

**Faculty Senate
Washburn University**

*Minutes of Jan. 26, 2009
Kansas Room, Memorial Union*

Present: Arterburn, Berry, Bowen (VPAA), Byrne, Camarda, Concannon, Croucher, Duncan, Ginzburg, Jackson, Jacobs, Kaufman, Kerchner, Lockwood, Manske, McGuire, Melick, Naylor, Patzel, Porta, Pownell, Prasch (President), Ray, Routsong, Russell, C. Schmidt, S. Schmidt, Sharafy, Shipley, Sullivan, Unruh, Walker, Wunder, Wynn

- I. The meeting of the Faculty Senate was called to order at 3:34 PM.
- II. The minutes of the Faculty Senate meeting of Dec. 8, 2008 were approved.
- III. President's Opening Remarks.
 - A. Prasch reported to the Senate that the proposed Regulations and Procedures for Electronic Information Security appeared to be "dead in the heart." He also mentioned that the proposal was discussed at a dean's meeting and that university administrators are aware of the faculty's complaints about the proposed document. Though it was too late to add the resolution that Prasch sent the president on behalf of the Senate to the Jan. 29th General Faculty meeting, it is possible that it will appear as a discussion item at the May meeting.
- IV. Report from the Faculty Representatives to the Board of Regents.
 - A. Prasch reported that the Board of Regents committed to a systematic strategic planning project at the December meeting.
 - B. At its January meeting, Prasch stated that the BOR adopted an early retirement policy in hopes of picking up some savings for the university. Speaking about the early retirement policy, Bowen reported that although a May 31st retirement would be effective, an individual could go ahead and teach summer school. She also stated that a TIAA-CREF contribution would be paid on the early retirement incentive amount and that the policy would need to generate a net savings of \$250,000 in the first year in order to be adopted.
- V. Faculty Senate Committee Reports. There were none.
- VI. University Committee Minutes.
 - A. The minutes from the International Education/ International WTE Committee meeting of Dec. 11, 2008 were accepted.
 - B. The minutes from the Assessment Committee meeting of Sept. 12, 2008 were accepted.
 - C. The minutes from the Research Grants Committee meeting of Nov. 4, 2008 were accepted.

VII. Old Business (revisited).

- A. Prasch reported that he had met with President Farley about Farley's objection to the changes to the faculty grievance policy that the Faculty Senate proposed in Action Item 08-05a ("Proposed changes to the currently existing Grievance Policy and Procedure" which is Appendix IX of the Faculty Handbook). Prasch passed out a photocopy of Farley's letter outlining the president's "non-concurrence with the proposed policy."
- B. Please find immediately below a copy of Farley's letter that was distributed by Prasch to the Senate:

TO: Tom Prasch, President, Faculty Senate
Courtney Sullivan, Secretary, Faculty Senate

FROM: Jerry B. Farley, President

DATE: January 25, 2009

I have reviewed the proposed changes to the faculty grievance policy. Rather than addressing each amendment, there are overarching reasons that lead me to non-concurrence with the proposed policy.

The proposed language in Appendix IX E. adds "including conflict of interest..." It seems to me this is unclear and unnecessary. Since the conflict of interest policy is a "term and condition of a faculty member's employment", the existing grievance procedure already may be used to grieve "any complaint" arising from actions from application of the conflict of interest policy. Thus, the proposed added language is unnecessary.

Nor, can I concur with the deletion of E. (a) which recites that the grievance procedure is not applicable for complaint "concerning petitions for promotion, tenure, termination or non-reappointment..." I cannot see how deleting this language has anything to do with the conflict of interest policy and in my opinion is not in the university's best interest. Further, there is already a special appeals procedure for termination of faculty; By-laws of the Washburn Board of Regents Article V Sections 8 and 9.

Therefore, as provided by V.G of the Faculty Senate Constitution, I express non-concurrence with the changes to the existing Grievance Policy and Procedure. As prescribed by the Faculty Senate Constitution, if you wish, the Washburn Board of Regents shall be notified of the action of the Faculty Senate along with the non-concurrence of the President and stated reason for non-concurrence.

- C. Prasch stated that Farley's objection was two-fold: he finds the proposed addition "including conflict of interest..." unnecessary and he objects to the deletion of E (a) which states "the policy and procedure shall not extend to complaints concerning petitions for promotion, tenure, termination or non-reappointment..."

- D. Prasch suggested that if the Senate is serious about drafting a grievance policy for tenure, than such a policy should be addressed as a separate issue, one that would be initiated by the Faculty Affairs Committee.
- E. Prasch said that the Senate has essentially two options:
 - 1) The Senate could let the action item go to the BOR and the Regents would have to consider both the Senate's recommendation and Farley's objections before deciding the final outcome on the document. It is likely the BOR would side with Farley in this matter.
 - 2) The Senate could draft a separate document.
- F. Prasch stated that the Senate could stand with what it has or send it along to the BOR.
- G. A provisional vote to pass the document forward to the BOR was held and no one voted to pass it forward.
- H. A motion was then made that the Senate take no further action with respect to referring this particular item to the BOR. The motion was seconded and passed.
- I. Prasch also brought up the issue of whether the President's letter does all it needs to do in terms of grievance.
- J. Ray made a motion to remand the "conflict of interest policy" back to the FAC. The motion was seconded and passed.
- K. Ray moved to have the FAC add that the grievance policy should be extended to cover grieving tenure and promotion decisions. She suggested that the FAC look at other universities and investigate other policies to determine at what point a faculty member denied tenure should file for grievance. The motion was seconded and passed.

VIII. New Business.

- A. Prasch gave the background on the proposed "Revision of the catalog language on repetition of courses" (Action Item 09-02). In a word, a student who earned a C in a math class but who needs a B in the class has not been allowed to retake the course because he earned a C. The student asked the Senate to revise the catalogue language on repetition of courses so that he could retake the course in hopes of earning a B.
- B. Lively discussion on the pros and cons of allowing students to retake course several times ensued. A motion was made by Jacobs to amend the document by changing the language to "undergraduate courses may be repeated" and by deleting the underlined sentence.
- C. The Senate voted on the amendment. Eighteen senators voted in favor of it and 10 opposed it. The amendment passed and the action item closed on first reading.
- D. Prasch gave the background on "The vote of no confidence in Mike Gunter as head of Information Systems and Services" (Action Item 09-01). He emphasized the two issues at the heart of the action item, the first being the problem that academic computing does not report to an academic head and the second being the issue with Gunter's personal leadership.
- E. Some senators expressed concern over the consequences of the vote of no confidence and Prasch emphasized the fact that the senate is the voice of the

faculty, which may or may not be heard. He said that the spirit of the faculty will be reported to the vice presidents and that it is possible that it could be ignored. He reminded the Senate that it does not have the power to fire Gunter.

- F. VPAA Bowen outlined the plans to hire consultants to draft the RFP and VP Hill stated that bringing in a consultant would be a good step. Bowen presented a typical timeline for the RFP, stating the length of time would be similar to a faculty search.
- G. Lockwood and McGuire stated that they wanted to hear from Gunter and Prasch announced that he would invite Gunter to the next FS meeting or at least give him a chance to respond in writing to the issues raised in the appendix. Camarda suggested that Prasch ask for a written statement and give Gunter a deadline for a response.
- H. A motion to close the action item on first reading was made and seconded.

IX. Announcements.

Prasch announced that the next Senate meeting would take place on March 9.

X. The meeting was adjourned at 4:58 P.M.

Respectfully submitted by Courtney Sullivan, Secretary to the Faculty Senate.