

Senate Executive Committee Meeting Minutes

October 26, 2010
2:30 – 4:30 pm

Senate Conference
140 McFall Center

Attendance: Basch; Blair; Border; Carothers; DeBard; Dinda; Folkins; Gremler; Herman; Leclair; Midden

Absence: Brodke

CHAIR'S REPORT

Blair: I'd like to start with a summation... Soon after the results of the Collective Bargaining vote I had a meeting with Provost Borland to discuss the "what's next" question. I understand there is a great deal of consultation going on with external counsel. We had asked Provost Borland to be here with us today but he had another commitment. We are concerned about the role of the Charter as we go forward.

Border: According to the Charter, amendments to the Charter shall be forwarded to the President who will forward that Policy to the Board of Trustees. DeBard: How can we have tenure and promotion then? Leclair: Is there another body that would be in place in the interim? DeBard: Our Charter is a governing document that is necessary for us to conduct business.

Midden: I thought the Charter was part of our process until something else is in place. Border: The interpretation is not the President's alone. Carothers: Dr. Cartwright did mention tenure and promotion specifically. She said that those who were in mid-stream would go forward.

Midden: We have to have a governance document and rules in the meantime. My contract is based on the existing version of the Charter. Basch: When we met with the President yesterday she indicated that we would follow the Charter until a contract is in place.

Folkins: Right now the Charter is in place. Nothing has changed. It doesn't mean that policies coming forward can't be held up. Carothers: She indicated that we can transmit the policy to her and she will sit on it. Folkins: That's not a Charter violation. Right now we have the Charter in place. The Charter says we will have an FPCC. We don't have the power to disband it. I agree with everyone here. We have a governance document in place and we should abide by it. Carothers: The Faculty Personnel and Conciliation Committee (FPCC) especially have certain issues in the midstream. Blair: President Cartwright did indicate she understood the time sensitivity of the grievance processes and should have some clarity in the next few days. Carothers: When asked how this impacts the Presidential search she indicated that we would definitely be looking at a different type of individual.

Midden: Might the search no longer include faculty? Blair: I'm on that committee.
Folkins: That would be highly unlikely. Midden: That's how Olscamp was hired. Folkins:
Standard practice in higher education is that there will be faculty members on
Presidential search committees.

Midden: But the influence of faculty may be different. In the search for Ribeau, the
faculty comments were taken quite seriously and that impacted the outcome. In this case,
it sounds like we will not have that type of influence. It implies that faculty opinion will
be ignored. There is good precedence of that happening.

DeBard: The letter we all received from BGSU-FA "While Collective Bargaining... line
from that e-mail". What is it that Faculty Senate does other than that? I do think there are
other things that Faculty Senate does concern itself with. My feeling is that the whole
deliberative nature of academics suggests a need for discourse. Not as negotiation but a
conversation with individuals with specific knowledge and expertise. Faculty Senate is a
special entity. It appears that my worst fears are being realized. The Faculty Senate has
work to do. Are you thinking about the next five to ten years or just next year and getting
the best contract that is possible?

Midden: I suggest the Faculty Senate establish at this point that the Charter is in force and
we will carry forward until a contract is in place. Border: Do we have any expectation of
how long it may take to negotiate the first contract? Blair: I've heard 12 to 24 months.

DeBard: That doesn't mean that the contract will be in place when the President comes
in, it won't be. Blair: I think we should fight for the Charter.

Midden: I don't understand how the Charter can just be dissolved just because the faculty
voted for Collective Bargaining.

Folkins: How did the President indicate she might respond to this at our next Faculty
Senate meeting? I think we should ask her to address what is expected of Faculty Senate
from this point forward. Border: What is the role of the Charter besides budget and
personnel? If we would have had this discussion 18 months ago when we were discussing
reorganizations, the Charter protects us in these cases. Blair: Dr. Cartwright did say she
felt the Senate would continue to have an important role in curriculum. Basch: Did she
say that we should not address changes to the Charter? Carothers: I got the impression
that we could go ahead and keep ourselves busy with curriculum but don't bother with
anything related to personnel, benefits, and working conditions.

Blair: The problem is we have people who have ongoing grievances. Border: I think a
lawyer would agree that there has to be a process to complete that grievance process.
Midden: The issues could be dragged out. The Charter may still be law but how long will
it take us to resolve grievances before the new contract is in place? Carothers: If Counsel
indicates that the Charter would be in place at least until we have a contract in place, we
should state publicly that we intend to follow the Charter until another contract is in
place. Midden: We need to continue to do business.

DeBard: This is why you need to send forward the Flexible Tenure Policy. Is the Faculty Welfare committee still in place? Blair: Yes. DeBard: And it should be. Folkins: Even if it does crash on the borders of negotiation we need to move as many of these things along as we can. Blair: I think that's the way we should proceed. The Provost will be at that meeting. Even among the administrators there could be differences of opinions. In the negotiation process for everything we get, we will give something up.

Folkins: Whether you like the tone, there is a tone that comes with Collective Bargaining. Some of that comes from Columbus. It doesn't mean there isn't good will it just means that the rules have changed. DeBard: There's a big difference between Collective Bargaining and governance. Governance is how colleges work. Collective Bargaining deals with personnel, benefits, and working conditions. Folkins: Yes, that's the negotiation process. DeBard: It helps to explain why that first contract takes so long.

Midden: Yes. We don't know the scope of what that first contact might be. The Administration must preserve as much as they can in their favor. Leclair: Say we don't have a contract until 2012. In the meantime, the faculty still needs to know we have rules.

Midden: Yes. That's what the Faculty Senate must do. Leclair: How do we put teeth in that? Midden: I don't know that we can. Carothers: It is essential that people have somewhere to turn in the interim. There has to be some mode of operation between now and then.

Border: What about the grievance process then? Blair: We tried to explain that we needed answers on that issue right away.

DeBard: The vote was compelling, but the faculty composition has changed substantially. The irony is that there will be a lot of people who were in fact not in favor of Collective Bargaining, and wanted Faculty Senate to carry on in their role of shared governance. If the atmosphere is adversarial, many who were not in favor will become converts. That would be tragic. Warnings that were made could turn into self-fulfilling prophecies. Blair: Another comment was that many would not want to work in a Collective Bargaining atmosphere and retention might be an issue. Many people might choose to leave.

Border: Unpaid furloughs have no impact on Administration. Blair: I did ask that question. What rights does the Administration have in regard to contracts and furloughs?

Dinda: I agree we need something to govern by, but what is the next step? Blair: I think we have to advocate for the role the Charter will continue to play in the interim. Folkins: Yes, I think we should continue on as we have. DeBard: If policies are rejected or neglected, that is a signal that they are part of bargaining. The more you neglect the more you will negotiate, whether it is faculty misconduct or the flexible tenure. This is a policy that has no leverage. All they'll succeed in doing is energizing the collective bargaining.

Carothers: Especially given the wide level of support. Midden: Would it be appropriate for us to put forward a resolution that the Charter stays in place? Folkins: We already have that. We don't want a vote on that. You are setting it up to lose it. Blair: Until proven otherwise, the Charter is a legal, binding document. If someone says it is not, we ask why? Leclair: I think that must be clear so we are working in the context the Charter is 100% in effect. Folkins: That point will definitely come up on Tuesday at the Faculty Senate meeting. I think you should address that in your remarks. Basch: Whatever is decided we (Undergraduate Student Senate and Graduate Student Senate) will stand with you. Carothers: Until we hear otherwise we will continue on as we have.

OLD BUSINESS

None

NEW BUSINESS

Impact of Collective Bargaining Vote

Bowling Green State University-Faculty Association (BGSU-FA) Request for Liaison

Blair: I think at this point we can transition to the next order of business. I indicated that we would discuss this at the next Senate Executive Committee (SEC) meeting. The Charter does cover ex-officio Faculty Senate representation.

Folkins: Now we're in this hardball environment. Every time you get something you give something. This is giving BGSU-FA something. If we do something now, it undercuts that negotiation process. DeBard: I disagree with that. I think for us to reject or not act on this request is unnecessarily adversarial. Not only does it say there will be an adversarial relationship between faculty and Administration but also between BGSU-FA and Faculty Senate.

Folkins: This is an external group outside the University that we are paying to support us. DeBard: The tone of the whole meeting has been how can we in some ways do the right things by this University? I think we need to be as open and transparent as we can be. I'm saying this because if Faculty Senate is to have any credibility with the faculty and in the future our actions will be important. These are faculty colleagues. Some people in this room may have voted for Collective Bargaining. I'm not going to assume the BGSU-FA is a nasty group that will sabotage the future of this University.

Border: There is precedence for that in that we've added administration into Faculty Senate. Blair: That's what they are asking. Carothers: Are they asking for a seat here on SEC or on Senate? Blair: The Senate.

Border: We've done it multiple times for administration. Midden: We don't have any power in negotiation in what role the Faculty Senate may play. We can grant that request but make our own request to have a position within the BGSU-FA. Blair: Is our decision based on reciprocal representation? Midden: Probably. I wouldn't put it quite that strongly, but I would ask for representation just the same.

Blair: If we were to approve this, we are making a recommendation to the Senate. The SEC will vote on this and the Senate must pass this by a 2/3 majority. Midden: We'll have enough adversarial relationships, we don't need another one. Midden: We need to do what we can to promote collaboration. The Faculty Association is a reality; they exist. I see no point in not including them now. Carothers: There is a large percentage of the Faculty Senate that is already supportive of the Union.

Blair: I liked how you tried to drive that point home good people are good people. They were good before this vote and they're good people now. Carothers: We've had a long and productive cooperation. It may be fair to say that we do this in the spirit of that cooperation. Midden: We have the luxury of not negotiating. We have nothing to gain in the process. Folkins: We will be violating the rules of the FA if we talk to the Administration about negotiations.

Midden: Administration and FA will have to decide what they will talk to us about. DeBard: As Dave pointed out we have invited members of the administration to Faculty Senate. Carothers: We are advocates for all faculty whether they are pro Union or non-Union. Blair: Any more discussion? Is there a motion to recommend we invite them? DeBard: I move that we add an ex-officio FA representative to Faculty Senate. Leclair: I second the motion. Carothers: As a point of clarification... Assuming we pass this motion the full senate will vote and if approved we get to approve that nomination. Blair: Yes. All those in favor? Motion passed with one no vote (Folkins).

Library Resolution

Blair: Our last piece of business is the request from the Library to endorse their resolution. Let me give you the back-story. This came up last year. The Library wanted a resolution passed that they would not be furloughed again. The SEC discussed this request. Ron Shields did in fact have a conversation with Chris Miko. They drafted a resolution that was received at the end of the last semester. During the transition the resolution was lost in the shuffle. Just recently it was mentioned again. Given our Collective Bargaining discussion, what do we do with this? We should address it.

DeBard: I see nothing wrong with the resolution. I don't think this will go anywhere. But, in the spirit of what we said earlier I think we should support it. Folkins: There's a bigger issue. I don't think we should do anything with this given the current circumstances. Faculty were exempted because those faculty on academic contracts don't have vacation days like 12-month contracts do. To support this buys into the "faculty are special and that's why they didn't get the furloughs" rather than it was a matter of mechanics.

Border: The resolution is based on a false assumption. DeBard: Faculty do not accumulate vacation days. In essence we have nothing to give up.

Midden: The bottom line is that some faculty had a reduction in salary and others did not. I can't agree with the first resolution but the spirit of the second is fine. Leclair: They are asking to be protected. Is it reasonable to move forward to try to protect them?

Folkins: Without protecting everyone else? From a political point of view there is already enough of a feeling that they are not getting enough recognition. Midden: I sympathize with that issue rather than saying a certain category are exempt when others are not. What I would suggest is a more open dialogue about how who is chosen for a furlough and why.

Blair: Yes, in our Tri-Chair meetings the ASC and CSC have a different point of view on that issue. What do we tell the library? Do we vote? Leclair: I want to be sure I understand this. They feel they are being double hit. Do they have a different situation? Folkins: Faculty request summer compensation and they may not get it. Librarians do. Midden: To single out this one group doesn't seem right. This is a very complex issue. Blair: And it assumes that faculty who are on 12-month contracts are still teaching. I know where they're coming from. Every group probably has a similar argument.

Midden: How is that furlough decision made? Was Faculty Senate involved? Blair: Not to the extent that it should have been. The final "Be it Resolved" is appropriate... DeBard: The spirit behind the second resolution is fine. Blair: Would there be a time we can pass a more general resolution?

Book Buyers

Gremler: It bothers me that people come by my office looking to buy textbooks from me. These are texts given to me by my request to examine for classes. It really started bothering me, as I became an author. This summer Kris and I met with Sean Fitzgerald. I wondered if this was legal activity that should be done on campus. This fall I received an e-mail from the textbook buyer. I responded to that individual with a lengthy e-mail. I wanted to bring it forward to this body to see if we should take it any further.

Leclair: Who are buying these books? DeBard: Resellers. Gremler: To summarize, I think it is morally inappropriate for faculty to sell books that were given to them in good faith. I don't believe it is appropriate for these re-sellers to be going office to office at any rate. As employees of the University, we don't really have the right to sell those books. We don't sell other University assets. These books aren't ours to make money from. We are given tools to do our jobs but we can't sell them. Since that time, about 2 weeks ago a book buyer knocked on my door. Even if we have policies in place there is a question of enforcement. I went over to the Police Department to see if this is an enforceable issue. The textbook buyer said he would follow proper procedure. The police officer said he had no reason to believe that the textbook buyer would not follow that procedure.

DeBard: What is the procedure that we should be following? Gremler: The Solicitation Policy. Folkins: They can come on to campus to buy back texts. TIA and CREF also come and try to sell you an IRA. They rent a room at the Union to do that. It's a free market and we like that. One could argue that the textbook buyers really are benefiting the students by selling less expensive books. Gremler: If we have the right to sell them. Midden: That's if these are not stolen books. I've also noticed that some of the desk copies indicate that they should not be sold.

Midden: I'm just not sure what's actually legal in this case. Does the publisher have a reasonable expectation that we will not sell this book? Border: You get a bill of sale that says \$0.00, and then it's my book. Leclair: I don't think the school owns it. Gremler: You are an agent of the University. Border: I practice a discipline and the books are specific to that discipline. Gremler: If you're making a decision about a class that you might be teaching you need to review texts. Carothers: If I contact a number of publishers requesting texts to adopt a new textbook, then the department probably owns it.

Folkins: If you were to leave the university would you leave your books behind?
Gremler: I donate them. I don't try to profit from them. One issue is the legality but the other is should I be concerned about people wandering the campus?

Leclair: At other institutions no one can get onto the campus. Folkins: We profit in all kinds of ways. Whether they are on campus or off campus. Blair: From my perspective, as a textbook author, I've never sold a book back. Gremler: I'm just wondering if this is something we should be concerned about. Midden: I'm concerned about the illegality. Folkins: Let me ask it in another way. What is the bigger issue? Selling texts at exorbitant prices or selling texts to students at a lower rate?

Midden: So is Robin Hood a good guy? Leclair: You shouldn't be disturbed if you don't choose to be. DeBard: I don't really think walking around from office to office is part of this Solicitation policy. I think the principle is right you should not welcome the solicitation of book buyers. Blair: What might happen is that some correspondence could come from campus mail indicating that those who are violating this policy should be reported. If someone chooses to meet off campus, that's fine.

Folkins: To the extent that they are still coming around means some people are selling their books. Do we want to deny them that? Leclair: Yes. Take it off campus and sell it. Blair: It's perpetuating a practice we don't like. Leclair: Determine the legality of this activity. If it is illegal then we should address it. Carothers: If you'd like to post on a bulletin board that you'll be at the Holiday Inn then people can meet you there.

DeBard: I laud Dwayne's ethical fiber. Leclair: It's about whether they can be on campus doing this. DeBard: If we say that they cannot come on campus, enforcement is the issue. Blair: Maybe just a reminder that we have a Solicitation Policy. Gremler: Our Dean did just that. Basically saying that if you feel you are being bothered ask the person to leave. Blair: We all represent Colleges so we should have that discussion.

ISSUES AND CONCERNS

None

ADJOURNMENT

4:15 p.m.

Respectfully Submitted
Terry L. Herman, Faculty Senate Secretary