

SENATE EXECUTIVE COMMITTEE MINUTES

January 13, 2009
2:30 pm.

Senate Conference Room
140 McFall Center

Present: Keith Bernhard, James Evans, Emmanuel Guillory, Ben Muego, Nancy Orel, Peter Pinto, Ron Shields, Roger Schupp, John Waynick, Ellen Williams, Rich Hebein

Guests: Kris Blair, Chair, English Department, and Patrick Pauken, Senate Parliamentarian
Stan Guidera and Andreas Luescher, Faculty, Architecture/Environmental Design Studies

CHAIR'S REPORT

Williams reported that she had sent the letter, endorsed at the last Senate meeting, to President Cartwright asking her to deal with the problem of fee waivers for international students and that she believed the President was working on it.

She reminded SEC of the Open Forum on collective bargaining to be held on Thursday, January 22 in 308 BTSU from 2:30 to 4:30. The format will be speakers in favor and speakers against.

OLD BUSINESS

Financial Exigency Plan

Williams referred to two sections of the Plan, which is Appendix A of the *Academic Charter*:

"A. Definition of Financial Exigency

Financial exigency is an imminent financial crisis which so seriously jeopardizes the University's academic programs and the ability of the University to fulfill its mandatory obligations to the public that the termination of probationary and tenured faculty contracts is necessary. Projections of enrollment, of instructional subsidies, and other sources of revenues must demonstrate both to the faculty and to the administration that the shortage of funds will be so severe and persistent that there is no reasonable alternative to a change in the nature and character of the Institution."

"F. Short-term Financial Crisis

A short-term financial crisis involving a shortfall of funds within a single academic year or fiscal period is to be distinguished from a state of financial exigency. Contractual obligations of the University are fixed within a given contract period and should not be invalidated. There are little or no salary savings gained from a financial crisis requiring immediate action. The administration should share with the SEC its alterations and plans for reallocating the University's financial resources without termination of probationary and tenured faculty contracts."

Evans referred to the last sentence and asked where's the President. He said that there was a disagreement about the size of the FY 2009 deficit. He said that he did not understand where the money was going and speculated that perhaps it was being used to increase the Reserve Fund. Williams said that we could invite the President. Muego said that the faculty expected us to do that. Shields pointed out that the Charter also allows for reconfiguration in Article XIV. He said that Dean Morgan-Russell said that there would be changes in A&S and that faculty would be involved. Muego said that there should be some uniformity across colleges in dealing with the budget situation. Several present said that their deans had held college meetings. Evans said that he feared that exigency would be done under rubric of strategic planning. Several repeated the idea of inviting the President, and Williams said that she would invite here.

Charter Interpretation/Violation

This arose when a dean named a search committee and appointed as its chair a faculty member from another unit. Faculty asked SEC for an interpretation of the *Charter*. SEC took the position not to allow the committee to choose its own chair was a violation of the *Charter* and, following procedure, asked the President to concur. The

2

President said that the *Charter* was vague and that the point was moot because the committee had chosen a member as co-chair. Muego said that, if there was a violation, electing a co-chair is not the cure; it is still a violation. He said that the next step procedurally was to call for a meeting with the President. He suggested that we contact the faculty who originally requested the interpretation to see if they wished SEC to proceed. Evans said that, if they were satisfied with the situation, SEC could still propose a *Charter* amendment to clarify procedures. Williams directed the secretary to contact the requesters.

NEW BUSINESS

VPAA Search

Williams reported that the President had met with Senate officers yesterday about starting a search for a new VPAA immediately. She thought that she could negotiate a contract with consultants Witt Kiefer who had been engaged in the search for a new president. Some of the work they had done in connection with that would carry over to a search for a new VPAA. The President asked the officers for a list of faculty nominees to a search committee, and Williams reported that they had submitted a list with balanced representation.

Nttf Proposals

Williams invited Blair and Pauken to the discussion. Senate had referred the officers' proposal to seat ntff using *ex officio* seats to ABC and FWC. Pauken is chair of ABC. Craddock is chair of FWC; although not present, he submitted a written report. Blair is the author of a separate proposal to seat ntff, which will be considered at the next Senate meeting. Craddock wrote, in part:

"We concur with the intent of the third point-dealing with electing membership on Faculty Senate-insofar as it does impact faculty welfare by potentially diluting or otherwise changing the representation of faculty and subsequently undermining the principle of 'one vote per faculty member' by duplicating representation for some faculty. This is especially true in the proposed scenario where special representatives would be selected to represent faculty that currently are being represented by other faculty senators. Thus, changing membership criteria clearly can affect faculty welfare and is a serious issue requiring more consideration than is provided in the proposal. Given that the Academic Charter is clear on membership criteria, changing these criteria should be done by amendment to the Charter, if at all."

Pauken asked if it was a matter for interpretation to ask whether a senator represents all faculty including ntff. Muego said that senators have supported ntff by various *Charter* amendments, including the creation of lecturer. He said that he did not agree that senators don't represent all faculty. Evans said that he represented the unit that elected him, including all faculty, staff and students. He suggested changing the eligibility requirements in the Charter. Shields pointed out that the use of *ex officio* seats was always intended to be a temporary solution. Bernhard said that the college of Technology was amending its charter to include ntff; he sees the use of *ex officio* seats as duplicate representation.

Pauken, speaking for ABC, said that it wasn't the officers that put the proposal before Senate but SEC, which sets the Senate agenda. Evans said that the officers shouldn't advocate anything. Williams said that ntff do not feel that they have representation. Evans said there had to be a *Charter* amendment. Shields said that we needed to have a discussion when guests are not present about the relationship between SEC and the officers.

Blair said that she was asking for a Charter amendment but did not think it was her responsibility to draft the language. She said that the English Department believes that ntff should have representation on Senate. Evans advised Blair to write an amendment. The secretary pointed out that we haven't always required a proposer to draft specific language; ABC could do that. Pauken said they might have trouble drafting an amendment if they don't

agree with the substance. Williams asked Evans and Muego to assist Blair in drafting language for the February meeting of Senate. They agreed, and Williams thanked them and the guests.

3

Department of Architecture and Environmental Design

Williams invited Guidera and Luescher to the discussion. Senate had passed a motion to approve the Master of Architecture degree at its meeting on November 4. Accreditation requires that the institution have a separate department of architecture, and the guests came to present their proposal for that. CAA supported the proposal, which would provide visibility and autonomy for promotion, tenure, curriculum, budget and recruitment of faculty and students. Muego moved, Evans seconded to send the proposal to Senate with endorsement; motion passed.

ISSUES AND CONCERNS

Williams said that Leontis had asked if it was still permissible to ask questions of persons giving communications to Senate; she said it was.

ADJOURNMENT

Williams adjourned the meeting at 4:25 pm.

Respectfully submitted,

Rich Hebein, Secretary