

ASU FACULTY SENATE MINUTES
April 18, 2003

COLLEGE OF AGRICULTURE

Bill Humphrey, Vice-Chair

COLLEGE OF ARTS AND SCIENCES

Bob Bennett, Past-President of Faculty Association

Jim Bednarz (absent)

William Burns

Dick Freer

Ernesto Lombeida (absent)

Bill Maynard

Jie Miao

Joe Sartorelli

Norman Stafford

Richard Wang

COLLEGE OF BUSINESS

Chris Brown (absent)

Dan Marburger

Terry Roach (absent)

Jim Washam (proxy – David Dearman)

COLLEGE OF COMMUNICATIONS

Lillie M. Fears

Jo Anna Grant (absent)

COLLEGE OF EDUCATION

Cindy Albright

Kris Biondolillo

Dan Cline

John D. Hall – Secretary/Treasurer of the Faculty Association

John Ponder

Karen Yanowitz

COLLEGE OF ENGINEERING

Thomas Parsons (proxy – Isaac Howard)

COLLEGE OF FINE ARTS

Bill Rowe, President of the Faculty Association

Alyson Gill

Ken Hatch

John O'Connell (absent)

COLLEGE OF NURSING & HEALTH PROFESSIONS

Troy Thomas, Secretary

Terry Baggs (absent)

Debra Walden

UNIVERSITY COLLEGE

Polly Green

LIBRARY

Myron Flugstad

MILITARY SCIENCE

LTC Michael Loftis (absent)

COUNCIL OF ACADEMIC DEANS

Jan Duggar (absent)

VISITORS

Dennis White – Speech Communication

Greg Chance – KASU Radio

Phillip Stuly – ASU Herald

Ashley Martin – reporting student

Jonathan Foresythe – reporting student

Danielle Crafton – reporting student

Stephen Carroll – reporting student

Jerry Linnstaedter – Regional Programs / Academic Affairs

CALL TO ORDER

Meeting called to order at 3:05pm

APPROVAL OF THE MINUTES

Minutes of 4/4/03 meeting approved without change

REPORTS

1. President's Council Meeting

- There has been no budget approved yet. We (ASU) are moving slowly until we know more.
- Pet policy will go to the appropriate shared governance committee.
- Student Government Association introduced resolution requesting that KASU announce ASU closing and briefly inform students of the weather conditions across campus, such as sidewalks being cleaned or not.
- New ID cards shown
- Diversity study discussion
- Office of Finance and Administration will be making changes to web site. This may be a good place to recommend that the budget be placed.

2. Executive Committee meeting with attorney Don Mixon about IT Policy. Summary points of meeting were:

- IT Policy is a handbook issue. The handbook is our contract. Operating Policies and Procedures Manual is not our contract.
- Letter of appointment refers to the Faculty HB.

- Nowhere in IT Policy does it list firing as a consequence of violation of the policy.
- Policies regarding hiring/firing must be in the Faculty HB.
- Such policies cannot just be placed on web and enforced unless employees are directed to view such policies.
- Recommendations
 - Form a Faculty Senate committee to decide what faculty can put on their web sites
 - Propose resolution opposing firing of a faculty member

Bennett – Interpretation from the attorney was that the IT policy application was capricious.

Maynard – Did lawyer say anything about selective application of the policy?

Bennett – That was the capricious part.

Hall – Lawyer’s opinion was that HB was sloppy. Policies regarding hiring/firing should be in the HB.

Maynard – I assume that means such a policy must be approved by the Board. I assume that there are multiple policies floating around that have questionable approval.

Dennis White – It appears that the difference between tenure and pretenure has been constantly whittled away.

Rowe – Dennis should probably be on that committee.

Wang – We should remember that the HB committee did include more protections for pretenured folks in new HB.

Walden – I wonder if a letter from Mixon to Wyatt would help our situation about the approval of the HB?

Rowe – Administration doesn’t seem to want to participate.

Marburger – It is inconceivable that a person could be knowledgeable about all policies. What bothers me is that the person did not have a warning.

Rowe – I know staff members who have violated parts of IT policy who received much less drastic punishments.

Hall – Under the current faculty HB my understanding is that you cannot grieve non-reappointment. Legally our contract HB is the 1996 version.

Rowe – We are going to discuss this more under new business.

OLD BUSINESS

HB, Operating Policies and Procedures Manual

Humphrey – We haven't really gotten any farther on the HB. We have been reviewing the Operating Policies & Procedures Manual. There are differences between the HB and the OP&P.

Rowe – This seems like Bush coming into office and using Clinton's documents. Administration just seems to keep stacking up policies without rhyme or reason. I'm also not sure we need to do their work for them.

Humphrey – They only seem to review the policies when they need to use them.

Maynard – It would seem that any changes to policies would have to be approved by the board.

George Lord – It would seem that any policy should go through a shared governance process.

Hall – One clear statement from the lawyer meeting was that policies affecting employment should be in HB.

Bennett – Unfortunately the HB is going nowhere.

Cline – Was this brought up in the meeting with the lawyer?

Hall – Yes. The big point right now legally is that the 1996 HB is our HB. We need to make sure that every faculty member has a copy. The IT policy, however, is not in the HB or the OP&P. It is on the web.

? - What do you mean we shouldn't mess with the HB?

Bennett – If policies affecting employment are not in the HB then we can't be held accountable.

Thomas – Mr Mixon didn't say that we shouldn't move forward with trying to get the new HB approved. What he said was that we shouldn't do administration's work for them, meaning it was not in our best interest to go digging up policies affecting hiring / firing. It is administration's job to put those in the handbook if they want to enforce them.

Shared Governance Committees

Rowe passed out list and will place on the web.

Rowe – Next semester we will ask all committees to report to the Senate on a regular basis.

Wang – Point of procedure – in the past we have failed as members of these committees...failed to keep the Senate informed. We need to make sure that we go to these meetings and report regularly to the Senate.

Bennett – I was on the shared governance committee. We passed a resolution that said minutes/reports would be generated for all meetings and that definite meeting times for committees would be established.

Hall - I do think that this is a problem and is an example of shared governance breakdown. The IT policy was approved by a shared governance committee that had four faculty members on it.

Walden – I request to be removed from the Financial Aid and Scholarship Committee.

Senator Requirements

Maynard – There is a concern in my department about the issue of needing to protect the faculty from Administration.

Walden – Nursing was concerned about having a tenure requirement. They felt pre-tenure participation was a good learning experience.

Thomas – Health Professions was unanimous on the 3-year requirement and split on the tenure recommendation.

Kris – There is no mention of tenure requirements in the HB?

Thomas – No.

Marburger – At our last meeting when we voted on the mascot issue, the Sun reported on the issue. I got quoted and got a bullying phone call from a large donor. We may be a lot more vulnerable than we think we are.

Rowe – I also got 5 negative contacts after that.

Marburger – Bud Rowe on the radio told people to call me. He promptly got a call from me.

Discussion ensued – Freer suggested that the Senate move on to other business since there was no motion on the floor concerning requirements to be a senator.

NEW BUSINESS

Equity Review

Rowe - It is my understanding that the reviews have been done. We just don't know if the money will be available.

Hall read rule about equity review from 1996 Faculty Handbook –

Section II-6 of the 1996 Faculty Handbook of Policies and Procedures:

"If an equity adjustment can be justified, but funds are not available for total adjustment in a budget year, the university will attempt to address at least a percentage of the inequity each year until it is eliminated."

Hall – I just hope the rule is applied.

Humphrey – But we don't know anything until a budget is approved.

Rowe – Executive Committee will meet over the summer to keep people informed.

Other Business

Cline – In the past, we established 12 goals and 55 objectives for this university, which have been ignored. I put together a draft survey based on those goals/objectives to measure people's perceptions. I need help if the Senate would like to go forward with this.

Hall – This was discussed in a previous Senate meeting. These goals/objectives were in the previous HB and appears in the new HB. We asked Dan to do this eval in that previous meeting.

Bennett – let us look at it and come back to it.

Thomas – I would like to recommend that we develop a rotating system to fill the Faculty Senate Secretary position. My suggestion is that each year a different college would be responsible for selecting one of its senators to serve as the Secretary. This would spread out the duties so that each college only had to fill the position once every 8-10 years. Plus we wouldn't have to spend have of a faculty meeting in the fall trying to get someone to volunteer to serve as the Secretary.

? – What about the colleges that don't have many senators?

Thomas – They still would only be called to service every 8-10 years. The chances of any person still being on the Senate 8-10 years later are probably small. (Jokingly) If someone is still on the senate 8-10 years later, maybe we would need to consider term limits.

Dennis White – I believe that a lot of people probably don't want to do the job because some faculty members expect the minutes to be a verbatim transcription of the meetings. If that is what they want, then those people should serve as the Secretary or we should look into other options such as hiring a transcriptionist.

Rowe – I have talked with Dr. Wyatt about different recording options for the meetings.

Maynard – Why don't we wait to discuss this until we have a proposal.

IT Resolution from Executive Committee

Hall introduced resolution regarding the IT policy.

Wang moved to suspend rules to vote on policy; Humphrey seconded – majority in favor with a few abstentions; none opposed.

Wang – motion to adopt resolution, Humphrey 2nd.

Discussion Thomas – Do we want to move on this too quickly?

Marburger – I see at least 4 issues in this resolution. I think these may need to be separated out.

Maynard – I think the point is that the resolution is supposed to have multiple points. The purpose seems to be more than anything is to warn faculty members and support a faculty member whose job is at stake.

Hall – the recommendation from the lawyer was for a 3-part resolution: We oppose arbitrary / capricious termination of a faculty member without adequate prior warning, especially for policies that are not included in the Faculty Handbook.

Dennis White – As a faculty member, when the Senate votes they represent the faculty and I am not sure that I agree with some of these statements. I think the faculty should have a chance to think about a resolution that is a condemnation. Since this is essentially a legal issue any way, I understand the faculty wanting to say this is unfair, but I am not sure all of this stuff is true.

Mass discussion ensued.

Bennett – I don't think we should be voting on this yet until everybody has had a chance to read this. This says this came from the Executive Committee but I did not have a hand in writing this. I feel uncomfortable about approval of this.

Hall – Clarification - This resolution came from another department on behalf of the Executive Committee.

Humphrey, Bennett – Motion to table: in favor 12, opposed 1

Bennett – I recommend Executive Committee or ad hoc committee draft a resolution

Hall – I would like to see the Executive Committee and some of the faculty members who are concerned with this matter meet on Monday to work on this.

Burns – Frankly I have no idea what we are talking about. I need to understand what this issue is all about.

Hall – That's an excellent point. Senator Maynard framed this at the last committee meeting. There has since been an article in the Herald. Let's use this time to educate ourselves.

Maynard – A faculty member in the College of Arts & Sciences received a reappointment. A couple of weeks later this person was informed of a breach of IT policy and was informed he would not be reappointed. A "survey" of campus revealed others including Administration were in violation of policy as well without punishment.

Rowe – This individual contacted me. I check our faculty's web sites and probably every faculty member in my college could be fired. I also checked other sites on campus. It seems a non-tenure faculty member who had been vocally critical of Administration was selectively terminated.

Stafford – I received a complaint from the person that I thought went out on the list serve.

Rowe – The punishment doesn't fit the crime. It was also done without much consult with the person's chair or dean.

Cline – This came from above the level of the dean? That's troubling.

Maynard – The thing that happened to this person can happen to any of us. The lawyer used the term capricious.

Rowe – The Executive Committee went to the lawyer not for the person but for the faculty.

Hall – In my experience with the senate this is the most serious issue that we have had to deal with.

Freer – My only suggestion is that you stick as closely to the lawyer’s recommendations as possible and stay away from individual details.

Hall – I want to recommend that the Executive Committee and concerned Senators get together on Monday and draft a resolution then send this back to the attorney for review.

Dennis White – I worry about the faculty senate getting involved in the grievance process.

Rowe – This doesn’t have anything to do with the individual grievance.

Dennis White – But it does.

Bennett – This situation has come out of the Administration’s refusal to approve the HB and have a document where everybody knows what the rules are. In January, Dr. Wyatt even asked about why we wanted increased protection for pretenured folks. I told him that one of the reasons was that we don’t trust Administration. Administration has stalled on the issue ever since. The Faculty HB is our contract but there are policies out there that Administration wants to apply to us that are not in the HB. To do nothing leaves the faculty at risk.

Freer – I suggest the chair take this under advisement but that we stop since we have no specific motion.

Stafford – It would seem that we want the procedures clarified.

Rowe – We can take the individual out but the point is that Administration is applying policies illegally to the faculty. The lawyer said non-tenured folks at ASU have less rights than secondary school teachers.

Hall – Lawyer suggested

1. Resolution
2. Faculty Senate Committee to invest/deal best use IT practices

Hall - This resolution may have been premature due to the serious nature of this issue.

ADJOURNMENT

Adjourned at 4:55 pm.

Respectfully submitted,

Troy Thomas, Secretary