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**AGENDA**  
**Faculty Senate Executive Committee**  
**Monday, April 26, 2004 3:30 pm**  
**K-State Union, Room 204**

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Present: Adams, Cochran, Cox, Gehrt, Haddock, Murray, McCulloh, Olsen, Prince, Rolley, Schlup, Schumm, Spears, Zabel

Absent: Ackerman, Elder, Griffin, Johnston, Ross, M. Smith, Stewart, Thompson

- I. President Bob Zabel called the meeting to order at 3:30 p.m.
- II. Senator Prince moved for approval of minutes of the March 29, 2004 meeting. Motion was seconded and passed.
- III. Reports from Standing Committees
  - A. Academic Affairs Committee - Jackie Spears substituted for David Stewart
    1. Course and Curriculum Changes  
Senator Spears moved to place course and curriculum changes on the Faculty Senate agenda.
      - a. Undergraduate Education
        1. Approve undergraduate course and curriculum changes approved by the College of Engineering March 5, 2004.

*Architectural Engineering and Construction Science*  
ADD:  
CNS 200 Computer Applications in Engineering and Construction  
CNS 231 Statics A

**CURRICULUM CHANGES:**  
**Architectural Engineering**  
Rationale: See the course rationale for CNS 200.  
\*See pages 2 - 4 of white sheets for further details.

**Construction Science and Management**  
Rational: See the course rationale for CNS 200 and CNS 231.  
See pages 2, 5, and 6 of white sheets for further details.

*Civil Engineering*  
DROP:  
CE 231 Statics A

*Computing and Information Sciences*

ADD:

CIS 543 Software Engineering Design Project

CHANGES:

CIS 015 Undergraduate Seminar

CIS 540 Software Engineering Project I

CIS 541 Software Engineering Project II

CIS 505 Programming Language to: Introduction to Programming Languages

*Electrical and Computer Engineering*

CURRICULUM CHANGES:

**Computer Engineering**

DROP:

ADD:

CIS 540 Software Engg Project I 3 CIS 543 Software Engg Design Project 3

\*See pages 14 - 16 of white sheets for further details.

2. Approve undergraduate course and curriculum changes approved by the College of Human Ecology March 8, 2004.

*Apparel, Textiles, and Interior Design*

CHANGES:

Pages 218-219, KSU Undergraduate Catalog, 2002-2004

AT 245 Apparel and Textile Marketing to: Apparel and Textile Industry

AT 300 Apparel ~~Design and~~ Production to: Apparel Production

AT 325 Apparel and Textile Store Operations

AT 330 Apparel Consumers and Society

AT 400 Apparel Design and Production III to: Fashion Illustration

AT 445 Professional Development: Issues and Opportunities to: Pre-Internship Seminar

AT 451 Apparel and Textile ~~Marketing~~ Practicum to: Apparel and Textile Practicum

AT 550 Apparel Design Field Experience to: Apparel and Textile Internship

DROP:

AT 200 Apparel Design and Production I

AT 225 Quantitative Merchandising Analysis

AT 360 Intermediate Textiles

AT 425 Apparel and Textile Promotion

AT 440 Fundamentals of Apparel Evaluation

AT 450 Apparel and Textile Marketing Internship

AT 525 Principles of Apparel Buying and Forecasting

AT 580 Internships in Textiles

ADD:

AT 340 Aesthetics of Apparel and Textiles

AT 460 Apparel and Textile Evaluation

AT 475 Principles Buying

AT 575 Principles of Forecasting

**New Specialization**

Selective Advancement in Apparel Design & Production Specialization

Apparel, Marketing and Design

Pages 216-217, KSU Undergraduate Catalog 2002-2004

Rationale: Changes are being made to streamline and reorganize the curriculum.  
\*See pages 9 - 11 of white sheets for details.

*School of Family Studies and Human Services*  
Page 221, KSU Undergraduate Catalog, 2002-2004  
DROP:  
Communication Sciences and Disorders minor  
Rationale: low enrollment

*Human Nutrition*  
Page 233, KSU Undergraduate Catalog, 2002-2004  
CHANGES:  
HN 556 Rehabilitation and Conditioning for Athletic Injuries  
HN 557 Administration of Athletic Training Programs  
HN 585 Internship in Athletic Training to: Practicum III in Athletic Training

ADD:  
HN 583 Practicum I in Athletic Training  
HN 584 Practicum II in Athletic Training

HN 586 Practicum IV in Athletic Training  
HN 587 Practicum V in Athletic Training  
HN 588 Practicum VI in Athletic Training

Department of Human Nutrition  
**Athletic Training**  
**Bachelor of Science in Athletic Training**

Curriculum changes to this degree.  
See pages 16-17 of white sheets for further details.

Department of Human Nutrition  
Pages 231 and 232, KSU Undergraduate Catalog, 2002-2004  
**Public Health Nutrition**  
**Bachelor of Science in Human Nutrition**  
Curriculum changes to this degree.  
See pages 18-19 of white sheets for further details.

3. Approve undergraduate course and curriculum changes approved by the College of Arts and Sciences April 1, 2004.

*Dean of Arts and Sciences*  
COURSE CHANGES:  
ENGL 035 Special Studies in English to: DAS 135 Special Studies in English  
ENGL 035 Beginning English I to: DAS 136 Beginning English I  
ENGL 038 Beginning English II to: DAS 138 Beginning English II  
ENGL 040 Intermediate English I to: DAS 140 Intermediate English I  
ENGL 050 Intermediate English II to: DAS 150 Intermediate English II  
ENGL 052 Advanced English to: DAS 152 Advanced English  
ENGL 076 Reading Skills to: DAS 176 Reading Skills

ENGL 077 Written Communication/Non-Native Speakers to: DAS 177 Written

Communication/Non-Native Speakers  
ENGL 078 Oral Communication/Non-Native Speakers to: DAS 178 Oral  
Communication/Non-Native Speakers  
ENGL 079 Pronunciation/Speaking Skills to DAS 179 Pronunciation/Speaking Skills  
ENGL 081 Advanced Integrated English to: DAS 181 Advanced Integrated English  
ENGL 085 Teaching and Cultural Orientation for ITAs to: DAS 185 Teaching and  
Cultural Orientation for ITAs  
ENGL 086 Orientation/Amer. Higher Educational System to: DAS 186  
Orientation/Amer. Higher Educational System  
ENG 087 Exploration of American Culture to: DAS 187 Exploration of American

Culture

*Department of English*

CHANGE:

ENGL 430 The Structure of English

ENGL 476 American English

*English Language Program*

ADD:

DAS 182 Introduction to American Academic Research Writing for International

Students

DAS 183 Introduction to American Academic Presentation for International Students

DAS 184 Practical Training in ESL

*Department of Geography*

CHANGE:

GEOG 220 Environmental Geography I to: GEOG 321 Environmental Geography II

GEOG 221 Environmental Geography II to: Environmental Geography I

GEOG 535 Fundamental of Climatology

*Department of Sociology, Anthropology, and Social Work*

CHANGE:

ANTH 522 Special Topics in Anthropology to: ANTH 521 Topics in Archaeology

ANTH 522 Special Topics in Anthropology to: Topics in Cultural Anthropology

ANTH 522 Special Topics in Anthropology to: ANTH 523 Topics in Linguistic  
Anthropology

ANTH 522 Special Topics in Anthropology to: ANTH 530 Topics in Physical  
Anthropology

*Department of Speech Communications, Theatre and Dance*

ADD:

SPCH 535 Communication and Leadership

*Women's Studies Program*

CHANGE:

WOMST 500 Topics in Women's Studies to: WOMST 585 Women and Islam

**CURRICULUM CHANGES:**

University Undergraduate Studies  
(Page 96, undergraduate catalog)

CHANGE:

*Life sciences*

**Pre-vet option (new)**

\*See page 8 of white sheets for further details.

*Division of Biology*

University Undergraduate and Graduate Studies

ADD:

Concurrent B.S. and M.S. degree program in Biology

Rationale: This is a new program.

\*See page 9 of white sheets for further details.

*Department of Geography*

University Undergraduate Studies

Page 113, undergraduate catalog

CHANGE:

Geography (B.A or B.S)

Rationale: Changes to GEOG 221 and the addition of GEOG 321 reflect changes made to the two-course Environmental Geography sequence.

\*See page 10 of white sheets for further details.

CHANGE:

University Undergraduate Studies

Page 113, undergraduate catalog

CHANGE:

Geography Minor

\*See page 11 of white sheets for details.

ADD:

University Undergraduate Studies

Certificate in Geographic Information Systems (18 hours)

\*See page 12 of white sheets for details.

4. Approve undergraduate course and curriculum changes approved by the College of Technology and Aviation April 6, 2004.

COURSE MODIFICATIONS:

MET 111 Technical Graphics

MET 117 Mechanical Detailing

CET 120 Materials Sampling and Testing

CMST 335 Web Development Programming I

PPIL 435 Air Transportation

5. Approve undergraduate course and curriculum changes approved by the College of Arts and Sciences February 12, 2004 - this item was deleted from the April 13, 2004 Faculty Senate agenda due to changes being made to it after it was approved by Academic Affairs.

*Department of Chemistry*

CHANGE:

(Page 108, undergraduate catalog)

FROM: Under Chemical Science curriculum for the BS degree

TO: Under Chemistry curriculum for the BS degree  
\*See page 5 of white sheets for details (revised)

b. Graduate Education

Approve course and curriculum changes approved by Graduate Council April 6, 2004.

**CHANGE**

AGRON 660 Range Research Techniques  
AT 610 Computer-Aided Design of Apparel  
AT 625 Apparel and Textile Store Planning  
AT 645 Private Label Apparel Product Development  
AT 655 Apparel Pattern Development I  
AT 695 Apparel Pattern Development II  
CIS 705 Programming Languages  
EECE 631 Microcomputer Systems Design  
EECE 684 Power Laboratory  
ENTOM 875 Insect Physiology  
IMSE 810 Industrial Logistics Engineering  
MUSIC 614 Graduate Theory Review

**DROP**

ATM 703 Topics in Agricultural Technology Management

**ADD**

BAE 740 Biomaterials Processing  
CIS 844 Agent-Oriented Software  
EDCEP 752 College Student Athletes  
EDCEP 761 Intercollegiate Athletics and the College Student Athlete  
EECE 644 Parallel Computing Fundamentals  
GRSC 740 Biomaterials Processing  
MUSIC 618 Graduate History Review  
PLPTH 768 Population Genetics

c. General Education

Approve general education course proposals approved by the General Education Council  
March 4, 2004.

ENGL 525 Women in Literature  
SOCIO 562 Social Construction of Serial Murder

Motion passed.

2. Senator Spears moved to place approval of additions to graduation lists on the Faculty Senate agenda.

December 2003

Angela Dikeman, Business Administration, BS-Marketing and International Business  
Christian Osse, Arts and Sciences, BS-Chemistry  
Joel Scott, Arts and Sciences, BS-Geography

May 2003

Clinton Garrett, Business Administration, BS-Financial Management  
Brandon Spencer Hardin, Architecture, Planning, and Design, Bachelor of Architecture

Motion passed.

3. Senator Spears moved to approve posthumous degree for Jay Cody Ott, College of Agriculture, BS-Horticulture-Golf Course Management requested by Larry Erpelding, Associate Dean of Agriculture. Jay was scheduled to graduate in May 2004 and was in good academic standing with the university.

Motion passed.

4. Senator Spears moved to place the resolution regarding Bachelor's Degree Completion Programs (Con. Ed) on the Faculty Senate agenda. **ATTACHMENT 2**

Motion passed.

5. Senator Spears moved to place on the Faculty Senate agenda approval of proposed changes to Appendix K, Discontinuance of Academic Programs. This change provides for formal review of any program discontinuance by the Faculty Senate Academic Affairs Committee with their comments forwarded to the Faculty Senate Committee on University Planning.  
**ATTACHMENT 3**

B. Faculty Affairs Committee - Roger Adams

1. Classified research amendment **ATTACHMENT 4**

Senator Adams moved to place the classified research amendment on the Faculty Senate agenda.

Motion passed.

2. General Grievance Board Policy and Policy on Mediation - Appendix G and Appendix U  
**ATTACHMENT 5**

Senator Adams moved to place the General Grievance Board Policy and the Policy on Mediation (Appendix G and Appendix U) on the Faculty Senate agenda. Changes have been made in consultation with Becky O'Donnell, Mediation Coordinator, and these policies will now become permanent instead of interim.

3. Senator Adams requested additional information on the TEVAL task force. President Zabel announced that Howard Erickson has been added to the task force membership to represent Veterinary Medicine. The first meeting will be held later this week.
4. Senator Adams announced that the committee has received one response regarding their draft letter requesting to discontinue the Scholar title. This discontinuance request will not affect the Provost Teaching Scholar designation.

C. Faculty Senate Committee on University Planning - Walter Schumm

Senator Schumm had no report. Elections will be held at their next meeting.

D. Faculty Senate Committee on Technology - Mike Haddock

Senator Haddock had nothing to report.

IV. Announcements

A. Faculty Senate Leadership Council

President Zabel reported that the council has not met recently with the President's staff. The Leadership Council has met and discussed various items on today's agenda. The Compensation Task Force salary enhancement proposals will be adopted by the administration for next fiscal

year. The steering committee will meet soon to further discuss next steps for this task force.

B. Kansas Board of Regents meeting

President Zabel discussed the April meeting of the Board. President Wefald gave his annual report on K-State to the Regents. He discussed various program ratings and student scholarship winners. He also discussed progress made by the Foundation in private fund raising and the increases in external funding over the last several years. The faculty morale survey was conducted at all Regents institutions and President Zabel has received the raw data results. K-State had a 37% participation (N = 351) of full-time tenure track faculty, and more than 1400 faculty from Regents institutions participated. His initial review found that, across the Regents system, faculty morale is very low in several areas, such as salaries and benefits. His informal analysis indicated that a higher percentage of K-State faculty are unhappy when compared to faculty at the other Regents institutions. The job characteristic that K-State faculty are most satisfied about was the town where they live. Also, 37% indicate they are actively seeking a different job. Once data have been reviewed and compiled with the help of Planning and Analysis, Zabel will release a more formal report and discuss the results with the administration. The Council of Faculty Senate Presidents provided a very preliminary report to the Board on the survey and will provide a more thorough report to the Board at the May meeting.

C. Report from Student Senate - no report

D. Other

1. President Zabel distributed a report that he compiled from last week's article in The Chronicle of Higher Education regarding comparing 03-04 K-State faculty salaries with those of faculty at the other public research universities, the Big 12, and peer universities. K-State salaries continue to fall short of those at similar universities, especially for full professors.

2. President Zabel announced that we have one nominee, Senator Tony Jurich, for President-Elect, and we may still have others. Nominations may come from the current (new) Faculty Senate, and from the immediate past Faculty Senate. Senator Jennifer Gehrt has agreed to run again for Secretary.

V. Old Business

A. Academic Calendar (Fall 2004 through Summer 2009) **ATTACHMENT 6**

President Zabel announced that Monty Nielsen and members of the Calendar Committee will attend the next Faculty Senate meeting. Beginning in Fall 2005, the proposed calendar begins the semester on Monday and allows for a one-day fall break.

B. Teaching Scholar Resolution

Senator Adams moved to take the Teaching Scholar Resolution from the table. Senator Spears seconded the motion. Motion carried. Senator Adams moved to table the Teaching Scholar Resolution. Motion was seconded. Motion carried.

VI. New Business

A. Coffman Resolution **ATTACHMENT 1**

President Zabel discussed the Coffman Resolution. Senator Prince moved to place the resolution on the agenda. Motion was seconded. Motion was withdrawn with agreement by the second. Senator Schumm moved to approve the resolution by Executive Committee as modified. Motion was seconded and passed with one abstention.



- B. Senator Murray distributed a memo from Bill Meredith and a listing of five signatures from faculty members regarding the selection process of the University Distinguished Professors (UDP). The motion asked for a focused discussion of the UDP selection process at the May meeting. It was suggested that one of the University Distinguished Professors who is also a Faculty Senator give an overview of the current selection process at the Faculty Senate meeting. President Zabel recounted his earlier conversations with two UDPs, Brian Spooner and Chris Sorenson, regarding the UDP selection process, which had been discussed last fall by the Awards and Recognition subcommittee of the Compensation Task Force. The Awards and Recognition subcommittee may revisit the topic next year. **ATTACHMENT 7**
  
- VII. For the Good of the University  
Senator Cochran discussed a recent Developing Scholars presentation. The breadth and scope of what the students are doing is outstanding. He commended Senator Rolley for her mentorship in this program.
  
- VIII. The meeting was adjourned at 5:00 p.m.

## ATTACHMENT 1

### Resolution of Kansas State University Faculty Senate Executive Committee Recognition of Provost James R. Coffman

Whereas, Provost James R. Coffman has served Kansas State University as chief academic officer since 1987, and

Whereas, he has been committed to genuine university shared governance during his tenure as provost, and

Whereas, he has been instrumental in rethinking the academic reward system so that both outstanding research and outstanding teaching are recognized and rewarded, as well as service and development of intellectual property, and

Whereas, he has emphasized K-State's strength as a true student-centered research university, and

Whereas, he has a strong commitment to faculty and staff empowerment and innovation, and

Whereas, he has achieved outstanding success as a leader through steadfast honesty, superb listening skills, even-handed decision-making and loyalty to his firmly held values, and

Whereas, he has advocated and furthered the importance of diversity in teaching and learning as well as research and service, and

Whereas, he has been instrumental in development and implementation of a continuum of conflict resolution options; and

Whereas, he has advocated and demonstrated the Kansas State University Principles of Community,

Now therefore be it resolved this 11<sup>th</sup> day of May, 2004, that the Faculty Senate of Kansas State University recognizes Dr. James R. Coffman for his exemplary leadership as Provost of Kansas State University 1987-2004.

### ATTACHMENT 3

April 6, 2004

Provost James Coffman  
106 Anderson Hall  
Manhattan, Kansas 66506

Provost Coffman:

On behalf of the Faculty Senate Academic Affairs Committee, please accept this letter regarding the list of Programs/Degrees submitted for discontinuation in April of 2003. It is the understanding of this committee that this list was compiled in consultation with Central Administration, the Council of Deans, and Faculty Senate Leadership. The list was submitted to the College Deans in February of 2003, followed by a vote in COCAO and submission to the Kansas Board of Regents.

Because the proposal did not originate at departmental levels and follow standard procedures for academic program changes, news of these changes caused concern in faculty members, as well as in Faculty Senate. Academic Affairs was not formally involved in these important decisions, outside of Leadership Council. As faculty representatives on academic matters, we have been asked to review and respond to policies related to this ruling.

In support of K-State's strong history of faculty governance, members of the 2003-2004 Academic Affairs Committee strongly recommend that this committee be formally involved in future proposals for Program/Degree changes. Consequently, we propose the following change to Appendix K of the KSU Faculty Handbook. If you have questions or concerns, we are available to meet at your convenience.

Respectfully submitted,

Patricia Ackerman & Dave Stewart  
825-2904                      532-5635

cc: Bob Zabel, Faculty Senate President

**Kansas State University Handbook  
Proposed Change To Appendix K  
Discontinuance of Academic Programs**

**Section IIIA 3g**

**Current Policy**

- g. The report with appendices will be sent to the Faculty Senate Committee on University Planning. This committee will review the report and also determine the effect of the recommendation on the university as a whole, its mission, and its resources. Within a reasonable time, it will forward the report, along with its findings, to the provost for administrative action.

**Proposed Change**

- g. The report with appendices will be sent to the Faculty Senate Committee on University Planning. A copy will be forwarded to the Faculty Senate Academic Affairs Committee for formal review and comment. Prior to final recommendation, FSCOUP will review the report and comments from the Academic Affairs Committee when determining the effect of the recommendation on the university as a whole, its mission, and its resources. Within a reasonable time, it will forward the report, along with its findings, to the provost for administrative action.



## ATTACHMENT 3

G51 Classified research. The purpose of a university is to develop and transmit knowledge.

Consistent with this purpose, Kansas State University is committed to making ideas and research results available to all who might wish to use them. Therefore, the policy of the university is that classified research may not be carried out under university auspices by any faculty member, unclassified professional member, student, or other university personnel **unless it is first approved by the Committee on Classified Research.**

**University faculty and unclassified professionals initiating activities involving classified research shall provide, as may be requested by the committee, verification that the planned research does not hinder any participating student from completing his or her degree(s) and publishing the student's required work for the degree(s) and does not hinder any participating faculty member from gaining tenure.**

G52 Classified research may be broadly defined as research about which any of the following aspects are kept secret for an indefinite period with control of their release or publication exercised by an agency other than the university: 1) purpose of the research, 2) the names of the investigators, 3) the amount and sources of funds, 4) the university facilities used, 5) research procedures, and 6) the results of the research.

G53 This policy does not abrogate the right of research investigators to protect their work until it is patented or copyrighted. Neither should the policy be construed to prohibit the exercise of conventional privacy rights or to restrict university personnel in private consulting arrangements. This policy should not be interpreted as restrictive but rather as a safeguard to free and open inquiry and discussion by faculty, unclassified professionals, students, and other university personnel. Any exception to the policy must be recommended by the Graduate Council and approved by the executive committee of the faculty senate.

## ATTACHMENT 4

### University Handbook

## Appendix G: General Grievance Board Policy and Hearing Procedures

### General Grievance Board

(FSM 9-8-81, 2-16-88, 9-10-91, 1-21-92, 12-14-99)

Ombudspersons are available to provide assistance to faculty and unclassified professionals in the resolution of concerns and disputes that arise within the university. Faculty and unclassified professionals are encouraged to contact an ombudsperson before making an administrative appeal or filing a grievance (see C190-C194).

*Mediation is also an option available to faculty and unclassified professionals at any time, including during the process of filing or actively going through the grievance process. See Appendix U: Policy on Mediation. If mediation is entered into during the grievance process, the calendar clock as defined by the grievance process will be stopped and if the mediation is unsuccessful, the calendar restarted where it was interrupted (see Appendix G: G,2, Filing a Grievance and Pre-Hearing Activities) In cases of unsuccessful mediation when a grievance panel has been assembled, and the faculty or unclassified professional wishes to continue with the grievance process, the calendar clock will restart as defined in Appendix G: G,2,h,i &j.*

### A. Function

The General Grievance Board (hereafter referred to as the GGB) is established by, and responsible to, the executive committee of Faculty Senate to provide peer review of grievances of members of the faculty and unclassified professionals of Kansas State University. The GGB shall also hear appeals made by faculty members concerning action by the university in relation to violations of the Policy on Integrity in Research and Scholarly Activity and other such matters as the faculty senate shall provide, including discrimination based on race, color, gender, sexual orientation, religion, place of birth, age, ancestry, or disability. The function of the GGB shall be to (1) hear all evidence pertinent to the grievance; (2) make findings of fact; (3) decide whether the charges or allegations which constitute the grievance have been sustained by the evidence presented; and (4) recommend the specific course of action which should be taken; and (5) provide to the Faculty Senate an annual report of the board's activities and suggested changes in university policies or procedures.

G. Grievance Hearing Procedures

2. Filing a Grievance and Pre-Hearing Activities

- a. The grievance process shall be initiated by a written request, submitted by the grievant to the GGB chairperson, with a detailed statement of the grievance, which shall include (1) an account of the alleged administrative action/inaction which gave rise to the grievance and the dates; (2) the name(s) of the administrator(s) who will be the respondent(s); (3) the precise grounds upon which the grievance is based; (4) whether an "open" or "closed" hearing is requested, and (5) the nature of the relief sought. When terms such as "capricious," "arbitrary," "collegiality," etc. are used as the basis of a grievance or an administrative response, it is incumbent upon the person who uses these terms to demonstrate by example or specific evidence the meaning of such terms and how they apply.
- b. The grievant will be assisted by the GGB chairperson in obtaining relevant documents and information when such items are judged to be of critical importance in supporting the request for a grievance hearing. The chairperson shall determine whether the grievance falls within the jurisdiction of the GGB and if the materials presented by the grievant meet adequate standards of detail and clarity.
- c. Within five work days from the date of acceptance of the grievance by the chairperson, the chairperson shall give to both parties written notification of same, including a copy of the grievance.
- d. Within ten work days following such notification, each party shall submit to the chairperson, with copies to the other party, a preliminary list of (1) all documents to be introduced; (2) witnesses to be called; and (3) documents requested from the other party, plus (4) the name of the attorney, if an attorney is to accompany the party to the hearing; and (5) the name and title of the non-lawyer representative (advocate), if one is to accompany the party to the hearing. In addition, the respondent(s) shall submit a written response to the allegations contained in the grievance.
- e. Within 15 work days from the date of notification prescribed by G.2.c, the parties shall provide each other, with a copy to the GGB chairperson, the documents requested in G.2.d or a statement as to why the documents are not being provided (e.g. they are irrelevant or nonexistent) and all other documents to be introduced during the hearing. The claim that documents are privileged or confidential shall not in itself be sufficient justification for withholding them from the other party. The validity of the basis for not producing a requested document will be judged by the GGB chairperson whose ruling can be appealed to the hearing panel at the time of the hearing.
- f. Within 15 work days from the date of notification prescribed by G.2.c, the GGB chairperson shall provide to each party: (1) a list of the members of the hearing panel, the presiding officer, and two alternates; and (2) notification of the date(s), time(s), and place(s) of the hearing.
- g. Within 20 work days from the date of notification prescribed by G.2.c, each party may strike name(s) from the list of panel members for conflict of interest or for other just and sufficient cause, which shall be determined by the GGB chairperson. The GGB chairperson shall appoint replacements as necessary. Both parties will also exchange, with copies to the GGB chairperson, an updated list of documents to be introduced and witnesses that may be called. In no more than 35 class work days from the date of acceptance of the grievance by the GGB chairperson, as prescribed by G.2.a, the hearing shall begin, except as provided by G.1.i. and G.4.i.
- h. *If the grievance process was stopped because a faculty or unclassified professional entered into mediation and that mediation was unsuccessful the calendar clock as defined by the grievance process will be restarted where it was interrupted. In cases of unsuccessful mediation when a*



*grievance panel has been assembled, and the faculty or unclassified professional wishes to continue with the grievance process, the calendar clock will resume with 25 calendar days to allow the Chair of the Grievance Board to assemble a new panel and reschedule the hearing.*

- i. Within 10 work days of the grievance resuming, the GGB chairperson shall provide to each party: (1) a list of the members of the hearing panel, the presiding officer, and two alternates; and (2) notification of the date(s), time(s), and place(s) of the hearing.*
- j. Within 5 work days from the date of notification prescribed by G.2.i, each party may strike name(s) from the list of panel members for conflict of interest or for other just and sufficient cause, which shall be determined by the GGB chairperson. The GGB chairperson shall appoint replacements as necessary. Both parties will also exchange, with copies to the GGB chairperson, an updated list of documents to be introduced and witnesses that may be called. In no more than 25 class work days from the date of the resumption of the grievance the hearing shall begin, except as provided by G.1.i. and G.4.i.*
- k. All rules and policies as defined by General Grievance Board Policy and Hearing Procedures remain in place.*

## University Handbook, Appendix U: ~~Interim~~ Policy on Mediation

### A. Introduction

Mediation is playing an ever-increasing role in the positive resolution of campus disputes by addressing the needs and interests of all parties and at the same time saving time and money. It is particularly effective when the disputing parties want or need to continue their relationship. It also allows the parties to look at ways to prevent conflicts in the future.

For purposes of this policy, mediation is defined as a voluntary process of facilitated negotiation in which a neutral third party, a professional mediator, sits down with the parties in conflict and helps them look for mutually acceptable solutions to work-related issues in dispute. The mediator does not make the decisions, but instead, works with the parties to identify their needs and interests and to develop creative options for resolving the conflict in a confidential manner.

### B. Guidelines for Mediation

Mediation should be considered in any instance of serious or substantive dispute. It can be accessed at any point in the process of informal facilitation, appeal, grievance or litigation. Anyone can propose mediation; for example an ombudsperson, the next highest administrator, an affirmative action officer, or any of the parties to a dispute. The use of mediation will only occur with the concurrence of all of the disputing parties. Although any kind of dispute can be mediated, it is anticipated that common examples would include:

disagreement over salary adjustments  
performance evaluations  
promotion and tenure issues  
workplace issues, and or  
instances of alleged harassment or discrimination that do not meet the legal standard for such but which include real or perceived problems requiring resolution

An "agreement to mediate" will be entered into by all parties. This agreement does not constitute an obligation to reach a binding conclusion.

A mediator is defined, for purposes of this policy, as a person who is certified by or is recognized as equivalently qualified by the Kansas Judiciary Branch, Office of Judicial Administration, ~~and is included on an annually updated university list of approved mediators.~~ ~~This list~~ *A list of university approved mediators* will be developed through a screening and selection process based upon a recommendation of a committee appointed by the provost and comprised of two central administrators, one dean, one unclassified professional staff member, and two faculty members. *The list will be reviewed annually by the provost (or his or her agent) for accuracy, verifying current certifications or equivalents, and updated every three years by the committee.*

### C. Coordination of Mediation Process

Responsibility for coordinating the mediation process and making information available to the university community will be assigned by the Faculty Senate Executive Committee to a director who will operate from the Office of Faculty Senate. The University will be responsible for paying the fees for mediation unless an outside complaint or lawsuit has been filed.

## **KANSAS STATE UNIVERSITY AGREEMENT TO MEDIATE**

This is an Agreement between \_\_\_\_\_ and \_\_\_\_\_

(hereafter referred to as the participants). The participants enter into mediation with the intention of reaching a consensual resolution of their issues. The provisions of this agreement are as follows:

### **PROCESS**

1. Mediation is a voluntary collaborative process that is non-binding.
2. The mediator is a neutral facilitator who assists the participants in reaching their own voluntary, fully informed resolution concerning the issues.
3. A mediator's duties do not include decisions concerning "right" or "wrong" and the mediator will not make a decision regarding the issues for the participants.
4. In the event that the participants are already involved in an appeal, review, or grievance process for which a hearing has not convened at the time of this agreement, that process will be suspended until the conclusion of the mediation. Any timetables associated with such a process will be placed on hold until the mediation is ended.

### **DISCLOSURES**

5. The mediation process can be successful only if all participants make full and complete disclosure of all information pertinent to the resolution of the issues. Each participant will make a full and complete disclosure of all relevant information and documents to the mediator and the other participant.
6. If either participant fails to make a full and complete disclosure of all relevant information and documents, then any formal, legal, binding Resolution Agreement that may be reached based on the incomplete set of materials may be set aside.

### **CONFIDENTIALITY**

7. All written and oral communications, negotiations and statements made in the course of mediation will be treated as privileged settlement discussions and are absolutely confidential.
8. Participants agree that no tape record will be made nor will any participant cause the electronic recording of any portion of the mediation session or sessions or telephone calls among the participants and/or mediator concerning the sessions.
9. The mediator will not reveal anything discussed in mediation to anyone other than the participants.
10. The participants and the university will not at any time, before, during, or after mediation, call the mediator as a witness in any legal or administrative procedure concerning these issues. To the extent that the participants or the university may have a right to call the mediator as a witness, they each waive that right.
11. The participants and the university agree not to subpoena or demand the production of any

records, notes, work product or the like of the mediator in any legal or administrative proceeding concerning these issues. To the extent that participants or the university have a right to demand these documents, that right is hereby waived.

12. If a participant or the university subpoenas the mediator, the mediator will move to quash the subpoena.

#### TERMINATION/WITHDRAWAL

13. Either participant or the mediator may terminate the mediation at anytime. It will not be necessary that a participant or the mediator provide a reason for the termination of the mediation.
14. In the event that the mediation is terminated, the mediator will advise the participants of the termination in writing. No explanation is required regarding the reason for termination.

#### LEGAL REPRESENTATION

15. Participants may choose to seek the advice of independent legal counsel at anytime during the process. Attorneys representing participants can not attend mediation sessions with the participants.
16. The participants may have legal questions about either the Agreement To Mediate or the Memorandum of Understanding that may result from the mediation. Each participant may seek legal counsel regarding legal interests, rights and obligations.
17. In the event that a participant seeks legal counsel, the University will bear the cost for each of the participants up to a maximum of two hours of legal costs for this purpose.
18. The university will pay for the fees for mediation unless an outside complaint or lawsuit has been filed.

#### MEMORANDUM OF UNDERSTANDING

19. The mediator will prepare a Memorandum of Understanding if that is appropriate. The mediator will provide the Memorandum of Understanding to each of the participants.
20. The Memorandum of Understanding is not an agreement. It is not binding upon the participants. It may form a basis for a formal legal binding Resolution Agreement, subsequently prepared and executed between/among the participants.

In Witness Whereof, the undersigned have read, understand and agree to each of the provisions of this Agreement to Mediate.

_____ Participant	_____ Date	_____ Participant	_____ Date
_____ Mediator	_____ Date	_____ For the University	_____ Date

