

November 3, 2010 Meeting

3:30-5:00 Tigert Hall

In attendance

Jill Herndon
Angel Kwolek-Folland
John Leavey
Paul Ortiz
Jim Seale
Michael Siebecker
Maggie Temple-Smith, Chair
Barbara Wingo

The Chair called the meeting to order at 3:30 pm.

Regrettably, we no longer have Amelia Bell with us. We agreed that we would review and approve the September 20 minutes at the next meeting.

The Chair reported that the Senate did not approve our proposed changes to Article IV, section 2. David Groissier recommended adding language to clarify that departments can be housed in more than one college. At that time, Barbara Winger had Amelia make changes to the provision so that it could be posted immediately for action at the next meeting.

The committee added the following language to section 3:

Section 3. THE DEPARTMENTS- For purposes of organization a department may be assigned to one or more colleges.

In addition, the committee also reviewed the following (still-to-be-published) regulations:

1.006 prohibits discrimination on the basis of gender identity and expression and affirms the University's stand against harassment.

The committee saw no issues with the gender identity and harassment language.

The committee did suggest that the language regarding invasion of privacy through recording (explained above) might be over-broad and involve the University in difficult enforcement problems.

In addition, 1.006 prohibits invasion of privacy through the making, using, disclosing, or distributing of a recording of a person (whether visual or audio) in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it. It is not a violation to make a recording authorized by the Florida Sunshine Law, any other law, or University regulation or policy.

The committee focused particularly on the “reasonable expectation of privacy” and “consent” language and how that language might be interpreted in various scenarios.

The committee also discussed whether the focus of the provision on the conduct rather than the consequence might lead to complaints of violation in situations in which the complainant was not in fact injured by the violation.

Barbara Wingo invited members of the committee who wished to do so to send her their comments.

The committee unanimously agreed that a red light was appropriate for this regulation.

4.040. A definition of “recording” is added to the existing regulations within the Student Conduct Code to clarify that any recording – audio, visual, or both – using any technology is covered.

The committee discussed this definition. Because of its application to the Student Conduct Code, the committee unanimously agreed that it should be “red-lighted.”

4.041 reflected several changes to the Conduct Code.

(1) New language prohibits actions that actually cause (and would cause a reasonable person) “severe emotional distress.”

The committee briefly discussed this language. Some members expressed concerned about over-breadth. The question was raised whether a standard of conduct involving “outrageous” or “extreme” acts should be incorporated. Barbara Wingo invited members of the committee who wished to do so to send her their comments.

(2) The regulations defines “video voyeurism” so that voyeurism without the consent of all individuals is prohibited.

The committee did not comment at length or raise any concerns regarding this language.

(3) Finally, the Student Conduct Code amendments now prohibit invasion of privacy through any making, using, disclosing, or distributing of a recording of a person (whether visual or auditory) in a location or situation in which that person has a reasonable expectation of privacy and is unaware of the recording or does not consent to it. In addition, the Code states that it is not a violation to make a recording authorized by the Florida Sunshine Law, any other law, or University regulation or policy.

The committee expressed the same concerns about this language as about the similar language in regulation 1.006.

The committee unanimously agreed to “red light” this language.

Barbara explained that a fourth regulation, 1.201, involving leaves for faculty, TEAMS, and USPS employees, was not yet available for review. The regulation also conformed the regulation to existing practice by stating that Hospitalists do not accrue vacation leave because the nature of their work and schedules requires them to have extended periods on duty in order to provide consistent care to patients, and then to have extended periods off duty.

Maggie Temple-Smith will discuss these regulations with the Steering Committee at the meeting on November 4 and will present them to the Faculty Senate at the November 18 meeting.

Meeting adjourned at 4:45.