

**Minutes of the
Faculty Senate Meeting
Friday, 31 August, 2001
Gosnold 202, 3:30pm**

Members present: Senators Bradie, Broschius, Catanzaro, Game, Keeling, Kidd, Marshall, Mazzarella, Purtle, Schell, Siochi, Underwood, Weiss, Winder, Wymer.

- I. Call to order: President Siochi called the meeting to order at 3:35 p.m.
- II. Minutes for August 24, 2001 meeting were approved with corrections.
- III. President's Report
 - A. Faculty Senate President Siochi noted that SC 214 would be available and has been reserved for the Senate every Friday except today, October 19 and November 9. He is working on places for two days in October and November.
 - B. President Siochi proposed that the Senate officially meet every other week and the off weeks would be Senate working sessions. The Senate agreed.
 - C. President Siochi met with President Tribble this week to ask for additional information on the proposed revision of the Faculty Student Relationship policy. President Tribble asked the University General Counsel, William Thro, to provide the Senate with more information on this policy. William Thro will attend the Senate meeting today.
- IV. Committee Reports: None.
- V. Old Business.
 - A. Arrival of General Counsel William Thro and Dean Richard Summerville at 3:45 p.m. Senator Siochi moved to Temporarily Suspend the Agenda of the Faculty Senate for the Discussion with Counsel Thro and Dean Summerville. Marshall Seconded. Passed unanimously.
 - B. Senators asked questions of Counsel Thro and Dean Summerville.
 1. **Senate:** How will the current proposed policy on faculty-student relationships deal with faculty who have preexisting relationships with individuals who decide to take courses at CNU?
Counsel: Some form of exceptions or bypass might be allowed and could be written into the proposed revision. Counsel suggested that the Senate make a suggestion for the administration to consider.
 2. **Senate:** Why should this proposal be implemented?
Counsel: The standards and customs of appropriate behavior have changed in the United States. What was considered appropriate a few years ago may not be considered appropriate today. Professional groups like Medical Doctors, and Lawyers have standards where the professionals cannot have relationships with clients. CNU students can be thought of as our clients. Counsel suggested that most Virginia

- universities will implement similar policies to limit liability in the next few years.
3. **Senate:** Currently others schools in Virginia do not have such policy. Wouldn't we be the first?
Counsel: Many other schools in Virginia currently do not have similar policies, but most universities in Virginia are moving toward similar policies to limit the institution's liability. The faculty are in a more powerful role than students and might effect the students progress at CNU through discussing their relationship issues with colleagues across the institution. This would place the individual faculty at great liability risk and would also place the CNU in liability risk.
4. **Senate:** If faculty and student are close to the same age, meet and start dating outside the venue of the university what will the CNU do if this policy is implemented?
Counsel: The couple will be given three options: 1. Stop the seeing each other and report the relationship. 2. The student could go to another university. 3. The faculty could resign. This policy has the goal of banning amorous relationships between faculty and students and between professional/administrative faculty and students with limited exceptions.
6. **Senate:** Will this policy withstand a legal challenge?
Counsel: I (Counsel) believes CNU would win without a doubt. The only question would be, did CNU give the individuals due process. If CNU does give due process then there is no legal question.
7. **Senate:** Isn't this policy overly broad?
Counsel: Again in a few years, most schools in Virginia will implement policies like this.
8. **Senate:** Doesn't this policy place an undue burden on faculty and students?
Counsel: This is a policy similar to other professional groups' policies.
9. **Senate:** We have concern about preexisting relationships not being specifically mentioned.
Counsel: Good faith suggestions of change in wording on this policy would be fully considered by the administration.
10. **Senate:** The words amorous and intimate might be too vague. Could the wording be more specific?
Counsel: Good faith suggestions would be fully considered.
11. **Senate:** We are not organized like many other professions that Counsel argued have similar policies. Again are we placing undue restrictions on the faculty?
Counsel: This policy is similar in wording to current policy but includes all students not just students we are directly supervising.
12. **Senate:** Could this policy be used by the students as a tool against faculty?
Counsel: "He said, she said" cases usually don't win in court. Additionally, faculty who avoid compromising positions will not have difficulty avoiding the few students who might try to use this policy against faculty.
13. **Senate:** The timetable of having to consider this policy and work on it

quickly does not show good faith by the administration. These issues are usually considered across months of deliberation at most universities.

Dean: If the Senate feels they need more time to fully consider implications of this policy then ask for more time. It will be considered, although the administration may decide they must act quicker than faculty would like.

14. **Senate:** We have talked to people at many universities across Virginia. We do not find evidence that other universities in the State of Virginia are developing similar policies.

Counsel: I (Counsel) have additional information that policies like this are occurring at other universities across Virginia in order to limit liability.

15. **Senate:** This policy seemed very conservative. Would there be a next, even more conservative policy, perhaps regulating the morality of the instructional and professional/administrative faculty in relationships that occur outside the institution?

Counsel: Such policies are not being planned.

Senator Mazzarella leaves at 5:10 p.m.

General Counsel William Thro and Dean Richard Summerville leave at 5:15 p.m.

- C. General discussion continues on the Administrative recommendation to revise the Faculty-Student Relationship Policy.

Senator Broschious leaves at 5:20 p.m.

Senator Schell leaves at 5:30 p.m.

VII. Adjournment

Senator Marshall moved for adjournment, Senator Bradie seconded. Meeting adjourned at 6:00 p.m.

Respectfully submitted,

Dr. Timothy R. Marshall
Faculty Senate Secretary