

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

Present: Cook, Davies, DeSota, Francis, Fritch, Gonzalez-Abellas, Hansen, Harnowo, Hartman, Heusi, Holt, Hu, Kay, Kendall-Morwick, Lambing, Lolley, Maxwell, Miller, Mosier, Ricklefs, Schmidt, Schnoebelen, Scofield, Smith, Sneed, Steffen, Stevens, Wagner, Williams

Absent: Dahl, Dickinson, Perret, Toerber-Clark,

Guests: Bailes, Broxterman, Holthaus, Hutchinson, O'Neill, Wade, Worsley, Burdick, Barnett, Camarda, Fried

- I. Call to Order at 3:01 by Ricklefs
- II. Approve minutes- Moved by Kay and seconded by Schnoebelen. Motion passed unanimously.
 - October 21, 2024 (pages 2-15)
- III. President's Opening Remarks
 - I'm sharing how we will go forward today with second reading of termination policy.
 - This has been worked on for 12-14 years at this point, which is a long time. It can take a long time to get things done, we have always had Faculty Senate representatives on it, over time. Marc Fried has been there. While I have been there, the meetings have been spirited and detail oriented. Last May it went to FAC for input, but we didn't get to vote on it. Faculty Senate officers thought we should have had something more than input. Through the summer and beginning of this semester there were talks/discussions and we were able to convey those to Provost Fritch. This resulted in the ability for Provost Fritch and President Mazachek to put a pause on this process and then bring it back to Faculty Senate so we could have a chance to vote on this. I appreciate all the meetings and the chance to bring this to Faculty Senate so that we can have broader feedback. Are there any questions at this point?
 - We have had some feedback and some potential motions have been made and we need to vote on those before we move on to other discussion/questions. I have been really excited about how shared governance has worked this semester. Our questions and concerns have been received and welcomed, and we have a chance to keep working with faculty and administration to work on this. After we finish this, it will probably be changed again, but we keep doing this to make it better.

- IV. WUBOR/KBOR Update- Tonya Ricklefs
- KBOR – meetings happening this week, lots of conversations about on-going projects
 - WUBOR - really appreciate all the updates that come out about the meetings
- V. VPAA Update - Dr. John Fritch
- First want to thank Executive Committee for the way we have worked together on the termination policy but also with other issues. I appreciate the spirit of cooperation to make Washburn better.
 - Campaign Kickoff Friday night – The goal to raise 250 million between now and 2029. There are 4 parts: Capital Improvements, Scholarships for Students, Support of Faculty in Departments (This is normally a tough thing to ask for, but it's not a difficult ask to make due to positive interactions with faculty), and Community Engagement (which includes money for internships, etc...which could be tough, but it's doing pretty well). This would be the largest for any D2 School in the country other than Colorado School of Mines. Forever Washburn is the campaign name.
 - November 18th we will have a Shared Governance meeting with a representative from AGB. Please be here to participate, we will have scenarios to work through.
 - Folks in Department of Education made a really nice presentation to KBOR to establish a Literacy Center on campus. It went really well, and the comments we got afterwards, they were incredibly impressed with the work WU is doing to create better readers across the state. It has been interesting to hear all the positive comments coming from KBOR.
- VI. Consent Agenda – Move to accept the Consent Agenda by Miller and seconded by Schmidt. Steffens questions all the “massive” changes that have appeared to happen with International Committee/group. Who do we talk to, what caused this decision? Motion passed unanimously (after the conversation below).
- Fritch responds that Baili (*Zhang*) went to Enrollment and Admissions. The rest of structure only changes as to whom they report to. International Committee met and we realized that no one had ever been denied for faculty travel, so they are no longer doing that. Beth (*O'Neill*) is helping the committee to discuss and imagine what the role of faculty and committee in education should look like. This will go through the shared governance process. Think with all the transitions, maybe the messaging didn't go through. Wade: faculty travel has moved over to with Faculty Development (International Faculty Travel Grant) and study abroad is being handled by Beth (*O'Neill*). Fritch: Danny Wade is making those approvals and then will update committee yearly. This is a rolling process, so no due date. Steffen: So, no change in type of support or what we are pushing for, more of a realignment. O'Neill: We hope we can give them better support since it's now under Faculty Affairs. Fritch: Bob Beatty is serving as a Fellow with this since he's had so many experiences with international trips. Schnobelen: Any changes at the entry point where faculty or students make first contact? O'Neill/Wade: For students no, still

go to same place. Faculty will connect on dynamic forms. Schnoebelen: may want to do something with CTCL to educate faculty. O'Neill: Tina has been working with us, once it's finalized, we will make sure an email goes out. Wade: Will start back with Brown Bag International Lunches, and also changed those who can apply for these grants from tenure only to full-time faculty. Ricklefs: Is International Committee staying as a functional committee? Yes (O'Neill)

- 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 Amendments (pg 30)
 - Action Item with proposed amendments integrated (31-38)
 - Time for feedback from divisions/constituents
- Conversation on 25-3
 - Schmidt moves to approve Policy with amendments as presented and move it onto General Faculty. Schnoebelen seconds. Motion passes unanimously.
 - Ricklefs: Is there any discussion about the amendments on page 30? Miller: As the person who caused all the trouble, I want to say that it appeared there wasn't time for the person being potentially being fired to come up with everything. That has been changed, so that meets my criticism for that part of it. (Ricklefs: I don't consider it a problem that you raised this.)
 - Cook: would like to change where it says "Dean's termination" to Dean's recommendation for termination." Miller: That is what I was going to raise an issue with in V.E.1. Here it says they will be terminated immediately (in non-tenure) which conflicts with C where it says they will not be terminated immediately. Cook: Would it satisfy your concern to switch the wording, or it is something bigger? Miller: Change Step I Section E. "The Dean, after consultation, shall be terminated" to "shall recommend termination" and remove "effective immediately" I'm concerned, that since Sarah and I caught some wording issues, there may be others.
 - Ricklefs: Because of Shaun's action, we would have to accept changes and move it forward. Schmidt: We could post-pone action. Smith: I was very sick last week, so this feels very fast to me. Can I ask questions? Ricklefs: We can vote on Schmidt's motion and then discuss/change. Schmidt: Am I correct that my motion just opened up the floor for discussion. Kay: Just clarifying what Schmidt said (*that his motion did open up the item for discussion.*)

- Miller: There may be things in the proposal that are impacted when we make a change to the amendment, so it's nice to have it open so we can all talk about it. Ricklefs: I'm trying to clarify if Sarah wants to make motion/change based on what she said. I know you've have the amendments for about a week. Cook: I don't think I've made a motion. Scofield: It (the wording) makes sense if the Deans hire, but it doesn't if the dean's don't hire (ie who hires/fires)? Fried: It's the Dean who makes a recommendation to the President, but doesn't officially hire/fire. Scofield: So this should mirror what happens in the (*hiring/firing*) process.
- Miller: Under the current system, tenured and non-tenured are subject to the same process. Fritch: Last week I said they were, but since then I've been told I was wrong, so that's another reason to discuss. Miller: There are scattered references to tenured, but they are not in the parts that would trigger action, so it can appear that this is the same for both. The mention of tenured later can confuse the situation. I was concerned that the policy in the proposal is not the same for tenured/non-tenured. There is no opportunity to appeal once the Dean terminates the individual. That may or may not be appropriate, but it does appear to be a change from what we have now. I don't think we want to change from a policy to something that has less protection. Schnobelen: Isn't that something we covered last week, where Tenure is a property right, making the old policy inferior? Miller: Only if you are tenured, but if you aren't tenured... If the current policy doesn't apply to non-tenured, then what is non-tenured policy? Ricklefs: Is one current delineation of difference that non-tenured do not go all the way to the board? Fritch: Tenure is given by the board, so that is why tenured folks would go all the way to the board, BUT non-tenured don't go to WUBOR since they don't have tenure. Holthaus: Can I give some historical information? Faculty Handbook Committee considered all of this extensively. Can't remember all the specifics because at some point you can't keep remembering all of it. At one point, "Faculty" only applied to tenured faculty. We are trying to clarify this and change definitions. This is the same with the tenured practice as well. WUBOR has never heard an appeal from anyone other than tenured faculty before. Fried: The flow chart (*passed out to group and attached to end of minutes*) is for non-tenured as it is proposed. Ricklefs: So this (*the flow chart*) is to clarify the differences between tenured and non-tenured/non-tenure track?
- Miller: The current status is section V Procedures for Termination, general statement in section A, begins with informal procedures "if a faculty member" (no tenured reference in section B), in section C, "faculty member" with no reference to tenure. There are references to tenure in other places. The references are not in places that

make it seem like it applies to everyone. Ricklefs: So the core of your concern is that we are getting ready to change something that is not written down even if it's happening in practice? Miller: Did they not appeal to the board because they were told that they couldn't, or because they actually accepted the decision? We are talking about people to be fired for cause. I think non-tenured folks would be let go through other options, so firing for cause is just one piece of the larger process. This also applies to people like me who are not eligible for tenure. They will no longer have the protections that this policy would seem to apply to them with current policy. To go from a policy that treats people one way and then seems to take protections away is not the right way to go. Schnoebelen: I think this is a perception issue. Miller: No, the protections are inscribed in our handbook now, and we don't want to lose those.

- Fritch: The termination at the start is one thing that is not good about the current policy. The step to the board is because they are the ones who give tenure. Fried: There are property rights with a contract, but the property rights with tenure are more extensive than those of non-tenured. That is part of the process.
- Miller: I'm not ready to make any changes to the language since I haven't heard from anyone other than myself. It is absolutely true that people under the law who are tenured have rights that others don't, and it will take more proof for someone with tenure. There is nothing in the law that prevents Washburn from giving non-tenured people those rights. To the extent the Faculty Senate has the ability to add those in, I think we should be protecting everyone we can. We can look at this as an opportunity to give tenured faculty more protections, or we can look at it as a chance to give all faculty more protections. If we go with this, I think it will feel like some people will have decided that some people are not as deserving of protections from others. There is not FRDC here, not other appeals here that tenured have. I'd like to know if anyone agrees with me? (*Words of agreement from several people.*) Smith: could this (the appeal) go to the president? That would not take care of the faculty review concern. I have a question I would like to ask.
- Ricklefs: One of the shared governance things that has happened is coming up with some standard operating procedure (SOP) that might clarify some of these issues. That's as far as this (SOP) has made it, since it's just been part of the conversations. We have multiple ways termination's processes can occur and I want to see it succeed this way. This feels less constrained than it did last year.
- Smith: I've heard lots of concern about this, and Miller's point really made me think about wording. What does material disruption mean from a legal perspective? Conversations I've had with others... (Holthaus: There lots of discussions on Faculty Handbook Committee about this.) Fried: I know people want as much detail as

possible, but we can't think of every possible thing that might happen, which is why we've written it this way. Until we know the specific facts of each instance, we can't say is this "material" disruption or not. Things always change in context. We need language that isn't so tight but does allow for consideration of information. There needs to be an element of trust at some point. To get a more defined process, I can't give you anything since it is a case-by-case basis. Smith: What if someone tweets something and people get really angry and cause destruction? Can that person get fired? Fried: I understand what you are talking about, but I can't tell you since there are so many factors to consider (academic freedom, etc). Too many factors – knocking a hole in the wall probably not, burning a building down, yes. Fritch: Administration has to build trust – "I've got your back on Free Speech issues" but also try to work with faculty member. I've sat through meetings at another institution where the governor wanted someone fired and we said no. I'd rather work with you on those things. I think these words protect faculty. Miller: With respect, I'm worried about the future, not our current administration. Nothing I say is a criticism of current administration/faculty/people who worked on this. This is complicated and difficult, which is why I assume there are so many steps for faculty who are tenured. I would like to see it available for non-tenured faculty.

- Francis: I think in the tenured process, it is the protection of involvement of faculty and faculty committees being involved in the process. I believe that is something that is urged by AAUP. I think it does make sense to have Faculty involvement in non-tenured process. Lolley: My question is when talking about having faculty involvement for non-tenured, what is the make-up of the group? What is the time commitment? I remember thinking about the amount of time it required last time, and I couldn't do my job at the same time. Francis: We couldn't do this all the time, but if it's really unusual... Part of the reason it was such a heavy lift is that we were committed to making sure someone's right was not taken away. Maybe have an emeritus faculty member chair this, since they would have the time. From my perspective, our belief in the important protections is part of what made us take so much time.
- Fried: Faculty wasn't clearly defined, but as some point it was understood that it was only interpreted as tenured or tenure-track. For the second piece, I've been here 10 years, and generally if there is a termination for cause for a non-tenure track or lecturer it would come to my office and it hasn't. Based on my conversations, it's much easier to just not renew the contract, and for tenure-track, it would be better for it not to be a termination for cause. So, in my experience this is better for the faculty member. This is typically only used if there is a threat to a student or another faculty

member. That is the practical reality as to how this process operates. There is a process for non-tenured faculty member, but it is not the same as for a tenured member.

- Stevens: Shaun (Schmidt) has a motion on the floor. My interpretation is that we don't have the power to change what was brought to us, just vote yes or no. Ricklefs: We can offer some amendments and vote on them today (like Cook's comment). If we vote no, there will be some conversations with executive committee. What "non-tenure" means... (Holthaus must be defined) for this process that we are voting on now. Fried: Tenured is one track, and non-tenured means tenure track (but not-tenured) and lecturer. Schmidt: We can vote to send back to Faculty Handbook Committee, we can vote other things. I think "No" is the least useful. On Faculty Handbook Committee, we have lots of administration, working on legal issues. Here what I'm hearing is more about "classes" of faculty. Do we need to put more processes in place, or do we need to change the culture? Ricklefs: Which option is interesting to consider.
- Miller: I'm getting hung up on tenure and non-tenured. We have steps but not definitions of what they mean. If we don't define it here, then it would be defined as it elsewhere in the Faculty Handbook. (Fried: Section "X" does state definitions. *Note from FS Secretary, that I did not capture the exact section where the definitions are stated.*)
- Steffens: Wanted to clarify that if we vote NO, then it goes back to the Executive Committee. Ricklefs: What I was trying to say was that there would be some clarifications. It's not a nuclear button, but we will have conversations. We would come back and say what happened. Thank you to Shaun (Schmidt) for clarifying the options.
- Fritch: This is a tough one. It really does speak to the nature of shared governance. We have differing amounts of time. WUBOR is holding up their bylaws as a result of this conversation. (Ricklefs: We asked for a delay from their September meeting already.) WUBOR won't be able to work on this later. After the last meeting, we tried to address concerns. Part of the shared governance process is that we move on items.
- Gonzalez–Abellas: Now that we are part of Best Colleges, this would be a good way to promote Washburn, as there is more robust protection for everyone. Cook: Looking at "A" in General Statement "For cause for tenured Faculty Member." I don't think the new policy is stripping protections away. I have mixed feelings about putting in more protections. Yes, but then what is the difference of tenure.
- Lambing: Can I motion to amend the process for non-tenured to include the whole left-hand side of tenured sheet. (Based on flow charts) Holt: Are you asking about adding Faculty committee, but

not WUBOR? Would those steps be added in after Provost meets with faculty, then the faculty committee would be added?

- Lolley: Trying to make sure we are following process. Don't think we can do this right now since we are currently considering termination for tenured. Ricklefs: First and foremost, do we have a second? Holt and Miller second Lambing's amendment. We have 26 minutes left, want to make sure we keep focused on the amendments.
- Fritch replying to Holt: Without speaking to the merits, we have been very careful with language. Would prefer we have language to back that up. Can't motion based on a flow chart. To be honest, I have not caught the concern about the lack of faculty participation. I've visited with President (Mazachek) this morning and she is happy to have it move to her. I would like us to move forward on this and have us keep working on it.
- DeSota: I have a question as to why FDRC was not included in the process. Fritch: I really defer on this since I was not here. Fried: Primary thought was about the due process that was needed for tenured folk. Tenure-track faculty are probationary, so this is necessary for tenured, but may not be legally necessary for tenure-track/lecturers.
- Kay: As someone who started here and is still not tenured, I understand the ideas. I agree with Dr. Fritch, we can't use the flow chart as the amendment. We may not have the explicit language right now to amend this.
- Cook: Call to question and Kay seconds. Vote on stopping conversation will stop conversation on amendment. (Clarification from Kay.) Motion passes with 3 descents and no abstentions.
- Vote on motion to move left hand of tenured chart (step 3) to non-tenured chart. Motion fails with 7 abstentions.
- Ricklefs: It's 4:45. The only motion on the floor is Schmidt's. Schmidt: Just checking to confirm that we can vote on this and still make amendments at General Faculty and those amendments could be circulated ahead of time. (*Confirmed that this could occur.*)
- Williams: We started talking about tenured and then moved to non-tenured. Can we vote just on tenured and vote later on non-tenured? Is there a way to separate them? Schnoebelen: Based on the current motion, no we cannot. Fried: It was done as an entire process, but we don't have a way to separate
- Miller: I'm extremely grateful that Dr. Fritch and Dr. Mazachek put in the amendments. Would you be able to do this before General Faculty (*send out amendments before the meeting*)? Fritch: I feel confidently I can add "Appeal to the President" to this process. I'm not sure about Lambings's amendment? Miller: Would like to have faculty advice/input added in somewhere (Ricklefs: Just want to mention that I have a meeting with Dr. Mazachek and this topic will

come up.) I feel like everyone is interested in adding faculty involvement. Can we do something similar for General Faculty? (*sending out written amendments in advance*) Ricklefs: This may be a possibility, but don't know we can guarantee it. Fritch: I still don't want to write up the language Maddie has talked about, since there are multiple language issues. I don't want to be the person who drafts that language. Miller: I don't want to say you would be the person who personally drafts it. I think if we start offering amendments at the General Faculty meeting, that would create issue. Would prefer that we have something ready when we come.

- Smith: Real quick – do we want General Faculty to do the work we should be doing?
- Stevens: Call to question of original motion, Lolley seconds. Vote on Call to Question. Motion passes (4 nays, 2 abstentions).
- Schmidt: The original motion was to approve as amended and move onto General Faculty. (yays – 20, nays – 8, abstentions 1)
- Ricklefs: Would like to keep encouraging people to keep communicating with officers, especially between now and General Faculty, so please keep writing. It won't change anything between now and then, but we can be more prepared
- 25-4 Amendment of Faculty Senate Constitution: Faculty Senate and General Faculty Items (Schmidt) (pg 39)
 - Moved by Schmidt, seconded by Cook. Motion passes

VIII. New Business-

IX. Information Items-

X. Discussion Items-

- Plass Renovation (Bearman) – will come back for another meeting

XI. Announcements

- The shared governance speaker (went to WUBOR retreat) is coming to tell us the same things WUBOR heard. Will meet with Elected officers afterward based on what we've heard.
- Hope you have a safe voting experience tomorrow and try to find some time to relax.

XII. Adjournment at 5:05 pm