IFC Draft Minutes
March 21, 2008

Present: Carole Murphy (UMSL), Tim Farmer (UMSL), Frank Blum (MS&T), Doug Carroll (MS&T), Kurt Kosbar (MS&T), Gary Ebersole (UMKC), Nancy Stancel (UMKC), Frank Schmidt (UMC), Steve Neal (UMC), Teresa Thiel (UMSL)

9:30 a.m. IFC members
Call to order
Approval of agenda
Approval of minutes of IFC Meeting –February 13, 2008: approved as revised.
Additional Agenda Items:

Death of a spouse – This topic needs further discussion. When a MU faculty member was killed recently in an auto accident, his child was using the 75% tuition reduction policy but that privilege was removed after the death of the University-employed parent. This policy needs to be reviewed. There has been pushback on this topic, the rationale being that it is too expensive. Realistically, we are not talking about very many cases.

Spousal conflict of interest issue - The MS&T campus has been discussing how to handle this. The CRR discourages the hiring of spouses and yet there is also a preference when hiring faculty to hire the spouse as well. It’s viewed as a recruiting and retention tool. We need a solid policy on spousal issues when it comes to promotion and tenure. On some campuses, a spouse does not recuse himself in the hiring of his partner, but would do so at MU and UMKC. What do you do with girl/boyfriends and ex-spouses? This has been handled at the campus level and this came up when working on the amorous relationship policy. It’s fair to say on that on the other campuses spouses would be recused for job title and salary decisions. UM legal counsel doesn’t give you a straight answer when asked about this. MS&T will work at delivering its own internal policy. (See CRR 320.040. Nepotism Section D.)

10:00 a.m. Discussion with Interim Vice President Graham, Assistant Vice President Smith, Assistant Vice President Noble, Faculty Fellow Akers
Academic Dishonesty
[Executive Vice President Lamb, General Counsel Steve Owens, and Ron MacQuarrie (UMKC Vice Provost) to join for this discussion via conference call]

To what extent does faculty have the ability to fail a student for academic dishonesty & its interpretation?

Vice President Steve Graham, General Counsel Steve Owens, Counselor Kate Markie
Counselor Markie distributed a handout summarizing this issue. Since prior to 1981, the Student Conduct Code in the CRR has provided that in all cases of academic dishonesty,
the instructor is to make the academic judgment about the student’s grade on that work and in that course, but must report the alleged academic dishonesty to the Primary Administrative Officer (initially the Dean of Students but after 1981 the Provost or Vice Chancellor for Academic Affairs) for disciplinary action (if any). The separation between academic and disciplinary decision-making allows the University to meet the different due process requirements for academic and disciplinary judgments.

The due process requirements for student discipline were set out in the 1969 case of Esteban v. Central Missouri State College, in which the 8th Circuit Court of Appeals indicated that before students can be disciplined, they must be provided “adequate notice, definite charge, and a hearing with opportunity to present one’s own side of the case and with all necessary protective measures”. On the other hand, in the landmark 1978 case of Board of Curators v. Horowitz (involving a student at the UMKC Medical School) the United States Supreme Court held that academic decisions do not require a hearing. The Court went on to say that academic evaluations require expert assessment, and that courts are ill-equipped to do so. Consequently academic judgments have been given a great deal of deference by the courts. By separating academic assessment from discipline, the University makes it less likely that academic assessments and punishment will be mixed and that academic decisions would be held to the higher due process standards requiring notice, charge, hearing and other necessary measures.

Ms. Markie addressed the issue whether a faculty member can flunk a student for the course because he/she has cheated on one piece of work. Her advice was that it would depend on how much of the course that assignment represents, but that flunking a student for the course for cheating on an exam at least gives the appearance that the action is one of discipline, rather than academic assessment, and therefore subject to the disciplinary due process requirements.

Vice President Steve Graham

Once a student has been turned in the student can be dealt with severely. It is a question of punishment versus academic assessment.

The discussion turned to related issues. Ms. Markie noted that some professional schools have honor codes applicable to the students in those schools that have been approved by the Board of Curators to be used instead of the Student Honor Code. These honor codes may require or prohibit behaviors of particular significance to the particular profession. If academically justifiable and if students were notified in advance, it is possible that a student’s demonstration of academic integrity could be an academic requirement of a course and subject to academic assessment in a course grade. The question was raised whether all students should be under a single honor code (see University of Virginia’s student honor code as an example)? An IFC member indicated that MU’s Provost webpage states that sanctions available to the instructor includes flunking u to expelling a student. V.P. Graham questioned whether this procedure was run by the legal office because it may be contrary to the intent of the BOC.
Chief Legal Counsel Steve Owens: his office is here to advise and represent the institution and its constituent parts. His office wants to provide faculty with the academic freedom they deserve and the ability to control their classrooms while protecting faculty and the institution from being sued. The academic dishonesty procedure provides for the due process required for student discipline by the Constitution and court decisions. We won’t interfere with an academic assessment of a student. It appears that the interpretation and implementation of the hearing process is not consistent across campuses.

UMKC Vice Provost Graduate Studies, Ron MacQuarrie (via phone)
At UMKC an allegation of academic dishonesty begins with a faculty member alleging student misconduct. The faculty member discusses this with the student in question and then the faculty member can assess the piece of work turned in by the student. The faculty member contacts the Investigative Officer appointed in each school and that person collects the information. He/she may meet with the student. The information collected is forwarded to the Vice Provost for Graduate Studies and he makes the decision whether or not to charge the student with a violation of the student conduct code. If so, he works with that faculty member to determine the sanction to propose to the student in an informal disposition. A student does not have to accept the proposed sanction and can forward to a hearing before a hearing panel. When MacQuarrie talks to the instructor he forms an opinion as to what is the appropriate sanction. Has a grade even been changed? He can’t remember that ever being done. In the past 50 cases over the last two years, all cases but one found the student guilty. Hearing panels went along with and sometimes exceeded the sanction recommended by the faculty member.

Legal Counsel, Kate Markie
The critical question for determining what procedural due process requires as well as the deference a court will give to a decision is whether a student is being assessed or punished.

An IFC member indicated that in the MU process if a faculty member assesses dishonesty, a grade of F can be given. The instructor confronts the student. There is a form to report it to the Provost and it is a requirement that this form be filled out. If the faculty member and the student agree on the charge, the report still goes to the Provost’s office. If they disagree, the faculty imposes the grade and the report goes to the Provost’s office for adjudication. If a disciplinary action is required, this goes to a different faculty-student committee.

An IFC member stated that the faculty needs to be backed up when giving an F for academic dishonesty. Chair Ebersole commented that MU’s procedure seemed a good one because if disciplinary conduct is reported more than once it gets the attention of the Provost and then goes to a different process.

At UMSL the implication is that if a student cheats on an assignment it’s OK because a student can make it up on the final or he/she can drop one grade from the semester’s assignments. If a student cheats on two assignments then the instructor can fail her/him.
In practice, a faculty member can’t fail the student in this instance. The UMSL Provost was asked if a faculty member could put the MU policy on his/her syllabus and she said ”No”.

We need to talk to our faculty and have the chief academic officers on board so we have consistency across campuses.

Discussion turned to software used to discover plagiarism. Turnitin software keeps the student paper in its database, raising issues of potential copyright violations. Blackboard’s plagiarism product does not keep the papers compared, and Kate Markie said that the university has just signed an agreement with Blackboard for this product.

**11:00 a.m.  Discussion with Vice President Krawitz**

1. **Budget** (where we are in terms of Board of Curators, state legislature, and system level projections)

See handout

Administration is using a different approach this year in its budget presentation to the BOC. In January the budget will be disclosed in its entirety including decisions on tuition increases other parameters such as salary increases. Previously, only a portion of the budget was presented at this time because much of the budget information is not available. The rest of the budget is disclosed in June. This is confusing for the Board of Curators so this year the whole budget will be presented with the marginal change in equity. This is due to the unrealized gains and market value of the endowments. We are projecting that we will have a loss at the end of this year and resulting recovery from that will be the unrealized gain. That’s what handout is describing on the first page. The second page shows where the marginal gains come from. There will be an increase of 4.1% in student fees and there should be growth in enrollment that will be reflected in the budget. The net cost to students remains to same due to things like increased state aid. We are very early in the process. We can expect decreased state revenues in the future. The one-time funds in the fund balance for the state have been spent and this does not bode well for funding at the same level for higher education. Funding is not going to get better. The national economy has downturned and this will be reflected at the state level. Arizona, New Jersey and Florida have already been hit hard. We’re a low tax state and that probably won’t change. We will also be dealing with a downward trend in number of students due to demographics in the next ten years. Tuition is a federal and state issue and there will be a continued push to keep tuition costs down.

**11:45 a.m.  Discussion with Vice President Knorr**

1. **Legislative Update**

The university will need to keep tuition increases modest. This is a national trend. If we go above the HEPI index for three years in a row we have to explain this in order not to be penalized. The legislature is on break this week. Next week the House takes up the budget. The 4.2% increase is now down to 4% for the university. An issue now is whether or not the 4.2% increase requested over 3 years will happen. The Senate is still
willing to commit to this. The Preparing to Care initiative was knocked out by the House. On the Senate side the UMSL equity issue vote is in committee. On the House side, the percentage for the equity raises was lowered from 4.2% to about 3.9%. It wanted to take UMSL’s equity money out of the overall 4.2% increase. There is no support for the faculty (other than the UMSL equity issue) compensation piece. The UM President spent a lot of time on this issue but to no avail. It is a new topic that we’re educating them about. The calculations that DHE did in 2000 said that the UMSL salary figures should have been adjusted and this is not something that the university can resolve internally.

In Missouri, scholarships for private institutions was in the top percentage for financial aid, but not to public institutions—they are in the bottom percentile. We are in the top 3% historically for need-based scholarships. But, we went from 56% to 52% for state-based aid for scholarships and legislators don’t feel that’s too drastic although it translates into huge amounts dollar-wise. There is also competition for vouchers as well. Eventually, the 4600 private institutions and the 2400 public institutions will have produced hard scholarship figures to compare next year and those should show how the money gets distributed to institutions of higher education. Although it has been introduced again, the Emily Brooker bill is not going anywhere.

12:00 p.m. LUNCH

Three guests from the MAFS Executive Board will join us in our afternoon session.

Campus Reports to President Forsee

UMSL
UMSL is having forums to discuss potential violence especially among students. One issue is the level of confidence in the police department to respond to imminent threats. Another concern is that campus administrators feel ham-strung by HIPPA and FERPA regulations leaving the faculty unaware of who might be problem students. In some instances its felt that the campus serves as a “day care” for some students who may not function well in society. There is nothing on the prevention side to help faculty with this issue because of fear of being sued. Faculty would like to take on this issue regardless of that threat. There is a presumption that students’ privacy rights are more important than the safety of faculty and students in class with these people. There needs to be discussion with legislators to try to resolve these issues. The suggestion was made that we add this as an agenda item for our next meeting.

MU
The faculty is having a ballot sent to them to continue with the revised grievance procedure. During the past three years and it has worked quite well with minor modifications. There is concern on the MU campus about the Civil Rights Initiative. The Chancellor will talk about the COPHE statement on this issue in May and what to do if it gets on the ballot and passes. A task force has been working on the required questions for S.B.389. The questions will address whether expectations and material were clearly communicated, did the students perceive that the instructor was cared about student learning, and whether it was a good overall course. There is concern about how class evaluation will work especially for specialized courses such as veterinary medicine that utilizes sixteen instructors. Faculty balk at students having to do this class evaluation
when so many instructors are used in the course. There is concern about the Compete Missouri plan: faculty and GTAs are not being hired in order to meet the salary mandate and operating expenses of new facilities. The cost of compliance to S.B.389 rankles faculty. As a result of an outside review and efforts by faculty and administration, the IRB procedures for social and survey research have been simplified. Faculty Council is discussing the issue of faculty governance of athletics and the impression is the governance if effective. The campus continues its ongoing strategic planning effort.

**MS&T**

Spring recess last week overlapped with 100 anniversary of the St. Patrick’s Day celebration. The Faculty Senate is working on three issues: spousal hiring in terms of his/her participation terms of hiring, promotion, and salary increases; the academic dishonesty policy needs to be clarified; graduate student fees-fees have increased substantially at a time when stipends have only increased slightly so incentive packages are less attractive and competitive. If fees are waived then there is a revenue is shortfall. Even using grant money for this will not cover the shortfall. Steven Graham will form a committee to look at this issue. MU already has its own task force to investigate this. MS&T went through its first tenure process without Deans and no serious issues have surfaced yet. The Tenure Committee of the Faculty Senate is looking at the tenure process to see how it worked in this first year and it will make suggested recommendations to revise it if necessary.

**UMKC**

Our campus has some of the same issues. The IRB issues have been discussed and the faculty has developed its own policy on what constitutes human interviewing thus simplifying the process. The week the university budget committee gave its final recommendation on the resource allocation model which begins July 1st. It is to be fully implemented over a three year period in order to help units that do not generate revenue. Every unit keeps 100% of the student generated fees and then the units are taxed for services. The budget model will be monitored continually and it has incentives to encourage units to be entrepreneurial. There is push back from some Deans whose units make money. The budget model information is available on the Provost’s website. The model is used for state appropriated money. The library expansion has started and a robotic retrieval system has been purchased. The Oak Street west side will become new student housing. Its creation has helped lead to a 47% increase in applications probably as a result of marketing the new dorms to students who want a residential experience. The Faculty Senate has proposed bylaw changes. The last time they were updated was in 1984. It will define who is voting faculty in terms of campus wide and system wide elections. It gives autonomy to each unit to decide who is voting faculty. The revision goes to the general faculty meeting in early April.

**President Forsee**

President Forsee has been visiting each of the campuses to introduce himself to campus members. The emergency preparedness security issue has been expressed at several campuses and will be investigated. Discussions included how prepared are students when they get to our campuses to learn. He met with all four campus representatives and alumni on Legislative Day to garner support in Jefferson City. His message included four issues: the core budget; ranked faculty adjustments in salary; the preparing the Care initiative; and the UMSL faculty equity issue. We need to find a way to get Missouri citizens to think of higher education as an investment and not an expense. It’s important
to work on the right issues. He took the initiative to respond to a federal request about our large endowment which is increasing due to good investments. The challenge is that it has become large enough to become a target to the untrained eye. Funds in the endowment are 99% restricted so it’s targeted money. President Forsee is committed to be engaged at whatever level is necessary to secure funding and protect the assets of the university.

Missouri Association of Faculty Senates (MAFS)

[3 individuals from MAFS to join at lunch and have a joint meeting after lunch]

The MAFS President went over the mission, makeup and tasks done by MAFS. The organization was created in 1993 and it includes four year public higher education institutions. It collects and shares documents on governance, shared best practices, and it communicates the needs of higher education to COPHE and the DHE, etc. It has its own legislative liaison, website and listserve. One long range goal is to hold a MAFS conference. MAFS meets the second Monday and Tuesday in October and February. It is interested in knowing what initiatives are important to the UM system and how to increase attendance of the UM constituency. Many campuses assign their Faculty Senate Chairs and Vice Chairs to MAFS but this can be set up differently. The goal is to have four 4 representatives from each institution attending each meeting. MAFS is working on a best practice of suggested release time and a level of financial support to allow MAFS members to attend its meetings. It is hard to establish continuity in the organization when the Faculty Senate Chairs typically serve for one year.

Lobby Day is in February and it is important because we meet one-on-one with legislators. It gives us the opportunity to explain as individuals what faculty do and how we impact the state. This year we have an unprecedented level of control from the state (S.B.389). It has been beneficial to have more faculty talking to the state legislators and having our voice heard by Coordinating Board members. The next meeting of MAFS in Jefferson City will be October 7-8. Commissioner Stein will address MAFS members and discuss the implementation of S.B.389.