

Kansas State University
Faculty Senate
Faculty Affairs Committee Minutes
November 1, 2011 – Union 205 – 3:30

Present: Knopp, Hughey, Niehoff, Holcombe, Cochran, Willbrant, Anderson, Fullmer, Fritch, Ehie, Hsu, Johannes

Guests: Ombudsperson Rebecca Gould, Past FS President Betsy Cauble, Senator Carol Kellett

1. Approval of Agenda – Agenda approved with change in order of items.
Senator Fullmer requested to table discussing Spring 2011 FSFB Memo to next FAC meeting.
2. Vision 2025 FAC Workgroup formation and planning
 - Senators Cochran, Ehie, Anderson, Fullmer, Hsu, Fritch, and Hughey volunteered to be on the work group and stated that, generally, Thursdays work best for their schedules.
 - The work group's scope will involve concerns, faculty priorities, comprehensiveness, and "the big picture" for faculty and unclassified professionals in order to select FAC priorities for Vision 2025.
 - Senator Ehie asked about the Administration's visit to North Carolina State University and inquired if the work group would be able to see notes from that visit. Associate Provost Niehoff stated that he will look into the possibility of sharing those notes.
 - Senator Hughey added that one thing President Schulz shared upon their return was that the president of NC State University was spending time working on the relationship between administration and the faculty – he stated having a good relationship with faculty was a high priority.
 - Associate Provost Niehoff added that the Higher Learning Commission self-study document/report was available online (<http://www.k-state.edu/hlcstudy/>).
3. Faculty Titles -- contingent / clinical -- For discussion and recommendation to FS Leadership / President Vontz and Provost Mason
 - Senator Knopp explained history of faculty titles – one avenue addresses clinical faculty (Family Studies and Human Services, for example, requested to have the title expanded to include the other clinical service faculty) and there is a work group examining this avenue. Another avenue is the contingent faculty such as instructors to be expanded to include Professors of Practice and a work group out of FAC examined this avenue and did research on other universities such as Duke.
 - Senator Hughey stated that it has been discovered that there is confusion across campus about the definition of contingent faculty vs. clinical faculty and how it's all defined. Different departments and professions are using different names.
 - Senators discussed the importance of ensuring that we all understand very clearly the difference between the two of them, the terms of advancement, that it is stated very clearly for contracts, and that we need to ensure the proposal is clear and structured before submitting to the Board of Regents.
 - Senators discussed possible avenues for the continuing of this work; possibilities could include having the two work groups to join together for reasons mentioned above, have two work groups but with shared liaison on both, create only one that works on both, or have two work groups with shared leadership. Senators discussed benefits and challenges to the different options.
4. UH Appendix G - final revisions to Faculty / Unclassified Professionals Grievance Policy.
 - Senator Knopp gave background of Appendix G since it was first discussed several years ago when it was last revised. The most recent activity includes the work group from FAC (2010) who, after gathering usability feedback, recrafted the policy in response, revising grammar, addressing concerns

with the timeline, etc., and sent it forward to administration. This draft is now back on our table with suggested changes from General Counsel.

- Senator Cauble clarified the past discussion of a two-tiered system. Her stance is still that we do not need to change to a two-tier system.
- Senators discussed the document brought forward to FAC, including all changes by the work group, from the Provost's office, and the Office of General Counsel.
- Senator Hughey stated that Senior Vice-Provost Dyer has asked that FAC not vote on it today so that she can meet with Provost Mason to conduct a final review of the document before FAC votes on it.
- Senator Hughey encouraged FAC senators to address any concerns they recognized in the document. It was mentioned that the clock running over the summer should be considered.
- Senator Hughey stated that the discussion today addresses the document which does not include the two-tier system language; however, Senator Hughey did send the FAC members that language separately in an email.
- Senator Knopp read aloud the two-tier language that had been recommended for inclusion into the grievance policy – about restrictions on rights to grieve – that had been recommended by Office of General Counsel.
 - Past FS President Cauble gave examples of how the language would affect a faculty member with a grievance.
 - Senator Cochran stated the copy of the document that was sent (without the additional two-tier language) was good and nicely done. He added that he believed that the average faculty member who would read the two-tier system language would no longer trust administration.
 - Senator Johannes stated that the summer stopping of the clock is done because of the lack of diversity on campus during the summer – that though some college's faculty are here during the summer, many faculty are not.
 - Senator Johannes agreed with Senator Cochran's statement about the two-tier system causing distrust. She added that there seems to be an undertow feeling that we need to expedite everything and speed things up and hurry through, and noted that we have seen examples of this. However, if we are letting efficiencies take over how we do things and make decisions, she believes we are in trouble. She stated that we are scholars – we take time to make decisions to make sure we have effective policies that work. She believes that this kind of efficiency – at the expense of careful consideration and debate -- degrades our shared governance and is prepared to vote against this proposed language of a two-tier system.
 - Senator Hsu stated the analogy often being used of “thermostat issues” is not a respectful term because it makes all the other grievance issues seem trivial and frivolous and that is inaccurate and harmful. He stated that the grievance chair has always done well in making decisions and ensuring that the system works. He added that he too agrees with Senator Cochran and that point of cost being borne in units of goodwill is strong – we're not “throwing the baby out with the bathwater, we're throwing out whole nurseries.”
 - Senator Hughey stated that it is incumbent on all of us to share with our colleagues about ombudspersons and the mediation services that the university provides to assist. Appendix G does in fact encourage people to follow the process and use the services provided to help faculty and unclassified professionals address concerns before they go to grievance.
 - Senator Knopp added that the number of grievances with the whole panel is so small compared to the number who uses these many mediation services, that there are a significant number of concerns that could go to grievance, but do not. The cost of the few times full grievances occur does not compare to that of what it would be to rid faculty of their right to grieve all issues. She stated that without this process, it may cost the university much more if we did not have the internal grievance policy.
 - Senator Kellett stated that when she was on the working group in 2010, she believed that from an administrative perspective, the current policy serves administrators in a better way than just an administrative review policy. The Appendix G policy helps administration and faculty both and serves them well; it is a process that is complex, but it works. She stated that the two-tier restrictive wording of the new proposed language is more likely to lead to outside legal cases which take the university to court.

- Senator Knopp stated that Past FS President Cauble is a department head and Senator Kellett has served as dean of a college, pointing out that we not only have teaching faculty present, but also administrators who examine the policy with that administrative perspective, and who believe that our grievance policy works when being used by both supervisors and faculty.
- Ombuds Gould raised the issue that the ombuds brought up the definition of “workday” and clock stopping during the summer in their annual report. The clock appears to stop in the summer, and many faculty follow this, but there is confusion about this across campus.
 - Associate Provost Niehoff explained that in the past it has been difficult to do any investigating on administrative reviews during the summer because of people’s plans and schedules. He added that it doesn’t mean reviews and grievances can’t be started during the summer, just that it was difficult.
 - Ombuds Gould stated that though she appreciates and understands that, we need to be all in agreement on what the definition of workday is, when it happens and when the time limits are in place. Associate Provost Niehoff stated the time limits are there to protect both sides. Ombuds Gould stated that we need to make sure everyone on campus understands – she gave examples of calling offices on campus and there being confusion. She added that there needs to be a clear statement that times vary in the summer.
 - Senator Hughey and other senators discussed the definition and how the definition mirrors the definition given in Appendix M. They are consistent.
- Associate Provost Niehoff stated that he believes there has been miscommunication about comments regarding the two-tier system and confusion between administration, Office of General Counsel and FAC.
- Senators discussed the Office of General Counsel’s recommendation to move the language regarding the FS President’s involvement with a grievance be moved to number 12 in section J of the policy. Senators believe the move was acceptable and it was a good fit there.
- Senator Kellett thanked FAC for inviting her, Ombuds Gould and Past FS President Cauble.
- The general consensus of FAC was in favor of approving the Appendix G revisions without the recommended additional restrictive language. Senators stated that they would not approve the Appendix G Policy draft if it included the suggested language regarding the two-tier system.
 - The next step: Senior Vice-Provost Dyer will review the document, ask Provost Mason to review it, and will meet to discuss. Senator Hughey stated that Senior Vice-Provost Dyer will let her know if FAC may be able to vote on the draft at the next FAC meeting (November 15th).

5. Approval of Minutes 10/18/11 – Tabled until 11-15-11 FAC meeting.

6. FSFB (Faculty Salary and Fringe Benefits sub-committee) recommendations / resolution from May of 2011: FSFB Representatives: Donna Fullmer and Ernie Perez

- Senator Perez was unable to attend meeting. Agenda item moved to next FAC meeting.

7. New Business

- Senator Knopp explained that the UH D3 revision draft – Professional Conduct policy -- was sent to FS Executive Committee to be approved for placement on FS agenda. However, it was not approved and was voted down by FS Exec. members.
 - Comments and feedback from Executive Committee members are being collected and sent to FAC members and faculty senate leadership by Candace.
 - FAC members may review the feedback and be prepared to discuss at next FAC meeting (November 15th).

8. Meeting adjourned at 5:16pm.