spaces
Douthitt Hills parking spaces
Parking lottery
Noise from buses disrupting classrooms

Carl Walker Parking, Atlanta will soon begin "exchange of information, transit audit, and needs assessment with results due by end of December. Concurrently, environmental research projects are being conducted with run off and water quality. Faculty are encouraged to provide input through all avenues available. A report will be made to President Barker and Administrative Council in March.

Spousal/Partner Hiring – Alan Grubb reported that we need more data on past and current use of Clemson’s Michelin Career Center and referrals through the Chamber of Commerce. Connie Lee and Alan will analyze available data and make a report.

Child Care Center for Clemson University – Deborah Thomason has not been able to get an update from Provost Helms, but others reported that it has been announced that groundbreaking will occur in 2007.

Alan Schaffer Faculty Senate Service Award – Nominations are due February 15, 2007. Committee member contact person is Grant Cunningham.

Potential Issues
Faculty Merit Pay - Committee member contact person is Steve Stuart. It was suggested that inquiries be made about how raises were handled at other state institutions.

iTunes U Program – welfare Committee will work with Scholastic Policies Committee.

Faculty/Staff Priority for Athletic Tickets and Reseating Plan

Campus Safety Walk with Student Government
Issues with Continuing Support
Preventive Care Benefits – USC Faculty Senate Welfare Committee Report for last year has been obtained. No changes in preventive care benefits are foreseen as a result of the collaborative effort which included letter of support from Clemson welfare Committee.

Tuition Assistance/Scholarships for Family Members of Faculty

Class Loads and Student/Teacher Ratios

Resolved Issues
Nine Versus Twelve Month Pay Option

Liaison for Insurance/Health Care Issues – According to Welfare Committee report dated January 2005, Lawrence Nichols is the liaison between Clemson faculty and those who administer the state health plans. Faculty senators should notify their faculty to send Mr. Nichols a letter detailing problems that they have encountered with plan design. He can then compile these complaints under a cover letter and forward them to the appropriate person in Columbia. In resolving problems with claims, the proper procedure is for faculty members to try to resolve any difficulty with a claim directly with the insurance provider. If two or three phone calls do not resolve problems, faculty should feel free to contact one of the insurance counselors in Human Resources at Clemson.

Faculty issues that result from difficulties with leave approval for illness or disability or coverage of job responsibilities because of health problems may be addressed through the Faculty Ombudsman.

Mileage Reimbursement

New Issues Discussed
“To Do List” for New Faculty - it is suggested that this information be placed closer to the front of the New Faculty Guide when the current edition is updated and that the information be prioritized in the order in which it needs to be completed. The current Guide lists Clemson payroll and Clemson IDs near the end of the Guide and does not clearly state the order in which steps must be completed to facilitate getting paid through direct deposit.

Per Diem Rates

Waiver of Fike Fee for Faculty – Alan Grubb will inquire about this possibility.
Minutes of the September 5, 2006, Scholastic Policies Committee Meeting

Members present: A. Bennett, A. Katsiyanni, M. Smotherman, D. Willoughby
Guests present: B. Kunkel, G. Lickfield, J. Masslon (student)

1. Dr. Jeff Appling reported on the status of the Creative Inquiry initiative. As of Fall 2006, 125 teams have been formed. A short-term goal is to see that rise to 200 teams. The web site http://virtual.clemson.edu/groups/ugs/creative_inquiry/index.htm has links to lists of team projects and faculty mentors. The CI task force has surveyed current curricula and found that 43 of 98 total curriculum tracks currently require at least six hours of experiential learning. Dr. Appling is interested in encouraging more creative inquiry in curricula and has approved block grants to departments interested in revising their curriculum to incorporate creative inquiry.

2. Mr. Stephen Gosnell presented the current version of the proposed Core Values Statement. Suggestions were made to choose three of the six proposed words.

3. Mr. Stephen Gosnell discussed the proposal from student government for reestablishing a Reading Day and for changing the final exam schedule for Spring 2007, based on the optimization study by Dr. Rick Jarvis and Ms. Christine Kraft. The committee voted unanimously for a motion to be introduced at the next Faculty Senate meeting to approve the concept of a five-day exam schedule, running Monday to Friday with four two-and-a-half hour exams per day.

4. The committee briefly discussed priority items for the year.

Next meeting: Tuesday, October 3, 2:30
The Faculty Senate Research Committee met on Sept. 5, 2006 at 4PM in 205 of Cooper Library. Present were Sens. Smith, Figliola, Martin, Meriwether, Scheifer, Wells.

After introductions, the Committee reviewed pertinent sections of the Faculty Senate Handbook and the April 11, 2006 Annual Report of the last Committee. The Committee decided to pursue three topics left over from last year as follows:

1. Conversation with Compliance (Lead: Wells/Meriwether). The new Director of the Office of Research and Compliance, Tracie Arwood, will be invited to an upcoming Committee meeting to discuss changes and issues. A representative from EHS may also be included to discuss how that office and our research faculty are impacted.

2. Technology Transfer & Entrepreneurship (Lead: Smith/Figliola/Schleifer). Dramatic changes in the Office of Technology Transfer (OTT) and Clemson University Research Foundation (CURF) affect research faculty via intellectual property policy, consulting policy, and entrepreneurship. The committee will continue a productive conversation with the administration and hopefully be included as the evolution of these important areas continues. It appears that the faculty has had very little input in advise and consent on the current and evolving structure. Several recent changes in the faculty manual are of unknown origin to the committee and we seek to better understand the changes and communicate with the faculty. The interim Director of CURF, Dr. Joe Kolis, has agreed to address the Senate at our November meeting and the committee will work on specific questions for him in advance.

3. Research and The Humanities (Lead: Martin). This ongoing focus will seek to integrate and emphasize the research of our Faculty in the Humanities.

Submitted by,
Dennis Smith, Chair
Faculty Senate Research Committee
Faculty Senate Policy Committee

(Minutes of the August 21, 2006 Policy Committee meeting)

Members Present: T. Boland, B. Meyer, B. Simmons, P. Tyler, E. Weisenmiller
Guests Present: B. Kunkel, P. Smart, H. Ulbrich

1. We discussed and approved changing the date of incorporation of the Faculty Manual from August 31 to July 1. The changes were suggested by the Faculty Manual Editorial Consultant.

2. We discussed and approved language to clarify the probationary period for nine and twelve month faculty. This also includes faculty who begin employment after the normal start dates.

3. We discussed and approved adding a paragraph in the Faculty Manual concerning confidentiality.

4. We continued discussion on revising the grievance procedures.

5. We began discussions on the possibility of changing the review period for first year faculty. Currently, first year faculty are review by the reappointment committee by early November.

Next scheduled Policy Committee meeting: Tuesday September 19, 2006 at 2:30 PM room 205 of Cooper Library.
President’s report
August 29, 2006
Executive/advisory committee

The semester and our 50th anniversary are off to grand starts! Thanks to each of you who were able to attend the August 15 kick-off of the 50th celebration. Our guests included former Provost Victor Hurst (who was also Senate President for 1962-63) as well as T. Senn, the president of the Great Class of ’39, and a good many of the other past Senate presidents. We also enjoyed the opportunity to host our convocation speaker, Dr. Dan Dustin, for dinner the night before convocation and appreciate that opportunity. We will be receiving a copy of the text of his address from the Provost.

Since the last meeting, I had the opportunity to represent you at the Chair’s retreat, at new faculty orientation, and at the first meeting of the year for the President’s Commission on Black Faculty and Staff. Issues brought up at each of them will be referred to the relevant committee. The President has also appointed a task force charged with making recommendations on improving the visitor experience to campus, on which I am serving.

A couple of new issues on which I would like some input are the role of faculty in handling plagiarism by graduate students, noise during classes, and planning for incorporation of new faculty. We are also being invited to participate in a discussion on plans for the Douthit Hill area, so watch for an invitation.

Thanks for all you do for the Senate!! Please let me know how I may serve you!

Beth KunkeI
Proposed Faculty Manual Change
Section I.C.
Holley Ulbrich, Faculty Manual Editorial Consultant

Present wording:
The ...revision of the Faculty Manual...will be incorporated into both the master hard copy of the Faculty Manual maintained in the Faculty Senate Office by the Program Assistant and the electronic version of the Faculty Manual no later than August 31st of the next academic year.

Proposed wording:
The ...revision of the Faculty Manual...will be incorporated into both the master hard copy of the Faculty Manual maintained in the Faculty Senate Office by the Program Assistant and the electronic version of the Faculty Manual no later than August 31st of July 1st for use during the next academic year.

Rationale:
It is virtually impossible to make changes in the Faculty Manual and get them approved in June and August (the Senate does not meet in July). Twelve month faculty and incoming nine-month faculty will have the new manual waiting at their arrival. This deadline strongly encourages the Senate and the Policy Committee to complete more complex tasks earlier in the year, no later than March, in order to complete them during a single continuous August-April session of the Senate. At the same time it allows completion and minor revisions in the April and May meetings while giving staff enough time to get the changes incorporated.
Proposed Faculty Manual Change  
Section IV.G.  
Holley Ulbrich, Faculty Manual Editorial Consultant

Present wording:
The probationary period for all faculty begins in August of the calendar year in which the individual is officially added to the faculty roster. However, nine month faculty officially joining the university after October 1st of a calendar year shall have their probationary period begin with the following August. Twelve-month faculty officially joining the university after January 1st of a calendar year shall have their probationary period begin on July 1st of that year.

Proposed wording:
The probationary period for all regular nine-month faculty begins in August 15th and for regular twelve-month faculty, July 1st of the calendar year in which the individual is officially added to the faculty roster. However, nine-month faculty officially joining the university after October 1st of a calendar year shall have their probationary period begin with the following on the August 15th and twelve-month faculty on the July 1st following their appointment—officially joining the university after January 1st of a calendar year shall have their probationary period begin on July 1st of that year.

Rationale:
This proposed change clarifies the dates and is consistent in the treatment of nine and twelve month faculty.
Motion from committee for Faculty Senate Meeting
September 12, 2006

The Scholastic Policies Committee moves to approve the concept of a five-day exam schedule, running Monday to Friday with four two-and-a-half hour exams per day.

Contact Person: Mark Smotherman (mark@clemson.edu)
JAM

JAM, a COMPLETELY FREE loyalty program that you can earn points for eating on campus! You can earn points for doing the things you already do! Buy a meal plan or Optional Paw Points—earn points. Eat on campus—earn more points. Buy your friend a burger—you get the picture. See it for yourself at www.jamrewards.com.

The rewards are sweet! Check out the website to see what you can buy with your points. If you do not want to use your points to purchase items, you can donate your points to an organization like Habitat for Humanity!

You earn points by using cash, credit cards, Paw Points or TigerStripe at the dining locations on campus. Faculty/Staff who are on a meal plan or have Optional Paw Points are automatically enrolled in the program. You should be receiving an email, if you have not already, with information and your temporary JAM card. If you do not have a meal plan or Optional Paw Points, you will need to enroll on www.jamrewards.com.

NEW Food on Campus!

JUMP Asian Express Cuisine
The Eastside Food Court introduces a new concept, JUMP Asian Express Cuisine. It features daily entrees such as General Tso Chicken, Teriyaki Beef or Chicken, Stir Fry (where you can pick your own protein and vegetables), Fried Rice, Egg Rolls and much more!

New Menu Items at Loggia Latte
Loggia Latte has added two new drinks to their menu, Mocha & Latte Creamices! They are a blended beverage similar to a Frappuccino. Add a flavored syrup or just drink them by themselves. Either way, they’re yummy. Come on over and try our new specialty chocolates too.

Tiger Paw Ice Cream Parlor
The Canteen has added the Tiger Paw Ice Cream Parlor. It includes Clemson branded favorites such as Howard’s Rock Sundae, Tiger Rag Milkshake, Bowden’s Best Sundae and more!

NEW Nutrition Section of the Dining Services Web Site

NEW this year, is the nutrition section of the web site. Go to www.clemson.edu/dining and click on “nutrition.” You’ll find general nutrition information, our nutrition services, tips for a healthier you, nutrient analysis for all dining halls and food courts, general resource links, recipes under the culinary corner and the opportunity to email our registered dietitian. Also check out our monthly articles in The Tiger.

www.clemson.edu/dining for menus, specials and much more!
MINUTES
FACULTY SENATE
OCTOBER 10, 2006

1. **Call to Order:** The meeting was called to order by President Beth Kunkel at 2:35 p.m.

2. **Approval of Minutes:** The Victor Hurst Academic Convocation Minutes of August 22, 2006 and the Faculty Senate Meeting Minutes dated September 12, 2006 were both approved as distributed.

3. **Special Orders of the Day:** Lee Bourque, of Carl Walker, Inc., made a short presentation outlining the process and opportunities for faculty input into the Parking and Transportation Master Plan Study. The Faculty Forum during which input can be shared will be held on October 25, 2006 - details forthcoming. Questions and answers were then exchanged.

Jeff Appling, Associate Dean for Curriculum, provided a status report on Creative Inquiry. At this time fifty (50%) percent of our students practice creative inquiry and there are 131 research teams with 60 teams to be added in the spring semester. Questions and answers were then exchanged.

4. **“Free Speech”:** None

5. **Committees:**
   a. **Senate Committees**
      1) **Finance Committee** – Dan Warner, Chair, noted that the committee met on September 21 and decided to address the following issues: per diem amounts, total compensation report, policies on land sale, policies on indirect cost returns, rules for start-up packages and rules for endowments. The committee will next meet on October 26th at 9:30 a.m. in room 205 Cooper Library.

      2) **Welfare Committee** – Nancy Porter, Chair, noted that this committee sponsored Mr. Bourque’s visit to the Senate today to speak on the Parking and Transportation Master Plan Study and encouraged senators to attend the faculty forum to be held on October 25th to voice their concerns and issues. Next meeting will be held on October 17th at 2:30 p.m. in 205 Cooper Library. Provost Dori Helms provided an update on daycare on campus. Plans are to have daycare available fall, 2007.

      3) **Scholastic Policies Committee** – Chair Mark Smotherman submitted and explained the Committee’s Report dated October 3, 2006 (Attachment A). Next meeting will be on November 9th at 2:30 p.m.
4) **Research Committee** – Chair Dennis Smith submitted and explained the Committee’s Report dated October 10, 2006 (Attachment B).

5) **Policy Committee** – Bryan Simmons, Chair, submitted and explained the Committee’s Report dated September 19, 2006 (Attachment C). There will be items under New Business for the Faculty Senate to consider.

b. **Other University Committee/Commissions**: None

6. **President’s Report**: President Kunkel submitted her President’s Report to the Executive/Advisory Committee dated September 26, 2006 (Attachment D) and her October, 2006 Report to the Board of Trustees (Attachment E).

7. **Old Business**: None

8. **New Business**:
   a. Senator Simmons submitted for approval and explained the proposed *Faculty Manual* change, Composition of Search and Screening Committees for Administrators. There was no discussion. Vote was taken and passed unanimously (Attachment F) with required two-thirds vote.

   b. Senator Simmons submitted for approval and explained the proposed *Faculty Manual* change, Separate and Independent Review by Chair. There was much discussion. Motion was made and seconded to delete the third paragraph of the proposed wording. Vote to delete was taken and passed. Discussion resumed on remaining two proposed paragraphs (main motion). Vote on main motion was taken and passed with required two-thirds vote (Attachment G).

   c. Senator Simmons submitted for approval and explained the proposed *Faculty Manual* change, Adding the Vice Provost for International Affairs to Academic Council. There was no discussion. Vote was taken and passed with required two-thirds vote (Attachment H).

   d. On behalf of Faculty Senate Presidents, Senator Alan Grubb submitted for approval and read aloud the Resolution in Appreciation of the Board of Trustees. Friendly amendments were offered — one was declined; the other, accepted. Vote to approve amended Resolution was taken and passed unanimously (Attachment I).

   e. Senator Smotherman submitted for approval and explained two motions from the Scholastic Policies Committee regarding the Freshman Summer Reading Program Committee. Following much discussion, Senator Smotherman asked for a Sense of the Senate regarding the first motion and withdrew the second motion.
The Faculty Senate Sense unanimously agreed with the concept of an elected, representative committee for the Freshman Summer Reading Program (Attachment J).

9. **Announcements:**
   a. Board of Trustees Dinner hosted by the Faculty Senate will be held on October 19, 2006. Please RSVP to the Faculty Senate Office.

   b. The call for nominations for the Class of '39 Award for Excellence has been distributed. Nominations are due on October 24, 2006 to the Faculty Senate Office.

   c. The faculty display celebrating the 50th Anniversary of the Faculty Senate at Clemson University is located in the FirstSun Connector between the Martin Inn and the Madren Center. Many thanks to Susan Hiott of the Clemson Libraries for creating this display.

   d. After Hours for Faculty and Staff will be at the home of Cathy and Kinly Sturkie on Thursday, October 12 from 4:30-7:30 pm. Please RSVP to Barbara Hamberg.

10. **Adjournment:** 4:50 p.m.

    [Signature]

    Desmond R. Layne, Secretary

    [Signature]

    Cathy Toth Sturkie, Program Assistant

Absent: B. Surver (H. Liu for), C. White, E. Weisenmiller, F. Edwards, J. Meriwether (B. Moss for), T. Boland (W. Sarasua for), D. Willoughby

3
Minutes of the October 3, 2006, Scholastic Policies Committee meeting

Members present: A. Bennett, A. Girgis, A. Katsiyanni, M. Smotherman, D. Willoughby
Guests present: B. Kunkel, G. Lickfield, J. Masslon (student)

1. Dr. Jan Murdoch discussed with the committee the composition of the summer reading committee. The committee voted unanimously for a motion to

(a) Request the Policy Committee to review and approve a standing committee with at least eight voting members:

- one representative from each college and the library
- Director of Freshman Writing
- Director of the Presidential Colloquium Series

and other ex officio members, as appropriate, including:

- Dean of Undergraduate Studies
- Director of the Freshman Summer Reading Program

and a student member, as appropriate, with the understanding that the Provost and the President have final approval authority over the book to be selected.

(b) For the Summer 2007 Summer Reading Committee, request that lead senators coordinate the immediate election or appointment of one representative from each college and the library.

(c) For the Summer 2008 and beyond Summer Reading Committees, request that lead senators include the election of one representative from each college and the library in the normal spring committee election cycle, with the understanding that the representative should also serve as a summer reading facilitator in the fall semester prior to his/her term of service on the Summer Reading Committee.

2. Ms. Reagan Blondeau and Mr. Stan Smith discussed with the committee the final exam schedule and presented a draft set of conflict resolution procedures. After a slight wording change, the committee voted unanimously to endorse the procedures. Mr. Smith will send a revised draft, which will be presented at the next Faculty Senate meeting. Mr. Smith also felt that since Clemson has already published the dates for the spring semester 2007 exams, the change in the exam schedule should first take effect in fall semester 2007.

3. Mr. Stan Smith discussed with the committee the handling of incompletes (i.e., grades of "I") in the grade point calculation. The committee voted unanimously for a motion to not include incompletes in the grade point calculation.

Next meeting: Thursday, November 9, 2:30
Research Committee Report
October 10, 2006

Submitted by: Dennis Smith, Chair (dwsmith@clemson.edu)

The Faculty Senate Research Committee met on Oct. 3, 2006 at 4PM in 205 of Cooper Library. Present were Sens. Smith, Figliola, Martin, Meriwether, Schleifer, Wells, and President Kunkel. Our next meeting will be November 9 at 4 PM in Cooper 205.

1. Conversation with Compliance (Lead: Wells/Meriwether). The new Director of the Office of Research and Compliance, Tracie Arwood, has agreed to attend the next meeting of the committee on November 9. A representative from EHS may also be there to discuss how that office and our research faculty are impacted. The committee and solicited faculty have begun generating a list of questions/issues for Arwood via Sen. Wells.

2. Technology Transfer & Entrepreneurship (Lead: Smith/Figliola/Schleifer). Sens. Figliola and Smith overviewed Clemson's IP and consulting policies and discussed comparisons with top universities such as UC Berkely and others, as compiled by Sen. Figliola. Access and dissemination of recent reports on tech transfer & commercialization at Clemson as well as new policy drafts were also discussed and the appropriate office has been contacted. Several discrepancies between the IP policy published on the OTT web site and the Faculty Manual were found and the corrections will be referred to the Policy Committee for appropriate changes. In addition, there is a technical mistake on the inventor distribution formula in the Faculty Manual version. The committee agreed that a section of the Clemson consulting policy concerning conflict of interest did not represent known intent. The words "ensure ... no conflicts of interest exist" should be changed to, "...recognize, disclose, and manage potential conflicts of interest". The proposed change will be referred to the Policy Committee. Dr. Joe Kolis (Interim Director of CURF) has been scheduled to address the Senate on Nov. 14. The committee and solicited faculty have begun generating a list of questions/issues for Kolis via Sen. Smith.

3. Research and The Humanities (Lead: Martin). Sen. Martin presented a list of responses received from a broad inquiry on how research support can be improved in AAH. Faculty responded concerning the following needs, some of which Barry Nocks has already begun to pursue or at least inquire about (his responses noted in parentheses). Many issues concerned the need for library space for faculty and graduate students and the committee discussed the benefits of a Graduate School Library.

4. Research carrels in the library (which administration at Cooper said is unlikely because of space issues; they are willing to contact the dean of libraries about it if Faculty Senate wants to pursue it further).
5. A faculty reading room somewhere in the library that would provide a quiet place for study.

6. Longer or renewable loan periods for interlibrary loan (lending libraries set the loan periods; Clemson cannot change them. They suggested photocopying necessary parts and returning the book on time since ILL fines from other libraries are very expensive. It is legal to copy up to 20% of a published work).

7. Increased funding for acquiring library materials (from a faculty in Philosophy and Religion). Faculty in this area often rely on Interlibrary Loan since our library owns so few of the resources they need. As Clemson increases the number of interdisciplinary Ph.D. programs, the library needs to put more funds into acquiring books and other resources necessary for these degrees.

8. More DCIT research data space (can be arranged on an individual basis).

9. Make more physical space for graduate student research a high priority (the entire university has space issues).

10. Hiring adjuncts to help with the coursework of faculty, especially Gen. Ed. courses--who are required as a part of their job--lighting design in performing arts in one case--to be away for a few weeks at a time. (If hiring an adjunct isn’t possible, Nocks offered 3 options: apply for AAH funding for a course release, the department can set up an arrangement between faculty with similar travel needs to cover for each other, or faculty member can work it out with colleagues.)

11. Subvention funds--paying for reprint permissions and royalty fees for including previously published material in one’s own publication need to be added to the list of allowable expenditures for university and college research grant funding, or some avenue for paying subvention funds should be offered.

12. There needs to be a systematic means for faculty to bring speakers to campus. Funding is often at the department level, but as the university becomes more interdisciplinary, perhaps the method for bringing and funding speakers needs to be more centralized. A Humanities Institute suggested by Diane Perpich in Philosophy and Religion could serve such a purpose. The institute could also house interdisciplinary reading groups and conferences.

13. While critical writing is supported relatively well in AAH, Creative Writing is not. This could be added to research/travel support funding and course release applications, but perhaps other means of support might be created as well.

14. One faculty mentioned that because her research is so non-traditional, her proposals are always rejected at the Chair level. She requested that the application process for some awards be changed to bypass the Chair and Dean and go straight to an
interdisciplinary committee so that applications that always get rejected at the Chair level have a chance at being funded by faculty with a wider view of interdisciplinarity.

15. One faculty requested the some means for paying for memberships in professional organizations be provided. (From Michelle Martin: English allows membership fees with travel funds to be paid if the faculty member is attending that organization’s conference. If other departments don’t allow this, perhaps faculty can request a policy change.)

16. The university supports professional development training (and earning higher education degrees in many cases) for staff, and the provost is currently discussing a program for encouraging lecturers to pursue Ph.D. work while they continue to teach at Clemson. Is there any mechanism currently in place—in the form of an incentive or at least support of some kind—at Clemson for faculty to go back to school for an additional degree, particularly if that degree will help to meet an academic need that their department wants to fill but has no one currently qualified to teach? If not, can this be pursued? (From Michelle Martin)
Faculty Senate Policy Committee

(Minutes of the September 19, 2006 Policy Committee meeting)

Members Present: B. Meyer, B. Simmons, B. Surver, E. Weisenmiller

1. We discussed and approved changing the size and balance of search and screening committees.

2. We discussed and approved language to clarify the issue of separate and independent review by Chair. It was determined that this new language in the manual could be a compromise for all sides of this contentious issue.

3. We discussed and approved the inclusion of Vice Provost for International Affairs as a voting member of the Academic Council.

4. We discussed the placement of three international committees in the Faculty Manual.

5. We discussed the request for a possible new title “Distinguished Professor of .......” It was requested as an aid in recruitment and retention of faculty. This title comes with no additional money and presently has no set guidelines. Typically PTR committees at the department level have been conferring this title.

6. We discussed a specific issue of summer pay. The question to be responded to was: If university employees take your summer class are you paid for their head count or not?

7. We discussed unapproved membership changes made by the Recreation Advisory Committee. The director of campus recreation was then invited to clarify this matter at our October 17 Policy Committee Meeting.

8. We continued discussion on revising the grievance procedures. A meeting was scheduled with the provost to discuss administration input regarding modifications to the procedure.

Next scheduled Policy Committee meeting: Tuesday October 17, 2006 at 2:30 PM room 205 of Cooper Library.
This has been a pretty busy month for the Senate, with regular meetings of various Senate and University committees. At the Academic Council meeting, it was recommended that the number of hours needed to be considered a senior be changed to 90, that the deadline for informing students of their mid-term grades be changed to 5 days before the final drop date, and that the name of the Department of Sociology be changed to the Department of Sociology and Anthropology. There was also a lot of discussion about management of undeclared students. Secretary Layne spoke to the President’s Cabinet at the September meeting—and received many questions about his program and the Musser farm.

The Douthit Hills charrettes went well; I was able to attend the last public meeting at which several alternative plans were included. The consensus seems to be for a mix of academic buildings and student housing with the Clemson House as the “anchor” building. The Visitor’s Task Force work is progressing toward our March deadline.

The Senate Presidents had their semi-annual lunch with President Barker last week. The discussion centered around administrative time allocation during the proposed capital campaign and the President is looking for input on things he needs to continue to do or not do. He and the Provost are also interested in framing a discussion on academic freedom. Please let me have your feedback on these issues and I will relay them to the President.

There was also a meeting last week on beginning to develop an “integrated marketing and communications plan” for the university. Stay tuned for outcomes from that—the next meeting for that group will focus on crisis management.

Our select committees on emeriti faculty and on faculty development/evaluation are meeting this week to receive their charges and begin work.

Please let me know how I may serve you!

Beth
FACULTY SENATE REPORT
TO THE
BOARD OF TRUSTEES

October, 2006

We have begun an exciting academic year and each of the regular Senate committees have set energetic agendas. The Policy committee, chaired by Bryan Simmons from Graphics Communications, already has a list of proposed changes to the Faculty Manual, including finalizing revision of the grievance process and changes in the evaluation cycle for first year faculty. The Welfare committee, chaired by Nancy Porter from Family and Community Studies, is working on parking and spousal hiring issues among several others. The Scholastic Policies committee, chaired by Mark Smotherman from Computer Science, is working with student government on the statement of core values and on impact of incomplete grades on overall grade point ratios. The Research committee, chaired by Dennis Smith from Chemistry, is working on an evaluation of selected research policies and proposed revisions to those sections of the Faculty Manual. The Finance Committee, chaired by Dan Warner from Mathematical Sciences, is working on indirect fund returns and the total compensation report. All have several other items on their agendas.

In addition, Senate Select Committees on Ranks and Titles, on Emeritus Faculty, and on Faculty Development and Evaluation are initiating their work for the year. We appreciate the willingness of many faculty and administrators to serve on these committees—most are not current Senators and all are giving generously of their time to serve the Senate and the University in these capacities.

Since July, we have several significant accomplishments to report.

- The 2006-2007 Faculty Manual is posted on our website. The Manual incorporates all changes made in during the 2005-2006 academic year and, for the first time, includes a table of contents. We also reordered the sections of the Manual and its Appendices to make it more user-friendly. We sincerely thank Holley Ulbrich, Faculty Manual Editorial Consultant; Denise James, website manager, Cathy Sturkie, Senate staff partner; and the 2005-2006 Policy Committee for making this possible.
- Through cooperation with Human Resources, an option for 9-month faculty to be paid over 12-months is now available. This has been received enthusiastically by many faculty. We sincerely thank Lawrence Nichols and Kim Cassell for their efforts to make this faculty benefit available.
- Through cooperation with undergraduate student government, we have recommended a change in the final exam schedule to the administration. This recommendation is to have final exams begin on Monday and end on Friday, with 4 2 ½ hour exams per day. The proposal is receiving positive feedback from faculty. We sincerely thank Dr. Rick Jarvis from Mathematical Sciences, Katy Bayless, Undergraduate Student Body Immediate Past-President, and Stephen Gosnell, Undergraduate Student Body President, for their work on this issue.

We have begun the celebration of our 50th anniversary with a reception for past senators, which was attended by about 75 people, including about 10 of our past-presidents. Among those past-presidents in attendance was Dr. Victor Hurst. Thank you for your roles in helping us achieve this milestone!

Respectfully submitted,

Beth Kunkel
VI. K. Present wording
When an appointment is to be made to any other academic administrative position, a faculty search-and-screening committee shall be formed to make recommendations to fill that position. The committee shall include one classified staff representative elected by the staff members in the academic unit. Student representation shall be encouraged when appropriate. This committee shall submit a short list of candidates for the position from which the appointment shall be made. If an appointment cannot be made from this list, the search-and-screening committee may take additional nominations. If no other candidates are acceptable to the committee, the matter shall be brought to the attention of the Provost, who shall consult with the appointing administrator and the search-and-screening committee with regard to appropriate actions.

VI. K. Proposed wording
When an appointment is to be made to any other academic administrative position, a faculty search-and-screening committee shall be formed to make recommendations to fill that position. The committee shall consist of at least nine faculty, staff and student members, with the committee's majority being faculty members elected by their peers. The committee shall include one classified staff representative elected by the staff members in the academic unit. Student representation shall be encouraged when appropriate. This committee shall submit a short list of candidates for the position from which the appointment shall be made. If an appointment cannot be made from this list, the search-and-screening committee may take additional nominations. If no other candidates are acceptable to the committee, the matter shall be brought to the attention of the Provost, who shall consult with the appointing administrator and the search-and-screening committee with regard to appropriate actions.

Rationale: Last year's addition of a classified staff person, and the encouragement of student representation, requires at least nine people on the committee in order to ensure an elected faculty majority while still giving the dean or other administrator two appointments.

Note: The "other" in the first line refers to administrators other than the President.
Proposed Faculty Manual Change IV.D.
Separate and Independent Review by Chair
Holley H. Ulbrich, Faculty Manual Editorial Consultant

IV. D Present wording:
Procedures for Renewal of Appointment, Tenure, and Promotion

Because the faculty of a department or equivalent academic unit is the primary judge of the qualifications of its members, peer evaluation is essential in recommendations for appointment, renewal of appointment, tenure, and promotion. All peer recommendations regarding any individual holding faculty rank in a department shall, therefore, originate within the faculty of that department. Individual departments at Clemson University establish written procedures and committee structures in order to facilitate peer evaluation. These written procedures must incorporate attention to "Best Practices for a Performance Review System for Faculty" Appendix G, numbers 1-11...

The chair shall ensure that any faculty member eligible for renewal of appointment, tenure, or promotion is given an opportunity to be reviewed. The appropriate committee reviews each case in accordance with departmental procedures and policies, and renders a formal recommendation. The chair shall render a separate and independent recommendation as to the disposition of the case. The chair shall provide the committee charged with peer review with a copy of the recommendation. The chair shall also ensure that the affected faculty member is promptly informed in writing as to the results of and rationale for both recommendations. In cases of promotion or early tenure consideration, the candidate may withdraw from further consideration at this point.

IV.D. Proposed wording:
Procedures for Renewal of Appointment, Tenure, and Promotion

Because the faculty of a department or equivalent academic unit is the primary judge of the qualifications of its members, peer evaluation is essential in recommendations for appointment, renewal of appointment, tenure, and promotion. All peer recommendations regarding any individual holding faculty rank in a department shall, therefore, originate within the faculty of that department. Individual departments at Clemson University establish written procedures and committee structures in order to facilitate peer evaluation. These written procedures must incorporate attention to "Best Practices for a Performance Review System for Faculty" Appendix G, numbers 1-11...

The department chair shall ensure that any faculty member eligible for renewal of appointment, tenure, or promotion is given an opportunity to be reviewed. The appropriate committee reviews each case in accordance with departmental procedures and policies, and renders a formal written recommendation. The department chair does not participate in the deliberations of the committee, but does issue a separate and independent recommendation as to the disposition of the case after receiving the recommendations of the committee. The chair shall provide the committee charged with peer review with a copy of the recommendation. The chair shall also ensure that the affected faculty member is promptly informed in writing as to the results of and rationale for both recommendations. In cases of promotion or early tenure consideration, the candidate may withdraw from further consideration at this point.
Proposed Faculty Manual Change

VII.B. Adding the Vice Provost for International Affairs to Academic Council

Holley H. Ulbrich, Faculty Manual Editorial Consultant

VII.B. Present wording

B. Academic Council
The Academic Council reviews and recommends academic policy to the Provost. Such matters may be routed to the President through the Provost by a majority vote. The council receives reports and recommendations from committees and groups reporting to it. The Academic Council also reviews recommendations regarding university-wide academic policy that emanate from the office of the Provost, the Faculty Senate, the Student Senate, collegiate faculties, as well as from ad hoc committees appointed by the President or Provost. The Academic Council shall view its role primarily as an oversight body guiding and advising the university with regard to academic policy.

Membership of the Academic Council consists of the following: The Provost (chair); two members from each college and from the library: the college and library deans; one faculty member from each college and the library elected for a staggered three-year term; two undergraduate students: the president of the student body and the president of the Student Senate; president of the graduate student government; Faculty Senate President, Dean of the Graduate School, and the Dean of Undergraduate Studies. Non-voting are: President-elect of the Faculty Senate; Dean of Student Life; president of the Classified Staff Senate; and Extension Senate chair.

VII.B. Proposed wording

C. Academic Council
The Academic Council reviews and recommends academic policy to the Provost. Such matters may be routed to the President through the Provost by a majority vote. The council receives reports and recommendations from committees and groups reporting to it. The Academic Council also reviews recommendations regarding university-wide academic policy that emanate from the office of the Provost, the Faculty Senate, the Student Senate, collegiate faculties, as well as from ad hoc committees appointed by the President or Provost. The Academic Council shall view its role primarily as an oversight body guiding and advising the university with regard to academic policy.

Membership of the Academic Council consists of the following: The Provost (chair); two members from each college and from the library: the college and library deans; one faculty member from each college and the library elected for a staggered three-year term; two undergraduate students: the president of the student body and the president of the Student Senate; president of the graduate student government; Faculty Senate President, Dean of the Graduate School, and the Dean of Undergraduate Studies, and the Vice Provost of International Affairs. Non-voting are: President-elect of the Faculty Senate; Dean of Student Life; president of the Classified Staff Senate; and Extension Senate chair.

Rationale: This change was approved by the Academic Council several years ago but was not brought to the Senate for approval.
ON THE OCCASION OF THE 50TH ANNIVERSARY OF THE FACULTY SENATE

RESOLUTION OF APPRECIATION OF THE CLEMSON UNIVERSITY BOARD OF TRUSTEES

FS06-10-1 P

Whereas, The Board of Trustees’ longstanding and beneficial relationship with the Faculty Senate began with its ratification of the formation of the Faculty Senate by the Clemson University faculty on April 9, 1956; and

Whereas, The Board of Trustees’ action represented a recognition of the Faculty Senate as the representative assembly of the Clemson University faculty and link between the faculty and the administration and Board of Trustees; and

Whereas, This relationship and partnership, notwithstanding its occasional ups and downs, has strengthened over the years; and

Whereas, The Board of Trustees’ contacts with the Faculty Senate, and through it the faculty, have been broadened and deepened by the Board’s inclusion of the Faculty Senate’s president in its quarterly meetings, its approval of a Faculty Representative to the Board of Trustees, and the Board’s awards banquet recognizing faculty; and

Whereas, This relationship and partnership have been based on mutual respect and consideration of the interests of the University and its mission and the creation of a climate of intellectual inquiry and achievement;

Resolved, That the Faculty Senate wishes to express its appreciation to the Board of Trustees of its support and its recognition of faculty governance and pledges to continue in the next fifty years that model partnership as the University moves to achieve its goals and stature of greatness.

Passed unanimously by the Faculty Senate on October 10, 2006.
1. The Scholastic Policies Committee moves that the Faculty Senate approve the concept of an elected, representative committee for freshman summer reading. The committee would report to the Provost.

2. The Scholastic Policies Committee moves that lead senators coordinate the immediate election or, in those units where an immediate election is infeasible, the immediate appointment of one representative from each college and the library for the Summer 2007 Freshman Summer Reading Committee.

Rationale: The Summer Reading Committee has been composed of volunteers to date, and the Scholastic Policy Committee feels that having an elected group of representatives from each college and the library, such as is common for many committees, would be a better structure. (This is not meant to exclude volunteers from continuing to meet with the Summer Reading Committee and contributing their ideas and suggestions.) If the first motion passes, it is the intention of the Scholastic Policies Committee to submit a detailed voting membership proposal to the Policy Committee (and then the Exec/Adv. Committee) for review and comment before bringing the final wording on voting membership within the Summer Reading Committee before the Senate.
1. **Call to Order:** The meeting was called to order by President Beth Kunkel at 2:39 p.m.

2. **Approval of Minutes:** The Faculty Senate Meeting Minutes dated October 10, 2006 were approved as written.

3. **Class of '39 Award for Excellence:** Pat Smart (Provost's designee) and Des Layne (Faculty Senate President’s designee) were appointed to count the Class of '39 Award ballots. The election of the 2006 recipient was held by secret ballot.

4. **“Free Speech”:** None

5. **Committees:**
   a. **Senate Committees**
      1) **Finance Committee** – Dan Warner, Chair, submitted and briefly explained the Committee Report dated October 26, 2006 (Attachment A).
      2) **Welfare Committee** – Steve Stuart, for Chair Nancy Porter, submitted and briefly explained the Committee Report dated October 17, 2006 (Attachment B).
      3) **Scholastic Policies Committee** – Antonis Katsiyannis for Chair Mark Smotherman, reported that this Committee is addressing the grievance procedures regarding academic integrity with the desire to streamline and improve these procedures and a proposal to have an associate dean for advising, to include the benefits of such a position.
      4) **Research Committee** – John Meriwether, for Chair Dennis Smith, submitted and explained the Committee’s Report (Attachment C).
      5) **Policy Committee** – Bryan Simmons, Chair, submitted and explained the Committee’s Report dated October 17, 2006 (Attachment D). There will be items under New Business for the Faculty Senate to consider.
   b. **Other University Committee/Commissions:** None

6. **President's Report:** President Kunkel submitted her President’s Report and briefly explained her Report dated November 14, 2006 (Attachment E).
7. **Old Business:** None

8. **New Business:**
   a. Senator Simmons submitted for approval and explained the proposed *Faculty Manual* change, Approval of Three Committees. There was no discussion. Vote was taken and passed unanimously (Attachment F) with required two-thirds vote.

   b. Senator Simmons submitted for approval and explained the proposed *Faculty Manual* change, Recreation Advisory Committee. There was no discussion. Vote was taken and passed (Attachment G) with required two-thirds vote.

9. **Announcements:**
   a. The faculty display celebrating the 50th Anniversary of the Faculty Senate at Clemson University is located in the FirstSun Connector between the Martin Inn and the Madren Center. Many thanks to Susan Hiott of the Clemson Libraries for creating this display.

   b. The 50th Anniversary of the Faculty Senate February Forum will be held in February, 2007. Details forthcoming.

   c. The Celebration of the Class of '39 will be held on January 8, 2007 and the Bell Tower Ceremony at the Carillon Gardens on January 9, 2007 – Details forthcoming.

10. **Adjournment:** 3:10 p.m.

    
    [Signature]
    
    Desmond R. Layne, Secretary

    
    [Signature]
    
    Cathy Toth Sturkie, Program Assistant

Absent: C. Wells, B. Bauerle, G. Birrenkott, D. Detrich, M. Martin, F. Edwards, N. Porter (S. Stuart for), B. Meyer (B. Moss for), D. Smith (W. Sarasua for)
Faculty Senate Finance Committee
Minutes from October 26, 2006

The Faculty Senate Finance Committee met on Thursday, October 26, 2006. Present were Graciela Tissera, Robert Campbell, and Dan Warner. David Detrich submitted his report electronically. Bill Bauerle was out of town. Bill Bowerman is on sabbatical this semester.

David Detrich’s report regarding the procedures related to the Myrtle Beach land sale was discussed. It basically reflects that the process must be approved the Administration, the Board of Trustees, and the State Budget Control Board.

Graciela Tissera provided a preliminary report on the state regulations regarding per diem. Her report summarized the rules that currently exist, and the State regulations that specify them. It was agreed that the next step would be to determine which state regulators or legislators would be appropriate to contact regarding the failure to adjust per diem rates for the last several years.

The committee also discussed the ongoing work regarding the policies on indirect costs; the policies on start up costs and endowments; and the progress on the total compensation report.

The next meeting is scheduled for Thursday, November 16, from 9:30 to 10:30 in Cooper Library, room 205.
Welfare Committee Minutes
October 17, 2006

Present: Nancy Porter, Grant Cunningham, Steve Stuart, Deborah Thomason, Holley Ulbrich, and members of Faculty Senate Policy Committee

Steve Stuart will present the Welfare Committee report at the November 14, 2006 Faculty Senate meeting in my absence.

Next Meeting: November 21 at 2:30 PM Room 205 Cooper Library

We met with members of the Policy Committee and Holley Ulbrich to discuss informational items that are not currently in the Faculty Manual--such as description of TERIed faculty, retirement options (which are different for faculty than for staff), and rehiring retired faculty. A lively discussion resulted in asking Holley to draft a statement to be considered for inclusion in the Faculty Manual describing TERIed faculty. Holley provided the following:

Proposed Addition to Faculty Manual
III.G. Emeritus/Retired Faculty
Holley H. Ulbrich, Faculty Manual Editorial Consultant

In order to clarify the status of TERIed faculty, it is proposed that the following paragraph be added to section III.G. of the Faculty Manual which addresses Emeritus and Retired Faculty:

Faculty (and staff) who meet retirement eligibility criteria with the South Carolina Retirement System may sign a TERI (Teacher and Employee Retention Incentive) agreement under which their retirement pension is deposited in a non-interest-bearing account while they continue to perform their regular duties at their pre-TERI salary for up to five years. TERIed faculty enjoy all the rights, privileges, and responsibilities of regular faculty. Upon exiting the TERI program, faculty members who have sufficient years of service at Clemson University may become emeritus faculty. Additional information about the TERI program is located on the website of Clemson’s Office of Human Resources (www.clemson.edu/humanres/Payroll_Benefits/TERI_faq.htm).

This addition to the Faculty Manual was presented during the October 31, 2007 Executive/Advisory Committee meeting. It was tabled for future discussion.

Issues Discussed:

Priority Issues
Parking and Transportation - Nancy Porter reported that she was unable to attend the October 25 Faculty Forum held by Carl Walker Parking representatives. Others reported that only about 15 faculty attended. An October 26 debriefing with the Parking and Transportation Committee was cancelled.

Child Care Center for Clemson University – Deborah Thomason reported that Provost Helms is pushing ahead and plans to have a program up and running in fall 2007. The Provost’s Office is working on an RFP to get someone to come in and get the educational program coordinated and to perhaps help manage it as well as overseeing our compliance with state policies. It is
hoped that site plans will be completed by January. Surveys will be taken of faculty and staff needs for child care in the next few weeks. The Graduate School will be surveying graduate students separately.

**Alan Schaffer Faculty Senate Service Award** – Grant Cunningham is working with Cathy Sturkie to send out a call for nominations which will be due February 15, 2007. Grant encourages Senators to nominate potential recipients.

**Potential Issues**

Faculty Merit Pay - Steve Stuart reported there has been little to no communication to him regarding the recent pay increases.
The Faculty Senate Research Committee met on November 9, 2006 at 4PM in 205 of Cooper Library. Present were Sens. Smith, Martin, Meriwether, Scheifer and guests, Naomi Kelly, Environmental Health & Safety, and Tracie Arwood, Director of the Office of Research Compliance. Our next meeting will be December 5 at 4 PM in Cooper 205.

1. Conversation with Compliance (Lead: Wells/Meriwether). On November 8, Sen. Wells forwarded the results from a faculty solicitation asking for questions/issues for Arwood and Kelly. Sen. Martin distributed an additional list from the English Department. The resulting lists are not included here but available to Senators upon request. Tracie Arwood and Naomi Kelly were welcomed to the committee. After introductions, Smith outlined the goals of this information exchange and highlighted our desire to help facilitate the most effective interaction between Compliance/EH&S offices with our research faculty. Arwood and Kelly began the discussion with some important perspective on how important Compliance is. Several examples were given where federal funding was shut down -- university wide -- at other institutions for compliance failures. Arwood gave an excellent presentation (attached) describing the groups, functions, and changes she directs. The meeting was instructive and very positive. The overall message that we must share and reinforce is that the Compliance Office and related offices are in place to enable research when required and they should be considered as part of the research team. Several items were considered for action by the committee with recommendation and input from the Senate. Kelly and Arwood will answer the questions/issues from the faculty and respond by email to Sen. Wells. Many of the issues are common misconceptions and highlights the need for simple increased awareness. Compliance and EH&S need to have a significant presence at new faculty orientation university wide and for most colleges. The culture at Clemson has been a bit more reactive to these issues. A proactive impression on new faculty is needed. The issue should probably be elevated by special annual memo from the administration to all faculty. Arwood and Kelly will suggest changes in the faculty manual to reflect changes.

2. Technology Transfer & Entrepreneurship (Lead: Smith/Figliola/Schleifer). No discussion on this topic. Reminder: Dr. Joe Kolis (Interim Director of CURF) has been scheduled to address the Senate on December 12. The committee and solicited faculty will continue generating a list of questions/issues for Kolis via Sen. Smith.

3. Research and The Humanities (Lead: Martin). No discussion on this issue.
Faculty Senate Policy Committee

(Minutes of the October 17, 2006 Policy Committee meeting)

The Policy Committee met on Tuesday October 17 at 2:30 PM in room 205 of the library. We began by meeting jointly with the Welfare Committee then moved to room 206.

Policy Agenda:

1. Butch Stanphill, Director of Campus Recreation, clarified the make-up of the current Recreation Advisory Committee and responded to questions from the committee.

2. We reviewed descriptions of three international committees and discussed their placement in the Faculty Manual.

3. We continued discussion of the proposed grievance procedures after the chair met with Provost and after having received feedback from the Deans.

Next scheduled Policy Committee meeting: Thursday November 16, 2006 at 2:00 PM. Location: TBA
President's Report
November 14, 2006

This has been a very eventful month—literally and figuratively. It began with our hosting the Board of Trustees for dinner, where we received a very gracious resolution of appreciation. The framed resolution is on display in the Faculty Senate display in the FirstSun Connector. Several members of the board expressed their appreciation to us and mentioned how much they look forward to this annual event. Thank each of you who attended and who contributed to the Trustees’ Scholarship Fund. The Trustees sincerely appreciated that contribution. At the formal meeting of the Board, Chairman Hendrix read some of the thank you notes written by recipients of the scholarships.

The 50th anniversary of the Senate was also recognized at the Clemson Maryland football game on Nov. 4 with our receipt of a plaque from President Barker at halftime. The photo from that presentation was published in the “Orange and White” newsletter and the plaque will also be placed in our display case in the Connector. Thanks to Webb Smathers who orchestrated this event for us!

All of our committees continue to be very active—we are receiving many positive comments about the contributions being made by our committees this year. Queries about reappointment, promotion and tenure policies; space; student grievances; and titles have been referred to the appropriate committees. The select committees on development/evaluation and emeritus faculty have begun their work and I am looking forward to the outcomes of that work. I have been involved in appointing people to the summer reading committee, in participating in communications and marketing meetings, and in reviewing portions of the university pandemic plan. Additionally, I represented the Senate at the meeting of the CU Foundation Board of Directors and Joint City University Committee and continue to serve on the Visitors’ Task Force.

Last week, I had the opportunity to attend a meeting entitled “Rethinking Academic Freedom,” which was very interesting and provided lots of insight into an issue that is not as clearly defined or as narrow as my original perception was. I’m preparing a report from that meeting and will share it with you. Thanks to the Provost for sending me to that meeting.

Thank you for all you do for the Senate and please let me know how I may serve you.

Beth Kunkel
Proposed Addition to Faculty Manual VII.B.3. a-c
Holley Ulbrich, Faculty Manual Editorial Consultant

New Section VII.B.3.

a. **International Studies Curriculum Committee.** The International Studies Curriculum Committee develops and reviews course proposals for courses designated as international studies courses, and to recommend approved international studies courses to the Undergraduate or Graduate Curriculum Committee for final consideration and approval. The Vice Provost of International Affairs chairs the committee, which is composed on one elected representative from each of the five colleges and the library. Non-voting members are the Dean of Undergraduate Studies, the Dean of the Graduate School, the Director of the Honors College and the Director of Study Abroad.

b. **International Programs Coordination Committee.** The International Programs Coordination Committee coordinates information and recommends policies and plans for study abroad, international research opportunities, and international internships and co-op opportunities. The Committee is chaired by the Vice Provost of International Affairs. Each member of the Provost’s Advisory Council nominates a senior faculty or staff representative from their respective areas to serve on the committee as appropriate.

c. **International Services Coordination Committee.** The International Services Coordination Committee coordinates information and reviews and recommends policies and plans for international student recruitment, admission and retention, financial aid, and academic support as well as international student affairs, immigration services, tax and employment information for international students, scholars, faculty and staff. The Committee is chaired by the Vice Provost of International Affairs. Each member of the Provost’s Advisory Council nominates a senior faculty or staff representative from their respective areas to serve on the committee as appropriate.

**Rationale:** These committees were approved several years ago by the Academic Council but apparently were never brought to the Faculty Senate for our (required) advice and consent.
Section VII.F.3. Current wording

Recreation Advisory Committee studies, formulates, and recommends all policy relating to physical recreation facilities and programs to the Vice President for Student Affairs. The committee's membership consists of two undergraduate students selected by the president of the Student Senate; a graduate student representative; three faculty members (one from the Department of Parks, Recreation and Tourism Management) elected by the Faculty Senate for three-year terms; one staff member each from the offices of business and finance, student affairs, and institutional advancement (each selected by the appropriate vice president or director); the Director of the University Union and Student Activities (nonvoting); the Director of Campus Recreation (nonvoting); the Director of Tennis; and a member of the Classified Staff Senate. The chair is elected annually by the committee.

Section VII.F.3. Proposed wording

Campus Recreation Advisory Board is an advising agent in representation of the interest and needs of the students and university community in the area of recreational services. The primary function of the Board is to advise the Department of Campus Recreation regarding strategic directions, operational and programmatic issues. This Board studies, formulates, and recommends all policies relating to physical recreation facilities and programs to the Vice President for Student Affairs—Director of Campus Recreation. The Board consists of two undergraduate students selected by the president of the Student Senate; a graduate student representative; three faculty members (one from the Department of Parks, Recreation and Tourism Management) elected by the Faculty Senate for three-year terms; one staff member each from the offices of business and finance, student affairs, and institutional advancement (each selected by the appropriate vice president or director); the Director of the University Union and Student Activities (nonvoting); the Director of Campus Recreation (nonvoting); the Director of Tennis; and a member of the Classified Staff Senate. The chair is elected annually by the committee. Three faculty members (one from the Department of Parks, Recreation and Tourism Management) elected by the Faculty Senate for three-year terms, one staff member appointed by the Classified Staff Senate President, one staff member from Student Affairs, one staff member from IT Services, two students from the Residence Hall Association, one from the National Panhellenic Council, one from the Interfraternity Council, three representative from Undergraduate Student Government (Health and Human Services, Finance and Procedures, University Services), one from the Graduate Student Government, one from the Men's and Women's Swimming and Diving Team, one from the Intramural Council, one from the Club Sports Association, one from the Clemson Outdoor Recreation Experience, one from the National Pan-Hellenic Council, two students appointed at large by the Board. All student members are appointed on one year terms. The Director of Campus Recreation serves as the Chair and as a non-voting member.

Rationale: Expanded student representation reflects the intense use of the facilities by students who pay for it in their activity fees. The director would be happy to have additional faculty representation if the Senate desires.
1. **Call to Order**: The meeting was called to order by President Beth Kunkel at 2:33 p.m.

2. **Approval of Minutes**: The Faculty Senate Meeting Minutes dated November 14, 2006 were approved as written.

3. **“Free Speech”**: None

4. **Special Orders of the Day**
   a. Jim Bottum, Vice Provost for Information Technology, informed the Faculty Senate of the direction he foresees and explained the current organization of this vital area. He further explained the major issues, recommendations offered and the proposed roadmap in order to better serve the campus community. Questions and answers were then exchanged.

   b. Joe Kolis, Interim Executive Director of the Clemson University Research Foundation (CURF), presented information on technology transfer including the mission, a brief history, governance, and new initiatives of CURF. Dr. Kolis then responded to questions from senators.

5. **Committees**:
   a. **Senate Committees**
      1) **Finance Committee** – Dan Warner, Chair, submitted and briefly explained the Committee Report dated November 16, 2006 (Attachment A).

      2) **Welfare Committee** – Chair Nancy Porter submitted and briefly explained the Committee Report dated November 21, 2006 (Attachment B). The website for the Parking Transportation Master Plan is now up and running. The link is: http://stuaff.clemson.edu/parking/masterplan/. Senator Porter reminded senators that nominations for the Alan Schaffer Faculty Senate Service Award are due to the Faculty Senate Office on February 15, 2007.

      3) **Scholastic Policies Committee** – Chair Mark Smotherman submitted and explained the Committee Reports dated November 9, 2006 (Attachment C) and December 5, 2006 (Attachment D).

      4) **Research Committee** – Chair Dennis Smith submitted and explained the Committee’s Report (Attachment E).
5) **Policy Committee** – Bryan Simmons, Chair, submitted and explained the Committee's Report dated November 16, 2006 (Attachment F).

b. **Other University Committee/Commissions:** None

6. **President's Report:** President Kunkel submitted her President’s Report dated December, 2006 (Attachment G).

7. **Old Business:** None

8. **New Business:** None

9. **Announcements:**
   a. The faculty display celebrating the 50th Anniversary of the Faculty Senate at Clemson University is located in the FirstSun Connector between the Martin Inn and the Madren Center. A newly-created display is now ready and is located in the alcove of the Thurmond Institute. Many thanks to Susan Hiott of the Clemson Libraries for creating both displays.

   b. The Celebration of the Class of ’39 will be held on January 8, 2007. Invitations will soon be mailed.

   c. The Bell Tower ceremony to honor Don McKale, the 2006 recipient of the Class of ’39 Award for Excellence, will be held at 10:00 a.m. on January 9, 2007 at the Carillon Gardens.

   d. The 50th Anniversary of the Faculty Senate February Forum will be held on February 19, 2007. Details forthcoming.

   e. Nominations for the Alan Schaffer Faculty Senate Service Award are due to the Faculty Senate Office on February 15, 2007.

10. **Adjournment:** 4:11 p.m.

    [Signature]

    Desmond R. Layne, Secretary

    [Signature]

    Cathy Toth Sturkie, Program Assistant

Absent: C. White, A. Grubb, G. Tissera, F. Edwards, J. Meriwether
The Faculty Senate Finance Committee met on Thursday, November 16, 2006. Present were Graciela Tissera, Beth Kunkle, and Dan Warner.

Graciela Tissera provided additional information regarding per diem rates from Betty Shipman in Procurement. Ms. Shipman is of the opinion that the rates have not changed in 23 years. Beth pointed out that there are per diem costs relative to the care of animals, and that these rates have been increased recently. Apparently State employees are not keeping up with the rats and pigs. Graciela will pursue additional contacts with H&R, the University Lobbyist, Angie Leidenger (803-737-0695), and the office of our state representative.

Beth Kunkle informed us that at the recent meeting with the Board of Directors of the CU Foundation, it was reported that the Myrtle Beach land sale was now before the State Budget Control Board.

The committee also briefly discussed the ongoing work regarding the policies on indirect costs; the policies on start up costs and endowments; and the progress on the total compensation report.

The next meeting will be in December. The date and room will be announced.
Welfare Committee Minutes  
November 21, 2006

The Welfare Committee met on November 21 at 2:30 PM.

Next Meeting: January 16, 2007 at 2:30 PM Room 205 Cooper Library

No new information was presented about current issues being investigated by the Welfare Committee members, including Parking and Transportation Services. Two new issues were discussed:

1) Recommendations for guidelines when acknowledging the death of current faculty members. The Welfare Committee suggests that if there is a budget for such acknowledgements that a standard policy should be followed so that it is consistent and universal for all faculty both on and off campus.

2) Is the mandatory use of ARA food services when using University facilities an unfair practice and a faculty welfare issue. The Welfare Committee decided that this is a contractual agreement between Clemson and ARA and is not a likely to be a faculty welfare issue.

The Welfare Committee reminds faculty to nominate deserving people for the Alan Schaffer Faculty Senate Service Award. Contact Grant Cunningham or Cathy Sturkie with questions. Email and hard copy calls for nominations have been sent and are due back to Cathy Sturkie by February 15, 2007.
Minutes of the November 9, 2006, Scholastic Policies Committee meeting

Members present: A. Bennett, A. Girgis, A. Katsiyannis, M. Smotherman, D. Willoughby
Guests present: J. Masslon (student)

1. Dr. Dave Barrett discussed a proposal to revise the undergraduate academic grievance processes. The revisions consist of:

   a) An Academic Grievance Panel should screen grievances, and those grievances judged to have merit would then be heard by the Academic Grievance Committee.

   b) The types of grievances that should be heard by the Academic Grievance Committee will be limited to a final grade that was determined in such a way that (a) was in violation of the means stated in the instructor's syllabus, or (b) was in violation of a department, college, or university guideline.

   c) The order in which a student meets with faculty and administrators should change so that all necessary signatures are obtained prior to the student formally filing the grievance with the Associate Dean for Curriculum. The Associate Dean will provide a checklist to guide the student through the signature process.

   d) The Dean of Undergraduate Studies should make the final decision in those cases where the student does not accept the resolution proposed by the Academic Grievance Committee.

The committee voted unanimously to approve the proposed revisions.

2. Wording for the proposal for the Summer Reading Committee was discussed. The committee agreed that a student member should be the ninth voting member and that the Summer reading committee should report to the Dean of Undergraduate Studies. Suggestions for wording the description of the committee will be solicited from Dean Murdoch, and a draft will then be circulated by email.

3. Dr. Ken Weaver discussed the work of the University Academic Advising Committee and the background for their three proposals:

   a) Establish a permanent Director of Undergraduate Advising position, located in the Division of Undergraduate Studies, who will be responsible for the development, implementation, and quality assurance of undergraduate advising programs at Clemson University.

   b) Establish a new undergraduate advising unit devoted to addressing the needs of special populations (e.g., undecideds, transfers, those shadowing a major, those on probation)

   c) Refine the membership and purpose of the Academic Advising Committee.

The committee will discuss these proposals further at the next meeting.

Next meeting: December (day to be determined)
Minutes of the December 5, 2006, Scholastic Policies Committee meeting

Members present: A. Bennett, A. Katsiyannis, M. Smotherman
Guests present: B. Kunkel, J. Masslon (student)

1. The status of the final exam schedule was discussed. The committee encouraged President Kunkel to recommend to the Provost that she go ahead with the implementation of the revised exam schedule for Fall 2007.

2. The Summer Reading Committee proposal has been sent to the Policy Committee.

3. The academic grievance proposal has been modified to include two student members. The committee accepts the modifications, and the chair will submit our recommendation to approve the proposed procedures to the Executive/Advisory Committee.

4. Attendance policy guidelines were discussed. There was a suggestion that a statement about "reasonable consequences" for absences might be added to the current attendance policy. The chair will survey peer schools and report back to the committee.

5. Academic integrity and grievance policies for both undergraduate and graduate students were discussed. The attendance at hearings by Undergraduate Studies personnel and Graduate School personnel, respectively, was questioned. The committee has some sentiment to recommend that procedures similar to those proposed by Dr. Barrett for academic grievance hearings and appeals be adopted for both academic grievances and academic integrity by both Undergraduate Studies and Graduate School. The chair will invite representatives from Undergraduate Studies and the Graduate School to attend the next committee meeting.

6. The committee discussed the proposal for additional academic advising staff. The committee voted unanimously for a motion to support the addition of a single staff member, but not a new unit, to Undergraduate Studies to coordinate and assist academic advising across the campus and to address the needs of special populations, such as transfer students. This motion will be forwarded to the Executive/Advisory Committee.

Next meeting: January 16, 23, or February 6, according to the availability of representatives from Undergraduate Studies and the Graduate School

Summer Reading Committee proposed language (submitted to Policy Committee)
The Summer Reading Committee advises on the selection of the book for the Freshman Summer Reading Program, as well as suggesting related themes for the Presidential Colloquium.
• Voting membership consists of one faculty member serving a one-year term from each of the colleges and the library; a student member appointed by the President of Undergraduate Student Government; the Director of Freshman Writing; and the Director of the Presidential Colloquium Series.
• Faculty representatives are expected to serve as a summer reading facilitator in the fall semester prior to their term of service on the committee.
• Non-voting membership includes the Dean of Undergraduate Studies and the Director of the Freshman Summer Reading Program. The Dean of Undergraduate Studies chairs the committee. The Provost and the President have final approval authority over the book to be selected.
Research Committee of the Faculty Senate
12 December 2006 Report
Submitted by: Dennis Smith, Chair (dwsmith@clemson.edu)

The Faculty Senate Research Committee met on December 5, 2006 at 4PM in 205 of Cooper Library. Present were Sens. Smith, Martin, Figliola, and Scheifer. Our next meeting is TBA.

1. Conversation with Compliance (Lead: Wells/Meriwether). No discussion on this topic.

2. Technology Transfer & Entrepreneurship (Lead: Smith/Figliola/Schleifer). Discussion on this topic began with the suggested updates in the faculty manual concerning intellectual property and related policies. The committee agreed that this important policy should remain in the manual and not simply referenced to a web site. IP policy is extremely important to recruiting, retention, and professional development of our research faculty and should require close faculty consultation and senate oversight. We will invite Holley Ulbrich to the next committee meeting to discuss changes and further proposals to the policy committee.

Discussion then turned to the scheduled visit by Dr. Joe Kolis (Interim Director of CURF) to the senate on December 12. Faculty were solicited for input concerning issues with OTT, CURF, and related policies. Responses were generally concerned with a lack of priority Clemson places on technology transfer and commercialization given the success and resources committed by other institutions competing with us.

A list of issues that we hope Joe will address include:

- Mission, goals, and metrics for success of CURF.
- Brief history of CURF and current structure, identity, experience.
- Current OTT/CURF/Clemson relationship and changes pending.
- CURF role in Clemson policy.
- New initiatives and faculty involvement in CURF.
- CURF and startup companies / Incubator.
- Funding and budget of CURF.
- Faculty representative on CURF and how chosen.
- How does CURF compare to our "peer" institution's organization for IP management.
- What model institution(s) / programs were used to help form Clemson's new organization.

3. Research and The Humanities (Lead: Martin). No discussion on this topic.
Faculty Senate Policy Committee

(Minutes of the Thursday November, 16, 2006 Policy Committee meeting)

The Policy Committee met on Thursday November 16 at 2:00 PM in room 205 of the library.

Policy Agenda:

1. Changes to the grievance procedures were discussed in excruciating detail. Since the June Senate meeting, input regarding recommended changes to the policy has been received from the Senators and their constituents, the Faculty Senate President, the Policy Committee members, the Faculty Manual Editor, the Provost, the continuing Deans, the new Deans and University Legal Council. In revising the grievance procedures the Policy Committee attempted to incorporate as many of the recommendations as feasible. During the December Policy Committee the Proposed Grievance Policy will be made ready for presentation, discussion and voting at the January Faculty Senate Meeting.

2. Application of promotion guidelines (Do guidelines apply from when you were hired in or from when you come up for promotion?). The Faculty Manual is silent on the matter. Members of the Policy Committee had varying opinions. Further discussion is warranted.

Next scheduled Policy Committee meeting: Tuesday December 19, 2006 at 2:00 PM. Location: TBA
PRESIDENT'S REPORT
DECEMBER, 2006

This has been a quiet month for the Faculty Senate. I have represented you at meetings on university marketing and communications plans, diversity education for freshmen, visitor experience improvement, interviews for Chief Financial Officer, and the future of the library. Additionally, the Academic Council, the President’s Cabinet, and the Joint City University Committee met this month. A couple of emerging issues are affordable housing and development of a more cohesive freshman experience.

Each of the committees continues to be very active, which means that I have lots of wonderful items to report when asked what we are doing. Thank you so much for that!

Thanks for all your work on behalf of the Senate!

Beth Kunkel
Policies

Policy On Information Resources For Employees

The shift of computing resources from a centralized data center to the desktop has resulted in a corresponding shift of some of the responsibility for maintaining and safeguarding those resources to the individual employee. The equipment, software and data on each employee’s desk are expensive and vital assets of Clemson University that it is the duty of every employee to protect. In addition, Federal and State statutes protect the privacy of much of the information available on University computer systems. Consequently, the Administrative Council of the University has approved the policy below.

It is the policy of Clemson University that: Clemson University computing resources are the property of Clemson University, to be used for university-related business. Employees have no expectation of privacy when utilizing university computing resources, even if the use is for personal purposes. The university reserves the right to inspect, without notice, the contents of computer files, regardless of medium, the contents of electronic mailboxes and computer conferencing systems, systems output, such as printouts, and to monitor network communication when:

1. It is considered reasonably necessary to maintain or protect the integrity, security or functionality of university or other computer resources or to protect the university from liability;
2. There is reasonable cause to believe that the users have violated this policy or otherwise misused computing resources;
3. An account appears to be engaged in unusual or unusually excessive activity; and
4. It is otherwise required or permitted by law. Additionally, the userid and computing services of the individuals involved may be suspended during any investigation of misuse of computing resources.

All data pertaining to student records, University administration, research projects, any Federal or State information, and any other information not explicitly deemed public shall be considered confidential and will be safeguarded by each employee having access to that data. All employees will adhere to Federal and State laws concerning privacy and right to know. Official releases of data under Freedom of Information requests are to be routed through the appropriate vice-presidential area.

All University data, public or private, will be stored in such a manner as to reasonably protect it from loss due to equipment failure, fire, theft, sabotage or human error. The University Records Manager establishes data retention periods. Data backup procedures will include remote storage of backup data, written backup and recovery procedures and periodic verification of storage media. Additional information on backing up data can be found in the Division of Computing and Information Technology (DCIT) online information.

Any computer tape, disk (hard drive, CD or floppy) or other storage medium used to store sensitive university data must be totally erased or rendered unreadable before it is discarded or disposed of through property transfer or surplus. Employees should contact departmental Technical Support Providers (TSPs), College Consultants or DCIT personnel for assistance if necessary.

All employees will safeguard their computer userids and passwords. No employee will allow unauthorized persons access to University data or computing or network resources by sharing their userid and password. Employees should reference DCIT documentation on selecting good passwords. Departmental servers will use DCIT provided security for access to sensitive data or applications. No server will store userids and passwords on the server.

No employee will knowingly create access into the computing network in such a way as to bypass University security systems. Employees will make reasonable efforts to insure that no software or hardware under their control allows unauthorized access to University data. Administrators of departmental servers will regularly apply operating system security patches and service packs. All unnecessary server services will be turned off.
No employee will attempt to use the University network to gain unauthorized access to other computing resources or data, nor will they knowingly attempt to disrupt the operation of any computer system or network.

No employee will knowingly violate software licenses or copyrights during the course of their job duties or at any time while using University equipment or software. Employees are responsible for producing proof of license for any software installed on their University-supplied computer. Licenses for personally-owned software installed on a university computer should be kept with that computer.

No employee will use University data, computing resources or the network for illegal activities or for personal gain.

All employees will safeguard the software and data resources on their workstation or personal computer by installing University-licensed virus protection software or an equivalent package and running this software at regular intervals. Departmental servers and other shared computing resources will also run virus protection software if it is available. Departmental TSPs or College Consultants can assist in installing and running the virus protection software.

All employees will do their best to ensure all software or data is virus free before it is installed or loaded on a University computer system. Any detection of a software virus will be reported immediately to the departmental TSP or, if no TSP is available or assigned, the College Consultant, or to the Client Support group in DCIT.

No employee will use the University electronic mail system to falsify the identity of the source of electronic mail messages; send harassing, obscene or other threatening electronic mail; attempt to read, delete, copy, or modify the electronic mail of others without their authorization; or send, without official University authorization, "for-profit" messages, chain letters, or other unsolicited "junk" mail.

Disciplinary Sanctions

The university will impose disciplinary sanctions on employees who violate the above policies. The severity of the imposed sanctions will be appropriate to the violation. Among disciplinary sanctions that may be imposed are the following: oral warning, written reprimand, suspension, termination and referral for prosecution.