

FACULTY SENATE

THE UNIVERSITY OF ALABAMA

FACULTY SENATE MEETING

NOVEMBER 16, 2004 – 3:00 PM – FERGUSON FORUM

APPROVED MINUTES

ABSENT WITHOUT ALTERNATE: Tatiana Tsakiropoulou-Summers, Marcia Barrett, Karen Burgess, Tonya Tidline, Jay Lindly, Lori Messinger

ABSENT WITH ALTERNATE: Shuhua Zhou/Annabel Stephens; Vivian Wright/Carol Tieso; Al Brophy/James Leonard

GUESTS: Jim Holliman, Professional Staff; Joan Garrett, Crimson White; Joanna Hutt, Dialog; Adam Jones, Tuscaloosa News

The minutes of the October 19, 2004, Faculty Senate meeting were approved.

The announcement was made that approximately 7,500 books have been collected for the "**Books for Baghdad**" project. Those books will be collected, sorted by subject, labeled in Arabic and English and shipped to Iraq in December.

The first action item on the agenda was the proposed change to Article III, section 3, paragraph 4 in the **Faculty Senate Bylaws**. Robert Moore and Jerry Weaver of the Faculty and Senate Governance Committee proposed changing the title "Professional Staff Committee" to "Professional Staff Assembly" within one month following the Assembly's first official meeting. The revised bylaw will read:

Proposed Change to Article III in Faculty Senate Bylaws

Article III, section 3, paragraph 4 of the Senate By-Laws says "The privilege of the floor, including the right to address the Senate on any pending question subject to applicable rules or parliamentary procedure are extended to one delegate representing the Retired Faculty Association of the University of Alabama, one delegate representing the Black Faculty and Staff Association, one delegate representing the Professional Staff (Assembly) (Committee),..."

"Professional Staff Assembly" is to replace "Professional Staff Committee" within one-month after the Assembly has its first official meeting. The Faculty Senate approved the change unanimously.

Bob Moore and Jerry Weaver of the Faculty and Senate Governance Committee stated that nominations for the **Mediation Committee** should be made and two members should be elected. Nominations are also in order for the **Merger or Discontinuance of Academic Units Committee** electing one new member. This member may not be a Senator and may not be from Arts & Sciences or C&BA. Nominations are open until the December meeting. George McClure from the History Department has been nominated for the Mediation Committee. Not more than one member can be elected from Arts & Sciences, HES, Law or Education. Carol Drolen, Steven Tomlinson and Scott Richardson may not be reelected. Any nominations should be forwarded to Bob Moore or Jerry Weaver.

Two years ago there was a detailed discussion of **Appendix H of the Faculty Handbook**. The revisions suggested were made by the Deans and faculty members. The Faculty Senate approved the revisions and it was returned to the Council of Deans where it remained for two years. Recently after faculty members asked about the revisions, the Faculty Senate Academic Affairs Committee began to check into the status of the revisions. At this point, an entirely different set of revisions appeared. The Faculty Senate could either approve the revisions or make changes and send it back to the Council of Deans and Academic Affairs. A copy of the suggested revisions from the Faculty Senate Academic Affairs Committee was distributed. In this printed copy of Appendix H, the red text indicates *deletions* suggested by the Council of Deans that the Steering Committee *agreed* with; the blue text indicates *additions* suggested by the Council of Deans that the Steering Committee *agreed* with; and the green text indicates *deletions* suggested by the Council of Deans that the Steering Committee *voted to keep* in Appendix H. The Academic Affairs Committee suggested accepting all the proposed additions. The Academic Affairs and Faculty Senate Steering committees did not accept the proposed deletions. Under A1, the committees want to keep "and employees" since it is mentioned in the preface and throughout the document. "Regardless of whether those works constitute "works for hire" as defined in the Copyright Act" was accepted by the committees. In the following sentence in A1, the committees wanted to retain "employees" since they wanted graduate students teaching courses to know that their prepared course material would be copyrightable. In A2, replacing the phrase "computer software, online course materials" with the phrase "textbooks, textbook-related software, digital course materials" was accepted by the committees. In B2, the phrase "or grant, or other sponsored agreement" was accepted. In B4, the committee accepted the revision clarifying the rights of faculty members and that compensation and use of materials should be clarified at the initiation of the work. In B5, expansion wording is accepted. The change from the Office for Academic Affairs to the Office of Research is the appropriate office to handle patents and related issues. C1 has the same change. The Council of Deans wishes to eliminate B6 entirely. The committee wishes to keep B6 since it spells out in specific language if the faculty member is assigned to create electronic materials, the ownership of those materials would be clarified at that time. Appreciation was expressed to Marcia Barrett and John Vincent and the Academic Affairs Committee for their work on this project. This document will return to the Council of Deans for their acceptance or to return it for further consideration. There was a call to question. The vote was to accept the changes proposed by the Faculty Senate Academic Affairs Committee and the Faculty Senate Steering Committee.

Wythe Holt and Nick Stinnett of the Faculty Life Committee presented five **health care resolution** documents. The first document came from the Faculty Life Committee and recommends adopting a tiered premium structure, addresses tax benefits at the higher end of the pay scale, the percentage share of health-care costs paid by the University (health care costs paid by University last year increased 9%, faculty costs increased 32% indicating that the percentage paid by the University went down and faculty percentage increased), co-pays and deductibles are designed to make members more efficient in their health care budgeting decisions and should never be used for revenue purposes, health care costs is an increasing burden, the addition of a \$75/person/contract/year prescription drug deductible in 2004 the University lowered to \$50 rather than \$25 as recommended by the University Faculty-Staff Benefits Committee and the last item addressed in the document is a request for the University to hold steady its percentage (20%) of total health-care contributions. The "be it further resolved" section of the resolution asks that significant portions of moneys available for increased compensation for faculty-staff be used for health-care premiums, requests that prescription drug deductibles be lowered to \$25/person/contract/year, requests further tiers be included in the premium payment structure easing the burden of those earning less pay and that the University adopt a plan to cover increased health care costs through increases in premiums rather than through

changes in co-pays and deductibles. The second document deals only with prescription drug deductibles issues. The third document is the first resolution minus the prescription drug deductible issues. Document four deals only with the issue of the University maintaining their 2004 total health-care dollar percentage contribution. Document five is the third document minus references to the University health care cost percentage contributions. It was suggested to delete "the administration of" and the reading would be "the University". The friendly amendment was accepted. The insertion of the phrase "at least" in the "be it resolved" phrase of document one was accepted. It would now read "University henceforth each year contribute to premium cost at least the same percentage of total health-care dollars which it contributed in 2004". One Senator pointed out that the faculty had salary increases as their priority and the resolution requests that a portion of any raise but placed in health care premiums. The concern was a distraction from the priority of increasing salaries. The word "compensation" was used in the resolution. It was stated that Dr. Witt has a goal of increasing faculty salaries to the fifty- percentile level. When that is accomplished, the goal is the seventy-five-percentile level. It was suggested to remove the words "very good" from the second "whereas clause". There was discussion concerning the tax benefits or lack of tax benefits of various methods of paying health care premiums. The wording in the sixth "whereas clause" was changed to insert "may" in the first line and changing "would" to "might" in the last line. A procedural move was suggested to concentrate on the smaller and clearest of the resolutions. Document four concentrating on the University's payment of health care costs had the wording changed. "Always" was changed to "historically" and "the administration of" was deleted. It was agreed to concentrate on the resolution referring to document two addressing prescription drug deductibles. In the third "whereas clause" of document two, the phrase "since it falls due in January, when holiday costs are great" was deleted. A motion and seconded was made to approve document two "Resolution On Prescription Drug Deductible". The resolution was approved unanimously.

Resolution On Prescription Drug Deductible

Whereas, health-care costs have been rising steadily in recent years;

Whereas, the increasing cost of health care has been and remains a significant and increasing burden to many University of Alabama faculty and staff members; and

Whereas, in particular the addition of a \$75/person/contract/year prescription drug deductible in 2004 has proved an especially harsh burden to plan members, and the University's decision to lower that cost to \$50 (and limit it to the first three persons on any contract) rather than to \$25 as recommended by the University standing Faculty-Staff Benefits Committee is a commendable but insufficient reduction of this burden,

Therefore, be it resolved by the Faculty Senate of The University of Alabama, that the prescription drug deductible be lowered to \$25/person/contract/year.

Adopted by the Faculty Senate

November 16, 2004

Document four "**Resolution On University's Payment of Health Care Costs**" was the next item considered. "Administration of the" phrase was deleted from the document. The phrase "at least" was inserted in the last clause. The friendly amendment to replace the word "always" with "historically" was accepted. Jerry Weaver made a motion seconded by Grant Savage to approve this resolution with those changes in place. The Faculty Senate approved unanimously.

Resolution on University's Payment of Health Care Costs

Whereas, health-care costs have been rising steadily in recent years;

Whereas, the increasing cost of health care has been and remains a significant and increasing burden to many University of Alabama faculty and staff members;

Whereas, through annual premium contributions, the University has historically paid a much larger percentage share of health-care costs than have faculty and staff members of the plan; and

Whereas, in recent years, faculty and staff members of the plan, through premium contributions and through the payment of co-pays and deductibles, have paid an increasingly larger annual percentage share of health-care costs than has the University;

Therefore, be it resolved by the Faculty Senate of The University of Alabama that the University henceforth each year contribute to premium cost at least the same percentage of total health-care dollars which it contributed in 2004.

Adopted by the Faculty Senate

November 16, 2004

Document five "**Resolution Urging Changes in University of Alabama Health Care Policies**" was the next item for consideration. In the second "whereas clause" of this resolution the words "very good" were deleted, in the seventh "whereas clause" the deletions were "faculty and staff receive a greater tax benefit from increased University payment of their health care costs than they do from salary increases, and" – "at the higher end of the pay scale would" "such" and "such". The clause now reads "Whereas, further tiering of the premium structure might increase tax benefit for members of the University's health-care plan". In the first "therefore clause" the deletion was the phrase "when moneys are available for increased faculty-staff compensation in the future, significant portions of those moneys should be used for health-care premiums; Be it further resolved that". Marcus Brown made a motion and it was seconded to move this document to the floor for consideration. Following discussion, the resolution was accepted with the suggested amendments.

Resolution Urging Changes in University of Alabama Health Care Policies

Whereas, health care is of significant concern to all;

Whereas, the health care benefits in the University's health-care plan are one of the prime drawing cards to become and remain employed at The University of Alabama;

Whereas, The University of Alabama is a self-insurer;

Whereas, health-care costs have been rising steadily in recent years;

Whereas, the increasing cost of health care has been and remains a significant and increasing burden to many University of Alabama faculty and staff members;

Whereas, the University several years ago commendably adopted a tiered premium structure, whereby those earning less than \$26,000 annually pay a lesser premium than those earning more than that figure;

Whereas, further tiering of the premium structure might increase tax benefit for members of the University's health-care plan;

Whereas, copays and deductibles are designed to make plan members more efficient in their health care budgeting decisions, work well for such purposes, and should never be used for revenue purposes;

Therefore, be it resolved by the Faculty Senate of The University of Alabama that the University adopt further tiers in its premium payment structure so that those who earn more pay a larger share of health care costs, and that those who earn less pay a smaller share, thereby acting in part to smooth out the transition when an employee gets a raise and moves to a higher health-care income bracket; and

Be it further resolved that the University adopt a plan of covering increased health care costs through rises in premiums rather than through changes in copays and deductibles.

Adopted by the Faculty Senate

November 16, 2004

Information items were copies of letters from Dr. Robert Witt regarding the Faculty Senate's Resolution of September 21, 2004, entitled "Resolution for the Establishment of a Natural Environment Preservation Committee" and Dr. Margaret King's response to "Resolution for the Adoption of a University Policy Opposing Unacceptable Behavior Demeaning Individuals or Groups on Campus and Prohibiting the Use of University Funds or Facilities by Those Making Such Statements". President John Mason recommended that the Steering Committee compose responses to these letters and bring them before the Senate. The CUC approved the establishment of the Environmental Committee without having knowledge of Dr. Witt's letter. Dr. Witt is disinclined to establish such a committee citing it would overlap the Campus Master Plan Committee.

Five bills of interest pending before the State Legislature in Special Session are of concern regarding health care costs for teachers and state employees.

Status of Bills Regarding Health Care Costs for Teachers and State Employees in Special Legislative Session:

HB1: Teachers health insurance, full disclosure by insurance companies required, cost sharing of insurance by employees and retirees, financial assistance for low-income employees, supplemental policies and participation in flexible benefits provided, surcharge on smokers authorized. Status: Passed by House and Senate.

HB2: State employees health insurance, cost sharing, supplemental coverage, financial assistance to low-income employees and retirees, surcharge on smokers authorized. Status: Passed by House and Senate.

HB3: State employees health insurance, retirees to share costs of premiums based on years of service, supplemental policy authorized. Passed by House; read second time in Senate.

HB4: Teachers health insurance, retirees to share costs of premiums based on years of service, supplemental policy authorized. Passed by House; read second time in Senate.

HB5: Teachers health insurance, flexible benefits program, participation authorized. Passed by House; read second time in Senate.

Description of HB5 from Governor's PROCLAMATION for the Special Legislative Session: to allow education employees, whose local employer does not have or fails to implement a flexible benefit plan within a reasonable time, to participate in a flexible employees benefits program, creating the Public Education Flexible Benefits Board for the administration of such program.

HB5, if passed, would allow education employees whose employer fails or does not have a flexible benefit plan to participate within a reasonable amount of time in a flexible employees benefits program and would create the Public Education Flexible Benefits Board to administer such a program. The sense of the Faculty Senate was that these bills would pass. Karen Steckol of the Financial Affairs Committee is concerned that Bills three and four would increase faculty health care costs for retirees that have not worked 25 years in Alabama. Those with less than 25 years would pay two percent more for health insurance for some length of time. Karen stated that this would be a deterrent in the recruiting of faculty and administrators. It would stabilize those in the system and be a discouragement for anyone wishing to come to the University. Mathew Winston stated that there should be a grandfather clause exempting those already retired but did not work in the state for 25 years. Margaret Garner pointed out that the feeling was that something has to be done to address the higher cost of health-care although at this time the health-care coverage is a good buy. Karen stated that it may a good buy but it is not competitive with other institutions and a contract should be considered concerning benefits. It was suggested to protest to the Legislature about these changes. Ten of the fourteen positions on the Board are AEA positions with a two-thirds vote required to make changes. It was suggested to have a resolution written and also to publicize the issues but that will be too late because the bills will pass before the Faculty Senate could take any action. Bob Sigler said that the investment should be made in the effort to change the legislation next year. It was suggested to have a date in the resolution to come from the Financial Affairs Committee and that it be forwarded to the appropriate persons. John Mason asked Margaret Garner to check on the impact of HB5 and report back to the Senate.

Vice President's Report – (*Mathew Winston*) Mathew attended a meeting of the Alabama Council of Faculty Senate Presidents last week. The focus was on having political impact. Gordon Stone of HEP and the UNA and Montevallo lobbyist addressed the group. They emphasized developing a relationship with the Legislators. Other institutions looked into using PEEHIP as their health-care provider and found that the program such as the University's self-insured program is the best health-care plan. Many of the Faculty Senate's have a President-Elect rather than a Vice President. This may be a topic for discussion in the future.

Academic Affairs – (*John Vincent & Marcia Barrett*) The faculty from Arts & Sciences had commented that under-enrolled courses didn't seem to be allowed evenly or fairly between the three components of the college. To address this issue, Associate Dean of Social Sciences Carmen Taylor and Dean Tom Wolfe of Arts & Humanities were invited to address the Academic Affairs Committee. A presentation was given and in 2002-03 academic year 2,211 course sections were taught in A&S. Of that number 71 courses were under-enrolled. It was determined that the 71 courses were evenly distributed between the three divisions of A&S. No evidence was found of bias toward any section of A&S. John Mason requested that this be communicated to the faculty of A&S.

Faculty Life – (*Wythe Holt & Nick Stinnett*) This committee has ceased work on a

wellness program because the Benefits Committee is suggesting that an ad hoc committee is being established to work on this issue. Margaret Garner attended a meeting of six universities regarding health care costs. One aspect being investigated is the contributions higher education could offer for a potential solution to the health care cost increases. The six universities involved are The University of Alabama System campuses, Auburn University, University of South Alabama and Tuskegee. Representatives from each were present at the meeting. There are health care programs on all campuses including nursing, nutrition, medical programs, health education and pharmacies. Disease and wellness education for faculty and staff will be an important component of this effort. When these programs are started with outside funding, the funding source become unavailable and the programs are ended. With the integration into the educational mission of teaching, research and service it would have longevity. There were other representatives at the meeting including business, corporations and health care services.

Financial Affairs – (*Karen Steckol & Wolfgang Bertsch*) Dr. Lynda Gilbert, Vice Chairman of Financial Affairs for the UA system and Interim Vice President for Financial Affairs and Treasurer will present a precise budget at their next meeting. A report will be given at the next meeting.

Legislative Agenda – (*Margaret Garner*) It is felt that Higher Education should band together with a more aggressive effort to secure state funding. Mathew Winston gave the figures of \$130 million dollar surplus with \$70 million remaining after the removal of expenses. There is a critical meeting on Tuesday, November 23, held by Bill Jones, the director of UA system lobbyists with his concentration on the University of Alabama in Tuscaloosa.

Meeting adjourned 5:15 PM