

Northwestern University
Minutes of the Faculty Senate
Scott Hall (Guild Lounge) - Evanston, Wieboldt Hall 421 - Chicago
May 8, 2019

The regular monthly meeting of the Northwestern University Faculty Senate was held on May 8, 2019 at Scott Hall's Guild Lounge in Evanston with videoconferencing to the Chicago campus in Wieboldt Hall 421. A number of Senators participated remotely. President Baron Reed called the meeting to order at 5:05 p.m. A quorum was present.

The president welcomed the Senate and then gave his report:

The president said Annelise Riles, Executive Director of the Buffett Institute, is implementing a series of breakfasts and lunches intended to serve as idea dialogues. Faculty interested in speaking with other faculty about a global problem that necessitates interdisciplinary and collaborative research should contact the [Buffett Institute](#) directly.

The president motioned the Senate to amend the agenda: move section IV, item iii to item i. The motion was seconded and approved.

The president said the Senate has been monitoring its recent recommendation to institute an ombuds office at Northwestern. This year the Provost Office created a group that was tasked with identifying how an ombuds office fits into the broader university landscape. Senator Laurence Marks and Senator Karen Springen are members of that committee. The ombuds work group has now given its recommendation the Provost, who will discuss it with the University President before a final decision is made. The president said, if their recommendation is approved, the ombuds office will not start before fall 2020.

The president said the Senate is also represented by Senator Mark Witte and himself on an advisory group looking at the academic calendar. This group is in part following up on recommendations the Senate made two years ago. Among other things, this group is inquiring about flexibility around final

exams. The president said the committee has been gathering data through surveys to see how people approach the end of the quarter. He asked senators to please fill out this survey should they receive it.

The Senate leadership, working with members of the Research Affairs Committee, has been monitoring issues with the Office of Sponsored Research. Concerns flagged by the Research Affairs Committee were then shared with the administration. The president said the administration took those concerns very seriously and has begun addressing them already. He then said the Senate will continue to monitor the problems and solutions to these issues as they unfold.

The president said a search for the new dean at NU-Q will be underway soon. Everette Dennis, the current NU-Q dean, recently announced that he will be stepping down at the end of his contract in 2020.

The president said the NTE Committee released a survey to all NTE faculty at Northwestern. The president asked senators to encourage their colleagues to fill out this. The NTE committee plans to send another reminder following this meeting. He added that the Senate will share the results when fitting, but anonymity will be preserved.

Looking ahead, the president said Co-Associate Provost for Faculty Kathleen Hagerty and Assistant Provost Celina Flowers will speak to the Senate at the June meeting about NTE faculty and the data-gathering initiative the Provost Office has undertaken this year.

The president concluded his report with a reminder about the Spring Faculty Assembly on Wednesday, May 22 from 4:30-6:00 p.m. in the James L. Allen Center.

The president then called for nominations for president-elect. The Executive Committee nominated Senator Therese McGuire from the Department of Strategy in Kellogg. Senator McGuire was the only nominee.

The Senate then heard reports from standing committees.

Senator Richard Kieckhefer, chair of the Faculty Handbook Committee, said his committee has completed their work formulating proposals for amendments to the Faculty Handbook. The first proposed change is a new statement on academic freedom. Senator Kieckhefer said the revised language extended coverage of academic freedom to include all faculty, not just tenured and tenure-line faculty. The revision also makes clear that academic freedom not only applies to academic work, but also includes responsibilities in shared governance. Regarding the recent academic freedom forum, and specifically the debate centered around the reasonable person standard, the committee has opted to incorporate explanations about what the reasonable person standard is and when it applies. The committee also came up with a new section on mentoring based on conversations with faculty, specifically Professor Tracy Davis and others, who thought such a section should be added. For similar reasons, the committee also added a section on public engagement. Senator Kieckhefer said neither of these sections are mandates—the revisions make that clear—but are rather guiding documents for faculty to reference. The final revisions the committee proposed are technical. The first adds numbers to sections and sub-sections in the Handbook for easier reference. The second splits the Handbook into two major parts, the first of which would deal with normal regulation of faculty affairs, while the second would deal with the special circumstances that arise with disciplinary actions and appeals processes. Senator Laurel Harbridge-Yong then asked Senator Kieckhefer what the next steps are for these revisions. He said the revisions will go through the usual review with the Provost's Office, General Counsel, and the deans of the various schools. After all parties have deliberated and agreed upon a draft, the changes will then be sent to the Senate for the customary two readings and final vote. Further input from faculty is also welcome during this time.

Senator Therese McGuire gave a report on the work of the Budget and Planning Committee. Senator McGuire took over the Budget and Planning Committee in February after the Senate approved her as a replacement for Senator Sri Sridharan. After speaking with the Senate leadership about what the committee could accomplish in such a brief time span, it was decided that Senator McGuire would meet with Senior Vice President (SVP) Craig Johnson to discuss the University's budget. SVP Johnson decided to also invite Provost Holloway, Chief of Staff Jake Julia, and Vice President of Budget and Planning Paul Castellucci. During the meeting, Senator McGuire said that she broached the possibility of institutionalizing budgetary talks between the administration and her committee. She said the

administration was receptive to that idea. Senator McGuire said she would continue to work on the logistics of such an arrangement the rest of this academic year.

Chair of the Faculty Rights and Responsibilities Committee, Senator Jennifer Cole, spoke on behalf of her committee to share with the Senate their report on E-Verify and the Bias Incident Response Team (BIRT). Senator Cole said that after exhaustive investigation, her committee discovered that the University must continue to use E-Verify despite some of its reporting flaws. When the University chose to use E-Verify campus-wide, they were locked into using this system as long as the University remains a federal contractor and the federal laws do not change. In addition to E-Verify, Senator Cole detailed her committee's research into BIRT. She sent a number of procedural and policy-related questions to the director of that office. She said those questions have not yet been answered. Her committee plans to recommend involving the administration in obtaining that information so the committee can be made aware of that office's policies. Senator Alessandra Visconti then asked if there were any instances where faculty, students, or staff were let go due to their inability to prove their citizenship. Senator Cole said that was the main concern people have about E-Verify. She said much of the scrutiny has focused on the possibly unacceptable high-error rate. Several Senators expressed concern about the lack of transparency with the BIRT. The president and Senator Cole both responded that it is important to bring the bodies that handle complaints and the Faculty Handbook into alignment so faculty are fully aware of the policies and procedures that govern their profession. He said the Senate is committed to that task.

The president then introduced Associate Provost for Strategy and Policy Andrea Bueschel. Associate Provost Bueschel spoke to the Senate in her capacity as chair of the Policy Review Committee. One of the policies that committee developed this year is the Appropriate Use of Electronic Resources Policy. Associate Provost Bueschel said the committee published an initial draft of this policy several months ago and received substantive feedback from faculty and senators during the community review period, which has made the policy much stronger. She said many of the concerns with the initial draft had to do with privacy, notifications of access, and vague terminology that could present an opportunity for misinterpretation. Associate Provost Bueschel said the committee took those concerns into consideration and also looked at statements on academic freedom and freedom of expression, specifically adding some language similar to the University of Chicago's language on those points.

Associate Provost Bueschel said the president borrowed some principles from peer institutions that should be considered for any request to access electronic resources. But the most important addition to the policy, she said, is the requirement of approval for every single request, except in cases where the University is legally required to honor a subpoena. Associate Provost Bueschel also said the Policy Review Committee will review how this policy is being used going forward.

The president then opened the floor for questions.

Senator Karen Springen asked about for more details about the subpoenaing of records. Associate Provost Bueschel said this occurs when someone is believed to have broken the law and that the University must adhere to subpoenas from law enforcement officials.

Senator David Uttal asked if the Appropriate Use of Electronic Resources Policy makes a statement about third-party access to data. He gave an example from his department (Psychology), which uses Amazon Mechanical Turk. Associate Provost Bueschel said that while Northwestern could technically access information that was referenced on their servers, there is no incentive to access this information. She said the entire point of this policy is to make access very rare, occurring only in exceptional circumstances. As a follow-up, Senator Uttal said the distinction between what is a third party and what is the University, in the technical realm at least, is quite blurred. He cited our Box accounts as an example of this. Associate Provost Bueschel said that is really good feedback because she had not fully considered the problem of the third party. She said one way to think about what is “ours” would be what Northwestern IT can access. If Northwestern has a contract with Box that says Northwestern can administer that software, then that could be a point of access. But she promised to follow-up on this point with IT.

Senator Jennifer Cole said that faculty at Northwestern often receive confidential correspondences from faculty at other schools, and the expectation is that those correspondences will remain confidential. She then asked if faculty can make a promise that those correspondences will remain private. Associate Provost Bueschel said that it is hard to imagine a request, let alone an approval, for information of that type. She said the principles the committee identified would not support approving such a request unless there was some investigation happening related to the confidential documents.

Senator Laurel Harbridge-Yong said that one of the concerns with the original draft was IT coming across information incidentally and then holding on to that information. She then asked if the new policy considered that a violation. Associate Provost Bueschel said it is very clear that would be an abuse of IT's parameters. They should be there only to update software or fix a problem, not poking around or storing information. The only time IT would note and report something is if they saw something illegal in the ordinary course of performing this sort of maintenance.

Senator Claudia Swan asked where this policy will be stated. Associate Provost Bueschel said it will be on the University Policy website.

Senator Karen Springen asked if students are aware of the Appropriate Use of Electronic Resources Policy. Senator Swan said she was unaware until recently that a device using Northwestern's WiFi could be accessed, so she doubted many students are generally aware. Associate Provost Bueschel said that as the person that oversees University policy, she sends out quarterly community-wide emails. That said, what Northwestern can and should do is convey this information not only in email, but in person as she is doing with the Senate. Senator Micaela di Leonardo said that Daily Northwestern stories and freshman orientation are two additional, and effective, means of communication.

Associate Provost Bueschel concluded her comments by stating that the next policy before the Policy Review Committee is the Civility and Mutual Respect Policy.

With no new business, the meeting adjourned at 6:10 p.m.

Jared Spitz

Secretary of the Faculty Senate