

**Minutes of the Emory University Senate**  
**March 28, 1995 - 3:15 PM**  
**Room 400 Administration Building**

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Members and guests recorded as present:

Julie Abraham	Ron Frank	Kate McPherson
Steven Batterson	Rich Freer	Michael McQuaide
Larry Beard	Gary Hauk	Marc Miller
Jeremy Berry	Milekah Hebron	Jack Millgard
John Bugge	Leonard Hinds	Linda Moneyham
Joy Burnette	Eddie Irions	Judy Raggi Moore
Paula Cattanach	Luke Johnson	Marie Nitschke
William Chace	Maureen Kelley	Helen O'Shea
Terry Clark	Melanie Kingston	Kay Pendleton
Anne Claxton	Kara Knowles	Roderic Pettigrew
Louise Cook	Frank Lechner	Laura Sawyer
Pamela Couture	Clark Lemons	Luther Smith
Joseph Crooks	Richard Letz	Maggie Stephens
Michele Duncan	Lanny Liebeskind	Richard Stroder
Robert Ethridge	Bill Mayton	Dean Wilcox

Luther Smith, President of the Senate, called the meeting to order and noted for the record that Penny Castellano, Barbara Greene-Plauth, and Raghu Raju had called to explain their absence. The minutes of the last meeting, distributed earlier, were approved with two corrections. ("Committe" was changed to "committee"; "to adequately represent" was changed to "to represent adequately.")

Michael McQuaide, Chair of the Honorary Degrees Committee, was present to answer questions about the candidates for honorary degrees submitted at the last meeting. Two of the six candidates had been approved earlier, and Dr. McQuaide requested that the Senate endorse sending those two names forward at this time. The Senate agreed that those two honorary degrees should be awarded in 1996. The Senate also approved the four other candidates recommended by the Honorary Degrees Committee.

Next the Senate voted to continue its discussion of a motion, tabled at the February meeting, which would increase staff representation on the Senate. The appropriate size of the Senate was mentioned again as an issue, but one which should be discussed at a later date, independent of this proposal. Discussion indicated that the role of the Senate and Faculty Council had evolved over the years so that most purely academic issues were now dealt with by the Faculty Council rather than the Senate. Based on ideas generated at the February meeting, a revised proposal from the Employee Council recommended that the current staff members (President, Past-President, President-Elect of the Employee Council) be made ex-officio members of the Senate. This was approved along with the addition of six staff members from the Employee Council, representing various constituencies in the University. (See attachment).

To cope with a pressing need of the Faculty Relations Committee for an additional member to serve at this time, Dr. Smith asked for volunteers from the elected faculty members of the Senate. Maureen Kelley, Nursing School Representative, and Richard Letz, President-Elect of the Senate, expressed their willingness to serve if needed.

A motion to receive the report from the Discriminatory Harassment Policy Review Committee led to a lengthy discussion about the legal basis of academic freedom and discriminatory harassment. The committee report, mailed to Senate members before the meeting, concluded that the current University policy was needed in order to comply with Federal law and regulations, that the policy at Emory was being properly enforced, and that the major problem at Emory was inadequate education about the policy. A minority report from the Chair of the Committee, Bill Mayton, Simmons Professor of Law, was passed out to Senate members at the meeting, and Professor Mayton spoke about the issues raised in his report.

Professor Mayton explained the constitutional and contractual sources of academic freedom, and noted that Emory, as a private institution, bases its commitment to academic freedom on the latter. Both he and Frank Lechner, Immediate Past-President of the Senate, stated that whenever "codes" such as Emory's discriminatory harassment policy were tested in court, they failed. Joseph Crooks, General Counsel for the University, disagreed. He said that the guidelines on which Emory's policy is based had been upheld in the Courts, including a case within the last year.

Dr. Smith said that the Senate was not concerned just with questions of legality, but more basically with what kind of policy we want to reflect our values.

Committee member Pam Couture, Theology School professor, questioned the use of the term "speech code" when referring to Emory's policy. Speech is alluded to in only one sentence of the policy, and discussion of ideas in the classroom is specifically protected in Emory's policy.

Professor Mayton and others argued that the vagueness and overly broad nature of Emory's policy led to self-censorship because individuals would err on the side of protecting themselves. When asked about specific examples of this, John Bugge, Faculty Representative from the Humanities Division, cited support of Herrnstein and Murray's Bell Curve. Mr. Crooks stated that he thought that was an example of the policy working well because discussion of that work had been taking place freely on the campus.

University President William Chace noted that there was general agreement that discrimination and harassment were inappropriate, and then asked Senate members to imagine if there might be a situation where words could be used to harass, where speech might be used repeatedly and relentlessly in a harassing way.

Senate discussion was divided between those who thought that the policy had a chilling effect on classroom discussions, and those who thought that classroom exchanges were clearly protected by the policy.

Dr. Lechner said that he thought that the policy was not intended to have the chilling effect which he believed that it had, and he proposed that the following statement be added to the next to the last paragraph of the policy to allay concern about free speech:

All judgments related to freedom of expression shall be consistent with established First Amendment standards.

Because there was already a motion on the floor to receive the committee's report, Dr. Smith said that the Senate would need to deal with that motion first.

Robert Ethridge, Director of Equal Opportunity Programs, explained that Emory's policy was geared to educating the community, but noted that it could also be punitive. However, the procedures were designed to handle incidents informally.

Committee member Jeremy Berry, SGA Vice-President, emphasized the committee's concern about the need for educating the Emory community about the policy.

A question about whether or not there was any dissent to accepting the report raised questions about what that meant, but there was no objection to receiving the report from the Committee.

Dr. Lechner then restated his proposed addition to the Policy Statement on Discriminatory Harassment. University Secretary Gary Hauk proposed that Dr. Lechner's motion be tabled for now. The motion to table was approved.

The next item of business was the election of new officers. Luke Johnson, Theology School Representative, was nominated as President-Elect and Michele Duncan, Alumni Council Representative, was nominated as Secretary. Both candidates spoke for a moment, expressing their willingness to serve. Dr. Johnson also emphasized his belief in the importance of the Senate and Faculty Council in an increasingly complex university environment. They were elected without opposition. Dr. Smith reminded Senate members that the new officers would be installed at the next meeting of the Senate.

Melanie Kingston, Secretary of the University Research Committee, distributed a report from the committee telling about the committee's purpose and activities. Because the work of the committee is largely concerned with the awarding of research grants to faculty members, a proposal to make this committee a Faculty Council committee rather than a Senate committee was approved.

Two proposals about parking fees were submitted. One was submitted by the Parking Office. A second schedule was provided by the Traffic and Parking Committee. Jack Millgard, Chair of the Traffic and Parking Committee explained that parking fees would need to be increased next year to raise an additional \$550,000 to cover costs. The Parking Office proposed an

across the board raise of \$42 for each parking zone. The Committee's proposal allowed for proportional increases. Under this plan, Zone 1 (Faculty and Principle Professional Staff) would pay \$66 more, Zone 2 (Staff), and Zone 3 (Students) would pay \$36 more. This would mean that Zone 1 fees would increase by 110 per cent, Zone 2 by 120 per cent, and Zone 3 by 21 per cent. The Parking Office plan would increase Zone 1 fees by 70 per cent, Zone 2 by 140 per cent, and Zone 3 by 25 per cent. The Senate endorsed the Committee's proportional plan, but concern was expressed about the high cost of parking and the lack of parking spaces for Zone 1.

Because of the late hour, other items on the agenda were postponed until the April meeting, including the committee mission statements, distributed earlier, and a report on the progress of past Senate actions. Also in April, committee chairs will report to the Senate on their committee's activities during the past year.

The meeting adjourned at 5:15 p.m.