

Faculty Senate  
Minutes of October 17, 2003

Call to Order: The meeting was called to order by President William Rowe at 3:01 p.m.

**FACULTY ASSOCIATION OFFICERS**

		Proxy
Bill Rowe – President (Fine Arts)	P	
John Hall – Secretary / Treasurer (Education)	P	
Bob Bennett – Immediate Past-President (Science & Mathematics)	P	
Debra Walden- Vice-Chair of the Senate	P	
Bill Humphrey – Secretary of Senate	P	Bud Kennedy

**AGRICULTURE (1)**

Bill Humphrey	P	Bud Kennedy
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**BUSINESS (3)**

Dan Marburger	P	
Terry Roach		
Jim Washam	P	
Gauri Guha		

**COMMUNICATIONS (2)**

Bob Franklin		
Marlin Shipman	P	

**EDUCATION (5)**

Cindy Albright	P	Paul Finicum
Kris Biondolillo		
Dan Cline	P	
Charlotte Skinner	P	

**ENGINEERING (1)**

Tom Parsons

**FINE ARTS (3)**

Allyson Gill	P	
Ken Hatch	P	
Bert Juhrend	P	Julie ????

## **HUMANITIES & SOCIAL SCIENCES (6)**

Ernesto Lombeida	
William Maynard	P
Larry Salinger	
Joe Sartorelli	P
Richard Wang	P

## **LIBRARY (1)**

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

## **NURSING AND HEALTH PROFESSIONS (3)**

Judith Pfriemer	P
Troy Thomas	P
Debra Walden	P

## **SCIENCE & MATHEMATICS (4)**

William Burns	P
David Gilmore	P
Jie Miao	

Minutes: The minutes of the October 3, 2003 meeting were approved as distributed without corrections.

Old Business:

**Faculty Housing** – Rowe discussed a complaint he has received from a faculty member related to a disparity in rules governing length of residence. Rowe stated that he would have a report ready at the next senate meeting concerning these rules and their enforcement.

**Meeting with Attorney-** Rowe reported that only a few members of the executive committee were able to meet with an attorney off campus to discuss handbook concerns. He described that meeting as informal. Rowe stated that he is in the process of scheduling a subsequent meeting. Rowe summarized Don Mixon's opinions for the senate as follows:

The handbook is indeed a contract and the concerns that the executive committee has shared are important. Mixon advised that the appropriate approach to dealing with these concerns would be to proceed through channels offered at the University. He noted that if agreements cannot be

worked out through these channels, then the next step in their resolution would involve litigation.

Senator John Hall noted that Mixon's advise to follow routine opportunities for resolution on campus also related to the issue of access to files that were denied the University Hearing Committee as grievance issues were considered. Hall noted that Dr. Brady Banta is the new chair of the UHC and that the committee seems reluctant to request personnel files in the cases of grievances that have already been concluded. Hall stated that Mixon suggested that the Faculty Senate acting on behalf of the entire faculty might request access to these files. Senator Maynard asked if there were any evidence that previous University Hearing Committees had access to files and asked if the UHC considered to current denial to access at variance with how records were shared in the past. Hall responded that members of the UHC have expressed genuine concern. Senator Pfriemer noted that the former chair of the UHC, Julie Isaacson, has stated that in the past files were never denied the committee.

Dr. Paul Finnicum, proxy for Cindy Albright, requested permission to address the senate. He expressed his desire to provide "personal yet factual" input related to his own recent experience with the promotion process. He noted that he had been tenured in 1992 and promoted to associate professor in 1996. In Fall of 2002 he made application for promotion to full professor. Finnicum noted that a denial of promotion came from the VCRAA despite support from department, chair, the college and his dean. Finnicum stated that he elected to grieve the decision made by the VCRAA. He noted that the UHC had requested that files of other promotions be made available for comparison and that this request was denied. Finnicum stated that he was sent a letter from UHC stating it was unable to carry out its task due to lack of access to other files. He stated that he received a letter from Dr. Wyatt stating that the committee had found "no evidence of institutional error". Finnicum stated that he initiated the grievance with a full understanding of the process. He noted that he had two reasons for addressing the senate. First, the process for promotion and tenure on this campus needs to be objective; and secondly, the UHC should not be denied information protected by the Freedom of Information Act.

### **Higher Learning Commission Report**

Senator Maynard discussed a senate concern related to the nature of the HLC report available on campus. He noted that Dr. Wyatt sent a copy to President Rowe and that the copy on the senate WEB site is the correct document. Maynard stated that he has requested a copy of the 1993 HLC report in order to compare findings with those contained in the current report. He noted that a senate sub-committee would issue a report of these findings.

New Business:

## **AAUP/NCAA Conference**

President Rowe reported that three senate representative had attended a conference entitled “ Making Teamwork Work” in Indianapolis. This conference was co-sponsored by the American Association of University Professors in collaboration the NCAA Coalition on Intercollegiate Athletics. Representing the senate were Senators Maynard, Marburger and Ex-officio President of the Senate Bennett.

Senator Marburger reported on the coalition that was initiated by highly successful athletic programs. This group recognizes that programs have serious problems related to the “corruptive effect of money”. After discussing the economic issues related to Division I, II, and III athletic programs, Marburger noted that the NCAA required presidents to appoint a faculty athletic representative. He noted that in most universities, this individual is appointed by the faculty senate and then makes regular reports to the senate. He stated that this is not true at A.S.U. where the President makes the appointment.

Marburger also reported on the findings of a study commissioned by the NCAA on the economics of intercollegiate athletics. Senator were provided copies of the major findings. Marburger elucidated a variety of the conclusions presented in the study. Marburger noted that he was a firm believer in the place of athletics to support the mission of the university. Ironically, athletics are always argued to be a revenue generator. Marburger noted that this, in fact, is not true. Athletics are not a financial investment that “washes back” to academics. A question for consideration then is what is the true role of athletics within the university.

Senator Maynard also reported on conference highlights. He discussed findings of the sessions he attended on shared governance. He referred to changes that have taken place under the administration of Lu Hardin at U.C.A. He noted that Dr. Rebecca Williams, a faculty member who was largely involved in the shared governance changes at U.C.A would be a guest speaker at the next faculty senate meeting, November 7, 2003. Maynard provided the faculty with copies of a shared governance document and asked that senators review the documents before Dr. Williams’s presentation.

Maynard also reported that the AAUP is interested in increased faculty involvement in the hiring, promotion and retention of chief executive officers.

Senator Bennett commented that other campuses in attendance at the conference had shared governance that worked. He noted that there are certain issues for which the faculty have primacy and that active faculty senates work well within active, robust systems of shared governance. He suggested that ASU could have this as well.

## **1996 Shared Governance Proposal**

Senator Wang provided the senate with copies of a document dated 1996 entitled *The Faculty Senate and Campus Governance: Some Tentative Proposals*. Wang offered a history of the document noting that it was presented to Dr. Wyatt and was rejected. Wang noted that the president has philosophical concerns and at that point collaboration on the proposal ended. Wang stated that Dr. Wyatt did not provide a written explanation of his objections. Wang requested that the document be offered to the shared governance task force of the new Strategic Planning Council.

## **Proposed Resolution**

President Rowe distributed a resolution brought forward by the Executive Committee of the Faculty Senate for review and consideration by members of the senate. The documents *Recommendation for a Class Grievance Against the Vice Chancellor for Research and Academic Affairs: Susan Allen Background and Remedies* and the resolution proper were read into the minutes by Dr. Bob Bennett. (See attachments)

Parliamentarian White voiced questions related to procedure. He asked if it was the senate's intention to circulate the proposed resolution and documents to all faculty in order that senators might obtain feedback. Rowe responded affirmatively. White also asked about the nature of a class grievance. Bennett responded that to date there has been no satisfactory outcome with individual grievances and that the next step, logically, is to grieve on behalf of the faculty. White noted that the individual grievance procedure is spelled out. He asked if the executive committee would be functioning as an individual. He also stated that the individuals who grieved did have legal recourse. Bennett suggested that the goal of the executive committee in this action be to support and protect the PRT process. He noted that the AAUP supports the class grievance as logical.

Dr. Susan Allen, VCRAA, requested permission to address the senate in order to provide additional information. She stated that she had "never intended" to change the PRT rules. She stated that she had familiarized herself with PRT guidelines. She also noted that multiple documents, not just the faculty handbook, govern an individual performance. These include documents of the department, college and university. Allen suggested that she had discussed issues related to PRT in a "variety of fora". She also noted that two grievances had been resolved with a finding of "no institutional error". In the case of the other grievance, the UHC would not make a recommendation due to the lack of available records. Allen suggested that she had shared those records that were available.

Rowe reminded faculty that a Dr. Rebecca Williams would be the guest speaker at the next meeting of the senate November 7, 2003.

There being no further business, the meeting was adjourned by President Rowe at 4:15 p.m.

Debra Walden,  
Acting Recorder

**Arkansas State University Faculty Senate  
Executive Committee  
Recommendation for a Class Grievance Against the Vice Chancellor for Research  
and Academic Affairs: Susan Allen  
October 17, 2003**

**Background**

Three faculty members who were denied promotion during the 2002-2003 academic year filed grievances against the recently appointed Vice Chancellor for Research and Academic Affairs (VCRAA) during the Summer of 2003. Because of the issues involved, University Hearing Committee (UHC) Reports that resulted from these grievances have been carefully examined by the Executive Committee of the Arkansas State University (ASU) Faculty Senate and the Officers of the Faculty Association. These groups have also sought independent legal counsel in regard to these matters. All of the Reports raise serious concerns related to promotion recommendation decisions made by the VCRAA. Specifically, the results of the examination provide strong evidence that the VCRAA violated Section V Promotion, Retention, and Tenure (PRT) Policies and Procedures of the ASU Faculty Handbook of Policies and Procedures (1996) and the existing Criteria for Promotion and Tenure in a manner that is of significant concern to: (a) faculty who filed the grievances, (b) faculty who were not recommended by the VCRAA during the 2002-2003 academic year for promotion and/ or tenure who did not file grievances, and (c) the entire Arkansas State University faculty. Furthermore, the UHC was denied access to relevant files which were requested in an attempt to determine if the administration was violating existing university policies on faculty promotion.

It is important to note that Section V #3 of the PRT policies in the Faculty Handbook explicitly states that, "It should not be necessary for each candidate to be outstanding in every area." The evidence uncovered in the grievance process, however, indicated that the VCRAA required the applicants to be outstanding in scholarship as evidenced by nationally and internationally referred publications in order to receive a favorable recommendation for promotion.

In addition, the record indicates that the VCRAA did not follow the stated criteria for evaluating scholarship. Specifically, the VCRAA changed the weighting associated with the different types of scholarship. This change occurred without prior notice to applicants and in violation of shared governance procedures that exist for establishing PRT criteria. The VCRAA redefined scholarly contributions to include only long term, regular, and recent nationally or internationally referred publications. This interpretation and practice is not consistent with past promotion, retention, and tenure decisions at ASU. Relevant departmental and college documents approved by the University Promotion, Retention, and Tenure Committee (UPRTC) explicitly include additional types and levels of contributions as evidence of scholarly productivity. The application form for promotion distributed by the UPRTC elicits information about these contributions, and the UPRTC approved no change in the criteria for scholarly contributions. Furthermore, applicants were not informed of this new weighting until the VCRAA met individually with each concerned faculty member following the denial of a favorable recommendation to the President for promotion.

### **Remedies**

Given that the issues resulting from the 2002-2003 PRT process are relevant to all faculty and are related to shared governance, the Executive Committee recommends that the Faculty Senate pass a resolution authorizing that a class grievance be filed on behalf of the ASU faculty.

The remedies sought through this grievance are two-fold:

First, if the UHC finds that the PRT Policies and Procedures have been violated, they will issue a report to the President detailing these violations with a recommendation that the President instruct the VCRAA to cease and desist from these violation in the future.

Second, if the UHC finds that the PRT Policies and Procedures have been violated the committee will call for the President of ASU to recommend in writing to the ASU Board of Trustees that the currently employed grievants be promoted unless he provides explicit, written reasons consistent with existing PRT policy for making a contrary recommendation. The President will issue a letter to each grievant within 10 business days following receipt of the UHC Report stating whether the faculty member will be recommended to the Board for promotion. The letter will explain the reason/s for the decision. If applicable, the ASU Board of Trustees should make the final decision on the recommended change in a condition of employment pertaining to these individual faculty members at the next regularly scheduled board meeting (i.e., December 19, 2003). If approved these individual faculty members will receive all retroactive salary adjustments for the 2003-2004 academic year and if applicable salary equity adjustments.

The President of ASU will independently review the PRT applications of all remaining faculty who applied for promotion and/or tenure during the 2002-2003 academic year but were not recommended by the VCRAA. In each case the President will adhere to the recommendation made by the UPRTC unless he provides explicit, written reasons consistent with existing PRT Policy for making a contrary recommendation. The

President will issue a letter within 10 business days following the receipt of the UHC Report to each applicant which will state whether the faculty member will be recommended to the ASU Board of Trustees for promotion and/or tenure. The letter will explain the reason/s for the decision. If the applicants under review are recommended for a change in a condition of employment this decision will be forwarded to the ASU Board of Trustees for final approval. If applicable, the Board should make the final decision on the recommended change in a condition of employment at the next regularly scheduled board meeting (i.e., December 19, 2003). If approved, these applicants will receive all retroactive salary adjustments for the 2003-2004 academic year and if applicable salary equity adjustments.

**ASU Faculty Senate Resolution**  
**Class Grievance Against the Vice Chancellor for Research and Academic Affairs**  
**Susan Allen**  
**October 17, 2003**

Whereas all Arkansas State University faculty have an interest in the manner in which promotion, retention, and tenure criteria are developed, disseminated, and applied.

And, whereas Section VI of the Arkansas State University Faculty Handbook of Policies and Procedures (1996) Faculty Grievance Procedure affords to members of the university faculty, dissatisfied with policy, programs, or practice the right to seek redress through the faculty grievance procedure.

And, whereas individual faculty should not be expected to take on the burden of correcting institutional errors of a broad nature, but rather that burden should be assumed by the body elected to represent faculty at the institutional level.

And, whereas the policies on faculty promotion are not being followed by the administration.

And, whereas the faculty is being denied the right to determine if the policies on promotion are being followed by the administration due to denied access to relevant files.

And, whereas the VCRAA has not communicated to the faculty the changes in weighting associated with scholarship.

And, whereas the VCRAA appears to have separated herself from an integrated PRT process.

The Arkansas State University Faculty Senate resolves to authorize the Executive Committee to file a class grievance on behalf of the Faculty Senate with the UHC against the VCRAA for the above institutional errors.