

FACULTY SENATE MEETING

FEBRUARY 19, 2002 – 3:30 PM – FERGUSON FORUM

CORRECTED MINUTES

Roll Call & Quorum Check (*Keith Woodbury*)

ABSENT: Bill Chaplin, Jeff Richetto, Joshua Rothman, Subhabrata Chakraborti, Mark Nelson, Ashley Evans, Jennifer Husman, Peg Lyons, Mitch Shelton,

GUESTS: Steve Reeves, Tuscaloosa News, Joanna Hutt, Dialog, James Perrien, SGA Representative, CW reporter.

SPECIAL GUESTS: Andrew Sorenson, Bob Wright, Nancy Barrett, Jeff McNeil, Sybill Todd.

A motion was made to suspend the rules to allow a twenty-minute **question and answer** period with **Dr. Andrew Sorensen**. The first question pertained to Domestic Partner Benefits and why these were denied. Dr. Sorensen answered that the increased costs of medical benefits, prescription drugs, and the proposal to allow TIAA-CREF benefits for staff are vying for the limited available funding. The status of the Educational Trust Fund was questioned. Dr. Sorensen replied that the Legislature is considering a three percent increase for salaries. This would, in fact, be a three percent increase in appropriations comprising 29% of our budget and would not provide that amount for salary increases. Everyone was encouraged to participate in Higher Education Day to be held in Montgomery on Thursday, February 21. The University marching band participated in a parade in Mobile. The funding and time off for students was questioned. Dr. Sorensen indicated that private funding was provided by a group in Mobile and that he gave students permission to participate with permission from the Provost, deans, and professors whose classes would be missed. A comment was made concerning a quote in the Tuscaloosa News by Bob Wright that an "overwhelming majority" of people on campus was opposed to Domestic Partner Benefits. Mr. Wright answered that his remark was based on the communications received by him from University personnel and others. The issue of controlling athletic boosters was brought forward with Dr. Sorensen stating that The University of Alabama has 195,000 living alumni and thousands of "subway alumni", those that have never attended the University. Controlling massive numbers of supporters twenty-four hours a day living hundreds of miles away is an almost impossible task. There are meetings and brochures to educate supporters on the NCAA rules and to request that they abide by them. There is no legal recourse to recover legal expenses from the offenders. Dr. Barrett answered the question concerning a list of international students requested by the Immigration Naturalization Service immediately following the September 11 tragedy. The list was sent to them and there has been no request since that time for additional information. Appreciation was expressed to Dr. Sorensen on his performance as University president.

A motion was made and passed to suspend the rules to consider the proposed **resolution commending** Faculty Representative **Gene Marsh** and, **Marie Robbins**, Associate Athletic Director for Compliance. Their two-year effort avoided NCAA charges of academic fraud, lack of institutional control, and the death penalty for the football program. The resolution passed unanimously.

The resolution commending Cornelius Carter was not presented since he did not attend the meeting.

The January 22 minutes of the Faculty Senate meeting were approved.

Action Items:

The resolution proposing **Fall Study Days** was brought forward by the Planning and Operations Committee for discussion. This was first proposed by the SGA with 71% of students voting for this study break. Six of twelve SEC schools have a fall break with Arkansas considering a break, and two SEC school that do not have a fall break have an extended Thanksgiving break. This proposal would begin the semester on a Monday rather than a Wednesday to recoup the two days given for the break. This break would be for students only. Some of the objections presented were the impact on labs, that students go to the Health Center for an excuse to miss class, we shouldn't do this just because other SEC schools do this, and the two days should be added to the Thanksgiving break because this would give more study time closer to final exams. The two-day addition at Thanksgiving was presented as a motion. This motion was defeated. The vote on the original motion to create a fall study break mid-semester was close and a motion for a roll call vote was seconded and passed. The vote was 17 for, 17 against, and one abstention with the President of the Faculty Senate voting for the Fall Study Break to break the tie.

A motion was seconded and passed to suspend rules to allow Faculty Representative Gene Marsh and, Marie Robbins, Associate Athletic Director for Compliance to speak to the Senate concerning the NCAA sanctions. The severity of the sanctions surprised those involved in defending the University. The charges of academic fraud and lack of institutional control or failure to monitor were avoided, but it was thought that the penalties would not be as severe. The actions of boosters caused the severe penalties that were handed to the University. Marsh and Robbins performed their duties in an outstanding manner. A five-member committee with each committee member having a law degree will consider the University's appeal. There will be a five to six month period before the results of this hearing will be known. Discussion included the academic process to declare an athlete eligible. The Faculty Senate expressed their appreciation for the outstanding job done by **Gene Marsh and Marie Robbins** and the **resolution** was read and presented to them. (*attached*)

The Senate Operations committee brought forward proposed changes to the **Faculty Senate by-laws** concerning the **definition of regular faculty who would be eligible to serve in the Senate**. (*attached*) The redefinition would enfranchise more faculty members who are permanent nontenure-track and would give them representation in the Senate. This definition would be for the Faculty Senate only and would not be the same definition used in the Faculty Handbook. Objections expressed were that this would reduce the status of the Senate and would undermine the tenure and tenure-track faculty. There would be some colleges that would not be represented fairly since they have limited numbers of temporary faculty members. The definition includes qualifications of teaching six hours or more per term on a continuing basis (three or more consecutive academic-year terms) and not holding tenure or being tenure earning at another institution. A compromise suggested was to limit the number of those representatives. Each group on campus has a voice but this group does not have representation. The vote was 16 in favor, 5 opposed and 4 abstentions.

The final action item to create an **ombudsperson** was brought forward by the Senate Operations Committee. Marvin Johnson proposed the creation of a three-person ombudsperson committee. The qualifications to serve include having never serving on a committee, not being a member of the Faculty Senate or the administration, ten or more years of service with the University, a full professor with tenure, and male and female representation. Favorable points would be that, since there were three ombudspersons, someone would always be available and effectiveness would be increased. Negative

concerns were the difficulty of locating qualified people willing to make a three-year commitment and the selection process is complicated and would present some problems. It has been some years since the Faculty Senate Vice President, the ombudsperson in place under present rules, had to serve as ombudsperson. There does not seem to be much demand, however, this option is not well publicized. After further discussion, a motion was made to move forward and develop this proposal further. (*attached*)

President's Report – (*Norm Baldwin*) The standing committee on the Selection and **Evaluation of Deans and Department Chairs** sent our Senate proposal to the Council of Deans for feedback, the deans rejected it. This rejection was based on the reasons that mandatory evaluations were not wanted and a change would have to be made in the Faculty Handbook. The Senate's Ad Hoc Committee on the Evaluation of Deans and Department Chairs committee and felt a future proposal could possibly be that the Faculty Senate appoint an ad hoc committee to design and administer a feedback instrument. The instrument would also look at the total performance of the department or college. This would be good management and would provide input for those faculty members who do not have a responsive dean. The feedback obtained by this committee would go to the Provost and the dean's superiors. Funding is available in the Faculty Senate budget to conduct this survey. Accommodation had been offered to the deans along with individual meetings to gain their support. There is support by the majority of deans for the idea but they do not want to force this process on their counterparts. Southwest Missouri State's implementation of this process gives insight on the success that they had, and their feedback survey was eventually accepted by administration. The expertise of qualified faculty could certainly be utilized in obtaining this feedback. This issue was presented for consideration and will be discussed further.

The SGA has given up on requesting the posting of faculty evaluations and now want **grade distributions** posted. The Provost has said she will not mandate this but would go along with it if the SGA could convince the faculty to agree. Harry Hopkins, a labor law attorney, submitted a legal opinion claiming that it is not in the best interest of the University to post grade distributions. The Faculty Senate is opposed to this posting.

It is increasingly common to have **Faculty/Staff Senates**. The Faculty Senate considers very few staff issues. The Senior Management Council could be requested to consider this issue.

The 2002-03 **Nominating Committee** consists of Norm Baldwin, Don Desmet and Wythe Holt.

Committee Reports –

Academic Affairs – (*Don Desmet & Beth Macauley*) The Academic and Athletics Committee has requested that coaches be invited to give their views of the relationship between academics and athletics. The coaches to be invited are Dennis Franchione and Sara Patterson. Test services are aware of security problems with online grades and will make changes by this summer.

Financial Affairs – (*Keith Woodbury & Terry Royed*) The direction of the **Intellectual Property Rights** issue is that faculty owns the rights with the exception of the University providing extraordinary resources or if the University has commissioned it. Part of the proposal would be that the University would have rights but there would be an agreement between the faculty member and the University giving the faculty member some percentage of any proceeds from the sale of the property. **Graduate student's health benefit** is an issue the committee feels should wait for a more appropriate time to bring

forward. The financial issues facing the University at this time preclude any additional costs. Data from Institutional Research concerning faculty salaries continues to show the SUG comparison places Alabama below average. This committee will be forthcoming with a resolution regarding **faculty salaries**.

The Benefits Committee voted unanimously and requested three times that TIAA-CREF benefits be available for everyone. Their request for same sex partner benefits was denied. The Diversity Committee has had very poor attendance, and the conclusion might be drawn that they are just avoiding the issue.

Strategic Planning Initiative Task Force – *(Margaret Garner)* The final report has been completed and will be posted on the web along with a chronological list of the committee meetings. The title page will be a strong-worded cover letter requesting the Systems Office approve the preface which (1) gives guiding principles for this document and (2) asks for a written response, identification of plans regarding this initiative, and assurance that no initiative would be implemented before input and response was requested and given from this committee. Everyone was encouraged to attend Higher Education Day and the job fair for the seniors. The Legislative Breakfasts will resume in the next month or so. The Constitutional Reform Seminar was held with 35-40 attending. It was agreed to have another seminar.

Meeting adjourned 5:30 pm

RESOLUTION COMMENDING MARIE A. ROBBINS AND GENE A. MARSH

Whereas, the quality of The University of Alabama's football program is a source of pride and pleasure for its students, alumni, and staff, and for the citizens of the State of Alabama, and

Whereas, recent findings of abuse of NCAA recruiting regulations and the publicity and penalties resulting from the NCAA's investigation of those claims have damaged the reputation of the University and the quality of the football program, and

Whereas, any allegation or penalty from the NCAA concerning academic fraud would be of serious concern to the faculty, and

Whereas, Compliance Director Marie Robbins's efforts were especially crucial in preventing further damage that could have resulted from the University's being dealt any allegation of, much less any penalty for, academic fraud possibly connected with the recent NCAA investigation, thanks to her quick and sure insight and hard work, and

Whereas, addressing the NCAA allegations has been a daunting task protracted over a two-year period, requiring hours of thorough investigation, careful preparation, cooperation with and negotiation with NCAA officials, and lengthy argument before that body, and

Whereas the scrupulous, fair, and excellent work of Marie Robbins and Faculty Athletic Representative Gene Marsh in their respective positions has kept the NCAA from being able to bring against the University the serious charges of lack of institutional control and failure properly to monitor our athletic programs, and has prevented imposition of the most serious NCAA penalty, the "death penalty,"

Therefore be it resolved that the Faculty Senate of The University of Alabama expresses

its deep appreciation to Marie Robbins and Gene Marsh for their tireless efforts, keen judgment, and unparalleled dedication to the University in the performance of their duties over the past two years.

The Steering Committee recommends the following additions and changes to the UA Faculty Senate By-laws:

Make Article II, Section 8 to be Section 9, and in its place insert the following new paragraph describing the term "regular" faculty member (also see below the text in italics inserted into Article II of our bylaws).

"FACULTY HOLDING REGULAR APPOINTMENTS

A faculty member holding a regular appointment is someone who is tenured, tenure earning, or a temporary full- or part-time instructor at The University of Alabama. Temporary full- or part-time instructors are individuals who have been teaching six hours or more per term on a continuing basis (three or more consecutive academic-year terms) who do not hold tenure or are tenure earning at another institution of higher education."

February 15, 2002

This proposal is submitted with the understanding that details not specified in this draft will be completed in committee when and if the Senate approves the basic structure outlined below.

Following is an outline of a procedure for the selection of University Ombudspersons:

- 1) Ombudspersons should be elected by the faculty in conjunction with Faculty Senate elections every year.
- 2) There should be three Ombudspersons.
- 3) The term of Office should be three years.
- 4) Terms should not be parallel so that one new Ombudsperson would be elected every year as each one in turn finishes his or her tenure.
- 5) Candidates should be as representative of the entire faculty as possible; therefore one Ombudsperson should come from A&S (379 full-time faculty), one from Business or Engineering (198 full-time faculty) and one from the other colleges and academic units (312 full-time faculty).
- 6) The total of three should include at least one female and one male Ombudsperson;
- 7) Candidates should have the following qualifications:
 - a) tenure
 - b) rank of associate or full professor
 - c) 10 years of service as a full-time faculty member with teaching and research responsibilities.

8) Candidates should not be:

- a) members of the Faculty Senate;
- b) members of the Grievance Committee;
- c) current or former administrators.

9) Any faculty member should be free to seek the advice and help of any Ombudsperson, regardless of the academic unit of either of their appointments.

10) The three Ombudspersons would function as a nominating committee by identifying candidates for election each year. Every effort should be made to have multiple candidates and to rotate representation through the various departments and colleges over a period of time.

11) An initial election would identify three Ombudspersons for one, two, and three years respectively. Nominations, for that election only, should be made from the floor of the Faculty Senate after the university faculty have had sufficient time to review a well circulated announcement and identify candidates for their representatives.

Article I. Senate Officers

In all elections of Senate Officers-President, Vice President, and Secretary-elections will be by the vote of the majority of the senators voting, in a meeting at which a quorum of the Senate is present. Nominations and election of the Senate President will be completed before the floor is opened for nominations for Vice President, *who will also serve as the faculty ombudsperson*, and the election of the Vice President will be made before nominations are received for the Office of Secretary. Any senator interested in serving in one or more of these offices may submit a written statement of intention, with any supporting argument, not to exceed one page in length, to the Secretary of the Senate by March 14 of the year in which he or she hopes to commence office. The Secretary will distribute each such statement and supporting argument with the agenda for the March meeting of the Senate. Persons may also be nominated for these offices from the floor at the March meeting. A motion to close nominations, or the equivalent, is out of order. Each candidate will have an opportunity to speak to the Senate about his or her candidacy, and the Senate will have an opportunity to ask questions of each candidate.

Note: I'm skipping the first three sections of Article II on Senate orientation, steering committee, and standing committees in order to save space. The new language is in italics in section 9.

Article II. Organization

Section 4. Special Committees.

Special committees may be created by the Senate as needed. Unless the Senate directs otherwise, special committee members and chairpersons shall be designated by the same methods as for standing committees. Persons eligible to vote in Senate elections who are not members of the Senate may be appointed by special committees as their consultants.

Section 5. Subcommittees.

Standing and special committees may establish such standing or special subcommittees as they deem useful. Persons eligible to vote in Senate elections who are not members of the Senate may be appointed by subcommittees as their consultants.

Section 6. Parliamentarian.

The Senate President will nominate a parliamentarian, subject to Senate confirmation, to serve as recommended in the most recent revision of Robert's Rules of Order except where these Rules are contravened by a rule adopted by the Senate. This person will be a member of the Faculty, as defined in the Constitution, who is not a senator; or a member of the retired faculty. It shall be the duty of the Parliamentarian to attend all meetings of the Senate and of the Steering Committee.

Section 7. Webmaster.

The Senate President will nominate a webmaster, subject to Senate confirmation, to serve as the producer and coordinator of the Senate's web site. This person will be a member of the faculty, who may be but need not be a senator.

Section 8. Faculty Holding Regular Appointments

A faculty member holding a regular appointment is someone who is tenured, tenure earning, or a temporary full- or part-time instructor at The University of Alabama. Temporary full- or part-time instructors are individuals who teach six hours or more per term on a continuing basis (three or more consecutive academic-year terms) who do not hold tenure or are tenure earning at another institution of higher education.

Section 9. Offices.

The Senate shall maintain offices, in a room or rooms in the University assigned by the President of the University. The Senate offices shall be the location of the files of the Senate.

Section 10. Vice President.

The Vice President will serve as the faculty ombudsperson--an impartial and confidential resource to assist faculty in resolving problems, complaints, conflicts, or other issues. As the ombudsperson, he/she will assist faculty in finding just and timely resolutions to problems. In so doing, the Vice President will act as a neutral resource rather than taking sides on issues.