

Faculty Senate Minutes
Minutes of April 21, 2006

FACULTY ASSOCIATION OFFICERS

Bill Humphrey—Chair	P
Richard Freer—Vice-Chair of the Senate	P
Bill Rowe—Past President	Absent
William B. Maynard—Secretary of the Faculty Association	P
Margaret McClain—Secretary of the Senate	Absent
Win Bridges—Acting Parliamentarian	P

PROXY

Debra Walden

AGRICULTURE (1)

Bert Greenwalt	P
----------------	---

BUSINESS (3)

Mark Foster	P
Louella Moore	Absent
Jim Washam	Absent

COMMUNICATIONS (2)

Jack Zibluk	P
Osa Amienyi	Absent

EDUCATION (5)

Cindy Albright	Absent
Daniel Cline	P
Amany Saleh	P
Marci Malinsky	P
David Holman	P

ENGINEERING (1)

Shivan Haran	P
--------------	---

FINE ARTS (3)

Alyson Gill	Absent
Tim Crist	P
Kelly Shaefer	

Stacy Alley

HUMANITIES & SOCIAL SCIENCES (6)

Win Bridges	P
Mary Donaghy	P
Robert Baum	P
Joe Sartorelli	P
Richard Wang	P
Erik Gilbert	P

LIBRARY (1)

Myron Flugstad	Absent
----------------	--------

Linda Creibaum

MILITARY SCIENCE (1)

LTC Larry P. Aikman	Absent
---------------------	--------

NURSING AND HEALTH PROFESSIONS (3)

Richard Freer	P
Donna Caldwell	Absent
Cathy P. Hall	P

SCIENCE AND MATHEMATICS (4)

William Burns	Absent
Bob Bennett	P

Jeff Jenness Absent
Jie Miao Absent

UNIVERSITY COLLEGE (1)

Margaret McClain Absent Debra Walden

GUESTS

Dr. Susan Allen
Mitchell Nail
Jonathan Harp
Kendall Moss
Kirbie Jones
Graycee Colbert
Greg Phillips

Chairman Humphrey called the meeting to order.

- I. MINUTES:** The minutes of the April 7, 2006 meeting were approved as corrected below:
Dr. Sartorelli asked that the following addition be made to the previous minutes.
"Dr. Humphrey said that the appendices had previously been approved by the senate. *Dr. Sartorelli took issue with the claim that there had been previous approval.*"
The minutes were approved with this correction.

II. OLD BUSINESS:

Dr. Wyatt's Presentation: Dr. Wyatt was recognized by President Humphrey. Dr. Wyatt expressed his desire to address the shared governance process. He asked the Senate to move forward with the process of identifying persons who will serve on shared governance committees. He noted that committee recommendations from student and staff are in place but nothing has been received from the faculty. Dr. Wyatt added that the deadline for recommendations was April 17th and that faculty recommendations need to be in place before the next meeting of the Board of Trustees. Dr. Wyatt noted that faculty participation benefits both faculty and the university. He also pointed out the similarity in committee structure in the Board approved handbook and the Faculty Handbook recently approved by the Senate. Dr. Wyatt then opened the floor to questions from the Senate.

Senator Zibluk stated that he had questions exist about the philosophy of governance; that the faculty is, in essence, confused about their role in the process.

Dr. Wyatt offered his opinion on the role of the faculty noting that the Board is interested in have the opinions of its constituency. He suggested that all constituents serve in advisory capacity subject to an affirmation process conducted by the Board of Trustees. He cited, as an example, the issue of primacy discussed in the recent handbook discussions. He stated that in the last 11 years the Board has never overturned a recommendation that originated on campus related to PRT. Dr. Wyatt noted that we are all vitally involved in making recommendations. Dr. Wyatt asked if the Senators could cite an example where faculty recommendations were not upheld by the Board.

Senator Cline noted that the faculty has voiced concerns and recommendations that have been ignored by the next lever of administration. He cited, as an example, student grade changes being initiated by administrators. Dr. Allen responded that the cases she had seen were grades being changed to reflect "administrative withdrawals". Dr. Cline suggested that this might be a symptom of problems with administration.

President Humphrey stated that the faculty was concerned about whether or not the handbook was a contract and asked "What preserves our rights?" Dr. Wyatt reflected on the change of university procedure regarding contract notification (appointments). He noted that the current letter of notification is a simpler process. Dr. Wyatt stated that Jennus Burton did say "in error" at this time of change in procedure that the "handbook was the contract". That was an error. Dr. Wyatt noted that the appointment letter contains information regarding conditions of appointment. Dr. Wyatt stated that the Board views the handbook as "a definition of the processes in which the university operates...a statement of policies and procedures for the effective operation of the university." He stated that the Board views the letter of appointment as representative of the contract between the university and the individual.

Senator Bennett offered a historical perspective on the development of the handbook. He noted that several years ago, Dr. Bob Fischer stated that the handbook would be the new contract between the university and its faculty and that the letter of appointment stated this to be the fact. He suggested that this might be one of the reasons why faculty is confused on this issue.

Dr. Wyatt expressed his regret for the change and ambiguity that has occurred. He noted that as of February 24th, 2006 the Board no longer considers the handbook a contract. Dr. Cline stated that the faculty senate attorney would take the position that the Board cannot make this decision unilaterally. Dr. Zibluk expressed his concern that since the handbook, which defines PRT and other issues, can be so readily changed (as indicated in the preamble of the Board approved handbook) then what protections does the faculty have? Dr. Wyatt stated that the Board appreciates issues of academic freedom and the PRT process. He agreed that the Board has made a statement that it can make changes in the handbook, but noted that there is no historical indication of change. He stated that this Board has shown no indication to change issues related to tenure and academic freedom. He suggested that until the faculty has some basis for "alarm" then alarm should not exist. "Academic freedom and tenure are part of the fabric of this university", Wyatt stated. Senator Bennett stated that because the Board reserves the right to change the handbook that the faculty does indeed have reasons to be wary of the actions of the Board, especially in light of recent event. Senator Wang offered his perceptions of the university as a workplace with faculty members as employees. He suggested that "in the real world a contract stipulates the terms of this working relationship and that, in some worlds, the contracts are renegotiated to the benefit of both parties." He suggested that on campuses where this process of negotiation/renegotiation exists that morale is better. He offered that the current situation on our campus is "just not good for morale". Dr Wyatt offered his opinion that union arrangements may not be a panacea. He reminded the senate that Arkansas is a right to work state and that unions in higher education are not recognized. "We all work for ASU and our employer, legally responsible, is the Board of Trustees."

Senator Cline suggested that this point was characteristic of the nature of relationships at this institution. At ASU we see a patriarchy which deals with faculty as "subservients" with the Board and some administrators as patriarchs. Dr. Wang stated that we are being asked to "trust" the Board to treat us in the manner to which we have become accustomed. He emphasized that the relationship had to be "more than this". Dr. Zibluk stated that he is aware that we will be undergoing change and experiencing new pressures. He stated "I would like academic freedom to be sacrosanct – we need to be able to explore and inquire."

Senator Malinsky stated that the position the Board has taken doesn't promote the concept of shared governance. She stated that she thinks there is a "better way" and asked "Can we together make a better university?"

Dr. Wyatt offered that there had been discussions regarding timely completion of the handbook. "The Board expected a handbook to be presented by June of 2005. At the last Board meeting in 2005 the Board asked for the handbook. We started discussion with a consultant who was unable to fulfill his obligation. The Board asked again for the handbook in the fall of 2005. A draft available in late September was circulated to the Board of Trustees. I gave this draft to the Board at the meeting in December, 2005. Dr. Humphrey indicated that the senate had not approved the draft so I asked that the draft be pulled down. At that time the Board set a date of Feb 24th to approve a handbook. The Senate made a resolution that an up or down vote on the handbook would come in Jan. 2006. At the Board meeting on Feb 24th the Board expected to approve a handbook to meet demands of the H.L.C. and to put a shared governance committee structure in place. The deadline for submission of material for the Board was Feb 3rd, 2006. At that time there was no indication as to when a handbook would be approved. On the basis of that fact, material was drawn for the draft which we had available. There was virtually no indication before the Board that a handbook could ever be passed by the Senate." Wyatt then stated that as the Board approved the handbook they identified the potential need for change and suggested that we would need to follow up with that process of change. He noted that as the Board is designated to manage and control the university. Since the Board believed it was not going to get a handbook, the Board felt it had the responsibility to promulgate a document of policies and procedures. Senator Freer asked if the Board acted in this manner because the H.L.C. required compliance and because it had no reasonable expectation that the handbook would be produced by the faculty.

Dr. Wyatt responded that as the request of the university we had the next focus visit of the H.L.C. delay one year. The university goal is to have the shared governance structure in place and well developed and evaluated before the next H.L.C. visit. Dr. Freer asked if the Board had been apprised of the delay of the H.L.C. visit. Dr Wyatt responded that he had informed the Board at the meeting Feb 24th, 2006.

Julie Isaacson, Chairman of the Shared Governance Task Force for Strategic Planning, noted that the shared governance piece was in place for approval in the spring of 2005. "The Board elected to table the shared governance piece until the entire handbook was ready." Dr Wyatt responded that the Board's sense was that this piece should be held until it could be viewed as a piece of the fabric of the handbook. He noted that his was the singular circumstance in which a recommendation was held in abeyance. He further noted that the H.L.C. expected that the shared governance process would be submitted as part of the larger handbook.

Senator Bennett asked if it was possible to submit a new document for the administration and Board to consider. Dr. Wyatt responded that the Board has envisioned a process of incremental change not simply a "swap" of handbooks. A proposal to change for the benefit of the operation of the university should be presented. Bennett responded noting that a wholesale change of the document occurred on Feb 24th. He

stated that it seems odd that “we cannot have a wholesale change at this point. The document we presented is a true shared governance document. The one the Board presented is a dictatorial edict.”

Senator Cline stated that the suggestion that the development of a handbook by the faculty has been “dragging” was, in fact, erroneous. He noted that at least 3 handbook versions have been submitted and that the process began long before 2002. Cline stated “I don’t think it was fair to assume that a document was not forthcoming.” Senator Freer noted that the faculty had wrestled diligently in the process of developing a handbook. He stated that “it is a surprise and disappointment to me that the Board did not have information that the handbook was being finalized.” Freer noted that Dr. Humphrey was at the Board meeting on Feb 24th. Dr. Wyatt responded that the Board was trying to operate on the understanding that shared governance committees had to be in place before the fall. The Board felt like it was “running out of time” adding “If you could have given a date to me, I would have put it on the table.”

Dr. Cline stated that one of his regrets was that there seemed not to have been one single administrative representative who participated in the deliberations. He noted that a major disconnect seemed to be in place. Dr. Wyatt offered his agreement but stated that he knew that Dr. Allen met very dutifully with the handbook committee. He added “I believe that Dr. Allen was out of that process in the late fall.”

Dr. Cline expressed his regret but added that there was no consistent or direct participation by administration in the development of the handbook. Dr Wyatt disagreed and stated “somehow the project was hijacked”. Senator Maynard stated that the document was essentially completed by the date and that the senate was working on the scholarly presentation of the document. Senator Donaghy referred again to the break down in communication that apparently occurred. Dr. Wyatt stated that on Feb 3rd, 2006 he asked President Humphrey when “we might have a handbook.” He was in no position to give me a date. Donaghy responded saying “many of us were not aware that there was a final date...an ultimate deadline”. Dr. Cline expressed his concern that the faculty must have a direct, on going and consistent participation for changes in the handbook. Dr. Wyatt noted that this process for change exists and that it must start with the faculty. “I expect that there are changes that need to be made..if so, we need to get about the process. The Board will simply not swap documents.”

Senator Freer pointed out that a chasm exists between the Board and the senate regarding the handbook documents. He asked “is there any room for dialogue to enable us to move forward and quickly with matters of concern?” Dr. Wyatt responded that he would support a process that addresses the impasse between the Board’s authority and the faculty perception that the handbook belongs only to the governing Board. He remarked that this situation is not good for our university, faculty, the students and the perception of the public. He noted that as long as the two groups believe that there are two documents each with power to govern this situation is not tenable and needs to be resolved.

Senator Maynard expressed his concern that the Board may not realize that the faculty has no issue with the authority of the Board.

Senator Cline reflected that following through with committee appointments may suggest that there is legitimacy in the Board’s approved handbook. He noted “our attorney would recommend that we not do this.” Dr Wyatt responded, “These are not your attorney’s committees; these are your committees.”

Senator Freer suggest that the senate thank Dr. Wyatt and get about the business of the senate.

Dr. Wyatt expressed his sincere gratitude for the contributions of the faculty to the university.

II. NEW BUSINESS:

Report of the Elections Committee: Senator Wang, chair of the election committee reported that there was a good turn out for today’s election and noted we had two fine candidates for the office of President-elect. He announced that Louella Moore was selected, in a close election, for the office of President-elect. He thanked both Dick Freer and Louella Moore for running for the position.

Discussion of Shared Governance Committee Appointments Dr Humphrey pointed out that approximately 70 faculty members had replied to a request for volunteers indicating their interest in serving on shared governance committees. Discussion followed.

Senator Zibluk made a motion, seconded by Senator Maynard in support of the Faculty Senate Resolution introduced April 7th, 2006. The resolution reads as follows:

Whereas, the Faculty Senate of Arkansas State University accepted unanimously the new faculty Handbook as recommended by the Faculty Senate Handbook Committee as its March 17, 2006 meeting with slight revisions: and whereas,

At the same meeting, the Faculty Senate of Arkansas State University rejected an imposed manual of suggested policies and procedures presented by the Board of Trustees and the current Administration of Arkansas State University; and whereas,

The 1996 Faculty Handbook remains the operative Faculty Handbook recognized as such by the Faculty Senate of Arkansas State University; and whereas,

The Faculty Senate of Arkansas State University is ever mindful of its responsibilities and obligations under the said 1996 Faculty Handbook;

Be it therefore resolved that, the Faculty Senate of Arkansas State University, resolves that the status quo with regard to committees (including committee structure and membership) that has been operational at least up to February 2006 shall continue until such time as a new Handbook has been mutually approved by the Faculty Senate and the Board of Trustees of Arkansas State University.

Discussion regarding the implications of the resolution followed. President Humphrey suggested the other option would be to appoint committee per the committee structure outlined in the Faculty Handbook adopted by the Faculty Senate.

Senator Wang made a motion to call the motion which was seconded by Senator Zibluk.

The Resolution passed.

Report of the Handbook Committee: Senator Maynard stated that the committee had met and agreed it would be a good idea to set up a task force to review current concerns. The committee should be composed of members of the senate, the handbook committee and representative of the AAUP. The committee members appointed by President Humphrey are:

Dick Freer
David England
Julie Isaacson
Phyllis Pobst (AAUP representative)

III. ADJOURNMENT: There being no further business, the meeting adjourned at 4:25 pm.

Respectfully submitted,
Debra Walden, Secretary Proxy