

Washburn University  
Meeting of the Faculty Senate  
November 4, 2024 at 3pm  
Meeting in Forum Room Hosted by FS Executive Committee

- I. Call to Order
- II. Approve minutes-
  - October 21, 2024 (pages 2-15)
- III. President's Opening Remarks
- IV. WUBOR/KBOR Update- Tonya Ricklefs
  - KBOR
  - WUBOR
- V. VPAA Update - Dr. John Fritch
- VI. Consent Agenda –
  - Faculty Senate Committee Reports-
    - FAC Minutes 10-7-24 (pg16-17)
  - University Committee Reports-
    - International Education Committee Minutes 10-22-24 (pgs 18-19)
    - General Education Committee Minutes 4-25-24 (pgs 20-21)
- VII. Old Business
  - 25-3 Termination Policy (Fritch) (pgs 22-38)
    - Action Item (22-29)
    - Proposed Amendements (pg 30)
    - Action Item with proposed amendments integrated (31-38)
    - Time for feedback from divisions/constituents
  - 25-4 Amendment of FS Constitution: FS and Gen Fac Items (Schmidt) (pg 39)
- VIII. New Business-
- IX. Information Items-
- X. Discussion Items-
  - Plass Renovation (Bearman)
- XI. Announcements
- XII. Adjournment

+Washburn University  
Meeting of the Faculty Senate  
October 21, 2024 at 3pm  
Meeting in Forum Room Hosted by FS Executive Committee

**Present:** Cook, Dahl, Davies, Francis, Fritch, Gonzalez-Abellas, Hansen, Harnowo, Hartman, Heusi, Holt, Hu, Kay, Lambing, Lolley, Maxwell, Miller, Perret, Schmidt, Schnoebelen, Scofield, Sneed, Steffen, Stevens, Toerber-Clark, Wagner, Williams

**Absent:** DeSota, Dickinson, Kendall-Morwick, Mosier, Ricklefs, Smith

**Guests:** Broxterman, Grospitch, Holthaus, Hutchinson, Lanning, O'Neill, Wade, Worsley, Burdick, Barnett, Kohls, Lisher, Frank, Fried, Sun

- I. Call to Order at 3:02 by Schnoebelen
- II. Approve minutes- Moved by Kay and seconded by Cook. Motion approved unanimously
  - September 16, 2024 (pages 2-6)
- III. President's Opening Remarks - none
- IV. WUBOR/KBOR Update- Jim Schnoebelen
  - KBOR
  - WUBOR – See updates sent out by PR team/Dr. Mazachek. Appreciate the emails keeping us informed and coming out before the meeting so we can know what will be considered.
- V. VPAA Update - Dr. John Fritch
  - Sense of semester is that we are at a half-way point, very busy, but it still seems like we are still just getting started. Appreciate work everyone is doing to keep things going. A 27% increase in first year students is a lot. We won't see this increase every year. ☺ When I talk to students, they are consistently proud and excited about the faculty.
  - Faculty Senate is a place where I can get information to folks. One of these items is health insurance increases for singles (very small amount, \$5, \$10, \$14.50) Overall policies are going up by \$70 so Washburn is covering most of the increase. We are self-insured, so we collectively are paying for each other. Pharmaceuticals are the primary driver and BCBS is going to a system where they will *double check with doctors* to see if high-cost medications can be replaced with equivalent medications that cost a lower amount (High Touch Program). (*Emphasis from FS secretary to indicate that this is being done in consultation with the doctors and does not mean people won't be able to get the medicines they need.*)
  - Video retention – Washburn has decided, through ITS, that we would retain videos for 2 years. If they are not touched in two years, they will be moved to archives. If not looked at for another two years, they will be removed from the server. We currently have 2-5X more material than the archive contract allows for. (COVID created lots of material through video

lectures that is now just sitting there.) My recommendation is to make copies for yourselves of anything you want to make sure you have.

- Schnoebelen – It would be good to take this information back to your units.
- Schmidt – Do we have a records retention policy? Fritch – No
- Lolley – If students open the video, does that count as a “touch”? Fritch – I believe so.
- Williams – Will there be an alert that videos will be deleted? Fritch – That may not exist now, but I have asked that they do something like that. I would prefer it to occur before going to archive since that takes a bit of work to get it back. I won’t promise this though, since there is so much to get caught up with from COVID.
- Kay – Has this already happened? Fritch – Just starting to archive for first time so nothing has moved to deletion.

VI. Consent Agenda – Move to accept as a block by Steffen, 2<sup>nd</sup> by Kay. Motion approved unanimously.

- Faculty Senate Committee Reports-
  - FAC minutes (pgs 7-8)
  - AAC minutes (pg 9)
  - Graduate Counsel minutes (pgs 10-11)
- University Committee Reports-
  - Assessment Committee Minutes (12-13)

VII. Old Business

- FS Action Item 24-14 Corrections to Faculty Senate Constitution (Wagner) (pg 14)
  - Wagner – this was an action we voted on last year in Faculty Senate to correct some typos in the number of days before a meeting that Agendas must go out. This should have gone on to General Faculty, but we did not vote to do so and this needs to happen.
  - Moved to send on to General Faculty as an Action Item by Cook and seconded by Steffen. Schmidt states that this should happen automatically since the Faculty Senate Constitution requires all amendments go to General Faculty. Wagner agrees that the section on amendments says it needs to go to General Faculty, but that it is not listed as an item automatically going forward in earlier sections. Having a specific vote makes sure it goes. Motion passes unanimously for 24-14 to move to General Faculty as an Action Item.
- FS Action Item 25-1 Middle School Math (Steffen) (pgs 15-17)
  - This is a stop-gap measure since state is moving to Core Math licensure that is working its way slowly through the state system. Since the state has not approved this licensure, we cannot advertise the degree we passed for this purpose. We already had a middle grades math/science degree with licensure, so this will give students a program they can graduate with where they can be

licensed. This is covering students who are ready to teach but we don't have a program for them.

- Move to approve by Lolley and seconded by Scofield. Wagner – How is this different from the program we approved last year? Steffen - Issues with Licensure at state level means we can't use that program yet. We need to use this program which can be used at state level. Once the state passes licensure standards then this degree will drop off and the Math program passed last year will go into place. Cook: just want to confirm that the Math Department Degree will be the one used in the future. Steffen – Yes, students will need this for the coming semester, but once we get through the standards at state level, will use the program we approved last year. There can be big delays at the state level when getting things approved (6-12 months....) Would like to think by end of next year this will be done.
- Schmidt – How does this work since the catalog is already out? O'Neill – typically don't approve new options once the catalog goes out but given this specific situation, then we will add an addendum to get this through. Schmidt – Are there additional costs to offer this program? Steffen -No, all classes are currently part of other programs, so nothing added with the exceptions of the practicums that adjuncts can cover.
- Motion for Middle School math passes unanimously
- Move to pass on to General Faculty as an Action Item – Steffen moves and Lolley seconds. Scofield – this does not need to move forward based on our current constitution or what we think we might change it to. (It's not a new degree program.) Schmidt does not think it needs to go forward either. It should be sent forward as information item absolutely. Williams – Does Education want it to go forward? What is the benefit of this? Steffen – Can't think of any reason why it would need to go forward. To my knowledge the State has never gotten involved in how something goes through the University. Schmidt – Move to table until after our discussion at the end of this meeting. Seconded by Kay. Holt – Just want to clarify what tabling does. Will we be able to come back to this at the end of the meeting if we want? (Yes from parliamentarian and former parliamentarians.) Lambing so if it dies because we don't vote on it at the end, then it goes straight to WUBOR? (Yes again from current and former parliamentarians). Motion to table passes.
- FS Action Item 25-2 Medical Dosimetry (Kohls) (18-23)
  - Proposal for new program here since there is a need for new dosimetry programs across the country. We have an online radiation therapy program so this would be a good link to that. This is a Master's degree. We surveyed previous students to see if they would be interested in this, and there was a lot of interest. Radiation Therapy degree is a natural pipeline to feed this program.

It is online and would have the same accrediting body. This would be a July-July type program.

- Moved to approve by Cook, second by Gonzalez-Abellas.
- Lolley – If this is a Masters level program and we previously just got radiation approved after some issues, so when would accreditation go through for this? Know it might take some time? Kohl – will start as soon as the first cohort gets started.
- Wagner – What would the numbers be (vs percentages given in the proposal)? This is important to know since you will have to hire new faculty. Kohls -There are forty students/cohort in the Radiation Therapy program, so 20-25 from that would progress to our program. Would also get students from other areas.
- Lisher – Must graduate from accredited program for this degree. There are only 17 total dosimetry programs in the US and only 6 are at the Master's degree level (*Master's of Science*) and of those, only 4 are online. First year would be smaller numbers while we are getting the program up and accredited. We also don't want to get so big that we oversaturate the market. Lolley – Can students still sit for boards if not accredited? Lisher - You can start the (*accreditation*) process as soon as students are in clinicals. We will have to make sure we are open with students about where we are, so they know they are coming into a program that is working on accreditation.
- Cook – It will be a Master's of Science. This is the only Masters of Science we have listed in Allied Health. When I think Master's of Science, I think Biology, Chemistry... Lisher – That's what this degree is. This is all the radiobiology, computer, math, etc needed for treatments. Washburn would be an outlier if we didn't name it as a Master's of Science.
- Williams – Do you have any concerns about accreditation, etc? Kohls - No, since this is similar process to what we did for the Radiation Therapy. It's a National Accreditation.
- Motion to approve passes unanimously.
- Scofield moves and Cook seconds that this goes forward to General Faculty as an Action Item. Schmidt – This is a big enough change I think this should go forward. Lolley – Will this happen in time for when you need it to get passed through all the levels of approval? Kohls - Yes Motion passes unanimously for 25-2 to go forward to General Faculty as an Action Item.

#### VIII. New Business-

- FS Action Item 25-3 Faculty Termination Policy (Fritch) (pgs 24-31)
  - Big thanks to Holly and Beth in my office who were working on Medical Dosimetry program to get it to all the right places in time.
  - This is new business, so we will come back to look at it again in the next meeting. We've been calling this the "Termination Policy: but in Section 3.V.A. of the Faculty Handbook, it is called "Procedures

for Termination.” I’ve handed out lots of paper which I hope is useful. It includes a list of many faculty who have worked on it, highlights of the changes and a flow chart of the procedure.

- Have been working on this a long time, at least 20 faculty members, 11 deans, and 3 provosts. It has been worked on for so long, I can’t find patient zero (no one from the beginning of the process that I can find).
- Recently had to go all the way through this process with a termination of a faculty member and many people said this needs to have changes to make the process better. People talked to those who had been involved. (*See highlights of those changes and other papers passed out during this meeting attached at the end of the minutes*). Basically, this moves termination to the end of process and makes sure there are multiple times for faculty input to help make sure bias of one individual can’t cause someone to lose their tenure.
- There are some changes in the language for grounds for dismissal. Take a look at those.
- Shorter Sheet handed out is the current policy with termination at start of the process. That means the paycheck could be stopped at the beginning. Your first meeting is with President who just fired you. Only two appeals before it goes to WUBOR (including President).
- Longer sheet shows the proposed process. Termination happens at end, meetings start with department and move to Provost where there is a chance to create appeals. More options for appeals as it moves through. Coming in from the outside, I think there are lots of steps for consideration in here, so I see this as a strong process for faculty.
- Miller – Does current (*in effect*) policy affect both tenured and non-tenured track faculty? Will this new policy remove protections from non-tenured faculty? Fried – It does have different pathways for tenured and non-tenured, but that is just to make them clearer. Doesn’t change material protections. Remember this policy is just for cause, not termination of a lecturer contract. Miller – I don’t see any differences for tenured vs non-tenured in current policy. For new policy, it appears that it goes through Dean, Provost, President. There are not the additional steps that it appears that Tenured track faculty have (like having more places to appeal). I’m concerned that we might be losing protections for non-tenured people.
- Williams – During the termination process, is the person being paid and are they still expected to do their duties? Would it still be safe for them to be doing those? Fritch – The Provost may provide an alternative assignment (*for the faculty member*) if this is the case. Hypothetical, if the case is mistreatment of students, let’s find

something for the person to do during this process that doesn't involve students.

- Cook – Follow-up to Miller, in the current system the Faculty Committee offers a decision and in the new system there is a recommendation from the Faculty Committee. Fritch – This mirrors the tenure process, where it is a recommendation, not decision by the faculty. I should also point out that this process has only been used once, and this is not an attempt to make this happen more often. I think it would be more difficult to terminate someone. Fried – In the current process, the decision to terminate starts it, so for the decision of the Faculty Disciplinary Review Committee (FDRC) to have any impact if the faculty disagree, we thought it needed to be a “decision.” Now, the final decision doesn't happen until the end, so you can't have the FDRC making a decision before the President/WUBOR has a chance to fire someone. This would mean the faculty would be firing their colleague. That is why the wording switched from decision to recommendation. Cook – The policy reads FDRC as described in \_\_\_\_\_ and no reference to the blank and no section G that is referred to later. Fried - That may be an error on my part, as we are trying to see where all the numbers end up. There should be a separate section as to how the FDRC operates, which this refers to.
- Miller – Can I ask what the specific concerns were with the old (*in effect*) policy? Fritch – There were several. There were no time frames, so things kept dragging on. Current procedure had no specific rules as to how things should happen. Mostly procedure, how it was implemented, and how long it took. Thousands of pages of testimony were created when we went through this process.
- Francis – The procedural rules created inferences, but weren't clear. Without the due process clearly listed this created other legal issues. We did our best to mirror what would happen in a court procedure, making sure both sides had a chance to make their arguments. Committee sat from July through May of next year and met for hours each week. (8 hours every Friday.) It was very time consuming. Based on the way we read the procedures the lack of clarity was an issue.
- Scofield – We had the question that only pertained for tenured faculty. Could we have charts next time for non-tenured?
- Steffen – What do we mean by non-tenured? Lecture vs tenure-track and not tenured yet? Fritch – The term is for both.
- Schmidt – This doesn't mention loss of tenure anywhere, but should it? Fried – So you are saying that loss of the job should also terminate rights of tenure? I'll have to look back and see if it's stated anywhere. I can add if we need to.

- Miller – Once someone received official notice, the person has seven days to list out in the appeal of every issue they want appealed. Is that correct? Seven days may not be enough... Fried – Which step specifically? (Cook – Step 2) There is a process for the party to ask for extensions of time, but there are reasonable extensions. Miller – I have to look at it, but appealing the decision to the Provost while asking for an extension seems a bit ....(*words trailed off*) Steffen - Who are the parties that may agree to the extension? Lolley – If the extension is not approved, do you now have less time to write the appeal? Holthaus – It's important to look at everything in context. This is not the first time the person is hearing about this. Miller – But the person will have seven days at the end of the pre-termination process. The person will likely be working while trying not to be terminated.
- Scofield – Let me ask a clarifying question. Step two is stating the reasons and step 3 is the meeting, so there might be more time to develop the full support. Would have to have the reasons within seven days. So, would the person have everything ready at 7 days, or have the 14 days from the meeting? M Fried – remember there are many conversations before this. If it's a particular incident, then it's just that. If it's several things, then both parties will understand that it will take longer. This is a system to try to resolve the issue short of termination, which we could not do before. We have timelines to keep the process moving while making sure people have a specific set of items they will need to respond to.
- Miller – Do faculty have a right to counsel?
- Fried – Yes can have advisors the whole way through. Exact numbers in the document.
- Miguel - What is "reasonable" duties? Fritch - I see this as added protection for the Faculty Member, before it didn't say "reasonable."
- Williams – When would this be put into place? New Hires, all hires, etc. Can someone use the old version? Fritch – Once it's adopted, this would apply to all.
- Maxwell – Question about step 7 mentions bringing in outside evaluators from the faculty member's field, but doesn't specify where they could be from. Fritch – external only. Wagner - This is a bit of a protection for other faculty members in the department, to prevent them from having to make statements they may not be in a good situation to make/conflict of interest. Fried – This is especially important in issues of incompetence, where personal views may not have anything to do with incompetence....
- Miller – It seems like there are discussions, and eventually gets the charges from the Provost. Why doesn't that happen at the beginning? Fritch – there are lots of conversations happening earlier before the charges are written up. Miller – I think someone



shouldn't have to appeal if there are no written charges yet. Fried – Think you are looking at process for non-tenured. Miller – No, Tenured...(Miller read off a section from the termination process.) Fried – earlier on the Provost is deciding IF there will be a recommendation to terminate. The Dean may have a longer list and by the time it gets to the Provost, perhaps some of the issues may be resolved. Miller – But the person is being terminated, or is being told they are trying to be fired, so they should have the whole list at the beginning of the process to help them know what they need to do to defend themselves. Nothing says things must be stated with reasonable particularity in earlier meetings. Fried – It does state they will be provided with a list of the charges earlier on. Miller – But because it states later that they get very particular information, that would imply they don't need it earlier. Fried – But in the reference of a trial, they aren't getting the charges right before the "jury." *(Miller earlier stated that if a parallel was made to a jury trial, the faculty member was getting the charges given to them right before the jury, implying that there wasn't sufficient time to defend oneself against the charges. Secretary was not able to capture all these comments.)*

- Francis – Creighton (Miller) does raise a good point, that the written statement should be clear and given with particularity so that the person can have an idea of what they need to defend.
- Schmidt – Move to close 1<sup>st</sup> reading, Kay seconds and motion passes.
- Fritch – This is the first reading, so we will come back. General Faculty Meeting is being moved back a week so that we will have a chance to finish this discussion. (New date for General Faculty meeting is November 13<sup>th</sup>.)
- Schnoebelen – please take this back to your areas to get feedback. Wagner – if you want to have a friendly amendment, please send to me if you want to have them go out in the Agenda. (Schnoebelen – Not a rule, but a humble request...) Wagner – just think it's easier if we have something written we can all look at.

IX. Information Items-

X. Discussion Items-

- Presentation of Enrollment Numbers (Christa Smith) (pgs 32-37)
  - Christa is the Chief Data Officer, in charge of Data Governance. You can find the Data on WU Homepage, can go to "About Us/Institutional Research."
  - Snapshot of data is taken on 20<sup>th</sup> day of classes.
  - Data shows WU, WU+Tech, Total Students vs Full Time Equivalent (FTE) – divided by 15 for undergrads, 9 or 12 for graduate students to determine full time equivalent numbers. (FTE includes all campuses)

- Pie Chart, freshman now make up a bigger piece of the pie (usually it's seniors)
- Line graphs show 5 year trends, Notice that some lines will start going up (ie 1<sup>st</sup> time Freshmen is up, so continuing should start going up). Full time retention is starting to rebound.
- Williams – What are our goals for next five years? Smith – Want to see it go higher, but no specific numbers (Would like to get to low 70 for retention.) Would like measured growth for next year. Want to see good graduation rates...) Williams – What are we doing to retain?
- Smith – Advising, FYE, lots of different things. Dr. Bearman can tell you more at the next meeting. Fritch – Submitted a grant for a Trio Student Success grant (200-250,000/year.)
- FS Constitution Section I.D (pgs 38-39) –
  - FS constitution – (Schmidt) Questions about what should go forward. Scofield – probably don't need to forward something when it's a within department issue, but things that affect the whole campus, would like to add new degrees (vs new majors).
  - Survey – What do people want to go forward? Schmidt lists off all the things that were originally in the Constitution and surveyed the group. This will go back to FAC for consideration.
- Made a choice to keep Ed Degree on table so that motion will not be voted on, Math Ed Degree (25-1) will not go on to General Faculty as an Action Item.

#### XI. Announcements

- Shared Governance Speaker will be here November 18<sup>th</sup>
- Chartwell's Voice to Vision Survey:  
<https://selfserve.decipherinc.com/survey/selfserve/160d/240803>

#### XII. Adjournment

## Faculty Handbook Termination Procedure

### Background Information

- Discussions about revising our current tenure termination procedure first began about ten years ago. This arose after the current procedure was used, and the three faculty who served on a review committee as part of the process provided input on how to improve the procedure.
- The Faculty Handbook Revisions committee who have been involved with development, review, and editing the tenure termination procedure being presented today include more than 3 provosts, 11 Deans, and 23 faculty members.
- For the first time in our recollection, the current termination procedure process reached the final step, review by our Board of Regents. After the process concluded, the Board told us a new procedure is necessary due to issues created by the existing procedure.

### Highlights of Proposed Faculty Termination Procedure

- The proposed procedure provides for a substantial amount of due process before termination. The existing procedure begins with termination with appeal rights following.
- The proposed procedure institutes at least six points of review available before termination of a tenured faculty member. The aim of the points of review is to provide due process for the faculty member.

### The Shared Governance Process

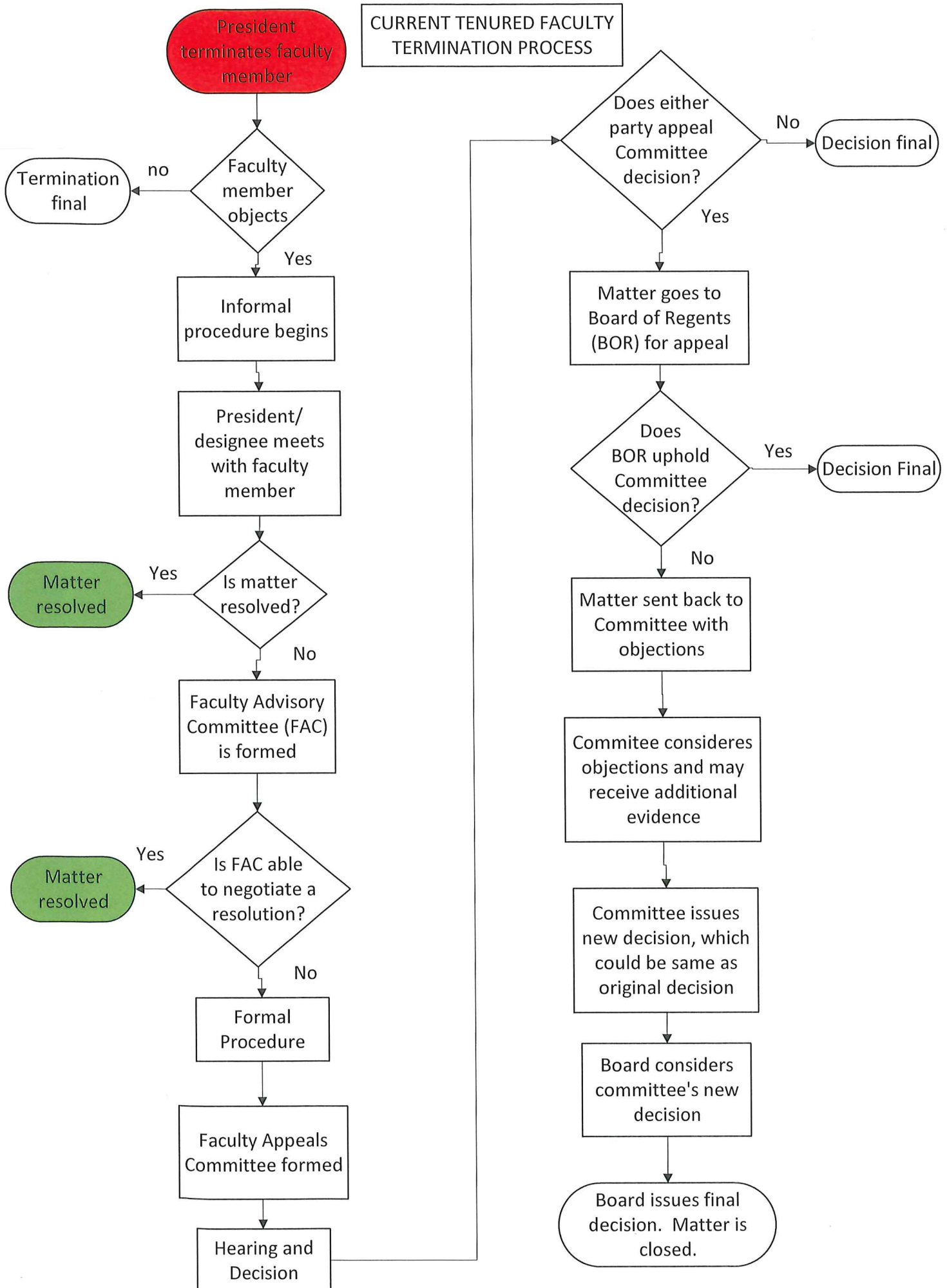
- Approved by Faculty Handbook Committee on February 27, 2024
- Reviewed by Faculty Affairs Committee on April 1, 2024
- First reading by Faculty Senate on October 21, 2024
- Second reading by Faculty Senate on November 4, 2024
- General Faculty proposed date of November 13, 2024
- WU President in November 2024
- WUBOR December 5, 2024

Individuals who Served as Faculty Representatives on the Faculty Handbook Committee  
AY 2018 through AY2024

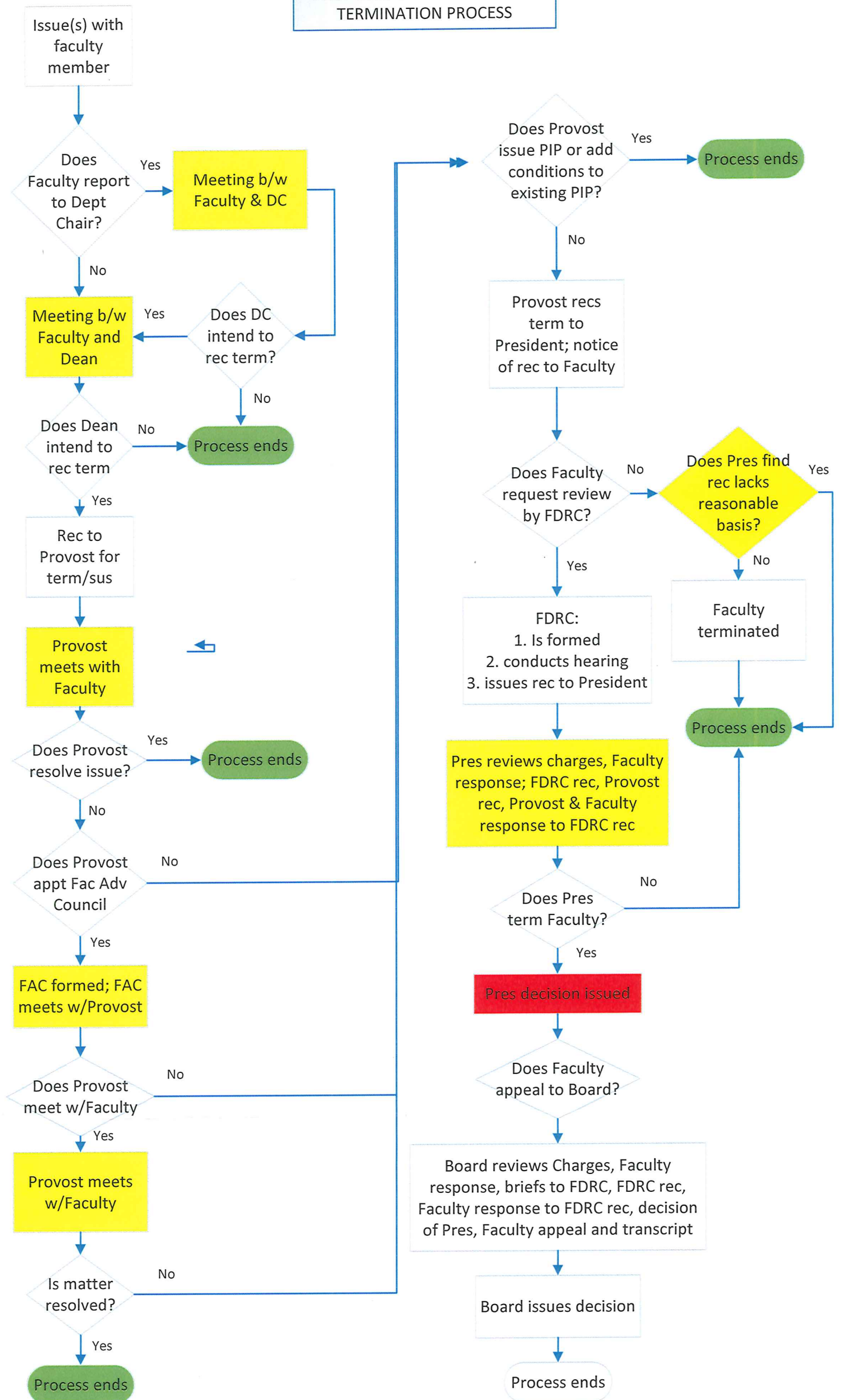
Rick Barker  
Dr. Paul Byrne  
Dr. Cheryl Childers  
Dr. Sarah Cook  
Michelle Ewert  
John Francis  
Dr. Zach Frank  
Dr. Debbie Isaacson  
Patricia Judd  
Dr. Kara Kendall-Morwick  
Lori McMillan  
Dr. Kim Morse  
Dr. Tom Prasch  
Mary Ramirez  
Dr. Tonya Ricklefs  
Dr. Shaun Schmidt  
Dr. Kelly Thor  
Dr. Tracy Wagner  
Dr. Roy Wohl  
Dr. Melanie Worsley  
Dr. Kerry Wynn

# DIFFERENCES BETWEEN CURRENT AND PROPOSED TENURED FACULTY TERMINATION PROCESS

ISSUE	CURRENT SYSTEM	PROPOSED SYSTEM
When does President make decision to terminate the faculty member?	Very beginning	After all processes have been utilized except for appeal to Board
What part of the system due process occurs before the President make decision to terminate?	NONE	Multiple meetings (from Department Chair to Provost) with the faculty member and a hearing and recommendation from the Faculty Discipline Review Committee (" <b>FDRC</b> ")
Number of times a meeting occurs with the faculty member and/or a review of a recommendation occurs prior to a possible termination	NONE	Minimum – Three; Maximum - Six
How many opportunities for matter to be resolved before going to FAC/FDRC?	Two	Minimum – Four; Maximum - Six
Does the FAC/FDRC make a decision or recommendation?	Decision	Recommendation
What time limits exist to control the process?	Very few, if any	Establishes time limits at every step to keep process moving.
What discretion can be exercised by the FAC/FDRC?	Not addressed	Several areas are identified and authority granted to FDRC to exercise their discretion in managing the process
Pathway for feedback to be received from observers at the end of the entire process	No	Yes
Direction given to FAC/FDRC for handling of request for disability accommodation	No	Yes



# PROPOSED TENURED FACULTY TERMINATION PROCESS





## Faculty Affairs Committee - Minutes

October 7, 2024

4:00pm – 5:00pm

Lincoln Room – Memorial Union

**Members Present:** Miguel Gonzalez-Abellas (for Eric McHenry), Ashley Maxwell, Shaun Schmidt, Eric Mosier, Barbara Scofield, Jody Toerber-Clark, Tonya Ricklefs, Madeline Lambing, Danny Wade (ex-officio)

**Absent:** Von Hansen, Thomas Sneed

**Guests:** None

1. Call to Order at 4:00 pm by Shaun Schmidt
2. Approval of Minutes – September 23, 2024
  - a. Shaun Schmidt made motion to approve the minutes from the meeting held on September 23, 2024, as presented. Jody Toerber-Clark seconded motion. Motion carried.
3. New Business
  - a. Amendment of Faculty Senate and General Faculty Relationship
    - i. Shaun Schmidt presented a proposed revision to I.D. of the Faculty Handbook
    - ii. Lengthy discussion on this topic included:
      1. Role of Faculty Senate vs. role of General Faculty
      2. Culture of transparency
      3. Burdensome vs. protection of faculty
      4. Which venue provides more comfort to speak freely
    - iii. Barbara Scofield made a proposed a revision of I.D. (attached)
      1. Miguel Gonzalez-Abellas made a motion to use Barbara Scofield's revision version in further discussion by the committee and was seconded by Jody Toerber-Clark. Motion carried.
      2. Jody Toerber-Clark made a motion to share the revised item with Faculty Senate as a discussion item and Miguel Gonzalez-Abellas seconded the motion. Motion carried.
4. Discussion
  - a. Senior lecturer language in the Faculty Handbook
    - i. Lengthy discussion on this topic which included:
    - ii. Data comparison of policy/processes by school or department
    - iii. Lecturer requirements for service and publications
    - iv. Service time vs. hours taught
    - v. Research comparisons with other Kansas schools and universities
    - vi. It was noted that each school/college have vary in needs/policy
    - vii. Faculty Handbook does not have specific guidance
    - viii. Need for definition of relevant numbers of years of service
    - ix. Ashley Maxwell and Madeline Lambing will begin work on developing a proposal for FAC to discuss further
5. Announcements

Approved: 10.28.24



- a. Next meeting is scheduled for Monday, October 28, 2024, at 4:00pm in the Lincoln Room.
- 6. Adjournment
  - a. With no further business Miguel Gonzalez-Abellas made a motion to conclude the meeting which was seconded by Madeline Lambing. Shaun Schmidt adjourned the meeting at 5:00pm.

Notes taken by Beth Mathews

Approved: 10.28.24

# **International Education Committee Meeting Minutes**

## **Tuesday, October 22, 2024 at 3:00pm**

### **Zoom**

Attendees: Beth O'Neill, Danny Wade, Bob Beatty, Miguel Gonzalez-Abellas, Courtney Sullivan, Ye Wang, Crystal Stevens, Tina Williams, Tom Prasch, Lara Rivera, Liviu Florea

The meeting was called to order at 3:05 pm.

- I. Introductions by committee members
- II. Discussion Items
  - a. Summary of International Programs Restructuring
    - i. Beth O'Neill and Danny Wade provided a summary of the restructuring of International Programs and reported on recent activities.
      - 1. Study abroad is now reporting to Beth O'Neill in Academic Affairs and Bob Beatty was added as a Study Abroad Faculty Fellow. The team has been working to review and revise the study abroad proposal form to align with best practices and institutional needs, and the proposal form will be moving to Dynamic Forms during the Spring 2025 semester.
      - 2. Faculty International Travel Grants are now managed by Danny Wade and due dates continue to be rolling. Danny is also overseeing International Brown Bags and invited feedback regarding a new location for the sessions to occur. The Chapel was mentioned as a possible location.
      - 3. International student recruitment and support services are now overseen by Enrollment Management/Student Success.
      - 4. Intensive English Program has been moved within the Department of Modern Languages and continues to be directed by Kelly McClendon. Miguel Gonzalez-Abellas, who is Chair of the Department of Modern Languages, shared his enthusiasm for this change and the potential new partnership opportunities.
    - ii. Discussion was held regarding who is overseeing the set up of new exchange programs, and whether faculty should be encouraging and/or promoting exchange programs when they are abroad. Beth O'Neill communicated that oversight of partnerships is still being determined, and for the time being faculty can email Beth O'Neill with any specific questions or partnership requests.
  - b. Historical and Future Role of Committee
    - i. This committee discussed the roles and activities that this committee has served historically, including cadence of meetings. Members shared the committee had previously discussed and approved all new study abroad programs and faculty international travel grants, receive a report on international students on campus and number of students participating in study abroad programs, and advise on study abroad programs where there were State Department or other safety warnings and policies and procedures.
    - ii. Discussion was held regarding the committee members' preference for continued involvement in these matters, as well as ideas for other ways that they could be involved, given the structural changes.

Following discussion, the following recommendations were provided by the committee:

1. The committee will plan to meet at the beginning of each semester, and at other times as needed.
  2. The committee will not be directly involved with reviewing/approving faculty travel grants, but rather Danny Wade will provide an annual report/summary to committee.
  3. The Committee will complete a review of all new study abroad proposals, twice per year, and provide approval following Chair, Dean, and Registrar approval. Now that the questions that the committee typically asked the faculty in person are being added to the proposal Dynamic Form, faculty will not need to be present in person for the review.
  4. The committee will continue to serve in an advisory capacity regarding State Department Travel Warnings, policy and procedure revisions, and other relevant international education issues that impact the university.
- c. Faculty Handbook section on International Education Committee
- i. The committee will plan to review and propose revisions to this section of the Faculty Handbook to align with structural changes and to clearly communicate the committee's roles and membership.

III. The meeting ended at 4:00 pm. Minutes taken by Beth O'Neill.

# **Gen Ed Committee Minutes**

## **Thursday, April 25, 2024, at 2:30pm**

### **In-Person – Mosiman Room**

**Members In-attendance:** Jennifer Ball, Beth O'Neill, Kelly McClendon, Linzi Gibson, Justin Moss, Joey DeSota, Stephen Woody, Amy Memmer, Belinda Eckert

Not present: Gary Hu, Roy Wohl, Dmitri Nizovtsev

Meeting called to order at 2:30pm by Jennifer Ball

- I. Approval of Minutes – Motion made by Stephen Woody to approve the minutes for the meeting on March 5, 2024. Seconded by Amy Memmer. Motion carried.
- II. Petition Requests
  - a. Alessandro Di Gregorio – Motion was made by Justin Moss to approve the request and seconded by Stephen Woody. Motion carried.
  - b. Natalie Rausch – Motion was made by Stephen Woody to approve the request and seconded by Linzi Gibson. Motion carried.
- III. Revisions Discussion and Review
  - a. CH111 – Linzi Gibson made a motion to approve and seconded by Stephen Woody. Motion carried.
  - b. CN151 – Joey DeSota made a motion to approve and seconded by Linzi Gibson. Motion carried.
  - c. BI100 – Linzi Gibson made a motion to approve and seconded by Belinda Eckert. Motion carried.
  - d. BI140 – Stephen Woody made a motion to approve and Joey DeSota seconded. Motion carried.
  - e. BI260 – Linzi Gibson made a motion to approve and Stephen Woody seconded. Motion carried
- IV. Discussion Topics –
  - a. Jennifer Ball shared that some departments decided to withdraw courses from the new gen ed areas to which they had been added by default
  - b. Kelly McClendon shared that assessment was getting a new software for review of USLOs. It was decided to continue to use the term “course *objectives*” to distinguish specific objectives of particular courses, versus “university student learning *outcomes*” which is the broader category that many courses fall under.
- V. Announcements –

- a. Jennifer Ball shared that this would be her last General Education meeting as she would be entering phased retirement beginning July 1, 2024, and thanked the committee for their work this year especially considering the changes made in general education requirements.
- VI. Adjournment. There being no further business Jennifer Ball ended the meeting at 2:57pm.

Meeting notes taken by Beth Mathews

## **FACULTY AGENDA ITEM**

Origination Date: 10/16/2024

Current Date: 10/21/2024

Submitted by: John Fritch, Provost & Vice President of Academic Affairs

SUBJECT: Faculty Handbook Termination Policy

Description: Revision of the Faculty Handbook termination policy

Rationale: Determination was made that the termination policy needed to be substantially revised to include more details regarding the process and protections for faculty members. The final version is attached.

Financial Implications: None

Proposed Effective Date: Upon approval by the President and Washburn University Board of Regents

Request for Action: *Approval by FS/ Gen Fac*

Approved by: *Faculty Senate on date*

*General Date on date*

*WUBOR on date*

Attachments Yes ☒ No ☐

## **V. Procedures for Termination for Cause**

### **A. General Statement**

A faculty member may be disciplined, or dismissed, for cause on grounds including but not limited to (1) academic dishonesty; (2) acts of discrimination, including harassment, prohibited by law or University policy; (3) acts of moral turpitude substantially related to the fitness of faculty members to engage in teaching, research, service/outreach and/or administration; (4) theft or misuse of University property; (5) incompetence in the performance of material assigned duties in teaching, research and/or service; (6) refusal to perform reasonable assigned duties in teaching, research and/or service; (7) engaging in or substantially contributing to actions materially disruptive to the effective operations of the faculty member's academic unit, division, or University; (8) use of professional authority to exploit others; (9) violation of University policy substantially related to performance of faculty responsibilities (including University internet); and (10) violation of law(s) substantially related to the fitness of faculty members to engage in teaching, research, service/outreach and/or administration. The procedure that will be followed when terminating the employment of a faculty member for cause is discussed below.

### **B. Pre-termination Resolution Process**

Before a recommendation for termination or a decision to terminate for cause is made, certain interactions, at a minimum, should have already occurred. For units that have department chairs, there should have been communication between the department chair and the faculty member who has one or more problematic issues that would suffice as grounds for termination for cause as set out above. If that communication does not result in prompt resolution of the problem or a Performance Improvement Plan ("PIP"), then the department chair (or analogous position) shall arrange for a Pre-termination Resolution Process meeting between the faculty member, the department chair (or analogous position), and the Dean. For units without department chairs, the initial meeting shall be between the faculty member and the Dean. Notice of the meeting shall be in writing and shall indicate that the meeting is for a pre-termination resolution process pursuant to the Faculty Termination processes in the faculty handbook. If there is no intent by the Dean to make a recommendation for termination or suspension at the conclusion of the meeting, regardless of the outcome, then the meeting is not considered a pretermination resolution process meeting, and this written notice is not required. For all units, if the meeting with the Dean results in immediate resolution of the issue(s) or if a PIP is implemented, then the matter would not proceed further towards termination at that time. However, IF THE CONDUCT OF THE FACULTY MEMBER IN THE JUDGMENT OF THE PROVOST/VICE PRESIDENT OF ACADEMIC AFFAIRS ("Provost"), AFTER CONSULTING WITH THE DEAN, POSES A SUBSTANTIAL RISK TO THE SAFETY OF OTHERS, then the Pre-termination Resolution Process described in this paragraph may be disregarded and the Dean may move directly to the Formal Termination Process.

C. Employment status pending completion of University processes

1. The title, compensation and benefits of the faculty member shall continue through the process until the President's determination is issued. The Provost, in consultation with the Dean, may re-assign the faculty member to other duties or no duties at any time pending the resolution of University's process as the Provost deems appropriate, however, such reassignment is not intended and shall not be used to create any undue hardship on the faculty member's ability to fully participate in the Procedures for Termination for Cause.
2. The Provost may suspend the faculty member without pay, at any time during the pendency of the University's process, if the conduct of the faculty member in the judgment of the Provost poses a substantial risk to the safety of others, or that there is a substantial disruption to the operations of the academic unit, division, or University. This decision shall be provided in writing to the faculty member. Such suspension without pay is not intended and shall not be used to create any undue hardship on the faculty member's ability to fully participate in the Procedures for Termination. This action is considered an extraordinary sanction and should be used only when there is no other option available to fully protect the interests of the University.
  - a. The faculty member may request, within three business days of the written notice of suspension without pay, a meeting with the Provost to review the suspension without pay. This meeting shall occur as soon as practicable but no later than five business days from the date of the request for meeting unless agreed to by the Provost and faculty member. If the faculty member requests a review of the suspension without pay, the faculty member shall continue to be paid until the Provost's decision after review is issued.
  - b. The faculty member may present any information to the Provost that the faculty member believes is relevant to show why the faculty member should not be suspended without pay pending resolution of the matter.
  - c. The Provost, after considering the information presented by the faculty member, shall notify the faculty member within two business days if the suspension without pay remains in place. The Provost's decision shall be final and not subject to further review by the University.
  - d. If the faculty member is not terminated at the end of the process, then the faculty member shall receive compensation for pay lost during the period of suspension without pay.

D. Definitions and information:

- Calculation of Time:



- All time periods referenced in this process are stated in calendar days unless otherwise indicated.
- “business day” shall mean any day that is not a Saturday, Sunday, or a day that the University offices are closed.
- If the last day of a time period occurs on a Saturday, Sunday or day that the University offices are closed, then the time period shall continue to the next business day.
- If University offices are closed three or more consecutive weekdays, such as winter break or due to weather, then those weekdays and any intervening weekends and holidays shall not be included in the calculation of the time period.
- The term “meeting” (other than for the hearing before the Faculty Discipline Review Committee) is intended to be a meeting between the named individuals in the same room. Meetings are intended and preferred to be in-person. If, however, the individuals cannot meet in-person, meeting by virtual platform, such as Zoom, is acceptable. If the faculty member requests the meeting occur by virtual platform, as long as such meeting can occur with the technology available to all of the parties, the request shall be granted.
- If at any time during the process, the Provost or the President are unable or otherwise unavailable to complete their obligations in a timely fashion, they may designate another person employed at the University to perform the duties described in this process.
- Any time period set out in this process may be extended by agreement of the parties. This agreement shall be in writing, which can be satisfied by email communications between the parties.
- If the faculty member is unavailable for a period of time due to Family Medical Leave Act as reviewed and approved by the Department of Human Resources, then any pending time period in this process shall be stayed until such time the faculty member becomes available to participate in the process.

#### E. FORMAL TERMINATION PROCEDURE FOR ALL FACULTY WHO ARE NOT TENURED

STEP 1: If the Pre-termination Resolution Process does not result in immediate resolution of the problem(s) and no PIP is implemented, or if the Dean determined that the Pre-termination Resolution Process should be disregarded per Section B above, the Dean, after consultation with the Provost, shall notify the faculty member that he/she is terminated from his/her faculty position effective immediately. The notification shall be in writing and shall state the cause(s) that are the basis for the Dean’s decision.

STEP 2: The faculty member shall have seven (7) days to file a written request for appeal with the Provost. The written appeal should state all reasons that the faculty member desires the Provost to

consider as part of the appeal. If no appeal of the Dean's decision is timely made, then the termination of the faculty member becomes final and not subject to further review by the University.

STEP 3: If the faculty member does submit a written appeal with the Provost, the Provost shall arrange to meet with the faculty member within seven (7) days from the date the written appeal is received by the Provost. The Provost may choose to have the Dean be present during the meeting with the faculty member.

STEP 4: After the meeting, the Provost shall have seven (7) business days to issue the decision on the appeal. The Provost may uphold the termination of the faculty member, grant the appeal, or determine an alternative resolution to the matter. The decision of the Provost shall be final and not subject to further review by the University.

#### F. FORMAL TERMINATION PROCESS FOR TENURED FACULTY

STEP 1: If the Pre-termination Resolution Process does not result in immediate resolution of the problem(s) and no PIP is implemented, the Dean shall make a recommendation to the Provost that the faculty member be terminated from his/her faculty position effective immediately. If the Provost previously determined that the Pre-termination Resolution Process should be disregarded per Section B above, the process moves to Step 2.

STEP 2: The Provost shall meet with the faculty member regarding the concerns(s) raised by the Dean. This meeting should occur as soon as reasonably possible after receiving the Dean's recommendation but no later than seven (7) days after receiving the Dean's recommendation. If the Provost and faculty member are able to agree in writing to a resolution regarding the matter, then no further action will be required. The written notice by the Provost to the faculty member regarding this meeting shall indicate the Dean is recommending termination and the meeting is Step 2 of the Formal Termination Process for Tenured Faculty. If the Pre-termination Resolution Process was not utilized per Section \_V.B. above, the written notice shall also include the causes provided by the Dean for such termination.

STEP 3: If no resolution is reached after the meeting in Step 2, the Provost may, but is not required to, appoint a Faculty Advisory Council ("FAC") within three (3) business days with whom to confer before making any further determination in the matter. The purpose of the FAC is to provide the Provost with a faculty perspective to assist the Provost in considering appropriate next steps in the process. The FAC will consist of three tenured faculty selected by the Provost none of whom shall be in the faculty member's department or unit if the faculty member is not in a department and the FAC member's duties do not involve interaction with the faculty member. The meeting between the Provost and the FAC shall occur no later than seven (7) days after the appointment of the FAC absent compelling circumstances. The FAC may, but is not required to, request a meeting with the faculty member within seven (7) days

after the FAC meets with the Provost. The FAC shall then meet with the Provost no later than three (3) business days after meeting with the faculty member. Meetings of the FAC shall be confidential to the extent practicable. The faculty member, the members of the FAC, and the Provost may not be called as witnesses at the hearing of the Faculty Discipline Review Committee ("FDRC") (as described in Section \_\_\_\_ below) to testify about any communications between the FAC and the Provost in any meetings with or held by the FAC. Members of the FAC may be called to testify about other matters if relevant to the proceeding.

- After meeting with the FAC, if the Provost, in his or her sole discretion, believes another meeting with the faculty member would be beneficial, then the Provost may schedule another meeting with the faculty member. That meeting shall occur within seven (7) days of the Provost extending the invitation.
- If the Provost and faculty member are able to agree in writing to a resolution regarding the matter, then no further action will be required.

STEP 4: If after meeting with the FAC (and if no resolution is reached after an additional meeting with the faculty member) or if the FAC is not utilized (and Step 3 is skipped), the Provost shall then determine if the faculty member should be placed on a PIP, impose additional conditions on an existing PIP, or recommend to the President that the faculty member be suspended or terminated. The Provost shall make this decision within seven (7) days from the last meeting with the FAC, or meeting with the faculty member, whichever occurs later. If the Provost decides to take action other than to proceed with suspension or termination of the faculty member, the process shall end with the Provost's decision and it shall not be subject to further review by the University.

- The written decision of the Provost should be delivered in person to the faculty member when practicable. The Dean (and department chair, if applicable) may be present at the discretion of the Provost. If an in-person meeting is not possible or is conducted by virtual platform, then the decision shall be delivered by mail and/or by email to the faculty member.
- If the Provost's decision is to recommend termination or suspension of the faculty member to the President, the written notification shall include the cause(s) set out in Section V.A above that the Provost relied upon in making the recommendation.
- A copy of any recommendation for termination or suspension by the Provost shall be provided to the President at the time it is provided to the faculty member.

STEP 5: If the Provost's recommendation is to suspend and/or terminate the faculty member, the faculty member shall have seven (7) days to make a written request to the Provost for review by the FDRC. (There is no review process if the Provost recommends a PIP or some other form of resolution not including suspension or termination.)

- If the faculty member does not make a written request for review by the FDRC of the Provost's recommendation in a timely fashion, the President shall review the recommendation. Unless the President determines that the Provost's recommendation lacks a reasonable basis, the President shall follow the recommendation and suspend and/or terminate the faculty member. There shall be no further review of the President's decision by the University.

STEP 6: If the faculty member does make a written request for review with the FDRC, the FDRC shall be appointed as set out in Section G below. After the FDRC is appointed, the Provost, absent compelling circumstances, shall provide a description of the charges stated with reasonable particularity (hereafter "Charges") within twenty-one (21) days after receiving the faculty member's written request for review (but in all events as soon as practicable), to the Chair of the FDRC stating the cause(s) relied upon by the Provost in making the recommendation along with a summary of the evidence upon which the Charges are based.

STEP 7: The faculty member shall file a written response to the Charges no later than fourteen (14) days after receipt of the Charges from the Provost.

NOTE: If one of the Charges to be presented to the FDRC is for incompetence in teaching, research or service, then two outside evaluators shall be identified, one by the faculty member and one by the Provost to provide objective evaluations of the faculty member's competence or lack thereof in teaching and/or research. The evaluations shall be conducted by outside evaluators in the faculty member's field. The evaluators shall provide written reports within twenty-one (21) days of being appointed by the Dean and the reports shall be made available to the FDRC for their consideration.

STEP 8: The FDRC shall follow the procedures set out in Section G below and then provide its recommendation, in writing, to the President stating whether the Provost's recommendation should be followed, rejected, or modified, including what modifications it would recommend. The FDRC shall simultaneously provide a copy of its recommendations to the Provost and the faculty member.

STEP 9: The faculty member, after being advised of the FDRC's recommendation in Step 7 above, shall have seven (7) days to notify the President in writing if the faculty member agrees or disagrees with the FDRC's recommendation. This is an opportunity for the faculty member to make any relevant statement to the President that the faculty member wishes the President to consider relating to the FDRC's recommendation before the President makes his/her decision. The Provost shall also have seven (7) days to notify the President in writing if the Provost agrees or disagrees with the FDRC's recommendation.

STEP 10: The President shall review the Provost's Charges (as amended if applicable), the faculty member's response to the Provost's Charges (as amended, if applicable), any post-hearing submissions

as allowed by the FDRC, the recommendation by the FDRC, and any statement provided by the faculty member and Provost in Step 9. Within fourteen (14) days of receipt of the FDRC's recommendation, the President shall provide his/her written decision to the faculty member and Provost as to whether the faculty member should be dismissed, suspended, or other lesser action shall be taken, which includes taking no action at all against the faculty member. If the President's determination is different than the FDRC's recommendation, the President shall address the reasons for the difference in his/her decision. If the President's decision is something other than termination or suspension, the President's decision is final and no further review of the President's decision shall occur.

STEP 11: If the President determines that the faculty member shall be terminated, the faculty member shall have seven (7) days to make a written request for appeal to the Washburn University Board of Regents ("WUBOR"). If the faculty member does not request an appeal to WUBOR, then the President's decision is final and no further review of the President's decision shall occur. The faculty member's written request for appeal shall be made to the Chair of the WUBOR, the President, and the Provost. The faculty member's written request for appeal shall include any response the faculty member wishes to make regarding the President's written decision. The Provost shall have seven (7) days after receipt of the faculty member's written request for appeal to respond in writing, which response will be provided to the Chair of the WUBOR, the President, and the faculty member.

STEP 12: If the faculty member timely makes a written request for appeal to the Chair of the WUBOR, the WUBOR shall review a) the Charges (as amended, if applicable), b) the faculty member's response to Charges (as amended, if applicable), c) any post-hearing briefs filed by the parties as allowed by the FDRC, d) the recommendation of the FDRC, e) the faculty member's statement of disagreement with the FDRC recommendation, f) the decision of the President, g) the written appeal of the faculty member, h) the Provost's response to the faculty member's appeal, and i) the transcript of the proceedings before the FDRC. WUBOR shall *not* consider any information not listed above. After reviewing the above documentation, WUBOR may accept, reject, or modify the decision of the President. WUBOR shall issue its decision, in writing, within twenty-eight (28) days from receipt of the faculty member's written request for appeal. The decision of the WUBOR is final and not subject to any further appeal or University process.

AMENDMENTS OFFERED TO FACULTY TERMINATION PROCESS IN RESPONSE TO COMMENTS  
FROM 1<sup>ST</sup> READING AT FACULTY SENATE

1. Add the following bullet point to Section V.D., which begins at the bottom of page 2:

The term “termination” when terminating a tenured faculty member shall mean terminating the faculty member’s employment with the University and revoking the faculty member’s tenure.

2. Modify Section V.E. Step 2, which begins at the bottom of page 3, as shown below:

STEP 2: The faculty member shall have seven (7) days to file a written request for appeal with the Provost. The written appeal need only state the faculty member appeals the decision of the Dean and requests a meeting with the Provost. ~~should state all reasons that the faculty member desires the Provost to consider as part of the appeal.~~ If no appeal of the Dean’s decision is timely made, then the termination of the faculty member becomes final and not subject to further review by the University.

3. Modify Section V.E. Step 3, which begins on page 4, by adding the following language at the end of the current Step 3:

The faculty member may present any information to the Provost in advance of the meeting to assist the Provost’s preparation for the meeting. The faculty member, however, is not required to do so, nor is the faculty member restricted from raising any other issues in opposition to the Dean’s termination during the meeting with the Provost that were not addressed in any information provided by the faculty member prior to the meeting.

4. Modify Section V.F. Step 8, page 6, by replacing the letter “G” with a blank line to be filled in later when finally published.

## **V. Procedures for Termination for Cause**

### **A. General Statement**

A faculty member may be disciplined, or dismissed, for cause on grounds including but not limited to (1) academic dishonesty; (2) acts of discrimination, including harassment, prohibited by law or University policy; (3) acts of moral turpitude substantially related to the fitness of faculty members to engage in teaching, research, service/outreach and/or administration; (4) theft or misuse of University property; (5) incompetence in the performance of material assigned duties in teaching, research and/or service; (6) refusal to perform reasonable assigned duties in teaching, research and/or service; (7) engaging in or substantially contributing to actions materially disruptive to the effective operations of the faculty member's academic unit, division, or University; (8) use of professional authority to exploit others; (9) violation of University policy substantially related to performance of faculty responsibilities (including University internet); and (10) violation of law(s) substantially related to the fitness of faculty members to engage in teaching, research, service/outreach and/or administration. The procedure that will be followed when terminating the employment of a faculty member for cause is discussed below.

### **B. Pre-termination Resolution Process**

Before a recommendation for termination or a decision to terminate for cause is made, certain interactions, at a minimum, should have already occurred. For units that have department chairs, there should have been communication between the department chair and the faculty member who has one or more problematic issues that would suffice as grounds for termination for cause as set out above. If that communication does not result in prompt resolution of the problem or a Performance Improvement Plan ("PIP"), then the department chair (or analogous position) shall arrange for a Pre-termination Resolution Process meeting between the faculty member, the department chair (or analogous position), and the Dean. For units without department chairs, the initial meeting shall be between the faculty member and the Dean. Notice of the meeting shall be in writing and shall indicate that the meeting is for a pre-termination resolution process pursuant to the Faculty Termination processes in the faculty handbook. If there is no intent by the Dean to make a recommendation for termination or suspension at the conclusion of the meeting, regardless of the outcome, then the meeting is not considered a pretermination resolution process meeting, and this written notice is not required. For all units, if the meeting with the Dean results in immediate resolution of the issue(s) or if a PIP is implemented, then the matter would not proceed further towards termination at that time. However, IF THE CONDUCT OF THE FACULTY MEMBER IN THE JUDGMENT OF THE PROVOST/VICE PRESIDENT OF ACADEMIC AFFAIRS ("Provost"), AFTER CONSULTING WITH THE DEAN, POSES A SUBSTANTIAL RISK TO THE SAFETY OF OTHERS, then the Pre-termination Resolution Process described in this paragraph may be disregarded and the Dean may move directly to the Formal Termination Process.

C. Employment status pending completion of University processes

1. The title, compensation and benefits of the faculty member shall continue through the process until the President's determination is issued. The Provost, in consultation with the Dean, may reassign the faculty member to other duties or no duties at any time pending the resolution of University's process as the Provost deems appropriate, however, such reassignment is not intended and shall not be used to create any undue hardship on the faculty member's ability to fully participate in the Procedures for Termination for Cause.
2. The Provost may suspend the faculty member without pay, at any time during the pendency of the University's process, if the conduct of the faculty member in the judgment of the Provost poses a substantial risk to the safety of others, or that there is a substantial disruption to the operations of the academic unit, division, or University. This decision shall be provided in writing to the faculty member. Such suspension without pay is not intended and shall not be used to create any undue hardship on the faculty member's ability to fully participate in the Procedures for Termination. This action is considered an extraordinary sanction and should be used only when there is no other option available to fully protect the interests of the University.
  - a. The faculty member may request, within three business days of the written notice of suspension without pay, a meeting with the Provost to review the suspension without pay. This meeting shall occur as soon as practicable but no later than five business days from the date of the request for meeting unless agreed to by the Provost and faculty member. If the faculty member requests a review of the suspension without pay, the faculty member shall continue to be paid until the Provost's decision after review is issued.
  - b. The faculty member may present any information to the Provost that the faculty member believes is relevant to show why the faculty member should not be suspended without pay pending resolution of the matter.
  - c. The Provost, after considering the information presented by the faculty member, shall notify the faculty member within two business days if the suspension without pay remains in place. The Provost's decision shall be final and not subject to further review by the University.
  - d. If the faculty member is not terminated at the end of the process, then the faculty member shall receive compensation for pay lost during the period of suspension without pay.

D. Definitions and information:

- Calculation of Time:



- All time periods referenced in this process are stated in calendar days unless otherwise indicated.
- “business day” shall mean any day that is not a Saturday, Sunday, or a day that the University offices are closed.
- If the last day of a time period occurs on a Saturday, Sunday or day that the University offices are closed, then the time period shall continue to the next business day.
- If University offices are closed three or more consecutive weekdays, such as winter break or due to weather, then those weekdays and any intervening weekends and holidays shall not be included in the calculation of the time period.
- The term “meeting” (other than for the hearing before the Faculty Discipline Review Committee) is intended to be a meeting between the named individuals in the same room. Meetings are intended and preferred to be in-person. If, however, the individuals cannot meet in-person, meeting by virtual platform, such as Zoom, is acceptable. If the faculty member requests the meeting occur by virtual platform, as long as such meeting can occur with the technology available to all of the parties, the request shall be granted.
- If at any time during the process, the Provost or the President are unable or otherwise unavailable to complete their obligations in a timely fashion, they may designate another person employed at the University to perform the duties described in this process.
- Any time period set out in this process may be extended by agreement of the parties. This agreement shall be in writing, which can be satisfied by email communications between the parties.
- If the faculty member is unavailable for a period of time due to Family Medical Leave Act as reviewed and approved by the Department of Human Resources, then any pending time period in this process shall be stayed until such time the faculty member becomes available to participate in the process.
- The term “termination” when terminating a tenured faculty member shall mean terminating the faculty member’s employment with the University and revoking the faculty member’s tenure.

#### E. FORMAL TERMINATION PROCEDURE FOR ALL FACULTY WHO ARE NOT TENURED

STEP 1: If the Pre-termination Resolution Process does not result in immediate resolution of the problem(s) and no PIP is implemented, or if the Dean determined that the Pre-termination Resolution Process should be disregarded per Section B above, the Dean, after consultation with the Provost, shall notify the faculty member that he/she is terminated from his/her faculty position effective immediately. The notification shall be in writing and shall state the cause(s) that are the basis for the Dean’s decision.

STEP 2: The faculty member shall have seven (7) days to file a written request for appeal with the Provost. The written appeal need only state the faculty member appeals the decision of the Dean and requests a meeting with the Provost. ~~should state all reasons that the faculty member desires the Provost to consider as part of the appeal.~~ If no appeal of the Dean's decision is timely made, then the termination of the faculty member becomes final and not subject to further review by the University.

STEP 3: If the faculty member does submit a written appeal with the Provost, the Provost shall arrange to meet with the faculty member within seven (7) days from the date the written appeal is received by the Provost. The Provost may choose to have the Dean be present during the meeting with the faculty member. The faculty member may present any information to the Provost in advance of the meeting to assist the Provost's preparation for the meeting. The faculty member, however, is not required to do so, nor is the faculty member restricted from raising any other issues in opposition to the Dean's termination during the meeting with the Provost that were not addressed in any information provided by the faculty member prior to the meeting.

STEP 4: After the meeting, the Provost shall have seven (7) business days to issue the decision on the appeal. The Provost may uphold the termination of the faculty member, grant the appeal, or determine an alternative resolution to the matter. The decision of the Provost shall be final and not subject to further review by the University.

#### F. FORMAL TERMINATION PROCESS FOR TENURED FACULTY

STEP 1: If the Pre-termination Resolution Process does not result in immediate resolution of the problem(s) and no PIP is implemented, the Dean shall make a recommendation to the Provost that the faculty member be terminated from his/her faculty position effective immediately. If the Provost previously determined that the Pre-termination Resolution Process should be disregarded per Section B above, the process moves to Step 2.

STEP 2: The Provost shall meet with the faculty member regarding the concerns(s) raised by the Dean. This meeting should occur as soon as reasonably possible after receiving the Dean's recommendation but no later than seven (7) days after receiving the Dean's recommendation. If the Provost and faculty member are able to agree in writing to a resolution regarding the matter, then no further action will be required. The written notice by the Provost to the faculty member regarding this meeting shall indicate the Dean is recommending termination and the meeting is Step 2 of the Formal Termination Process for Tenured Faculty. If the Pre-termination Resolution Process was not utilized per Section \_V.B. above, the written notice shall also include the causes provided by the Dean for such termination.

STEP 3: If no resolution is reached after the meeting in Step 2, the Provost may, but is not required to, appoint a Faculty Advisory Council ("FAC") within three (3) business days with whom to confer before

making any further determination in the matter. The purpose of the FAC is to provide the Provost with a faculty perspective to assist the Provost in considering appropriate next steps in the process. The FAC will consist of three tenured faculty selected by the Provost none of whom shall be in the faculty member's department or unit if the faculty member is not in a department and the FAC member's duties do not involve interaction with the faculty member. The meeting between the Provost and the FAC shall occur no later than seven (7) days after the appointment of the FAC absent compelling circumstances. The FAC may, but is not required to, request a meeting with the faculty member within seven (7) days after the FAC meets with the Provost. The FAC shall then meet with the Provost no later than three (3) business days after meeting with the faculty member. Meetings of the FAC shall be confidential to the extent practicable. The faculty member, the members of the FAC, and the Provost may not be called as witnesses at the hearing of the Faculty Discipline Review Committee ("FDRC") (as described in Section \_\_\_\_ below) to testify about any communications between the FAC and the Provost in any meetings with or held by the FAC. Members of the FAC may be called to testify about other matters if relevant to the proceeding.

- After meeting with the FAC, if the Provost, in his or her sole discretion, believes another meeting with the faculty member would be beneficial, then the Provost may schedule another meeting with the faculty member. That meeting shall occur within seven (7) days of the Provost extending the invitation.
- If the Provost and faculty member are able to agree in writing to a resolution regarding the matter, then no further action will be required.

STEP 4: If after meeting with the FAC (and if no resolution is reached after an additional meeting with the faculty member) or if the FAC is not utilized (and Step 3 is skipped), the Provost shall then determine if the faculty member should be placed on a PIP, impose additional conditions on an existing PIP, or recommend to the President that the faculty member be suspended or terminated and have . The Provost shall make this decision within seven (7) days from the last meeting with the FAC, or meeting with the faculty member, whichever occurs later. If the Provost decides to take action other than to proceed with suspension or termination of the faculty member, the process shall end with the Provost's decision and it shall not be subject to further review by the University.

- The written decision of the Provost should be delivered in person to the faculty member when practicable. The Dean (and department chair, if applicable) may be present at the discretion of the Provost. If an in-person meeting is not possible or is conducted by virtual platform, then the decision shall be delivered by mail and/or by email to the faculty member.

- If the Provost's decision is to recommend termination or suspension of the faculty member to the President, the written notification shall include the cause(s) set out in Section V.A above that the Provost relied upon in making the recommendation.
- A copy of any recommendation for termination or suspension by the Provost shall be provided to the President at the time it is provided to the faculty member.

STEP 5: If the Provost's recommendation is to suspend and/or terminate the faculty member, the faculty member shall have seven (7) days to make a written request to the Provost for review by the FDRC.


(There is no review process if the Provost recommends a PIP or some other form of resolution not including suspension or termination.)

- If the faculty member does not make a written request for review by the FDRC of the Provost's recommendation in a timely fashion, the President shall review the recommendation. Unless the President determines that the Provost's recommendation lacks a reasonable basis, the President shall follow the recommendation and suspend and/or terminate the faculty member. There shall be no further review of the President's decision by the University.

STEP 6: If the faculty member does make a written request for review with the FDRC, the FDRC shall be appointed as set out in Section G below. After the FDRC is appointed, the Provost, absent compelling circumstances, shall provide a description of the charges stated with reasonable particularity (hereafter "Charges") within twenty-one (21) days after receiving the faculty member's written request for review (but in all events as soon as practicable), to the Chair of the FDRC stating the cause(s) relied upon by the Provost in making the recommendation along with a summary of the evidence upon which the Charges are based.

STEP 7: The faculty member shall file a written response to the Charges no later than fourteen (14) days after receipt of the Charges from the Provost.

NOTE: If one of the Charges to be presented to the FDRC is for incompetence in teaching, research or service, then two outside evaluators shall be identified, one by the faculty member and one by the Provost to provide objective evaluations of the faculty member's competence or lack thereof in teaching and/or research. The evaluations shall be conducted by outside evaluators in the faculty member's field. The evaluators shall provide written reports within twenty-one (21) days of being appointed by the Dean and the reports shall be made available to the FDRC for their consideration.

STEP 8: The FDRC shall follow the procedures set out in Section  below and then provide its recommendation, in writing, to the President stating whether the Provost's recommendation should be followed, rejected, or modified, including what modifications it would recommend. The FDRC shall simultaneously provide a copy of its recommendations to the Provost and the faculty member.

STEP 9: The faculty member, after being advised of the FDRC's recommendation in Step 7 above, shall have seven (7) days to notify the President in writing if the faculty member agrees or disagrees with the FDRC's recommendation. This is an opportunity for the faculty member to make any relevant statement to the President that the faculty member wishes the President to consider relating to the FDRC's recommendation before the President makes his/her decision. The Provost shall also have seven (7) days to notify the President in writing if the Provost agrees or disagrees with the FDRC's recommendation.

STEP 10: The President shall review the Provost's Charges (as amended if applicable), the faculty member's response to the Provost's Charges (as amended, if applicable), any post-hearing submissions as allowed by the FDRC, the recommendation by the FDRC, and any statement provided by the faculty member and Provost in Step 9. Within fourteen (14) days of receipt of the FDRC's recommendation, the President shall provide his/her written decision to the faculty member and Provost as to whether the faculty member should be dismissed, suspended, or other lesser action shall be taken, which includes taking no action at all against the faculty member. If the President's determination is different than the FDRC's recommendation, the President shall address the reasons for the difference in his/her decision. If the President's decision is something other than termination or suspension, the President's decision is final and no further review of the President's decision shall occur.

STEP 11: If the President determines that the faculty member shall be terminated, the faculty member shall have seven (7) days to make a written request for appeal to the Washburn University Board of Regents ("WUBOR"). If the faculty member does not request an appeal to WUBOR, then the President's decision is final and no further review of the President's decision shall occur. The faculty member's written request for appeal shall be made to the Chair of the WUBOR, the President, and the Provost. The faculty member's written request for appeal shall include any response the faculty member wishes to make regarding the President's written decision. The Provost shall have seven (7) days after receipt of the faculty member's written request for appeal to respond in writing, which response will be provided to the Chair of the WUBOR, the President, and the faculty member.

STEP 12: If the faculty member timely makes a written request for appeal to the Chair of the WUBOR, the WUBOR shall review a) the Charges (as amended, if applicable), b) the faculty member's response to Charges (as amended, if applicable), c) any post-hearing briefs filed by the parties as allowed by the FDRC, d) the recommendation of the FDRC, e) the faculty member's statement of disagreement with the FDRC recommendation, f) the decision of the President, g) the written appeal of the faculty member, h) the Provost's response to the faculty member's appeal, and i) the transcript of the proceedings before the FDRC. WUBOR shall *not* consider any information not listed above. After reviewing the above documentation, WUBOR may accept, reject, or modify the decision of the President. WUBOR shall issue

its decision, in writing, within twenty-eight (28) days from receipt of the faculty member's written request for appeal. The decision of the WUBOR is final and not subject to any further appeal or University process.

## 25-4 FACULTY AGENDA ITEM

Date: *October 7, 2024*

Submitted by: *Shaun Schmidt on behalf of the Faculty Affairs Committee x-2265*

SUBJECT: *AMENDMENT OF FACULTY SENATE AND GENERAL FACULTY RELATIONSHIP*

Description: Amend the Faculty Senate Constitution Section I.D to state:

I.D. Any action by the Faculty Senate concerning changes in graduation requirements, new degrees, elimination of existing degrees, or creation of new academic departments will be brought before the General Faculty for a vote.

Rationale: The rewriting of the Faculty Senate Constitution was a multi-year process, but it was approved at General Faculty in April of 2023 to begin with the 23-24 academic year. Faculty Senate is increasing the items which automatically move forward to General Faculty for consideration and ratification. Previous and current constitutions' language is below.

2005-2023 Constitution:

I.D. Any action by the Faculty Senate concerning changes in graduation requirements, new degrees, academic majors, or programs; elimination of existing degrees or major programs; or creation of new academic departments will be brought before the General Faculty for a vote.

2024 - present Constitution:

I.D.2. Any action by the Faculty Senate concerning changes in university graduation requirements or creation of new academic departments will be brought before the General Faculty for a vote.

Financial Implications: *No direct*

Proposed Effective Date: *Immediately upon ratification by General Faculty as described in the Faculty Senate Constitution.*

Request for Action: *Faculty Senate 2<sup>nd</sup> reading on November 4, 2024*

Approved by: *AAC on date*

*FAC on date 10-28-24*

*Faculty Senate on date*

Attachments Yes ☐ No ☒