

JOURNAL OF THE FACULTY SENATE
 The University of Oklahoma (Norman campus)
 Regular session - March 15, 1993 - 3:30 p.m.
 Jacobson Faculty Hall 102

The Faculty Senate was called to order by Professor Susan C. Vehik, Chair.

PRESENT: Anderson, Barman, Breipohl, Carr, Cornelius, R.C. Davis, Dillon, Fonteneau, Graf, Harris, Havener, Hilliard, Hinson, Johnson, Jordan, Kidd, Kincade, Koger, Kukreti, Kuriger, Kutner, Landes, Latrobe, Livesey, Miller, Mock, D. Morgan, Mouser, Nelson, Norwood, O'Halloran, St. John, Sankowski, Stanhouse, Sullivan, Tiab, Vehik, Watson, Wedel, Whitecotton, Whitmore, Wiegand

Provost's office representative: Ravindran
 PSA representatives: Barth, Spencer, Vaughn
 UOSA representatives: Dietert, Huang, Parmley

ABSENT: Ahern, Boyd, Faulconer, Gordon, Hill, Lakshmiarahan, London, Smith, Sutton

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APPROVAL OF JOURNAL

The Senate Journal for the regular session of February 8, 1993, was approved.

ANNOUNCEMENTS

The faculty awards luncheon is scheduled for Thursday, April 8, 1993, at 11:30 a.m. in the Union ballroom. Invitations will be sent to the faculty in the near future.

Recommended guidelines for academic reprieves will be submitted to the Faculty Senate (see attached memo from Academic Regulations Committee and 1/93 Senate Journal, pages 3-4). *attached to agenda*

There is an editorial, "Rethinking Research," about basic and applied research in American Scientist (1993:2).

Chronicle of Higher Education (February 3) had an article on how various universities have addressed "downsizing." Most solutions involve program cuts. The same issue also has discussions on faculty work (teaching:research) and faculty unions. The February 17 issue has a "Point of View" column by the President of the University of Florida. The basic argument is that mechanisms for measuring faculty productivity need to be developed in order to respond to critics of higher education.

More legislative bills of interest include SB 143 - mandatory/voluntary drug/alcohol testing; SB 423 transfers Oklahoma Memorial Hospital, Children's Hospital of Oklahoma, and O'Donoghue Rehabilitation Institute to the University of Oklahoma Hospital Authority, which is created by this act; SB 474 creates a University Medical Center as an agency of the state, to include the Oklahoma Medical Center, and to maintain close affiliation with HSC.

The revised, final report on Oklahoma Governance by the Oklahoma State Regents for Higher Education (OSRHE) is on file in the Faculty Senate Office. Some substantial changes were made. The proposed Oklahoma Research and Graduate Education Council was expanded to include the Chancellor, the presidents of the comprehensive universities, citizens, faculty, students, and two regents each from the A & M board, the OU board, and the State Regents (see January announcements). It also recommends removing Cameron from the OU board. The FY93 governance costs were \$3.8 million (not including OSRHE). Several changes in the original version were recommended by the Faculty Advisory Committee to the Regents, so that there will be more faculty participation.

OSRHE has also released its OU/OSU study (SB 1009). A copy is on file in the Senate Office. Recommendations: doctoral programs be limited to OU and OSU; unnecessarily duplicative and unproductive programs be scrapped; removal of teaching hospitals from D.H.S. to academic governance; increased admission standards; and joint faculties, degrees, and research should be developed.

The University has identified funds for construction of the child care facility. The OU Regents are expected to take some action at their May meeting.

A proposed policy on extended care leave may be forthcoming in the next month.

The March 3-4 Regents' Agenda includes 1) University Research Park Development Board is defining key elements for planning, management, establishment, and expansion of the University Research Park. Recommendations include management under the University of Oklahoma Research Corporation with options for joint venture with a for-profit development corporation, 2) authorized University to begin process of selecting A & E consultants for Law Center addition, Phase I, and to work with the Cleveland County public trust to finance the facility, 3) to award a \$419,465 contract for Fine Arts Center Studio Theater renovation project.

From February 24 issue of the Chronicle, in a discussion on the value of liberal arts, it was suggested that the way to cut costs was to hold down faculty salaries, end bidding wars over faculty, and end the overproduction of research.

SENATE CHAIR'S REPORT, by Prof. Susan Vehik

"Money...once again. You have a handout the Provost has been distributing regarding two budget scenarios (available from the Senate office). There is \$160 million less than last year for the legislature to allocate. The legislature also insists for now on fulfilling House Bill 1017 requirements. The main things to point out from the funding scenarios are that cuts are higher in administrative than in academic areas. Under tuition and fee waivers, the budget for FY93 set those at \$7.6 million, but the actual costs will be at \$8.15 million. Tuition and fee waivers were the responsibility of several different administrative areas. They are now in six groups with a vice-president responsible for each group.

"The figures on the right side of the page do not include one-time funding. If the one-time funds are not replaced, University reserves will be used for half. A number of programs that relied upon one-time money will be cut. State Regents' staff indicated last week that they thought the one-time money would not be replaced but that the percentage reduction would be lower.

"On retirement, I conveyed to the President on February 10 the results of our discussion. I emphasized that point four was unanimously unacceptable to the Senate. (Point 4 reads: For existing employees in OTRS, the University will provide contributions to OTRS above current level as required to maintain existing benefit levels. As benefits go up, contribution to TIAA/CREF may go down.) I also reiterated the importance of the existing retirement plan to the faculty. He reiterated that it was the intent that no employee will suffer a decrease in benefits. However, what remains in doubt is how much of those benefits will come from OTRS versus TIAA/CREF or similar options. We both agreed that much further discussion is necessary over the coming months, and actuarial reports on the various options should be prepared.

"As another handout you have a copy of an item on retirement from the March 3-4 Regents' agenda (Appendix I). This reflects the Regents' views of the problem. Two points need to be made. For new employees, the possibility of the contribution being increased to maintain retirement benefits comparable to those of existing faculty in the future did not make the Regents' version. However, that continues to be a part of the Executive Committee's discussions with the President. Second, 'not suffer a decrease in benefits' is now 'maintaining superior retirement benefits.' Trent Gabert is concerned about the vagueness of the last statement. I tend to see 'maintaining' as being equivalent to 'not suffering a decrease.' However, it is possible to decrease our retirement and still have it be superior to somewhere else. Regardless, as the second sentence indicates, there should be an opportunity for extensive investigation and discussion before any decisions are made regarding existing employees. Senators should scrutinize the content of any proposals that are presented next fall.

"The Program Discontinuance Policy came back for some changes. The changes were minor. One was grammatical. One insured that two paragraphs agreed with one another regarding procedures. The other insured that the Program Discontinuance Policy agreed with the Financial Emergency Policy."

REPORT ON HEALTH BENEFITS

Prof. Trent Gabert, the Senate's Faculty Welfare Committee Chair, explained that Mr. Don Flegal, Personnel Director, and Dr. Art Elbert, Vice President for Administrative Affairs, had been invited to the meeting to describe the new health and dental insurance plans that will go into effect July 1 (attached to this month's agenda and available from the Senate office).

Dr. Elbert said the administration knew at the end of last year when OU received its appropriation that this year would not be as good. The problem is less money was collected than what was budgeted. It is clear that OU will not experience any budget increase in view of the funding requirements for H.B. 1017 and the D.H.S. financial problems. In addition, it will cost the University an additional \$250,000 to fund the extra .5% contribution to OTRS. Social security and utility costs are going up. Health care costs have been rising about 12% a year the last four or five years, with no changes in benefits, and were expected to increase again next year. The new plan will mean a savings, not just to the University, but also to individuals paying for spouses/children, and some improved benefits. The new dental plan provides better coverage at the same cost.

Mr. Flegal reported that OU faced a 24% increase (about \$1 million in E&G funds) to maintain the same health plan. OU is self-insured and thus pays an administrative fee and the entire cost of health care. An effort was made to contain costs, have a flexible plan because faculty travel all over the world, and add wellness benefits. Three out of eight responses to the bid request were from managed care plans. CIGNA was too expensive, and Prudential did not have the flexibility. HMOs do not meet the needs of all the people in this kind of organization. The Blue Cross/Blue Shield plan will require employees to select a primary care physician, who in turn will make referrals to specialists. Each member of the family can have his own primary care physician. Immunizations are covered. Each office visit is \$10, and a provision was added so that women may self-refer to a Blue Cross/Blue Shield OB/GYN physician for an annual exam. For those who want to go to their own doctor, some changes between the current plan and the new plan are the deductible changes from \$200 to \$300, the co-payment changes from 25% to 30%, and the maximum out-of-pocket will be \$5000. Employees who are living out of area (i.e. on sabbatical) will receive out-of-network benefits, which have a \$300 deductible, 30% co-pay, and \$1000 out-of-pocket maximum.

Currently, OU has a dental plan that does not cost much, so it does not cover much. Delta Dental is offering a plan that includes crowns and bridges, has a slightly higher deductible, and has a \$1000 per year limit instead of \$600. Delta does not envision an increase in premium the following year. This plan will allow people to go to practically any dentist in Oklahoma.

Prof. Wiegand asked whether "non-network benefit level" meant out-of-state. Mr. Flegal said it could be in-state or out-of-state. It refers to a non-primary care physician or a specialist that was not referred by a primary care physician. Prof. Jordan commented that the deductible will now match the policy period. Mr. Flegal said the University had tried to accomplish that in the past, but it would have cost 7-8% to do that.

Prof. Dillon asked what would happen if an employee wanted to go to a specialist in the plan other than the one recommended by the primary care physician. Mr. Flegal answered that the employee could ask to be referred to that doctor. Employees can also change primary care physicians. About

half of the Norman physicians are already in the plan. Goddard Health Center physicians and those at the HSC who are interested will be primary care physicians. OU Care will not exist next year. Prof. Dillon said she had heard that some physicians in a similar plan had complained about the paperwork required and had withdrawn from the plan. Mr. Flegal said physicians can see that managed care plans are going to happen. His discussions with physicians reveal that this will be similar to what they are used to, and the paperwork should not be overwhelming.

Prof. Johnson asked whether someone with a recurring problem needing the services of a specialist on a regular basis will first have to go to the primary care physician each time. Mr. Flegal said that would occur only initially, and the next time the referral would probably be handled by a phone call. Prof. Johnson pointed out that those who have reached their deductible this year will have to start over again. He asked whether it would be worth the University's time to bid the plans out every year. Mr. Flegal responded that if the University forces companies to go through the bid process every year, few companies will submit bids, because it is expensive and time-consuming for companies to prepare bids. OU usually requests bids every three to four years if the cost increases stay in line.

Prof. Breipohl said he assumed the exclusion for pre-existing conditions did not apply to employees who had been covered. Mr. Flegal said that was correct. Prof. Breipohl asked about the major disadvantages to the new plan. Mr. Flegal answered that a University is unlike any other organization in that it has so many kinds of people with various health care needs, that no plan will always meet all those needs. PruCare has been selected by about 1200 people. He noted that no one who has family coverage should be in PruCare, because dependent coverage is outrageously expensive. Another disadvantage to the new plan is that employees will have to pick a primary care physician. In addition, the new physicians that Blue Cross/Blue Shield will have to add are not familiar with this kind of plan. Prof. Breipohl noted that an employee can still go to a physician who is not part of the network. Mr. Flegal said that was true, but you would pay according to the non-network level.

Prof. Hilliard asked whether Sooner Options would still be in effect. Mr. Flegal said it would; this plan would simply replace the old Blue Cross/Blue Shield and OU Care plans.

Prof. Mouser asked how the referral from the primary care physician to the specialist would be handled. Mr. Flegal said he is discussing that with the company. So far, it looks like the primary care physician would give the patient a form to take to the specialist, or if the referral is done by phone, the form would be mailed. Prof. Mouser asked if a new referral would be necessary for a second visit to the specialist. Mr. Flegal said the specialist or patient would just contact the primary care physician to make sure the follow-up was approved.

Prof. Livesey mentioned that Blue Cross/Blue Shield has many networks in the country. Someone on sabbatical should have the option of using one of those to save some money instead of having to use the non-network plan. Mr. Flegal said higher education institutions have been talking with the company about providing discounts when one uses a price-controlled group in another location. Prof. Livesey noted that under the old plan, employees could go to HSC physicians. Mr. Flegal said that was an option under OU Care, but the program had a declining number of people participating. The HSC is

developing an HMO-like plan utilizing their physicians and facilities, but only HSC employees would be eligible initially.

Prof. Nelson wanted to know what was covered under the low option non-network benefit plan. She asked, "Here in Norman, if it is not an emergency or urgent care situation, and one does not go to a network provider, one does not receive benefits?" Mr. Flegal said that was correct. The low option plan was designed for lower paid employees who have been dropping dependent coverage because of the cost. It allows for limited health care. People with incomes over \$25,000 will be discouraged from signing up for this kind of option.

Mr. Spencer, PSA representative, asked about the plan's effect on a dependent who is going to school elsewhere in the state. Mr. Flegal said there are over 500 primary care physicians located all over the state. A physician could be selected in that town, but the student would probably be covered by that school's health center. When the student is back in Norman for the summer, a local physician could be selected.

Prof. Vehik asked about the plans for the 11% the University will save. Mr. Flegal said he and Dr. Elbert had recommended that the savings stay in the plan. Dr. Elbert said he thinks the President will ask for suggestions.

PROPOSED REVISIONS IN FACULTY DISCRIMINATION PROCEDURE

Affirmative Action Officer Beth Wilson proposed some editorial changes to the Faculty Discrimination Procedure in section 3.9.2 of the Faculty Handbook (Appendix II). Prof. Vehik explained that she had asked Professors Wiegand and Kutner (Law Senators) to review the proposed revisions. They recommended that the title be modified to read: "other than sexual or racial/ethnic harassment." Also, they believe the policy should provide for discrimination on the grounds of sexual preference. Without that, there is no redress except from outside the University. Prof. Vehik pointed out that Presidential Statement includes sexual preference as a protected group. The second sentence should read: "... sex, sexual preference, color ..." With those two changes, the Executive Committee recommended approval. Prof. Wiegand noted that "sexual preference" should be changed to "sexual orientation" instead.

Prof. Whitecotton said he did not think ethnic, race, national origin are the same, given the present makeup of the world. For example, Native American tribes do not fall within any of the groups in the proposed rewrite. He recommended that ethnicity be added. Section 3.9.2 would then read:

FACULTY DISCRIMINATION PROCEDURE (OTHER THAN SEXUAL OR RACIAL/ETHNIC HARASSMENT) The University has a policy of internal adjudication in matters relating to alleged discrimination. Any faculty member, including those on temporary or part-time appointment, who believes that he or she has been discriminated against because of race, ethnicity, national origin, sex, sexual orientation, color, age, religion, disability or status as a veteran should ...

The revisions, as modified, were approved on a voice vote.

PROPOSAL FOR A SMOKE-FREE CAMPUS

The Senate was asked to submit comments to the President about his proposed policy for a smoke-free campus (Appendix IIIa). The policy was then rewritten by the administration and presented as an informational item at the March 3-4 Regents' meeting (Appendix IIIb); no action was taken. Although the original deadline for comments was March 1, the President is still interested in faculty opinion.

The Executive Committee endorsed the concept but were concerned about how it would be "policed". As a result of all the publicity, Prof. Vehik has received two comments. One was very much opposed to the entire idea. The other wanted to make sure the policy included the Union. More generally, people commented that if the campus is smoke free, then tobacco products should not be sold on campus.

Prof. Koger said there were strong objections in her department to the policy because they felt the University needed to provide help to people who are trying to quit smoking. Another point made was what will be the next unpopular thing that will be banned. Prof. Wiegand pointed out that the Counseling and Testing Center is offering a support program for those who are using the patch to quit smoking.

Prof. Mock noted that faculty may spend less time on campus if smoking is banned. Prof. Vehik mentioned that, according to the President, it is likely that nothing will be done about people who smoke in their offices unless it bothers others. Prof. St. John said, "Suppose someone turns you in." Prof. Vehik commented that someone will probably just ask you to stop smoking, or offices could be rearranged. Prof. St. John remarked that in his department those things had been negotiated. Prof. Landes asked what the change would be then. Prof. Vehik said it would further encourage people to stop smoking and be more considerate of those who do not like smoke and provide some recourse. Prof. Landes pointed out that guests would have to be reminded not to smoke. Prof. Vehik observed that over the last month, the policy seems to have become more flexible. Prof. Wiegand argued that it is not fair for those who have offices to be able to smoke while those who do not have a private office--many staff, for instance--would not have that privilege. She said we should take this policy seriously. If we are going to have a policy, then it should apply to everyone.

Prof. Mock suggested a smoking area in each building. Prof. Vehik cited the venting problem. Prof. Mock said the smoking room could be vented so that it did not tie into the other heat and air systems. Prof. Vehik said that would be preferable to sending people out in the snow.

Mr. Jay Parmley, UOSA President, said the students would support and could enforce a smoking ban in academic buildings. Prof. Vehik reported that one suggestion was to make the Oklahoma Memorial Union smoke free because it is such an open space. Mr. Parmley said the plan for next year is to have non-smoking floors in the dorms. Mr. Huang, UOSA liaison, said students would like faculty to adopt a policy that included offices because students who visit faculty offices could be bothered by the smoke. Prof. Vehik said she would convey the general tenor of the discussion to the President.

PRE-FINALS WEEK

In January, UOSA approved a resolution requesting implementation of a pre-finals week policy (Appendix IV). Prof. Vehik explained that the current policy is found in Section 4.11 of the Faculty Handbook which states, "The Faculty Senate encourages faculty members to be sensitive to student study loads during the latter part of the semester and to avoid (if possible) giving examinations during the final week of classes." She said the Executive Committee is not enthusiastic about the proposal. It makes the last week of the semester non-functional, and when coupled with an enrollment policy that allows students to add through the second week, the net effect is a 13-week semester. The Executive Committee recommended that section 4 a) and b) be reworded to read: "Assignments, examinations, or projects.."

Prof. Fonteneau asked whether section 4 meant that during that period of time students would be allowed to make up the work they missed during the semester. Mr. Parmley replied that those items listed would be exempt from the policy. He commented that the proposed policy is a little more restrictive than OSU's policy. The reason for the proposal is that many students have to take major exams the week before finals. This policy probably will not change things much if a syllabus is provided at the beginning of the semester. Prof. Mock said his understanding was an instructor could indicate at the beginning that a term paper worth 50% of the grade would be due the Thursday before finals. Mr. Parmley said that was right. This was intended to reduce the inordinate amount of major tests given right before finals. He said he does not think the policy in the Faculty Handbook is strong enough.

Prof. Livesey asked whether an instructor would have to publish a notice 30 days in advance that an exam was going to be given if it was not in the syllabus. Mr. Parmley answered that a verbal announcement would be sufficient. Prof. Havener said he sympathizes with the intent. However, summer session is on a shortened schedule. Mr. Parmley said he would suggest that this apply only to fall and spring semesters.


Prof. Kutner suggested that the Executive Committee proposal be distributed before the next Senate meeting. He said he was strongly opposed to Section 5. Prof. Carr reported that the faculty in his department were opposed to section 3, 13 to 1. They believed it was a freedom issue and did not want to be restricted to 5%. Prof. Mock reminded him that scheduled exams could be given if students are warned at the beginning. Mr. Parmley agreed that Section 4 b) would apply to that situation if 30 days' notice is given. He cited an instance last fall in which 750 out of a total 1000 points for the course he took was due the last week before finals. Prof. Vehik said the Executive Committee recommendation would be provided at next month's meeting.

Prof. Vehik reported that the main topic for next month will be the Final Report and Recommendations of the Ad Hoc Committee to Review Tenure within the University Libraries (attached to this month's agenda and available from the Senate office). The Executive Committee has discussed the report and supports its recommendations. Professors Jay Smith or Susan Vehik can provide more detailed information.


The Senate will also consider pre-finals week, publication of faculty/course evaluations, and the 1995-96 calendar at its April meeting (attached to this month's agenda and available from the Senate office). In addition, some proposed revisions in the role of the department chair report will be presented.

ADJOURNMENT

The meeting adjourned at 5:05 p.m. The next regular session of the Senate will be held at 3:30 p.m. on Monday, April 12, 1993, in Jacobson Faculty Hall 102.



Sonya Fallgatter
Administrative Coordinator



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March 3-4, 1993

AGENDA ITEM 11

ISSUE: RETIREMENT FUNDING

ACTION PROPOSED:

President Van Horn recommends that the Board of Regents approve the following statement of intent regarding contributions to retirement funds.

For new employees hired after July 1, 1993, the University contribution to all retirement plans other than Federal Social Security will not exceed the current maximum of 2 percent of the first \$40,000 of salary plus 15 percent of total salary minus \$9,000.00.

For existing employees, the Board of Regents endorses the principle of maintaining superior retirement benefits. The University administration is asked to work with the Faculty Senates and Staff Councils on both campuses to select an appropriate actuarial consultant and to review plans and options.

The University administration working with the staff councils is asked to prepare a proposal on an hourly employee retirement plan to become effective July 1, 1993.

BACKGROUND AND/OR RATIONALE:

The new State law amortizing the unfunded liability of State Teacher's Retirement Plan has a devastating impact on the future fixed cost increases the University will incur. Without adjustments, the University's retirement plan, which combines the State Teachers' Retirement Plan with a Defined Contribution Plan, will require either millions of new dollars or a reduction in the Defined Contribution Plan for most current faculty and staff and a virtual elimination of the defined contribution benefit for future employees. Because of its portability and flexible selection of investments, the Defined Contribution Plan is viewed by most faculty and staff as the better of the two retirement plan components.

Solutions to this issue have been explored for the last several months. In late January a Task Force charged with recommending the approach the University should take with the state legislature on retirement recommended that we attempt to make Teachers' Retirement optional for all faculty and staff and develop a single retirement plan of our own. The Task Force felt that if this was not possible we should at least attempt to have future employees removed from Teachers' Retirement. The Norman Campus and Health Sciences Center Faculty Senates have voted to support removing future faculty from Teacher's Retirement.



The
University of Oklahoma

3/93 (Appendix II)

AFFIRMATIVE ACTION OFFICE
660 Parrington Oval, Room 102
Norman, Oklahoma 73019-0390
(405) 325-3546

MEMORANDUM

TO: Dr. Susan Vehik, Chair
Faculty Senate
550 Parrington Oval, Room 206
Norman, OK 73019

FROM: Beth Wilson, Assistant to the President *BW*
University Affirmative Action Officer

DATE: January 11, 1993

SUBJECT: Editorial Changes to Faculty Alleged Discrimination Procedure

The following editorial changes to the faculty alleged discrimination procedure are proposed. The changes are necessary to:

- (a) clarify that this procedure is for faculty and that it is not to be used for claims that could be filed under the University's Sexual Harassment Policy or its more recently adopted Racial and Ethnic Harassment Policy,
- (b) add protection against discrimination on the basis of religion, disability, and status as a veteran consistent with current state and federal laws,
- (c) delete the terms "creed" and "ethnic" essentially because these terms are subsumed by the terms race, national origin and religion and are, therefore, superfluous. (See attached memorandum from Kurt Ockershauser, Associate Chief Legal Counsel).

The proposed editorial changes to paragraph number 3.9.2 of the existing policy are shown below:

FACULTY ALLEGED DISCRIMINATION PROCEDURE (OTHER THAN SEXUAL , RACIAL/ETHNIC HARASSMENT) *The University has a policy of internal adjudication in matters relating to alleged discrimination. Any faculty member, including those on temporary or part-time appointment, who believes that he or she has been discriminated against because of race, ~~ethnic~~ or national origin, sex, ~~ereed~~, color, or age, religion, disability or status as a veteran should give the University's Affirmative Action Officer a written account of the alleged act of discrimination no later than (thirty) 30 calendar days after becoming aware of its occurrence. The.....*

Please review the proposed changes. If you have comments or concerns, please let me know. I would like to have your formal response by January 20, 1993.


UNIVERSITY OF OKLAHOMA

3/93 (Appendix II)

OFFICE OF LEGAL COUNSEL

MEMORANDUM

TO: Beth Wilson
Affirmative Action Officer

FROM: Kurt F. Ockershauser 
Associate Chief Legal Counsel

SUBJECT: Employee Discrimination Grievance Policies

DATE: January 5, 1993

Per your request I briefly researched the terms "creed" and "ethnic" as found in our employee discrimination grievance procedures to determine whether they are superfluous, unprotected or unnecessarily duplicative.

The policies deal with complaints of discrimination because of "race, ethnic or national origin, sex, creed, color, age" The staff discrimination grievance procedure goes on to identify two additional areas, that of veteran status or handicap condition, which the faculty grievance procedure does not specifically address.

Both Black's Law Dictionary and Webster's Third International Dictionary seem fairly homogeneous with respect to the definition of creed. Webster's defines it as "a brief authoritative doctrinal formula ... intended to define what is held by a Christian congregation ... to be true or essential and exclude what is held to be false belief." Black's defines it as "a 'confession or articles of faith,' 'formal declaration of religious belief,' 'any formula or confession of religious faith,' and 'a system of religious belief.'"

Webster's definition of the term "ethnic" as may be applicable in the discrimination context, is: "2 a: relating to community of physical and mental traits possessed by the members of a group as a product of their common heredity and cultural tradition. b: having or originating from racial, linguistic and cultural ties with a specific group (Negroes, Irish, Italians, Germans ... and other similar groups).

I made a cursory review of the various federal discrimination provisions and discovered that none of them dealt with "creed" or "ethnicity" by name. The typical formulation was against discriminatory actions revolving around race, color, religion, sex or national origin. Age, veteran status, disability and citizenship were addressed individually under specific pieces of legislation. However, 74 O.S. 1991 § 954 prohibits discrimination in state employment with reference to: "race, color, creed, national origin, age, handicap, or ancestry; ...".

Based upon the above, a simple literature review leaves use of these terms in some confusion. The term "creed" is subsumed in the definition of religion; however, we do not articulate protection on basis of religion. It seems to me that "ethnic" is subsumed into or by the protected categories of race and/or national origin. Accordingly, we would probably be in conformance with the spirit of prevailing law to include protection for religious belief and eliminate the articulated protection for "creed" and "ethnicity". If you have any questions please let me know.

KFO:pw
cc: Fred Gipson

DRAFT

Agenda Item

Issue: Smoke-Free Campus

Action Proposed:

President Van Horn recommends that the Board of Regents declare the University of Oklahoma, Norman as a smoke-free campus. Smoking is prohibited inside all buildings, in Oklahoma Memorial Stadium, and in any outdoor area where people congregate or need to be present (i.e. outdoor seating areas, people waiting in a line in groups, etc.)

The first violation of the policy by a person will result in a verbal reminder by the supervisor of the policy. A second violation will result in a written notice placed in the offenders personnel file. Third or subsequent violations will result in disciplinary actions in accord with university policies.

The recent report of the Environmental Protection Agency combined with the earlier reports of the Surgeon General and major medical groups provide strong ethical and legal reasons for this action.

March 3-4, 1993

AGENDA ITEM 4

ISSUE: SMOKE-FREE CAMPUS

ACTION PROPOSED:

The item is presented for information only. No action is required.

BACKGROUND AND/OR RATIONALE:

During the last several months, we have been considering expanding our smoking restrictions on campus and making the campus totally smoke-free. It is likely that we will be recommending not only that smoking be prohibited inside all buildings, but in other specifically designated areas as well.

Current State law has required that all State agencies provide at least one designated smoking area in each building. However, an exception to that requirement was made for educational institutions, such as the University, and for health institutions.

The State is in the process of reviewing this State law and considering modifications which would make State buildings smoke-free. Input on such a policy has been requested from faculty, staff, and student groups and after receiving their input, we will be coming to the Regents with a recommended policy change.

UNIVERSITY OF OKLAHOMA STUDENT ASSOCIATION
JANUARY 4, 1992

Title: A RESOLUTION REQUESTING AN IMPLEMENTATION OF A PRE-FINALS WEEK POLICY

Whereas: Final examination week is an extremely difficult time for students; and,

Whereas: Final examination grades weigh heavily in the determination of semester grades; and,

Whereas: Adequate preparation time and proper rest are important to a student's success on finals; and,

Whereas: In order to assure proper time for study and preparation, the requirements of a student during the last week of classes should only be used to determine a minimum percentage of the grade for the course; and,

Whereas: Without adequate preparation time a student is deprived of the opportunity to adequately demonstrate his/her level of mastery; and,

Whereas: This could adversely affect a student's ability to remain at or make satisfactory progress through the university.

LET IT THEREFORE BE RESOLVED THAT:

The University of Oklahoma Student Association recommends adoption of the following policy:

Section 1: Help Day and Finals Week policies will remain unchanged.

Section 2: Pre-finals week will be defined as the seven (7) days before the first day of finals.

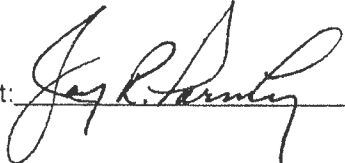
Section 3: No more than five (5) percent of student's grade may be assigned and assessed during pre-finals week.

Section 4: This policy makes allowances for make-up assignments, make-up tests, laboratory examinations, and out of class assignments (or projects) made prior to pre-finals week.
a) Assignments or projects worth less than ten (10) percent of a student's grade may be assigned at anytime prior to pre-finals week and may be due the day before finals begin.
b) Assignments or projects worth more than (10) percent of a student's grade should be assigned a least thirty (30) days prior to the first day of finals and may be due the day before finals begin.

Section 5: All instructors are requested to provide a "Questions and Answers" period during classes held during pre-finals week.

Section 6: All University Laboratory classes are exempt from this policy.

Section 7: No University of Oklahoma Student Association (UOSA) organization may hold meetings, banquets, receptions, or may sponsor or participate in any activity, program, or related function which requires student participation during pre-finals week.

Approved by UOSA President:  Date 1/4/93