

SENATE EXECUTIVE COMMITTEE MINUTES

June 3, 2010
10:00 a.m.

Senate Conference
140 McFall Center

Present: Kris Blair; Judy Jackson May; Terry Herman; Jackie Leclair; Dale Klopfer; Neal Carothers; Michelle Brodke; John Folkins

CHAIR'S REPORT

Blair thanked everyone for attending this special meeting. Introductions were made for new members.

NEW BUSINESS

Charter Interpretation Request

Blair reordered the agenda to begin with new business and the discussion of the request for Charter interpretation and thanked everyone for the quick response to the special meeting request. During the last Senate Executive Committee (SEC) meeting we considered a request for Charter language interpretation from an individual due to a third year review reappointment denial. It is not the role of SEC to rule on the denial but to consider the request for this Charter interpretation.

To begin the discussion Blair posed the question as to who the deciding body for reappointment, tenure and promotion decisions is in the College. As Blair noted SEC agreement with the decision is not our role; our role is to consider the Charter interpretation request. Blair shared with the individual that SEC summer sessions are not standard and advised he meet with the Provost. The individual chose not to contact Dr. Borland and the Provost's office has encouraged SEC to consider this matter.

Folkins wanted to confirm that SEC makes the Charter interpretation and that the interpretation is then forwarded to the President. Blair confirmed that this is the process. May wanted to clarify the situation that prompted the Charter interpretation request. The individual had made the request to reconsider and the promotion and tenure review committee (PTRC) denied the request. Folkins noted the PTRC is not required to make the decision. Klopfer said a request does not obligate the PTRC to reconsider. Both Brodke and Leclair agreed that making a request does not necessitate or obligate the PTRC to grant the request.

Folkins indicated no criteria were given in the Charter for the request for reconsideration. If the individual expected, under these circumstances, the request would be granted what options should he have been given? Blair acknowledged there are many, many things in the Charter that are unclear. Carothers felt there is at least an obligation to reconsider. In fact we don't know that the committee didn't reconsider and declined to modify the decision. Blair agreed and noted that SEC is meeting because of the many vagaries of the Charter.

To further clarify the matter, Brodke asked if the PTRC had changed their decision but the College, at the next level of review would not. Blair confirmed the College would not even consider reconsidering. Carothers felt that given the rarity and weight of such circumstances, it is better to err on the side of considering the request. Leclair wondered if SEC was overlooking the use of the word "request". Is it possible that this request is a formal message and implies that it should be reconsidered? Klopfer said he wondered the same thing and did check but found nothing close to this in the Charter. Brodke wondered if the individual could pursue a grievance if he so chooses? Blair replied that he can certainly pursue a grievance and that our job is to interpret the Charter language and no more.

Klopfer noted the PTRC is an advisory body and the School is typically the deciding body. Who is that deciding body in this case? Blair indicated that in this case it is the College PTRC that is the deciding body. Folkins noted that at one time different Schools within the College followed various tenure and promotion processes. Some had College level review and some did not. May agreed with Carothers that a review does seem to be in order. The words "may request," means that you can make the request but are not guaranteed reconsideration. Folkins concurred we want to bend over backwards to provide as much due process as possible for the individual. At the

same time, in doing our job, interpreting Charter language, does request mean must? If that were the case, regardless of the criteria and outcome, everyone would get to go through this process twice.

May said if that were the case it takes the latitude to make these decisions away from the College. There is a reason they aren't reviewing again. The process is set up to allow them to make that decision in granting the request. Carothers wondered if we could ask if the PTRC did discuss the matter and chose not to reconsider. If that were the case, then they did in fact reconsider. Blair said yes, the matter would be fresh in their minds. They take that charge very seriously. Non-renewal at the third year review is more of an exception. To not renew means that there were circumstances that warranted that decision; but that's not our matter to judge.

Leclair asked again if we should interpret the meaning of the word request? Folkins agreed that this is the job of SEC. However, we can't go back to the Faculty Senate discussion when this language was put in the Charter to discern their intended meaning. May indicated an individual may make a request but that does not mean it will be granted. Folkins asserted that in trying to provide a balance we want to do everything we can for the individual. The peer review process needs to be handled with as much due process as possible. We don't want to add an additional burden on the committee. If they make the decision to non-renew we cannot require them to review it again anyway. May agreed that the process is very professional and taken seriously.

Blair indicated this matter might have been resolved if there wasn't genuine cause and indeed there had been a discussion or consideration of the request. This might have been solved if the Provost made that call to the College. However, the individual did not want to go forward with a meeting with the Provost. Blair asked if we needed more discussion on this matter?

May moved, Klopfer seconded to interpret that “may request” does not obligate the deciding body to enter into a reconsideration process rather than to uphold the denial to reconsider; motion passed unanimously.

Blair will transmit the original interpretation request to the Office of the Provost. The SEC interpretation shall be transmitted to the President. The individual making the request will also be notified of the decision.

Carothers wondered if, since there is concern about this particular Charter language, SEC should direct this issue to another body to consider and review. Blair said we could bring this up at the SEC/VPAA meeting to determine clarity of language. We can discuss this and then charge Amendments and Bylaws to review.

OLD BUSINESS

Fee Waiver Update

Amendments and Bylaws has done a fabulous job of morphing the various changes together – we're in the process of transmitting this policy to the Board after we have Williams' signature.

Flexible Tenure Update

Blair noted there were no objections to the policy as such. The concern was that the language wasn't clear on how long the clock would be stopped under this policy and how that would impact the Charter section indicating that after 7 years tenure and promotion were defacto. Blair met with Waddell to discuss flexible tenure further to clarify the language. Can the semesters be consecutive? Blair had been surprised Borland or Waddell didn't clarify the meaning when questions arose during the Faculty Senate meeting. According to Waddell the current language allows the Administration to consider requests on a case by case basis therefore no particular determination had been made. Blair indicated we need to know exactly what the policy means. Does someone get a 1-year stop? Or a 2-year stop? Folkins agreed the language of the policy needs to be crystal clear on all points. What is the request process? How long can the break last? Can the request for the tenure clock stop be consecutive? What are the specific criteria to be granted a stop? Does everyone get one? How ill do you have to be? What specific family responsibilities would be considered? Very specific criteria need to be in place. For instance, my grandmother lives in another state and she's ill; does that count? The charge was for specific criteria that were not forthcoming from the Faculty Welfare Committee. Blair noted this institutional history helps. When she meets with Faculty Welfare she can encourage them to clarify this language.

Folkins noted the main concern is that if you have not been through the tenure process by the 7th year, you are granted tenure. That language needs to be overridden. May wondered why Waddell and Borland would not offer a direction in this case because, in point of fact, most requests would be considered case by case.

Blair reminded us the Faculty Misconduct Policy, given the contentious nature of the policy, will go back to Faculty Welfare for further review.

Parking Updates

Blair reviewed the parking fee presentation at the May Faculty Senate meeting by Samel, Chair of Parking Advisory Committee. Parking was listed as a benefit in the Charter back in 1999. In the interim some benefits were moved from the Charter to the Human Resource website. On May 13th Blair met with the Budget committee to determine what they had been told. Had they been consulted? This matter was mentioned in passing to both FSBC and UBC but never reviewed as a proposal. The fee increase was presented as a done deal. May said the FSBC unanimously voted the fee discussion needed to be deferred and reviewed further. FSBC made that recommendation to UBC.

Blair cited the vague language in reviewing changes in policies, benefits, and budgetary items. The inconsistency of parking as a benefit for retired employees remains in the Charter. The recommendation of FSBC went directly to UBC though we have no idea of what might be brought up at the June Board meeting. Constituent groups do not have a role in this meeting. Constituent groups are represented during the afternoon meeting but not active participants. Carothers will attend on Blair's behalf. If the Administration decides to go forward without following the process in the Charter and the recommendations of FSBC and UBC someone will likely consider filing a Charter violation. May doesn't believe that will happen. Blair said we don't know where this is going because furloughs were presented as a done deal and they happened. Regardless, if this decision is put forward, SEC/Faculty Senate would potentially be involved.

Klopfer wondered if new hires this year will pay the parking fee. Blair said retirees will park for free; existing faculty will have \$120 added to base pay and then will be charged that amount for parking; and new hires, as of Fall 2010 will pay the parking fee. Clearly we will have a role to play in this matter. Brodke wondered if this parking issue would impact Firelands?

ADJOURNMENT

Blair adjourned the meeting at 11:00 a.m.

Respectfully submitted, Terry L. Herman, Secretary