

FACULTY SENATE

THE UNIVERSITY OF ALABAMA

FACULTY SENATE MEETING

November 18, 2003 – 3:30 pm – Ferguson Forum

Approved Minutes

Roll call and quorum check by Roy Ann Sherrod

ABSENT: Daniel Goldmark, Janis Nuckolls, Don Hooks, Karen Burgess, Karla Carmichael, Jay Lindly, Mitch Shelton, Carol Drolen, Steve Miller

ABSENT WITH ALTERNATE: Jerry Weaver, ALT Bruce Barrett; Margaret Garner, ALT Nancy Rubin; Sheri Shuler, ALT Joe Phelps; Margaret Rice, ALT Jane Newman, Nick Stinnett, ALT Peggy Jessee

GUESTS: Gilbert Cruize, Tuscaloosa News; Tiffany Summerville, Crimson White; Seth Burgess, SGA Representative; Joanna Hutt, Dialog

The minutes of the October 21, 2003, Faculty Senate meeting were approved.

The first item for discussion was **nominations for two University standing committees**. One candidate for the Merger and Discontinuance of Academic Units Committee is needed and two candidates for the Mediation Committee. The election will be held at the December 9th Senate meeting with other nominations taken at that meeting prior to the election. Wythe Holt nominated Bill Andreen from the Law School for the Merger and Discontinuance of Academic Units Committee. Marvin Johnson nominated Philip Johnson from Engineering. This nomination was withdrawn because he is one of the three ombudspersons. Wythe Holt nominated Pam Bucy from the Law School. There were no other nominations and everyone was urged to come to the December meeting with any other nominations.

The "Resolution Calling for Alabama Colleges and Universities to Determine Their Own Missions, Performance and Accountability Standards, Continuance or Elimination of Programs, and Budget Allocation" was brought forward by Mathew Winston. This document came from the conference held by Alabama Council of University Faculty Presidents attended by Mathew Winston last week. He was elected second Vice President of this group. A proposal from Roland Pugh, chairman of ACHE, requests additional powers for the Alabama Council of Higher Education (ACHE). The document did not go to all the members of ACHE or all the University presidents. The request for additional powers seems to be connected to the "Council of College and University Presidents – Subcommittee on Higher Education Duplication and Accountability" which states in Attachment 4 – 4. "*Higher education must effectively communicate its stewardship: how it has met the challenges Alabama faces and how it will respond to those the State will face in the future. 4A. Program terminations and consolidations in response to the ACHE Program Viability Study*".

The proposed resolution states:

Resolution Calling for Alabama Colleges and Universities to

Determine Their Own Missions, Performance and Accountability Standards, Continuance or Elimination of Programs, and Budget Allocation

On November 10, 2003, The Council of College and University Presidents accepted a report recommending the strengthening of the Alabama Council of Higher Education (ACHE).

The chairman of ACHE has submitted a sketch plan on how that body's powers should be increased. This plan suggests that ACHE's powers should be increased far beyond its statutory charge as a lay coordinating board.

Be it resolved, therefore, that the Faculty Senate of The University of Alabama, while acknowledging the need for coordination of post-secondary education, resolves that within the State of Alabama the faculty and administration of each individual institution of higher education, acting in cooperation, shall determine:

The mission of that college or university;

Its appropriate performance and accountability standards;

The continuance or elimination of units and programs of instruction;

The allocation of that institution's budget.

The final paragraph to the "Resolution Calling for Alabama Colleges and Universities to Determine Their Own Missions" states:

"IF the Alabama Commission on Higher Education is to have increased authority, then the Faculty Senate of The University of Alabama resolves that the administration and faculty of four-year institutions in The State of Alabama should have strong representation in the deliberations of ACHE and voting rights in its decisions."

Mathew suggested the final paragraph be substituted for the original resolution. The Alabama Commission on Higher Education is composed of Governor-appointed members primarily business representatives. ACHE is the one oversight body for four-year colleges and universities of the state of Alabama. ACHE developed the core curriculum for Alabama, can discontinue programs if they do not meet criteria, established viability standards and must approve all new programs. The reason for the establishment for ACHE was to address the duplication of courses. It was pointed out that the University is unique in that the Board of Trustees is self-perpetuating. Other institutions in the state are experiencing major problems pertaining to their Board of Trustees. The question was asked what are the qualifications for ACHE membership. There are no qualifications in place but membership is an appointed position by the Governor of Alabama. The State Legislature gives ACHE the power to discontinue programs. The Governor appointed an Educational Spending Committee. One senator suggested to have more data collected and discuss this issue at the December meeting or the Steering Committee take some action, if needed. Mathew agreed to withdraw the resolution and assign this subject to the Academic Affairs committee and to cooperate in any way. It was pointed out that this issue should be thoroughly investigated and the information brought forward at the next meeting.

"Recommended **Changes to Student Handbook**" was the next item for discussion. Clarifying the repercussions of disobedience to laws and regulations by student organizations was the main thrust of these recommendations. It was suggested to withdraw

this item from this meeting's agenda. It will be brought forward again with information about the policies that are now in place and the recommended changes presented for a comparison.

"The Resolution to Exclude **Student Recreation Center** as a Benefit" agenda item was presented by the Faculty Life committee for discussion. The University of Alabama lists membership in the Student Recreation Center as a "benefit" in the Faculty Handbook and in the "Benefits Statement" mailed to each University employee at the end of each May. The point was made that since faculty pays for the use of the Recreation Center it would not be a benefit. Members of the community are allowed to be members and their cost is more than faculty pays. The resolution also suggests that the words "outdoor pool and outdoor tennis courts" be deleted since they are not separate facilities but are entirely a part of the Student Recreation Center. It was suggested to remove the reference to treatment by administration. The proposed resolution reads:

Recommended Changes to *Student Handbook*

Policy on Registering Student Organizations

All student organizations must be registered with the Office of the Dean of Students each year. Only student organizations that are registered with the Office of the Dean of Students may use University facilities, lease or use University property, or state that they are affiliated in any way with The University of Alabama.

Policy on Suspension and Termination of Student Organizations

Student organizations at The University of Alabama may be suspended for one semester or longer for violation of University rules and regulations or local, state or federal laws. Suspended organizations will not be considered as registered student organizations and must re-apply for registration after their suspension is complete. Student organizations that exhibit a pattern of intended violation of local, state or federal laws may be terminated from the campus, meaning they are no longer registered as student organizations and may not re-apply for registration.

Policy on Oversight of Student Organizations

All student organizations will have an advisor who is employed by The University of Alabama, either as a faculty member or member of the full-time or part-time staff, or who is a retired faculty or staff member, as verified by the Office of the Dean of Students. A student organization that cannot find a current or retired faculty or staff member willing to serve as an advisor will be suspended from the campus until such time as an advisor may be found.

Marvin Johnson made a motion to add "Be it further resolved that free use of the library not be listed as a benefit. The library is an instrument for the faculty to successfully fulfill their mission in teaching, research and service." It was suggested to pursue real benefits as part of an employment package rather than pursue the listing of benefits. The faculty pays less than the community and one senator suggested that it would be a benefit. Unless the University subsidizes a benefit, it is not considered a benefit. In the past, there have been free benefits but they no longer exist. Basically the faculty pays full costs of use of the Recreation Center. The community pays a cost above the rate of faculty, therefore, that does not mean that faculty is not paying full cost. "Who determines what full costs are"

was a question asked. There was a call to question. Marvin Johnson's motion to bundle in his resolution concerning the library with the Student Recreation Center resolution was defeated with three abstentions. Wythe Holt made a motion to amend the original resolution by removing the fourth "whereas" clause stating "Whereas faculty and staff are at times not well treated by the administration or student users of the Student Recreation Center". This passed with one abstention. There was a call to question. There was a grammatical correction of "Therefore be is resolved" to "Therefore be it resolved". The vote was 9 in favor, 29 No's and 2 abstentions. Use of the library is free to the faculty and the community pays fees for the use of the library. After further discussion, there was a call to question. The vote was 8 in favor, and the no's have it with the motion being defeated.

Wythe Holt gave a report on **University's Health Care Costs** to communicate the fact that health care costs will increase in January 2004. The Faculty Staff Benefits Committee was presented with the changes at their meeting on Oct. 28. The committee was given one week to consider the VIVA health plan but had little time to consider the proposed changes submitted to them. The University of Alabama is a health-care self-insurer meaning that the University pays for all health care costs, not a private company and Blue Cross administers the self-insured program. The proposed issues from the committee includes investigating purchasing drugs in Canada, investigating membership in PEEHIP or other methods to reduce costs, installing more tiers for the purpose of assessing monthly premiums and drug co-pays with those in the lower salary bracket paying less, investigating why we are not lobbying Congress for lower health care costs and increasing premiums in the upper bracket of salaried faculty and staff members. Family premiums are very high and single coverage is a good bit lower. The committee was also concerned that co-pays should be used not for revenue purposes, but to keep the members of the system honest. The University will have \$960,000 from the increase in co-pays. There no longer is a reserve but a deficit of \$188,000 and there will be an additional \$327,000 deficit accrued at the end of 2003. There will be health care management and it must be an open policy for the insured to know what their exact coverage is. The committee is requesting input from everyone concerning the health care issue. President Witt requested that Wythe share his report with the faculty and staff. Monthly premium payments for individuals were proposed to increase from \$9 to \$14 for those making under \$26,000 a year and from \$18 to \$23 for those making over that amount. The committee recommended that the first figure increase only to \$13 and the second to \$26, a change that was accepted by the administration. The \$26,000 figure was chosen because one-half of University employees make that amount or less. This brings about the fact that if an employee receives a raise to \$26,000, it actually causes them to make less due to the increase health care costs in that bracket. The co-pay costs for 2004 will be \$15 for generic, \$30 for brand name with no generic and \$50 with brand name with generic. This is an increase from \$10/20/30. The insured will pay the first \$75.00 deductible of prescription drug costs in 2004.

David Beito presented "**A Resolution to Defend Academic Freedom at Shelton State Community College**". This was placed on the agenda according to Article V (paragraph 3) of the Faculty Senate Constitution stating "A topic must be put on the agenda if as many as five senators, twenty faculty members, or the President of the University request it." This resolution is a result of an article published in the Tuscaloosa News stating that the President of Shelton State Community College ordered the removal of an art display. According to the President, the display was objectionable because families with children were waiting in that area to enter the Bean Brown Theater. No agreement could be reached with the artist and the President regarding moving the display to another area of the college. It had been approved for the display to be located at the theater entrance. It was felt by some that academic freedom had been threatened. Opposition to the resolution was voiced with the points being made that the removal of the exhibit was within the President

of Shelton State's authority and that another location for the display was offered. The exhibit was approved for display by the Director of the Art Department at Shelton. It was stated that faculty should uphold the principle of academic freedom wherever it is threatened. The point was made that this would be telling another institution what to do. It would be perfect for ASA to take up this issue. It was suggested to remove the word "selective" in the fifth "whereas" clause of the resolution. It was accepted as a friendly amendment. It was suggested that the Faculty Senate not comment "officially" on this situation since Shelton State would resent the intrusion and the University of Alabama would object to Shelton intruding on University issues. The vote for the resolution was 23 in favor, 13 no's and 3 abstentions.

President's Report – (*John Mason*) President Witt made a statement to the Board of Trustees about the increase in number of freshmen and the increase in their qualifications in the Honors College. Last year the number was 320 with the increase to 439 reflecting a 36% increase. The ACT score increased from 29.7 to 29.8 which is in the 97th percentile. The high school grade point average for freshmen entering the Honors program last year was 3.896 and increased to 3.95 this year. There are a couple of resolutions that may come from SGA concerning the elimination of exams during Homecoming Week and Dead Week. Another possible resolution concerns having a week off during Thanksgiving. The Senate was asked for input concerning any problems this might cause. There are seven SEC institutions doing this. SACS requires 750 hours per credit so if three days of classes are dropped there must be compensation elsewhere. Beginning classes on Monday rather than Wednesday would compensate. Mathew Winston attended the ACUFP meeting last week and was elected Vice President of this group. John Mason was asked to give a speech at the SEC student-athlete gathering in Birmingham. The Faculty Senate Steering Committee took a stand relative to the search process of the Dean of Education. A resolution was sent to Dr. Witt and Interim Provost Bonner. A copy of the resolution is available.

Vice President's Report (Mathew Winston) A report on the ACUFP meeting included a telephone conference call to Gordon Stone, Chair of the Higher Education Partnership organization. The HEP meeting will be held in Montgomery on February 26, 2004. A number of institutions have had increased enrollments numbers. UAB has passed a resolution calling for the addition of "sexual orientation" to the list of issues the school does not discriminate against. The University of North Alabama along with others is moving in that direction. A number of institutions are having serious problems with their Board of Trustees. A Shelby building is under construction at The University of Alabama, a Shelby Research Building is being constructed at UAB and UAH is looking for a location for a Shelby Building. An issue of great concern is Federal Government intervention into International Studies. There is a US House of Representatives bill to create an international education advisory board with members from Homeland Security, the Department of Defense and the National Security Agency "to increase accountability by providing advice, counsel and recommendations to Congress on international education issues in higher education." Higher education members oppose this on the grounds it is so broad it would place institutions in danger of losing control of hiring practices and curriculum and other aspects of international programs. This is HR #3077. Auburn is giving bonuses rather than pay increases. This is possible through tuition increases over the past few years and a larger increase in the student body.

Secretary – (*Roy Ann Sherrod*) No report.

The Legislative Agenda Breakfasts will begin in January. Another reminder was given about the HEP meeting in Montgomery on February 26.

Meeting adjourned 5:15 pm

RESOLUTION TO DEFEND ACADEMIC FREEDOM AT SHELTON STATE COMMUNITY COLLEGE

Whereas the Faculty Senate of the University of Alabama has an obligation to uphold the principle of academic freedom.

Whereas any threat to the academic freedom of faculty at another public institution of higher learning in Tuscaloosa also threatens the academic freedom of faculty at the University of Alabama.

Whereas Professor Trobaugh is currently a part-time temporary instructor at the University of Alabama and an adjunct professor at Shelton State Community College in Tuscaloosa, and thus a faculty member at both institutions.

Whereas Article III, Section 2, number 12 of the Senate By-laws empowers the Faculty Senate to take positions on issues involving "faculty relations with the surrounding community" including, of course, the protection of academic freedom.

Whereas Shelton State Community College has violated academic freedom by taking down an art display by Professor John Trobaugh that it had previously approved.

Therefore, be it resolved that the Faculty Senate of the University of Alabama urges that Shelton State Community College take immediate action to return the display to its original, promised location and thus show the community and the country that it respects the fundamental principles of academic freedom in higher education.

Adopted by Faculty Senate
The University of Alabama
November 18, 2003

RESOLUTION IN PROTEST OF THE UNIVERSITY'S FAILURE TO FOLLOW THE FACULTY HANDBOOK REGARDING THE SEARCH FOR A DEAN OF THE COLLEGE OF EDUCATION

Whereas, faculty governance is important at The University of Alabama, the *Faculty Handbook* stating (Chapter One, Section V): "Processes guiding all important decisions which shape the University's educational potential and which allocate its resources are the joint responsibility of faculty and administrators" (then referring directly to Appendix A); and

Whereas, Appendix A of the *Faculty Handbook* states (Section B, Item 2): "*Throughout the search process, the committee shall solicit, encourage, and provide for faculty participation and the participation of other constituent groups. Faculty members should have ample opportunity to review the credentials of qualified candidates, except that the search committee may protect the identity of candidates who request confidentiality during the initial screening process. On the basis of faculty evaluations and its own judgment, the*

search committee will reduce the list of candidates to those deemed to be best qualified for the position"; and

Whereas, with respect to the search for a Dean of the College of Education, which is currently well under way, faculty members of the College of Education had no opportunity to review the credentials of all qualified candidates, further having an opportunity to review the credentials of the four finalist candidates only after they had been invited to the campus, and finally being able to give only general comments rather than ranking and evaluating them as has been traditional in the College of Education; and

Whereas, Appendix A (in Section J) provides for the appointment of a standing advisory committee whose purpose is stated to be "*monitoring the effectiveness of this policy,*" whose faculty membership is appointed by the President of the University "*from a list of persons furnished ... by the President of the Faculty Senate,*" and whose chairperson must be a faculty member; and

Whereas, vacancy in the position of chair of the Appendix A advisory committee has for two years kept this committee from fulfilling its task of monitoring the process of selection and review of deans and department heads,

Therefore, be it resolved that, by unanimous vote at its regular meeting on November 11, 2003, the Faculty Senate Steering Committee strongly protests the failure of the University to follow stated procedures with regard to the search for the Dean of the College of Education; and

Be it further resolved that the Steering Committee, acting on behalf of the Faculty Senate, encourages the President of the University to take action necessary so that the faculty of the College of Education have ample opportunity to review the credentials of all qualified candidates; and

Be it further resolved that the Faculty Senate is concerned that this breach of procedure in the Faculty Handbook could vitiate the present dean search in the College of Education; and

Be it further resolved that the Steering Committee, acting on behalf of the Faculty Senate, requests that open positions, including the position of chair, on the Appendix A Advisory Committee be filled as soon as possible.

November 11, 2003

The University of Alabama

Faculty Senate Steering Committee