

Faculty Senate Minutes  
Minutes of April 7, 2006

**FACULTY ASSOCIATION OFFICERS**

Bill Humphrey—Chair	P
Richard Freer—Vice-Chair of the Senate	P
Bill Rowe—Past President	P
William B. Maynard—Secretary of the Faculty Association	P
Margaret McClain—Secretary of the Senate	P
Win Bridges—Acting Parliamentarian	P

**PROXY**

**AGRICULTURE (1)**

Bert Greenwalt	P
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**BUSINESS (3)**

Mark Foster	Absent
Louella Moore	P
Jim Washam	Absent

**COMMUNICATIONS (2)**

Jack Zibluk	P
Osa Amienyi	Absent

**EDUCATION (5)**

Cindy Albright	Absent
Daniel Cline	P
Amany Saleh	P
Marci Malinsky	Joe Donaghy
David Holman	P

**ENGINEERING (1)**

Shivan Haran	P
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**FINE ARTS (3)**

Alyson Gill	P
Tim Crist	P
Kelly Shaefer	Stacy Alley

**HUMANITIES & SOCIAL SCIENCES (6)**

Win Bridges	P
Mary Donaghy	P
Robert Baum	Absent
Joe Sartorelli	P
Richard Wang	P
Erik Gilbert	Absent

**LIBRARY (1)**

Myron Flugstad	P
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**MILITARY SCIENCE (1)**

LTC Larry P. Aikman	Absent
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**NURSING AND HEALTH PROFESSIONS (3)**

Richard Freer	P
Donna Caldwell	Absent
Cathy P. Hall	P

**SCIENCE AND MATHEMATICS (4)**

William Burns	Absent
Bob Bennett	P

Jeff Jenness P  
Jie Miao P

**UNIVERSITY COLLEGE (1)**

Margaret McClain P

Chairman Humphrey called the meeting to order.

**I. MINUTES:** The minutes of the March 17, 2006 meeting were approved as corrected.

**II. OLD BUSINESS:**

**i. Faculty Handbook Status:** Chair Humphrey reported that when the Senate-approved Faculty Handbook was delivered to President Wyatt's office, Wyatt appeared to be very positive. Humphrey reported that President Wyatt had agreed to appear as a guest of the Senate at the April 21 meeting. Humphrey distributed a letter he received from Wyatt, in which the President also addressed the possibility that Board of Trustees Chair, Mr. Jim Pickens, would be amenable to addressing the Senate for the purpose of establishing a more productive working relationship among the university's governing bodies.

According to Humphrey, a group of four people from the Handbook Committee would comprise a subcommittee to conduct handbook meetings, examine and bring revisions before the Senate, and negotiate with the administration.

When Dr. Bennett requested that he be appointed to the committee, Humphrey explained that the full Handbook Committee would continue to exist, but that Julie Isaacson, Dick Freer, John Hall, and Robert Engelken would serve on the negotiating subcommittee, with Julie Isaacson acting as chair. Bill Humphrey said that he would be removing himself from the Handbook Committee.

Bill Rowe asked that the Senate formalize both committees.

Bill Maynard stated his belief that the Handbook Committee should have a discussion about the nature, scope, and responsibilities of the negotiating body. He further suggested that non-senators could be tapped to serve on it.

When Jack Zibluk asked what the charge of the negotiating committee was, Humphrey replied that it was empowered to meet on handbook issues, negotiate with the administration, and report back to the Senate. This committee would not be authorized to make any changes or revisions in the Handbook without a vote from the Senate.

Bill Rowe suggested that all people involved meet next week to discuss the committee composition and responsibilities, then report to the Senate.

Win Bridges advised that the composition of the negotiating committee would have to be agreed to by the Senate, whether by election or by acclamation. He stated that the taking of nominations was also appropriate.

Bob Bennett stated that he had acted as Bill Maynard's proxy in delivering the Handbook to President Wyatt's office. Bennett wanted to know if the handbook that he and the Executive Committee had delivered was the approved handbook. Bill Humphrey stated that he had given Dr. Bennett the approved handbook. Humphrey did, however, state that he had delivered the Senate's resolution condemning the Board's version of the handbook to Wyatt's office at a later date. He stated that he would be delivering the March 3 resolution, along with the handbook's appendices.

Dr. Sartorelli took issue with the inclusion of appendices since the Senate had not approved them.

Dr. Humphrey said that Donn Mixon had sent the appendices along with the handbook.

Allyson Gill asked that the Faculty Handbook and the two resolutions (minus the appendices) be delivered to Les Wyatt's office on Monday. Dr. Humphrey agreed to do so.

Dr. Bennett explained that the appendices were not part of the handbook per se. The Handbook Committee had decided to work on the handbook first and address the addenda later.

ii. **Senate Reapportionment Report:** Chairman Humphrey provided the reapportionment figures, as per the reapportionment procedure provided by Dr. Lynn Howerton. The number of senators to represent each college for the 2006-2007 academic year are as follows: Agriculture (1); Business (3); Communications (2); Education (5); Engineering (1); Fine Arts (3); Humanities and Social Sciences (5); Library (1); Military Science (1); Nursing and Health Professions (4); Science and Mathematics (4); University College (1). Humanities and Social Sciences registered a loss of 1 senator, and Nursing and Health Professions gained 1 senator.

iii. **Library Issue Report:** Dr. Humphrey reported that the library director was out of town and would not be able to address the Senate.

iv. **Post Office:** There was a discussion of the upcoming closing of ASU's post office. Jeff Jenness stated that the United States Postal Service had not yet told ASU what it intended to do. Originally, the USPS had intended to relocate its facility to the Student Union; most people believed the issue had been settled. Recently, however, a letter from the USPS alleged that the ASU administration did not want to negotiate with the postal service. Jenness supplied a copy of the letter. (See attached Adobe file.)

Dr. Humphrey believed the issue had been resolved. Dr. Maynard said that postal service employees also believed the issue had been resolved. Jeff Jenness added that according to Dr. Hammerand, the ASU website stated that the ASU zip code could change.

Bill Humphrey opined that the ASU zip code was part of the university's identity. He added that the post office must notify customers 60 days before closing. Apparently, United Parcel Service has bid on the mail delivery contract for ASU; Humphrey said that if UPS took over, the cost to students would rise.

Jeff Jenness said that the rents at the Union would be escalating. He gave the Senate the following name of a postal official and a phone number at the USPS where people could complain: Steve Seewoester (214-819-8707).

Bill Maynard gave the opinion that the postal service fiasco was just another example of the administration's willingness to "run down" the university.

According to Jenness, the bid process is underway.

Dr. Zibluk contributed information regarding Pak Mail's experience with the bidding process. He stated that his acquaintances, the owners of Pak Mail, were discouraged from bidding on ASU mail delivery. As far as Zibluk knew, there was only one bid – that of UPS. However, other faculty members had heard that new bids are being solicited. In any case, there was general agreement that mailbox rents under any new private mail service at ASU would rise steeply.

Chair Humphrey suggested that the Senate ask Jennus Burton's office to clear up the confusion on the mail delivery issue.

Dr. Maynard suggested that the Senate (1) enlist the assistance of the SGA; (2) ask for an explanation from the administration; and (3) ask for the help of federal legislators, Congressman Marion Berry and Senator Blanche Lincoln.

Bill Humphrey said that the Senate had already passed a resolution supporting the continuation of USPS mail delivery at ASU as well as the continued use of the 72467 zip code.

Dr. Maynard suggested that the original committee should reconvene for further study on the post office issue.

Allegedly, a letter from Jennus Burton regarding the post office issue is in Congressman Berry's office. Dr. Wang believed that unless the Senate attained a copy of Burton's letter, discussing the alleged letter was a waste of time. He stated that the Senate had already made its stand clear in a resolution.

Apparently, due to internal politics, Berry's office will not release the letter from Burton.

Dr. Zibluk called for a reaffirmation of the Senate's support of the USPS facility and zip code at ASU. The resolution to "reaffirm our support of the ASU post office" passed unanimously.

Dr. Bennett brought up the issue of committee reports on the Senate agenda. He wondered why there had not been any recent UPC and other committee reports. Bill Humphrey reported that the UPC would be meeting next week. There had not been reports of the President's Council because it had not met in about a year. Dr. Bennett expressed incredulity that these and other committees were not meeting regularly. Dr. Humphrey's explanation was that the President had been out of town much of the time.

**v. Discussion of Governance Committee Appointments:** Dr. Humphrey reported that in response to his call for volunteers to serve on university committees, he had received about 70 positive responses. He stated that the Executive Committee needed to ensure that the volunteers were qualified for each position; that they were tenured if tenure were required; that the members were representatives of a good cross-section of all colleges; and that diversity guidelines were met. Humphrey stated that the Executive Committee would bring appointments to the Senate for approval.

Humphrey went on to say that while some faculty members either wanted to (1) refuse to participate in shared governance or (2) follow only the 1996 handbook, he believed that we should follow the 2006 Senate-approved handbook. He asked for discussion.

Dr. Maynard introduced a resolution drawn up by a number of departments to (1) reject the Board's "manual" and (2) recognize only the 1996 handbook. He went on to read Donn Mixon's concurring opinion that we should use only the legally approved handbook, which is the 1996 version.

Dr. Humphrey disagreed in that the SGA and Staff Senate would be serving on shared governance committees; the Faculty Senate would have no representation on many committees if it followed the 1996 handbook because several of today's committees were not listed in the 1996 version. In addition, Humphrey felt that it would not be wise to force the administration's hand. It was his belief that the administration was acting in good faith in that Les Wyatt had agreed to address the Senate.

This sentiment was echoed by Win Bridges, who stated that a Senate decision to follow the 1996 handbook would have no effect on the administration's call for volunteers to serve on committees. He too believed that the administration was acting in good faith.

Dr. Bennett stated that there was much ill will on the part of many committee members because they had been asked to serve for three years instead of the customary two years. Last year many committees were not changed. He questioned that this action may have been a contractual violation. Bennett urged the Senate to negotiate with the administration and try to solve the impasse within a few weeks.

Dr. Maynard stated that the sudden call for volunteers seemed to be a "ramrod push" by the administration to show that ASU is following shared governance principles. He urged the Faculty Senate to take Donn Mixon's paid-for legal advice.

Dr. Jenness noted that the 1996 handbook was not even being followed in all areas. It was being loosely applied; for example, some committees not mentioned in the 1996 handbook are, nevertheless, operative.

Dr. Maynard stated that the HLC is very concerned about the widening gulf between and among governing bodies at ASU.

Dr. Phillips, speaking only for himself, said he believed that Lucinda McDaniel held the legal opinion that the Board's handbook was operational. Phillips stated that he saw no differences between the shared governance sections in the Faculty Senate's and the Board's handbook.

Dr. Maynard stated that the Faculty Handbook is a whole, not a document that should be looked at in parts. Furthermore, the Board's handbook states that it is not a contract, a key provision that is usual across the country.

### **III. NEW BUSINESS:**

- i. **President-Elect Election:** Bill Humphrey explained that he had appointed a nominating committee of Richard Wang, Marci Malinsky, and John Hall. He added that since the election was supposed to have been held at the end of March, time was of the essence. Dr. Wang explained the plan to elect a new President to take office in fall 2006. Wang stated that Dr. Hall had found a way to overcome the delay and outlined the steps in the proposed emergency election process as follows: (1) the Chair of the Senate appoints the nominating committee, a step that has already been completed; (2) the Chair of the Senate solicits nominations in several venues – at this meeting, on the listserv, by word of mouth, and by other means; (3) the call for nominations will have a deadline of April 14; (4) the Chair will submit the list of nominees by email to Dr. Wang by the 14<sup>th</sup> of April; (5) the nominating committee will submit the nominees to the Senate; (6) those nominees accepting their nominations will issue by April 17 a statement of principles to be sent electronically to all faculty; (7) the election will take place by secret ballot from 10:00 am to 3:00 pm on April 21 in the Library lobby; (8) the results will be tallied and reported to the Faculty Senate at its April 21 meeting.

After Dr. Wang's report, there was some discussion about the delayed election. Dr. Bennett pointed out that the delay in the election was a violation of the bylaws, and he wanted to know why the delay had occurred.

Dr. Bridges pointed out that two resolutions were needed—one to suspend the bylaws for expediency and another to approve the emergency election procedure.

Dr. Cline moved to suspend the rules; the motion passed unanimously.

Dr. Maynard moved to accept the emergency election procedure as outlined by Dr. Wang. The motion passed.

Discussion followed. Dr. Bennett again asked for an explanation for the election delay, and Dr. Humphrey said he was not aware of the election deadline rule. Other faculty members also pressed for an explanation.

#### **ii. Use of Vacation Time by Twelve-Month Faculty:**

Jim Farris brought up an issue related to a Staff Senate movement. The following is the original note sent to Farris's CNHP Senators and the link for the Staff Senate proposal:

"CNHP Senators:

I'd like for you to propose to the Faculty Senate that they tell Human Resources the 12 month faculty would like to adopt option 1 from the Staff senate's Christmas vacation schedule. I prefer NOT to be charged vacation time on days that I could actually be getting things done."

<http://apps.astate.edu/news/viewMessage.php?MessageID=82C9A3CA-6B94-41A0-AC5C-8348F88B9C3C>

The purpose of Farris's request was to have the voice of the 12 month faculty heard in this issue. He did not believe that it was appropriate for the staff to be treated differently from the faculty with regard to charged vacation time. As a 12 month faculty member, Farris said he preferred the Staff Senate's first option. He commended the Staff Senate for being proactive on Human Resources issues.

Dan Cline has followed up on this issue; he and Farris believe that JW Mason is aware of the discrepancy and that a change in the assignment of vacation days must come from the President's Office and would apply to all employees.

Farris asked that the Faculty Senate stay informed of this issue, consider the Staff Senate's proposal with the 12 month faculty in mind, and provide Dr. Cline (the Fringe Benefits Committee representative) with the Senate's position.

#### **IV. ANNOUNCEMENT:**

Dr. Humphrey announced that the reception for retiring faculty members would take place at the Fowler Center on April 11.

#### **V. ADJOURNMENT:**

In the absence of further business, the meeting adjourned at 4:25 pm.