

Faculty Senate Minutes
February 3, 2009

The meeting was called to order at 4:05 p.m. All departments were in attendance except Interdisciplinary Studies and Nursing.

I. Minutes of previous meeting

The minutes of the January 20, 2009 meeting of the Faculty Senate were approved as written.

II. Report of the Faculty Senate Chairperson

Faculty Senate Chair Börger-Greco encouraged faculty to plan to attend spring commencement in regalia and reported on interaction with the Chancellor's Office. She indicated that the Chancellor hopes to visit a Senate meeting in the fall.

III. Report of the Student Senate President

Student Senate President Farrelly reported on several new student groups and an increase in the student activity fee. She also reported that the idea of photo rosters received a positive response overall in Student Senate.

Ms. Farrelly inquired about making textbook lists available online, noting that currently this information is not available until just before classes begin. Dr. Prabhu responded that new federal law now requires that textbook lists be made available with course schedules. He indicated that faculty cooperation will be needed for collecting and providing these lists to students. Several concerns were raised about how to make these lists available for the benefit of students while maintaining flexibility for faculty when choosing texts for classes. The need for making sure students are aware of possible changes after the initial posting was stressed. It was noted that other course materials, art supplies and trade paperbacks are not included. Dr. Sherlynn Bessick commented that it is difficult to prepare assistance for students with disabilities with only a short notice about textbook information.

IV. Report of the Graduate Student Association

None

V. Report of the Administrative Officers

Provost

Provost Prabhu reported that he and Mr. Bruszewski visited school councils to answer questions about budget issues. They are also willing to speak with other faculty groups as

requested and will share at the next Faculty Senate meeting. Dr. Prabhu reminded faculty that the state budget will be discussed by the governor tomorrow. A question was raised about the difficulties students are encountering in securing funding. Dr. Prabhu responded that many lenders are no longer in existence and that endowments are down significantly. He noted that more will be known in April and May. He also indicated that Millersville will do what we can to assist students, including requesting that stimulus initiatives be used to support education. Concerns were raised about cuts in tutoring for Foreign Languages and at the Writing Center. Dr. Prabhu responded that he would check into these issues further.

Associate Provost for Academic Administration

Associate Provost Burns distributed information about upcoming undergraduate recruiting events and encouraged faculty to participate. [see Attachment #1] Senator Saunders commented on her experience with these events, highlighting the positive interaction faculty can have with potential students and their families. Interested faculty may contact Dr. Doug Zander to get involved.

Dr. Burns reported on discussions with the Registrar and IT about the possibility of photo rosters for classes. He indicated that setting these up seems feasible but implementation will take some time. It was noted that some online courses may specifically choose not to use these. It was noted that students had raised a question about whether these photos could be updated.

Dr. Burns noted that Spring Convocation is planned for February 19 and requested that faculty RSVP regarding attendance.

VI. Reports of the Faculty Senate Standing Committees

ASC

Senator Sikora reported on the results of ASC hearings from January 2009. He indicated that use of a rubric helped maintain consistency among appeals. Dr. Sikora also noted that Campus Police were called in to deal with an aggressive student. The police will conduct building walkthroughs to help monitor future hearings. Dr. Sikora also reported that the committee is discussing the addition of two more student members and alternates.

UCPRC

First Readings

(1) CHANGE IN UNDERGRADUATE CURRICULUM

ECON, Political Economy, Financial, Economics option. Proposal to limit the required related course choices to MATH 151, 161 or 211.

(2) NEW UNDERGRADUATE COURSE

SPAN334: Spanish American Civilization II, 3 credits. Proposal to create a course covering the history and culture of the Spanish Americas from 1824 to contemporary times.

UCPRC also reported approval of the following courses for the D label: BIOL207, CHEM372, CSCI426, EDFN376, EDUC403, LATS201, MATH102, NURS360, PSYC318.

GERC

Dr. Fred Foster-Clark reminded senators that applications are being accepted for General Education Coordinator.

VII. Reports of the Faculty Senate Special Committees

None

VIII. Proposed Courses and Programs

Second Readings

(1) NEW UNDERGRADUATE COURSE

GOVT323: Government and Politics of the Middle East, 3 credits, G3, D. Proposal to create a course that examines Middle Eastern politics and the impact of national, economic, gender and religious perspectives was approved without dissent.

(2) NEW UNDERGRADUATE COURSE

ITEC303: Technology Assessment: The Amish and Others, 3 credits, P, D, web. Proposal to create a course to explore how the use of technology is assessed, contrasting the approach of certain Anabaptist groups to those of North Americans in general was approved without dissent.

IX. Faculty Emeriti

A Rosenthal/Bookmiller motion that Dr. Steven R. Centola be granted the honorary title of Professor of English Emeritus was approved without dissent. [see Attachment #2]

X. Elections of Senate Officers

Nominations were accepted from the floor. A Saunders/Luek motion to close nominations and cast a unanimous vote for Dr. Börger-Greco as Chair, Senator Mowrey as Chair Pro-Tempore, and Senator A. Miller as Secretary was approved without dissent.

XI. Report on Americans with Disabilities Act Amendments Act

Dr. Sherlynn Bessick from the Office of Learning Services reported on the 2008 ADA Amendments Act. [see Attachment #3] She clarified that schools accepting federal funding must provide accommodations for students with disabilities, including difficulties in concentrating and thinking. She noted that concerns related to making accommodations for students should be brought to the Office of Learning Services while issues for employees should go to Human Resources. Dr. Bessick emphasized that notifications of needs must come through Learning Services and that students must request initiation of those accommodations. She also stressed that requests for accommodations do not apply retroactively for work completed prior to when a student contacts the professor. Dr. Burns highlighted that there is really no change to our current process of Learning Services reviewing student documentation and informing faculty of any needs for accommodations. Dr. Bessick recommended that faculty keep a record of reasonable modifications made and assured faculty that departmental or program requirements might be used in the rationale of a denial of accommodations. A comment was made about the need to inform students early in their studies if limitations will keep them from meeting program criteria. Dr. Bessick emphasized that faculty and departments are urged to work with Learning Services to address concerns.

XII. Discussion of Requirements for Serving as Chair of Faculty Senate Committees

Dr. Börger-Greco noted that chairs of Faculty Senate committees are generally stipulated to be current senators. The importance of consistent representation at Senate was discussed. However, it was also pointed out that this may not be necessary for some committees. The Bylaws Committee was asked to consider this issue.

XIII. Other/New Business

None

Meeting was adjourned at 5:37 p.m.

Respectfully Submitted,

Aimee L. Miller
Secretary of the Senate

Action Summary:

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A Rosenthal/Bookmiller motion that Dr. Steven R. Centola be granted the honorary title of Professor of English Emeritus was approved without dissent.

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Attachment #1

Special Events for Undergraduate Admissions February and March 2009

1. Saturday, February 21 – Reception for admitted students of color. Faculty and staff needed from 10 a.m. to 1 p.m. to serve as hosts for families during breakfast, small-group information sessions, and lunch. Through the enrollment process and into matriculation, staff and faculty will serve as resource persons for the one-or-two families they meet at the event.
2. Wednesday, March 11 – Dessert reception in Blue Belle, Montgomery County. The reception is for admitted students from Bucks and Montgomery counties – some of our strongest students in terms of academic profile. Staff and faculty are needed to mix and mingle with invited guests. Transportation is provided and will leave the University at 4 p.m., returning about 10 p.m.
3. Thursday, March 19 – Dessert reception in Philadelphia for admitted students. The audience is primarily students of color. Staff and faculty are needed to mix and mingle with invited guests. Transportation is provided and will leave the University at 4 p.m., returning about 10 p.m.

Staff and faculty who wish to volunteer for these events should contact Doug Zander at dzander@millerville.edu. Our goal is to have representation from every School and non-School Department at each event.

Attachment #2

To: Millersville University Faculty Senate
From: Department of English
Date: 24 November 2008
Subject: EMERITUS RESOLUTION FOR DR. STEVEN R. CENTOLA

Whereas: Dr. Steven R. Centola, Professor of English, with the deepest and most abiding commitment served in the Department of English from 1985 until 2007 when cancer forced him to take medical leave after 22 years of service to Millersville University; and

Whereas: Dr. Centola designed and taught a range of courses in American drama, the American novel, American regional literatures, and a number of seminars on the works of Arthur Miller, F. Scott Fitzgerald, Ernest Hemingway, and Eugene O'Neill; and

Whereas: Dr. Centola authored more than twenty-five articles in scholarly journals on Arthur Miller and numerous essays published in book-length collections; he contributed to and edited *The Achievement of Arthur Miller: New Essays*; he edited Arthur Miller's theater essays, *Echoes Down the Corridor: Collected Essays, 1944-2000*; he was coeditor of *The Critical Response to Arthur Miller*; and he was a member of the editorial board of several journals in American Literature; and

Whereas: Dr. Centola created the first Millersville University Academic Theme in 1990 which focused on Arthur Miller; and at the same time Dr. Centola arranged a visit by Arthur Miller which led to the first international annual Arthur Miller Conference which in turn led to Dr. Centola's founding of the Arthur Miller Society that remains active and extends throughout the world; and as one of the most eminent Arthur Miller scholars, he was a consultant to the Metropolitan Opera and was interviewed on Public Broadcasting System and National Public Radio; and

Whereas: Dr. Centola chaired and served on numerous University-wide committees; he was elected to two terms as President of APSCUF-MU; he was co-architect of the Writing Across the Curriculum Seminars which helped institutionalize the importance of writing in all disciplines; he was a recognized leader in other areas of curriculum development; and he was Interim Dean of Graduate Studies from 2002 to 2005; and

Whereas: Dr. Centola was widely known for his dedication to student learning and to the encouragement of students; he was one of the first faculty members to teach a Freshman Year Experience seminar; he was either director or reader for over two dozen graduate and undergraduate thesis projects; he was widely involved in the teaching of underrepresented student populations; he was an advisor in the Exploratory Program; he was a consistent speaker at local high schools regarding literature and writing; in all ways, he was an exemplar of the liberal arts traditions in higher education;

Therefore, Be It Resolved: That Dr. Steven R. Centola be granted the honorary title of Professor of English Emeritus.

ADAAA of 2008
Impact on Post-secondary Institutions

The ADA Amendments Act (ADAAA) also applies to the Rehabilitation Act of 1973.

Definition of Disability as used in this Act:

- (1) **DISABILITY**- The term 'disability' means, with respect to an individual--
- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
 - (B) a record of such an impairment; or
 - (C) being regarded as having such an impairment

Why the changes were made:

- Individuals whose disabilities were mitigated by medication, adaptive equipment, assistive technology, or learned behavioral interventions were not considered eligible as individuals with disabilities.
- A person's disability needs to limit one's functioning in major life activity that no longer needs to be in more than one activity.
- The term substantially limited was so narrow that it suggested a person with a disability had to be so restricted in functioning

New Law:

- Mitigating measures no longer remove the classification of an individual being disabled. The determination of impairment that substantially limits a major life activity must be made without regard for the impact of the accommodations.
- The accommodation process under the ADA has not been amended. Documentation is still required. While mitigating measures may be irrelevant to the question of discrimination that is analogous to discrimination on the basis of race or sex; when evaluating a request for a particular accommodation both the positive and negative impacts of mitigating measures are relevant to determining an effective accommodation.
- Institutions must make accommodations (assistive technology, reasonable accommodations, auxiliary aids or services, learned behavioral or adaptive neurological modifications) even when their use mitigates the impact of the disabling condition.

- Major life activity has been clarified so there is no confusion that it includes working, communicating, **concentrating, thinking, reading**, and other activities of central importance. These additions supplement those listed in the old ADA 1990, which also includes learning.
- Major life activity can be just one disabling condition and it does not have to impact more than one major life activity.
- Substantially limited has been clarified **not** to mean that the disabling condition is “significant” or “severe”, just substantially limited.
Example: "A person is considered an individual with a disability for purposes of the first prong of the definition when [one or more of] the individual's important life activities are restricted as to the conditions, manner, or duration under which they can be performed in comparison to most people. A person who can walk for 10 miles continuously is not substantially limited in walking merely because on the eleventh mile, he or she begins to experience pain because most people would not be able to walk eleven miles without experiencing some discomfort."
- Episodic or conditions in remission are still considered a disability if the individual can show that when the condition is active it substantially limits a major life activity. Documentation is required for the condition and the anticipated length of the disability.
- Because someone with a specific learning disability can perform well academically does not mean that he/she may not also be substantially limited in the major life activities of learning, reading, writing, thinking, and speaking. Of course, the person would still need to establish that he/she was substantially limited in this manner and that he/she needed reasonable accommodations. Students may elect to use accommodations as they feel they are necessary.

Post-secondary Institutions

- Fundamental Alteration- Nothing in this Act alters the provision of section 302(b)(2)(A)(ii), specifying that reasonable modifications in policies, practices, or procedures shall be required, unless an entity can demonstrate that making such modifications in policies, practices, or procedures, including academic requirements in postsecondary education, would fundamentally alter the nature of the goods, services, facilities, privileges, advantages, or accommodations involved. Institutions must be able to substantiate the reason for denying an accommodation.

- The activities “concentrating” and “thinking” may pose problems for post-secondary institutions. Thinking and concentrating are easily understood as major life activities when reading and learning are considered. Evaluating and accommodating thinking or concentrating have considerable overlap with learning and reading since like many major life activities they are in reality complex tasks with component processes. Often it is an impairment of a component or sub process that changes how (the manner, conditions or duration that individuals need) people successfully engage in the larger activity.
- The Amendments will broaden the scope of who is covered by the ADA. The ADA provides two core rights for individuals with disabilities; non-discrimination and reasonable accommodation. While no hard data exists clearly the number of individual protected under the reset definition of disability will increase. Institutions and offices should be prepared to review more requests for accommodations.
- Surveys suggest that six to nine percent of the potential college population has a disability.
- Whether there is a noticeable increase or not institutions will need to review their documentation policies to bring them in line with the Amendments.
- “Educational, testing, certification and licensing entities covered by the ADA also maintain discretion to establish appropriate and reasonable documentation requirements related to the determination of disability, as is true under current law.....We expect that the less demanding standard applied to the definition of disability will allow students and licensure candidates with documented disabilities to more readily access appropriate accommodations on examinations when needed.” Managers’ Report
- “The bill returns the proper emphasis to whether discrimination occurred rather than on whether an individual's impairment qualifies as a disability. ...and students with physical or mental impairments will have access to the accommodations and modifications they need to successfully pursue an education.” Representative George Miller on the floor of the House; [Congressional Record 9/17/2008, Page: H8294](#)
- Under the Amendments, documentation policies shift the focus from diagnostic evidence of disability to supporting the need for requested accommodations. Documentation requirements need to focus on the effectiveness of formal and informal accommodations and adaptive strategies.

- The Amendments do not directly impact the process of determining reasonable accommodations. In a restatement of current law the amendments assure institutions of higher education that the existing principle that entities need not make modifications to policies, practices or procedures that would fundamentally alter the nature of programs or services remains intact. The [Senate Managers Report](#) reminds us that “a university would not be expected to eliminate academic requirements essential to the instruction being pursued by a student, although the school may be required to make modifications in order to enable students with disabilities to meet those academic requirements. Current regulations provide that “Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.” A waiver policy should be in place.
- Once a request has been made and supported by the student’s documentation and presented to program or faculty member, what process is in place to determine if the accommodation is reasonable or a fundamental alteration? **Wynne v. Tufts University School of Medicine.** Institutions must be able to explain their rationale for “fundamental alteration” or whether the accommodation places an undue burden on the institution.
- (976 F.2d 791, 932 F.2d 19) outlines the process an institution should go through before refusing to provide an accommodation because they believe it would lower academic standards or fundamentally alter a program of study. The institution should show that:
 1. officials with relevant duties and experience considered the accommodation request;
 2. that they meaningfully considered the impact on the program and the availability of alternatives; and
 3. that they reached a rationally justifiable conclusion that the available alternatives would result either in lowering academic standards or a substantial alteration to the program of study.

Technical Standards

- Not all essential requirements are academic, particularly in clinical or field based programs. The Amendments increased emphasis on the questions of appropriate accommodation suggests proactively establishing a process for reviewing and creating technical standards. Technical standards are nonacademic criteria for admission and continued program participation.

They may include such things as abilities in context (ability to discriminate breath sounds) Behaviors in the present (compliance with an established code of conduct) or Safety (a direct threat to health and safety).

- A collaborative process is useful in establishing technical standards. Standards should be anchored to the curriculum, supported in policy and practice and utilize objective performance criteria that can be reliably applied to all program applicants or participants. Finally, an individualized interactive process must be used to determine if reasonable accommodations would allow a student to meet technical standards.

Suggestions:

1. An interactive process with students/employees is recommended.
2. Review policies/procedures and curriculum to ensure all requirements are essential.
3. Avoid making a disability determination based on student/employee performance.
4. Consider confidentiality at all times, particularly in the presence of other students/employees.
5. Accommodations that fundamentally alter a program do not need to be provided, particularly if the student cannot otherwise meet the standard set forth by the curriculum.
6. Accommodations that cause an undue burden on faculty, programs, and services that are financial or otherwise need not be provided.
7. Always document all efforts to accommodate and decisions that deny accommodations. The Office for Civil Rights looks at institutions' good faith effort in accommodating individuals when they review claims of discrimination.
8. When in doubt, call me...X 3178.