

**Faculty Senate Faculty Affairs Committee  
Minutes for October 5, 2010**

Secretary Hsu: In attendance: Kaleen Knopp, Elaine Johannes, Rebecca Gould, Donna Fullmer, Larry Weaver, Melia Erin Fritch, Karen Schmidt, Beth Davis, Valerie Evans, William Hsu

Vote to approved minutes of 21 Sep 2010 meeting: tabled due to minutes being late (pending from Hsu)

Visit by Cheryl Strecker, University Attorney

A question was raised regarding clarification for the rationale for a revised draft of the policymaking flow. There was discussion that the previous flow was thought to be confusing and a need existed for a comprehensible flow. It was noted that old flow was in effect for many years prior to revision; University Attorney Strecker observed that some policies were reviewed and voted upon without strictly following the flow; some expedited policies are needed due to administrative compliance issues with federal and state law; Follow-up with Office of Academic Personnel regarding the feedback to revised wording proposed by Senator Dodd.

Senator Knopp read into record the suggested revised language under E & F. University Attorney Strecker gave the example of constitutionality of hate speech codes with respect to the First Amendment. There was further discussion. Point of information: only FSLC would be available to meet about it (but they are available). There was extensive discussion for the reason for collapsing policymaking flow into two sections, (1) not requiring FS (per KBOR policy) vs. (2) everything else. University Attorney Strecker noted that litigation does not wait for academic calendar. Expedited status is a judgment call. Appendix G revisions were addressed present significant outlay of human resource capital. It was noted some FA members had been involved in past years and were aware of these considerations. It was discussed that the Provost saw this as a resource issue and a concern voiced for several years. There is a perceived need for urgent action and need for input from shared governance. An example given by University Attorney Strecker: When case law started coming down, e.g., hate speech regulation in Appendix J. There was an urgent need to change as courts began to rule. Needed to act before policy was challenged in court. Potential liability; Condition: did not know there was a potential problem, but were so instructed. Perhaps a representative of University Office of General Counsel could address FS and FSLC would act on it quickly (University Attorney Strecker). Clyde Howard, Affirmative Action Director, and UA Strecker visited with FSLC to get this done. Example: Appendix G is owned by FS. University Attorney Strecker expressed concerns regarding "thermostat cases." Various faculty senators noted criticality of the hypothetical "grey area" difference of opinion. Appendix G example: pragmatic rationale FSLC had high levels of concern regarding vagueness of judgment call specification of authority was originally nebulous authority to make decision to expedite ultimately rests with university president. Noted that OGC took exception to 21 Sep 2010 revision (consolidation of two expedited situations). Various faculty senators discussed history of administrative discussion between FS President Cauble (with FSLC) and Provost Mason regarding the two documents replaced in previous UH sections and were subsequently excised at behest of FS President.

**Policymaking Flow**

Appendix G Discussion ensued regarding administrative appeal and grievance process, including ombudspersons. Further consideration of Senator Dodd's revision (representing FSEC) MOTION: to recommend adoption - moved: Senator Johannes - seconded: Senator Fullmer - in favor: unanimous (motion passed). A concern was expressed regarding two-tier vs. three-tier system hypothetical scenarios requiring stop-gap temporary policy precedent: harassment example previously discussed need a mechanism by which administrator who is accountable can make a judgment call regarding gray area.

One senator pointed out that the language on second page provides that mechanism. Some felt it does exist and is not needed. Another issue discussed is that there are gray areas that are hypothetical or matters of opinion whereas examples given are B&W examples with legal implications cf. case law precedents would not be communicated over summer while FS not in session would have been communicated to FSLC, which meets over summer in Pete Paukstelis' original document, did not involve FS in any way, including LC clearly a mistake as practiced in summer, 2010. MOTION: to recommend restoration of previous policymaking flow and diagram to UH - moved: Senator Johannes - seconded: Senator Knopp - in favor: unanimous (motion passed). Senator Gould suggested revision to include review by FSLC. A Senator suggested that review by FSLC be a MINIMAL standard (cf. a quorum) CONSENSUS: "review by FSLC at a minimum" (to be posted on KSOL by Senator Gould). Senator Knopp will send by noon tomorrow, Wed 06 Oct 2010, unless otherwise requested.

Appendix G Revisions update deferred to next meeting for lack of time and in consideration of Senator Hughey's travel schedule.

Concerns of ombudspersons being discussed by FS President Cauble with current ombudspersons. E-portfolios concerns and feedback received from caucuses. Discussions included usability, simplicity, not mandatory ability to fulfill tenure checklist requirements, simplify and streamline process vs. adding more items to do to discuss at libraries faculty meeting; desire to make it optional. Several Senators have pending caucus meetings. Several Senators expressed a desire not to make e-portfolios mandatory. Senator Knopp will revisit in two weeks. The task force will report submitted to Provost Mason. A memorandum of thanks to task force drafted sent electronically. A memorandum reviewed and approved. A Senator expressed concern about how e-portfolios align with promotion and tenure documents. It was noted that they must also align with university policy and departmental standards re: TEVALs, peer review of research. Various senators discussed need for departments and colleges to be able to synchronize their PTE documents to the materials collected in e-portfolios. Senator Weaver asked about the rationale and scope of original impetus? Senator Fritch reviewed history of e-portfolios as conceived by university libraries. A Senator discussed potential collateral benefits with respect to accreditation. There was discussion about the IT agenda and the assistance and role of Ken Stafford, and the history of the task force formation.

Senator Gould discussed the pending iSIS upgrade scheduled for 19 - 24 November 2010. K-State Online (KSOL) will continue to be online. Announcement pending, but please get the word out; notify caucus, advisors, and instructors. Also, ITAC will shred documents for faculty on 19 Oct 2010. Faculty and staff should bring documents to document resources trucks located in front K-State Union at Dole Hall. MOTION: to adjourn, moved: Senator Johannes, seconded: Senator Knopp, in favor: unanimous (motion passed).