

FACULTY SENATE

THE UNIVERSITY OF ALABAMA

FACULTY SENATE STEERING COMMITTEE MEETING

February 10, 2004 – 307 Ferguson – 3:00 PM

APPROVED MINUTES

ATTENDING: John Mason, Mathew Winston, Roy Ann Sherrod, Bob Sigler, Bob Moore, Wolfgang Bertsch, Karla Carmichael, Mohammed Sharif, John Vincent, Margaret Garner, Nick Stinnett, Catherine Davies, George Franke

ABSENT: Don Hooks, Caryl Cooper, Steve Miller, Margaret Rice (Resigned as co-chair of committee)

GUESTS: Marlin Caddell, Crimson White; Joanna Hutt, Dialog; Wythe Holt, Faculty Life Committee.

The minutes of the Faculty Senate Steering Committee meeting held January 13, 2004, were approved.

The first item on the agenda was the proposed revision to the **Faculty Senate bylaws**. It was proposed to change the number of years of service as a full-time faculty member with teaching and research responsibilities from ten to seven years in Section 10, Number 7c, of the bylaws concerning the ombudsperson. These are the nominees for **ombudsperson:**

Pat Bauch, Professor, Educational Leadership, Policy and Technology Studies

Gary Copeland, Professor, Communication & Information Sciences;
Telecommunication & Film

Jim Leeper, Professor, Community and Rural Medicine

David Roskos-Ewoldsen, Professor and Reese Phifer Professor of
Communication Studies

Faculty Senate committees are being restructured to clearly define the responsibilities of those committees. The Senate Operations committee will be the **Faculty and Senate Governance committee**. The name change will encompass the activities of that committee which includes activity with the University Committee on Committees and other issues outside the direct business of the Faculty Senate. The Senate Operations committee has also been reviewing the University committees to determine that they are correctly constituted. The current Planning and Operations committee will be phased out. Other committees such as Financial Affairs will take on the responsibilities of that committee. This will reduce the number of committees by one and will reduce the number of members of the Faculty Senate Steering Committee by two. In the past each committee met with the appropriate University Vice President. This has evolved into the Steering Committee meeting with the Provost in regularly scheduled meetings. In discussion of #12 – Faculty and Senate Governance Committee "A. is responsible for the continuous review of faculty participation in University governance, including, (but not limited to) committee structure, Faculty Handbook compliance, *and faculty consultation by the administration regarding all matters that have an impact on any issues within any Senate committee's purview.*" The

meaning of the phrase in italics is not clear. The phrase will now read: "*A. Is responsible for the continuous review of faculty participation in University governance, including University committee structure and Faculty Handbook compliance*". At the present time the Steering Committee and President of the Faculty Senate determines what committee receives an issue if there is an overlap of responsibilities. Under SECTION 3, Standing Committees, #3, the word *each* was added so the last sentence reads: "*Each co-chair of a standing committee serves as a full member of the steering committee. Each standing committee will normally meet.....*" A copy of committees and descriptions of their responsibilities was requested. This will enable the Senate to monitor any changes that are made in that area from year to year. We have never formally requested that following the CUC meeting in the spring the Faculty Senate be notified of their recommendations made in the fall for changes in committee descriptions. The chair of the CUC is to review the charge and makeup of the committee to determine if the committee is doing or not doing what their charge encompasses. Last year the CUC did not follow the requirements of the Faculty Senate or their own requirements. Two committees were omitted from the University committee list. Those will be added according to the Provost. The Faculty Handbook provides that the Faculty Senate appoints a member for each appropriate University Standing Committee and each Task Force appointed by the President of the University. John Mason will follow up to determine if a liaison is in the appropriate position. The President of the University can shift the University committees in consultation with the CUC but does not consult the Faculty Senate. It is part of the bylaws that the Parliamentarian has full voting and speaking privileges. Section 3. Access to Senate Meetings, "#1 *A meeting becomes an executive session for the purpose of discussing the character of an individual*" was moved from another section of the bylaws to this section to further define an executive session of the Senate. The suggested changes will be taken back to the committee. A motion was made and passed by the Steering Committee to present the proposed changes in the bylaws at the February meeting of the Faculty Senate and will be voted on at the March meeting. Bob Moore was commended for his excellent work on these changes in the Senate bylaws.

The next item on the agenda was a proposed resolution brought forward by the Faculty Life Committee regarding University-wide health and fitness programs.

Resolution on University-Wide Health and Fitness Program

Be it resolved that the Faculty Life Committee of the University of Alabama Faculty Senate endorses the current plan of the Director of University Recreation to develop a campus-wide employee health and fitness program to enhance and improve the overall health of faculty and staff through programs and services that will measure and allow for opportunities for physical, emotional, social and psychological growth primarily housed and staffed in a remodeled Aquatic Center.

Be it further resolved, that the Faculty Life Committee urges the University Recreation Director to seek additional funding from the administration and other sources in order that this program may be provided without cost to Faculty, Staff, and Students of The University of Alabama.

The remodeling of the **Aquatic Center** will involve heat and air conditioning for the building, remodeling the weight room and relocation of space and improving equipment. The cost is estimated to be approximately \$500,000. There is discussion of a reduction in fees for faculty for the use of these facilities. It was questioned why students were included in the resolution. The Board of Trustees at their meeting last week voted to

restructure its existing bonded indebtedness and issuing another \$120 million dollars for construction and deferred maintenance. There has been no inspection regarding asbestos in some buildings possibly adding to the cost. In the discussion the points were made that this would not be a great benefit to the faculty, possible need of additional personnel, the pools and lockers are used by children and what hours would be available. The question was asked what the continuing cost would be to maintain these facilities. A motion was made to invite George Brown, Director of University Recreation, to come speak to the Steering Committee and answer questions and give further information. There was concern expressed that there are other critical issues that should take priority before funding these facilities. The Nursing School cannot accept all the applicants due to lack of space and funding. There is a worldwide shortage of nurses and it does not seem the priorities are what they should be. This resolution will be considered following George Brown's meeting with either the Steering Committee or the Faculty Senate.

The second resolution brought forward by the Faculty Life Committee pertains to support for tenure and benefits. This proposed resolution reads:

Resolution on Support for Tenure and Benefits

Be it resolved that the Faculty Life Committee implores the Faculty Senate of The University of Alabama to advocate both for the existing understanding of tenure and for retention of existing excellent health care benefits of faculties in all Alabama Educational Institutions K -Higher Education as a unified effort to maintain, retain, and improve K-Higher Education throughout the State of Alabama.

Be it further resolved that Governor Riley, all Members of the Legislature and appropriate Legislative Committees, the State Board of Education and other responsible parties be officially contacted through formal channels to be informed as to how this loss of benefits and tenure poses an additional and grievous detriment, not an improvement, to the current education crisis in Alabama.

Margaret Garner made a motion and it was seconded to amend the resolution omitting the references to **tenure** in this resolution and focus on benefits. The only reference in the accountability legislation or Amendment I on the Democratic side going before the House is the overly burdensome process for dealing with a tenured teacher from K-12. Tenure is not the same in K-12 and Higher Education. The point was made that an invasion of tenure would bring more invasion of tenure. The concern is that higher education would be in a weakened position if there were no reaction on this issue at this time. The vote was for 3, against 5 and the motion failed. The resolution does not clarify the details of the loss of benefits. The proposed changes by administration to health care coverage will increase the faculty and staff shared cost of insurance coverage. One suggestion was to have the wording to read: "as to how the increasing cost of health care benefits and the threat to tenure pose an additional and grievous detriment". It was also suggested to reword the first line of the resolution to read: "Be it resolved by the Faculty Senate of The University of Alabama advocates". It was also suggested to add "retirees". The decision was for the Faculty Life to take the resolution for rewording and then email to the Steering Committee for approval. Upon that approval the resolution would then be placed on the Faculty Senate agenda for the meeting on February 17.

The discussion included the fact that University employees are not aware of the drastic changes being proposed by University administration to take effect in January 2005. There were sixteen changes emailed to Wythe Holt regarding **health care benefits** that would

involve increased costs for faculty and staff with some those being drastically higher. The Faculty Senate asked the President last year to put in an additional one million dollars more into benefits this year to avoid the increased costs and the administration turned it down. It was proposed that the Faculty Senate President call an all-faculty campus meeting to go over the proposed decrease in benefits, additional construction and maintenance costs, 3,000 additional students with no new faculty proposed and other issues to be discussed at this meeting. It was determined to have this meeting on the fourth Tuesday, February 24th, at 3:30 PM in the Ferguson Theater. Some of the sixteen proposed changes are an additional ten percent cost for individuals up to \$1,000 a year of all hospital stays. Right now those are covered 100% minus the deductible cost. Only three members of the Steering Committee had seen these sixteen proposed changes. John will circulate these changes to the faculty and place this on the web. It was proposed that the members of the Faculty Senate Benefits Committee and others compose the panel and that John Mason be the moderator. It was suggested to bullet the sixteen items at the beginning of the document and then the background information. The discussion included the method to be used to get the attention of people to attend this meeting and how to advertise it. Staff would not be able to attend the meeting because they would be working. John will contact Jim Holliman and Roy Gregg concerning the method to contact professional staff members. This issue of holding a meeting will be brought to the Faculty Senate on February 17.

Academic Affairs – (*John Vincent*) Margaret Rice has resigned as co-chair and the committee decided to proceed for the remainder of the year with one co-chair. The proposed resolution regarding NC grades has been withdrawn. The Academic Affairs committee voted against the resolution. The resolution proposed to remove the NC grade in most hundred level Math and English courses. The student is not allowed to drop the course once they are enrolled and this resolution would have changed that. The decision of the committee was in support of the majority of the Math and English department and an Arts & Sciences committee that upheld the current procedures. The committee is discussing two resolutions pertaining to religious freedom on campus and term limits for vice presidents and deans.

The Provost has requested that the Faculty Senate Steering Committee meet with Dr. Mike Middaugh of the University of Delaware from 3:00 pm to 5:00 pm on Monday, March 1 to discuss the University of Delaware's workload study and what Delaware is doing in this area. The meeting will be in 254 Rose Administration building. It was suggested to ask for a preview of his presentation and to ask the Academic Affairs and Faculty Life committee members to attend. The meeting dates with the Provost were reviewed.

The third resolution to be considered is:

"Resolution on Importance of Following the Handbook"

Whereas, the Faculty Handbook contains many elements and provisions which have been negotiated between University of Alabama administrators and representatives of the Faculty; and

Whereas, the Faculty Handbook contains many rules, regulations, and procedures which must be followed by Faculty members, most importantly those concerning hiring, tenure, and promotion; and

Whereas, the Faculty Handbook is generally understood by the faculty to contain rules,

regulations, and procedures which are agreed upon, fair, and binding in the situations in which they are applicable ; and

Whereas, the administration of The University of Alabama expects faculty to observe the rules, regulations, and procedures contained in the Faculty Handbook, and the faculty in turn expects the administration similarly to observe those rules, regulations, and processes in good faith; and

Whereas, the usual legal rule is that administrative regulations adopted in regular fashion by an agency which is part of a government, even if done so voluntarily, are binding upon the agency; and

Whereas, in at least four separate recent important instances, detailed in a separate attached memorandum, one or another administrator of The University of Alabama has failed to observe particular rules or processes specified in the Faculty Handbook, to the detriment of faculty in important ways; and

Whereas, in at least two of these instances, higher- ranking administrators have admitted that an error was made in failing to follow the Handbook, indicating a judgment that the Handbook is as binding upon administrators as it is upon faculty; and

Whereas, some of the administrators involved seem to have justified their failures to read and follow the Handbook provisions on grounds that they are new to the University and have not read or understood those provisions, or that the Handbook is advisory, not mandatory and binding upon them,

Therefore, be it resolved by the Faculty Senate of The University of Alabama, that the rules, regulations, and processes contained in the Faculty Handbook are not guidelines and not merely advisory, but are important, widely agreed-upon, and just as binding upon administrators as they are upon faculty members; and

Be it further resolved that the Faculty Senate requests President Witt to announce in writing to all university academic administrators from the Provost to Deans to Associate and Assistant Deans to Department Chairs that the rules, regulations, and processes contained in the Faculty Handbook are not merely advisory, but are just as binding upon administrators as they are upon faculty members, and that all administrators of the University are expected to know, understand, and follow applicable rules, regulations, and processes found in the Faculty Handbook.

The first situation in this resolution refers to the Chair of a College committee in a search for a new dean gave no opportunity for the college's faculty to review the dossiers of all candidates prior to the search committee's narrowing the list despite repeated requests from faculty and despite the Faculty Handbook's statement:

"Throughout the search process, the [college search] committee shall solicit, encourage, and provide for faculty participation Faculty members should have ample opportunity to review the credentials of qualified candidates 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."

The second situation in this resolution refers to the Chair of a Department of a College adding new material to the dossier of a candidate for tenure after the departmental committee had considered the candidate, upon the original dossier, and had voted by split vote to award tenure to the candidate, despite the statement in the Faculty Handbook:

"A dossier serves as the basis for decisions regarding ... tenure The dossier shall contain all evidence and support material deemed by the candidate to be necessary for the review Dossiers are due October 1 The candidate submits his/her dossier to the departmental chairperson, who may add information which he or she considers to be relevant; in the event that information is added, the departmental chairperson informs the candidate who has the opportunity to add explanatory or rebuttal material. The dossier is then transmitted by the departmental chairperson to the departmental faculty committee. Generally, no new evidence is added to the dossier after it has been transmitted to the departmental committee. In extremely unusual circumstances, when new evidence becomes available which seems to the dean to be significant, the dean may reconvene the departmental and divisional committees and ask these committees and the departmental chairperson to assess the new evidence."

The third situation refers to a tenure decision in another College, the negative recommendation of the divisional committee was transmitted to the candidate on a Friday afternoon at 1:30 pm and the Dean's negative recommendation was written and sent to the Provost on the following Monday, allowing insufficient time for the candidate to prepare and submit a rebuttal and for consideration of such a rebuttal or to allow the dean to consider a rebuttal. The Faculty Handbook states:

The candidate is given a copy of each recommendation made at the departmental or divisional level and has an opportunity to supply a written explanation or rebuttal statement. Any such statement by the candidate becomes a part of the dossier and is reviewed by the departmental/divisional committee or departmental chairperson/dean whose recommendation elicited the candidate's response; following this review, the candidate is informed in writing of the results and a copy is included in the dossier. The dossier is then forwarded for review at the next stage. ... The ... dean ... makes an independent recommendation after considering the dossier and all the preceding recommendations.

Before addressing Instance Four, more information is needed.

Details of each situation were discussed by the Steering Committee and there are facts to refer to in each case. The length of the resolution was a concern of one senator, however, the second page is background information only. A motion was made and seconded to circulate the resolution and to take this issue to the Senate. The motion passed with one abstention.

Bob Moore of the Senate Operations Committee presented Senate election information. Memorandums are prepared to go out to the Deans with information about the number of senators and alternates to be elected. Social Work has two senators and for next year will be allotted only one senator due to a reduction in the number of faculty holding regular appointments in their division. The Steering Committee agreed to allow those senators to serve the remainder of their terms. Next year the appropriate committee should add something to the bylaws to cover this situation. Officer elections will be open from the floor at the next Senate meeting for nominations.

Printouts of financial information presented at the Board of Trustees meeting were made available to Steering Committee members. Issues at the Board of Trustees meeting: new residence halls, a revised budget for the Student Health Care Center increase, University funding for a bicycle and walking path along the Black Warrior River and a standard lease

agreement for sorority and fraternity houses agreed to by the Board is a 30-year \$100 a year agreement. UAB made a presentation at the Board meeting including this information: \$382 million raised in their Capital Campaign; 56 chairs and professorships will be endowed; largest enrollment ever in 2003; increase residence hall beds from 1600 to 3200; a number of colleges, schools & programs in the top 20; and 2003 contracts and grants were \$400 million. UAH has requested permission to build sorority and fraternity houses. UAB received city zoning to build sorority and fraternity houses. The Board wants a common score card for all three UA institutions.

The resolution from the SGA requesting faculty to refrain from giving exams during Homecoming week was considered by the Steering Committee. The Steering Committee decided to take no action but will present the resolution to the full Senate.

Vice President's Report – (*Mathew Winston*) Mathew sent the Steering Committee a report from the Governor's proposal including Higher Education reform. This includes some suggestions about **ACHE** allowing the Governor to appoint an Executive Director without confirmation by the Senate and allowing the commission to develop an annual assessment report card of achievement and accountability with more rights to do away with marginal programs and provides that non-resident students in Alabama public institutions would pay three times more in tuition.

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

Meeting adjourned 5:20 PM