

Minutes of
THE FACULTY SENATE
OF
ARKANSAS TECH UNIVERSITY

The Faculty Senate met Tuesday, April 12, 2016, at 3:00 p.m. in Rothwell 456.
The following members were present:

Dr. Molly Brant	Dr. Linda Kondrick
Dr. Jon Clements	Dr. Timothy Leggett
Dr. Melissa Darnell	Dr. Johnette Moody
Dr. Marcel Finan	Dr. Jason Patton
Dr. Marc Fusaro	Dr. Michael Rogers
Mr. Ken Futterer	Dr. James Stobaugh
Dr. Debra Hunter	Dr. Dana Ward
Dr. Sean Huss	Dr. Deborah Wilson
Dr. Shelia Jackson	

Dr. Glen Bishop, Dr. Chris Kellner, Dr. Rebecca Shopfner, and Dr. Jack Tucci were absent. Dr. AJ Anglin, Dr. Thomas Nupp, and Dr. Susan Hastings-Bishop were visitors.

CALL TO ORDER	President Futterer called the meeting to order and asked for a motion in regard to the minutes of the March 8, 2016, meeting.
APPROVAL OF MINUTES	Motion by Dr. Jackson, seconded by Dr. Huss, to approve the minutes. Motion carried.
NEW BUSINESS:	President Futterer advised this issue should be addressed after the new Vice President for Administration and Finance is hired. He stated he would also bring this topic to the attention of the consultant coming to campus in review of the administration and finance area. He asked that this item remain on the agenda as old business.
TRAVEL PROCESS	
OLD BUSINESS:	President Futterer referenced an email response from Mr. Wyatt Watson concerning the Senate's request for more definitive statistical information regarding the growth in faculty versus administration versus students. He noted the questions raised by Mr. Watson (see Attachment B) and asked how the Senate wished to proceed. Dr. Huss stated the list in the catalog could be used as a starting point for those defined as administrative staff. Dr. Anglin suggested asking a group to delineate specifically the data required, noting that a ratio study may give answers but they might not be the answers actually needed. As Dr. Darnell had raised the initial question, President Futterer asked that she serve on this sub-committee. Dr. Huss and Dr. Jackson also volunteered; President Futterer stated he would also ask Dr. Kellner if he is interested in serving.
GROWTH STATISTICS	
FACULTY EVALUATIONS' SOFTWARE	President Futterer stated Mr. Watson had nothing to report yet on this topic.
FACULTY SENATE CONSTITUTION	President Futterer referenced Article II, Section 2, Restrictions upon Membership, of the Constitution of the Faculty Senate as revised and voted upon at the February meeting (see Attachment A). He stated resistance by the administration to the language recommending that only tenured faculty be eligible for membership in the Senate as this is seen as an exclusion of a subset of the faculty. He noted the language, originally voted upon by the faculty two years ago, was an attempt to protect untenured faculty. President Futterer reported that to cut out a sizable group from service on the Senate now is doing so in reaction to "a historical condition that no longer exists."

Dr. Anglin reported President Bowen's concern with the language, stating this runs counter to her principle of trying to be inclusive. He noted she would not be able to support this language before the Board of Trustees.

Motion by Dr. Finan, seconded by Dr. Stobaugh, to accept the rewritten section proposed by President Futterer on Restrictions upon Membership.

President Futterer noted that proposed language within the promotion and tenure policy rewrite will allow for promotions within the rank of instructor. He referenced Paragraph B and stated the Constitution currently allows a faculty member with the rank of Instructor to serve an emergency term. He noted that Paragraphs A and C are actually about restrictions upon membership and B could be deleted.

Discussion was also held concerning adjuncts serving on the Senate. Dr. Wilson stated the Senate recommends wide ranging policy for the University and adjuncts "come and go with alacrity." Dr. Fusaro stated that an adjunct's role is very different. Dr. Huss noted a member of the adjunct committee can always attend.

President Futterer asked Dr. Finan if he would agree to amend his motion to remove Paragraph B. Dr. Finan agreed to the amendment.

Motion as amended carried.

FACULTY GRIEVANCE COMMITTEE

President Futterer referenced the material he distributed via email and the material distributed at the beginning of the meeting from the Faculty Grievance Committee and stated the material distributed today (Attachment D) supersedes the email (Attachment C). He briefly mentioned the request to establish a common meeting time for university-wide committee meetings.

President Futterer then referenced proposed changes to the *Faculty Handbook*, including the establishment of procedures and guidelines for faculty grievances and appeals. Dr. Anglin reported no discussion between this committee and his office was held concerning these changes, stating there are so many flaws within the *Handbook* which these changes do not begin to address.

Dr. Rogers stated it serves the Senate's purpose better to work with the administration in developing policy and procedures and encouraged the Senate to send the proposed changes back to the grievance committee and encourage the committee to work with the Vice President for Academic Affairs' office.

Motion by Dr. Rogers, seconded by Dr. Clements, to send the proposed changes back to the Faculty Grievance Committee, ask the Committee to work with the Vice President for Academic Affairs before bringing any recommendations back to the Senate for consideration, and inform the chair of the committee reviewing the promotion and tenure policy of any discussion or changes appropriate for that committee's review. Motion carried.

RETIREMENT ACCOUNTS AND HARDSHIP LOANS

President Futterer asked Dr. Huss for a report. Dr. Huss read his prepared motion for the record.

Motion by Dr. Huss, seconded by Dr. Leggett:

I move that the Faculty Senate approve the recommendations made by the TIAA-CREF committee on access to retirement funds, which are as follows:

1. Rollovers and Withdrawal at Separation
 - a. ATU Employees participating in the TIAA-CREF plan may be allowed to rollover their existing funds into other retirement accounts upon separation from ATU.
 - b. ATU Employees may withdraw funds from their ATU TIAA-CREF account upon separation from ATU.
2. Loans Against Funds in TIAA-CREF Accounts
 - a. ATU employees participating in the TIAA-CREF plan may be allowed to borrow against their accounts with the following limits by funding source:
 - i. Mandatory employee contributions limit of \$25,000
 - ii. Elective employee contributions limit of \$50,000
 - b. Employees may have no more than two (2) loans open at any given time
 - c. Employees may not borrow a total amount higher than \$50,000 (current IRS cap)
3. Hardships
 - a. Employees may make hardship claims to TIAA-CREF
 - b. Hardship claims are limited to elective employee contributions only
4. Review of Policies – After five (5) years, a review of default rates on loans is recommended to identify if adjustments in caps are necessary.

Dr. Huss noted that once the Senate approves, Human Resources will work with TIAA-CREF to prepare the final agreements.

Motion carried.

REPORT ON PROMOTION AND TENURE REVIEW PROCESS

President Futterer noted this review will continue over the summer and will come to the Senate in the fall for action.

REPORT ON STRATEGIC PLANNING

President Futterer stated there was no news on strategic planning at this time.

REPORT ON SECURITY CAMERAS

President Futterer reported there was no report on security cameras in the classroom at this time.

REPORT ON HIGHER LEVELS OF LIFE INSURANCE

President Futterer asked Dr. Anglin if he had an update on this topic. Dr. Anglin replied no action has been taken on this item.

SHARED GOVERNANCE STATEMENT

President Futterer stated this item would stay on the agenda for action in the fall when Dr. Abdelrahman, the incoming Vice President for Academic Affairs, is here.

PHASED RETIREMENT

President Futterer reminded everyone that a phased retirement plan is being considered as part of the strategic planning initiative. He advised he would also bring this issue up at the next Budget Advisory Committee meeting.

STAFF SENATE ITEMS: CAMPUS DAYCARE AND BIMONTHLY PAY

President Futterer stated no action has been taken by the Staff Senate on these items.

OPEN FORUM

President Futterer asked for any items for open forum. Dr. Stobaugh stated faculty have concerns with the last day of finals being Tuesday and grades due on Wednesday by noon. He stated many faculty would like more time to get in grades. Dr. Rogers noted that information is needed on how much time is reasonable between end of finals and when grades are due. To give more flexibility in the exam schedule, Dr. Anglin suggested removing Reading Day but stated he would want to run this by the Deans first.

Motion by President Futterer, seconded by Dr. Moody, to suspend the rules and allow for a motion during open forum. Motion carried.

Motion by Dr. Moody, seconded by Dr. Jackson, to recommend removing Reading Day and using this day as an additional testing day.

Dr. Kondrick stated she would rather run this by the Deans first. Dr. Rogers stated the Senate still needed to establish a policy on how much time should be allowed between the end of finals and grades being due. Dr. Moody withdrew her motion.

Dr. Moody recommended establishing a subcommittee involving senators, the registrar's office, and Academic Affairs to work on the calendar relating to these issues. She also recommended conducting a survey of the faculty on how much time is needed to complete grades once finals are over. Dr. Rogers, Dr. Brant, and Dr. Hunter volunteered to serve.

Dr. Moody stated she had received a request from faculty asking for two days in November and April without classes in order to pre-register students. Dr. Hunter noted that if there are no classes, then the students will scatter and not be available for preregistration.

Dr. Fusaro questioned why the Tuesday before Reading Day for spring will hold Wednesday classes when this is not needed for class hours. He stated he understood it was needed for fall due to the implementation of the fall break. Ms. Chronister, Recording Secretary, noted that, although the extra Wednesday class would not be needed every spring depending on the January start, the end of term schedule was kept exactly the same for spring as fall for consistency.

ANNOUNCEMENTS
AND
INFORMATION
ITEMS

President Futterer stated he saw no pressing business for the scheduled meeting on Reading Day and so announced this would be the last meeting of the Senate this semester.

Dr. Anglin stated he has enjoyed working with the Senate over the past 18 months and commended the Senators for advocating on behalf of the issues "in a healthy way." He stated he is confident that Dr. Abdelrahman is truly committed to shared governance and will work well with the Senate in the future.

Dr. Huss distributed information relating to a hygiene drive for the Russellville School District. He stated the school district had requested assistance with providing hygiene products to their students.

Dr. Huss also reported that the food recovery efforts will surpass three tons this semester alone with approximately 20,000 people fed in the River Valley area.

Dr. Brant reminded everyone of the spring plant sale by Agriculture this Friday and Saturday.

Dr. Darnell reported the annual spring volleyball tournament will be held this Saturday.

ADJOURNMENT The meeting adjourned at 4:35 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ken Futterer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ken Futterer, M.M., President

A handwritten signature in black ink, appearing to read "Marc Fusaro". The signature is cursive and somewhat stylized.

Marc Fusaro, Ph.D., Secretary

ATTACHMENT A

We have been asked to re-consider our vote that would exclude non-tenured faculty from holding office in the Senate. Historically, this change to the Constitution was instigated to protect non-tenured Senators from inappropriate administrative pressures. The argument offered, and I agree, is that this well intended exclusion is an inappropriate denial of a class of faculty from elective office. KTF

I have taken the liberty of re-writing Section 2, and removing all the x-outs to make a clear comparison between the proposals.

**THE CONSTITUTION OF THE FACULTY SENATE
OF ARKANSAS TECH UNIVERSITY**

Section 23: Restrictions upon Membership

~~Paragraph A: No staff member shall be eligible for elective or appointive membership in the Senate who does not hold the faculty rank of Assistant Professor or above. All faculty with the rank of Assistant Professor or above are eligible for elective membership in the Senate. It is recommended only tenured faculty seek election, except in circumstances where a College or independent Academic unit lacks eligible tenured faculty.~~

~~Paragraph B: No staff member shall be eligible for elective or appointive membership in the Senate who does not hold the faculty rank of Assistant Professor or above.~~

~~Paragraph CB: No Dean of a College shall be eligible for membership in the Senate.~~

~~Paragraph DC: In the event that no member of a College is eligible for elective membership to the Senate under the restrictions imposed by Paragraphs A, and B, and C then the College may elect a faculty member with the rank of Instructor to serve an "emergency" term of one year.~~

Section 2: Restrictions upon Membership

Paragraph A: All faculty with the rank of Assistant Professor or above are eligible for elective membership in the Senate.

Paragraph B: In the event that no member of a College is eligible for elective membership to the Senate under the restrictions imposed by Paragraphs A, then the College may elect a faculty member with the rank of Instructor to serve an "emergency" term of one year.

Paragraph C: No Administrative officers above the position of Department Head shall be eligible for membership in the Senate.

Section 3: Terms of Office

Paragraph A: All elective members of the Senate shall serve for three years.
No senator may serve more than two consecutive three-year terms.

Paragraph B: The terms of membership of all initial elective and appointive members of the Senate shall be considered as having begun on July 1, 1953.

ATTACHMENT B

The following memo is from Wyatt, and details the difficulties in responding to the Senates request for definitive statistical info on rations between Faculty / Students / Administrators. Please consider what he has written, and if possible, offer a path for this research. KTF

From : Wyatt Watson
Subject: Research on University growth.

Mr. Futterer,

ATU has approximately 1,000 positions that are budgeted and filled. Currently there is no definition of who is an administrator versus who is staff, we would need to determine a defensible method of classifying positions or I am afraid our data would be suspect and untrustworthy.

One possible method would be to say an administrator is defined as having at least one supervisor reporting to them. In other words, an administrator is a supervisor that oversees other supervisors. This method would define a Dean as an administrator but not a department head. The only issue with this method is we only have data in Banner for the last couple of years related to who is a supervisor. I am sure that there are many possible definitions. That would need to come first.

Secondly, no matter how we define an administrator we would in some form need to take into account when ATU started making CUPA adjustments. For example, it has been 10 years since the first round of CUPA adjustments for faculty; it was just last July where we had the first round of adjustments on Staff/Administrators.

If we only looked at 2010 forward we would be including the first round of CUPA for staff and administrators but not for faculty. It is the first round that always costs the most. I believe that would show a disproportionate increase in Staff salaries relative to faculty who were already seeing the benefits of the CUPA comparison.

Just to make things even more difficult, we only have good electronic data in Banner back to January 1, 2008 when we went live. It is very difficult to go back and get salary information by position before that date and that would be the time frame the faculty salaries were first adjusted.

I have no issue with trying to tackle the question at hand but I would like to create reports that used well defined variables and that would not mislead either the senate or the administration.

One last thing – we have just begun the selection process for the new course evaluation software and I doubt that it will be complete by the 12th.

Thanks, W yatt

ATTACHMENT C

The following is from Prof. Ivan Still, Chairman of the Faculty Grievance Committee. They are doing a substantive review of that committee's purpose, and Dr Still has offered the following for our consideration. In order for the Grievance Committee to better realize its intended function, I believe that the Senate should consider a change to our Handbook to reflect current national practices from the AAUP. KTF

From: Ivan Still – Faculty Grievance Committee

Dear Colleagues--

According to the *2015-2016 Faculty Handbook* (p. 13), our committee has the following charge:

"Insofar as the faculty member alleges that the decision against renewal was based on inadequate consideration, the Faculty Welfare Committee, which reviews such faculty allegation, will determine whether the decision was the result of adequate consideration in terms of the relevant standards of the institution. The Faculty Welfare Committee will not substitute its judgment on the merits for that of the recommending or deciding authority. If the Faculty Welfare Committee believes that adequate consideration was not given to the faculty member's qualifications, it will request reconsideration by the recommending or deciding authority, indicating the respects in which it believes the consideration may have been inadequate."

In the past, the tricky term in this mandate has proven to be "adequate consideration," due to its inherent ambiguity. The *Faculty Handbook* states that Tech's regulations on academic freedom and tenure are modeled upon those recommended by the American Association of University Professors (AAUP). When I checked the original AAUP document, I noticed that it includes a passage, which actually provides some practical guidelines for deciding what constitutes "adequate consideration." I believe that the passage in question would represent a useful addition to our *Faculty Handbook*, so I submit it to you as follows for your advisement:

NOTE: Please note that the *italics* in the following statement from the AAUP are mine, and refer to the fact that substantive decisions within the AAUP P&T process are made first and foremost by faculty, not department heads. KTF

"It is easier to state what the standard "adequate consideration" does not mean than to specify in detail what it does. It does not mean that the review committee should substitute its own judgment for that of *members of the department* (KTF) on the merits of whether the candidate should be reappointed or given tenure. The conscientious judgment of the candidate's *departmental colleagues* must prevail if the invaluable tradition of *departmental autonomy* (KTF) in professional judgments is to prevail.

The term "adequate consideration" refers essentially to procedural rather than to substantive issues: Was the decision conscientiously arrived at? Was all available evidence bearing on the relevant performance of the candidate sought out and considered? Was there adequate deliberation by the *department* (KTF) over the import of the evidence in the light of the relevant standards? Were irrelevant and improper standards excluded from consideration? Was the decision a *bona fide* exercise of professional academic judgment? These are the kinds of questions suggested by the standard "adequate consideration.""
(from *AAUP Policy Documents and Reports*, "Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments")

From Griev Comm - D

The following addition/alterations to the handbook are aimed to set forth procedures, timelines and reduction of time conflicts for meetings that will expedite the Faculty Grievance process, as requested by Faculty Senate and the President.

- A) **Request:** a set time be put aside for University-wide Committee meetings. This should be a set hour Monday, Wednesday AND Friday, e.g. 4 p.m., such that each of the committees be able to meet without conflict with teaching, departmental, or other committee work. This would need to be communicated to the Deans and Department heads, and flexibility given in teaching schedules such that faculty on these committees be able to attend, or faculty realize that they cannot be elected to a specific committee because they are unable to commit to that time. This may also limit the number/identity of committees to which a faculty member be elected. 4 p.m. is a time at which fewer classes/labs are scheduled (certainly based on Finals week) and once set, departments would be able to plan schedules in future semesters.

B) Replacement/Amendment to "Chapter II, B. Initial Appointments and Tenure," item #6 (page 13)

Insofar as the faculty member alleges that the decision against renewal was based on inadequate consideration, the Faculty Grievance Committee, which reviews such faculty allegation, will determine whether the decision was the result of adequate consideration in terms of the relevant standards of the institution. *It is easier to state what the standard "adequate consideration" does not mean than to specify in detail what it does. It does not mean that the Grievance committee should substitute its own judgment for that of members of the department on the merits of whether the candidate should be reappointed or given tenure. The conscientious judgment of the candidate's departmental colleagues must prevail if the invaluable tradition of departmental autonomy in professional judgments is to prevail. The term "adequate consideration" refers essentially to procedural rather than to substantive issues: Was the decision conscientiously arrived at? Was all available evidence bearing on the relevant performance of the candidate sought out and considered? Was there adequate deliberation by the department over the import of the evidence in the light of the relevant standards? Were irrelevant and improper standards excluded from consideration? Was the decision a bona fide exercise of professional academic judgment? These are the kinds of questions suggested by the standard "adequate consideration."*

If the Faculty Grievance Committee believes that adequate consideration was not given to the faculty member, it will request reconsideration by the recommending or deciding authority, indicating the respects in which it believes the consideration may have been inadequate. The Faculty Grievance Committee will provide copies of its findings to the faculty member, the recommending or deciding authority, and the President or other appropriate administrative officer. The Faculty Grievance Committee is a duly elected standing committee whose membership is determined by the faculty (Chapter III).

C) Establishment of Procedures and Timelines for Faculty Grievances and Appeals (for insertion into the Faculty handbook, Replacement (amendment) of Chapter II, Section M. Page 19)

Grievance Procedures

The Faculty Grievance Committee provides a forum to which faculty may submit grievances or appeals on a variety of matters adversely affecting faculty morale. Any faculty member who feels that there is cause for grievances in any matter not covered by the procedures described in this document may petition the elected Faculty Grievance Committee for a hearing.

The procedures set forth shall govern all types of faculty grievances or appeals, unless in direct contradiction to specific procedural requirements for a) non-renewal of a probationary appointment; b)

termination of appointment by the Institution; c) sexual harassment/misconduct; d) appeals against promotion and tenure decisions. In the latter cases, faculty should refer to specific procedures and deadlines in the appropriate sections of the Handbook.

The general procedures and timelines for faculty grievance and appeals (hereinafter termed “complaint”) by the Faculty Grievance committee (hereinafter termed “FGC”) are outlined below. It should be noted that for the purposes of the workings of the FGC, “working days” will mean days during Fall and Spring semesters in which the university is open for instruction. The FGC will make every effort to complete its work during the academic year. Where this is not possible, or complaints are received outside the contracted academic year, a proposed timeline shall be agreed by parties involved and recommendations forwarded to the president for approval. A list of members of the FGC that may be available for consultation outside normal contract times may be requested by the Chair of the FGC prior to the Spring graduation ceremony.

1. Where possible the faculty member (grievant) should first pursue their dispute through their immediate supervisor as soon as possible after which the alleged violation or grievance occurred. If unresolved, the grievant should file with the Chair of the FGC a complaint, written or email, under this section no later than thirty days after a) the alleged violation/grievance occurred, b) the matter was discovered by the grievant, or c) after failure to resolve the matter through the administrative process through their immediate supervisor.

The grievant should preserve a documented timeline of events and any pertinent communications relating to the grievable matter, for submission to the FGC.

Failure to file a complaint in a timely manner shall result in the dismissal of the complaint, and the grievant informed by the Chair of the FGC of the dismissal.

2. The grievant will submit to the Chair of the FGC a written statement that shall include the factual basis for the complaint, the individual(s) against whom the complaint is filed, where appropriate reference to the provision of the Faculty Handbook, University policies or Faculty Committee function that indicates ability of the FGC to act, and any evidence that the grievant views pertinent to their complaint. The grievant and the FGC Chair may discuss the appropriateness of the complaint and the provision upon which it is based, and the next steps required for processing of the complaint.
3. Within five working days of receipt of the complaint, the FGC Chair shall present the petition to the FGC by email or in person through calling a face-face meeting. The FGC will have the right to decide whether or not the facts as presented in the original petition merit detailed investigation. Submission of a petition will not automatically end in investigation or detailed consideration thereof. If appropriate, the FGC, or Chair will appoint an ad hoc grievance subcommittee of no less than three members to investigate the grievance. No member of the subcommittee may investigate proceedings involving matters in which they may have an initial direct or indirect involvement. Persons selected to serve on the committee who deem themselves disqualified for bias or interest may request recusal from the matter.

The subcommittee will conduct such preliminary investigations as it deems necessary to hold hearings in an orderly and fair manner. The subcommittee may seek further information from and interviews with the grievant and other individuals as deemed necessary to expedite the resolution of the complaint. The subcommittee shall accept documentation from the grievant and person(s) alleged to infringe the rights of the grievant, if offered. All responsibility for questioning witnesses, securing evidence and determining the order of proof will be vested in the subcommittee.

4. The subcommittee shall present their accumulated evidence and recommendations to the full FGC, or a quorum thereof within 60 working days from the initial filing of the complaint with the Chair of the FGC, unless a longer period of time is needed due to unforeseen circumstances, or a need to gather more evidence, and approved by the FGC. Constitution of a quorum of the FGC shall be viewed as no less than a majority of the members of the committee. Strict judicial rules of evidence shall not apply, and adjudication be made by the majority of the present members of the committee. The number (only) of yes, no and abstention votes will be recorded in the minutes of the meeting.
5. The committee may seek to bring about a settlement of the issue satisfactory to the parties. If in the opinion of the FGC such a settlement is not possible or is not appropriate, the committee will report its findings and recommendations to the grievant and to the appropriate administrative officer, or officers and appropriate faculty, and the grievant will, upon request, be provided an opportunity to present the case to them.

All email, written and oral communiqués and the deliberations of the subcommittee and subsequently the FGC will be kept confidential within the confines of the committees as necessary to conduct the matters under consideration.

6. Where appropriate, within five working days of the decisions by the FGC, the Chair will forward in writing a copy of the conclusions and recommendation of the FGC to the President of Arkansas Tech University, following procedures described in the “Regulations on Academic Freedom and Tenure.”