

Minutes
Kansas State University Faculty Senate Meeting
February 10, 1998 3:30 p.m. Big 12 Room, K-State Union

Present: P. Anderson, D. Anderson, Atkinson, Baker, Behnke, Benson, Bissey, Brigham, Charney, Clegg, Conrow, Deger, Delker, Devlin, Dodd, Dougan, Dubois, Dyer, Farmer, Fenton, Fenwick, Foster, Fritz, Gray, Grunewald, Guikema, Hagman, Hamilton, Hassan, Hightower, Holden, Kassebaum, Keiser, Klopfenstein, Koelliker, Lamond, Legg, Mathews, McCulloh, McNamara, Michie, Miller, Ossar, Ottenheimer, Oukrop, Peak, Raub, Reeves, Riemann, Raile, Salsberry, Schapaugh, Shultis, Stewart, Taylor-Archer, White, Wissman, Woodward, D. Wright, Zabel, Zschoche

Absent: Aramouni, Barkley, Briggs, Dawes, Feyerharm, Fjell, Higgins, Jardine, Johnson, Jones, Krstic, Laughlin, Martin, McClaskey, McMurphy, Pence, Rahman, Reeck, Ross, Royse, Schroeder, Smith, K. Wright

Guests: Clyde Howard, Cheryl Strecker, Tracey Mann, Scott Ketring

- I. President Legg called the meeting to order.
- II. Minutes of the January 13, 1998 meeting were approved as distributed.
- III. Announcements
 - A. The Council of Faculty Senate Presidents, the Council of Chief Academic Officers, and the Regents' lawyers made presentations at the Regents' January meeting regarding the Intellectual Property Policy. A select committee was named to draft an Intellectual Property Agreement. Ron Trewyn is the only K-State representative.
 - B. The Regents adopted an option allotting KSU \$1,480,746 out of the \$7.5 million windfall experienced when the costs of selling the "Crumbling Classrooms" bonds was less than expected. The proposal must still be approved by the budget office.
 - C. The Regents have approved a final revision of the policy granting in-state fees to the dependent spouse and children of full-time employees of institutions governed by the Board of Regents. The dependent spouse and children of students who were enrolled in graduate programs as of September 15, 1997, and who were employed at least .4 time will maintain in-state status under certain conditions. Despite the efforts of the Faculty Senate Presidents, those who enroll later will not enjoy this benefit.

- D. Larry Draper of KU, representing the Council of Faculty Senate Presidents, addressed the regents about the need for a multi-year program for faculty salary increases. He asserted that the COFSP will attempt to present the Regents a conceptual plan for such a program.
- E. The Insurance Commissioner has ruled that a KU GTA with a .5 appointment or better will be eligible for state subsidized health insurance. Although the ruling applies only to the GTA's at KU, we may want to match that, and perhaps extend it to GRA's, in order to stay competitive.
- F. A Ft. Hays faculty member asked for a ruling from the Attorney General regarding examination and desk copies of books and the Kansas ethics law. State employees are not permitted to accept gifts worth more than \$40. If, however, the text book belongs to the department and not to the employee, it should be acceptable.
- G. The House Select Committee on Higher Education has completed a plan for reorganizing all of higher education in Kansas. As part of the plan, each institution was asked for proposals where supplemental funding would raise the program to international prominence. KSU submitted 36 proposals totaling \$53 million.

Members of the Committee will visit campus Friday, February 13, at 8 a.m. President Legg encouraged senators and other faculty to attend and to raise any questions they might have regarding the plan.

IV. Standing Committee Reports

A. *Academic Affairs Committee – Don Fenton*

1. Senator Fenton moved approval of undergraduate course and curriculum changes (599 & below) approved by the College of Business Administration December 4 and December 17, 1997. The motion was seconded and passed.
2. He moved approval of undergraduate course and curriculum changes (599 & below) approved by the Salina College of Technology and Aviation January 6, 1998. The motion was seconded and passed.
3. He moved approval of the December 1997 graduation list. The motion was seconded and approved.

President Legg inquired about the Intensive Writing Initiative and the At-Risk Students program which the Senate adopted last year as part of the K-State response to Vision 2020. Senator Fenton indicated that they are under discussion and should come forward for a vote this spring.

B. Faculty Affairs Committee -- Brad Fenwick

1. Senator Fenwick reported that Faculty Affairs has several draft proposals under consideration. They have been forwarded to the Provost and the Council of Academic Deans. The Provost will meet with Faculty Affairs next week.
2. Senator Fenwick moved approval of the proposed Policy Prohibiting Racial and/or Ethnic Harassment, explaining that it would replace the four year old interim policy. The motion was seconded.

He introduced Clyde Howard, Director, Office of Affirmative Action, and Cheryl Strecker, a University Attorney, who were present to address concerns raised by senators.

Senator Michie asked for clarification of section B, specifically, who would be identified as the responsible administrator if the complaint were against a department head. Ms. Strecker replied that the dean of the college would be so designated.

Senator Devlin also expressed concerns about the make up of the review team, then asked about section A.2 under Administrative Review. Will the defendant know who made the complaint if the plaintiff refuses to sign? Mr. Howard said the defendant would be informed. Senator Fenwick asked whether the university has a legal obligation to continue the investigation, if the plaintiff refused to sign. The question was also raised about the university's role, if the plaintiff refused to provide further information or withdrew the complaint. Ms. Strecker indicated that the university must investigate when it is "put on notice of possible harassment". She added that the review team would need to determine the veracity of the plaintiff and the situation in the case of withdrawal of the complaint.

Senator Baker asked what the review team expects as the burden of proof. Mr. Howard would insist on a "preponderance of evidence", based on the complaint and other evidence. This is based on federal guidelines. Senator Baker pointed out that the review committee frames the charge, investigates it, and determines its validity, a situation he compared to being prosecutor and judge. He asked about controls on the team. Senator Fenwick explained that, on the internal level, our grievance policy will provide a check.

Ms. Strecker explained that the procedural aspect is not where the changes were made. The real modification involved rewording the document to bring case law and first amendment rights into it in a defensible format. Ours is adapted from the Regents' level model policy.

Senator Dyer asked about the time frame from complaint to resolution. Nothing specific has been set, according to Mr. Howard, but they try to resolve problems as quickly as possible, sometimes in one or two weeks.

Senator Dodd asked whether the designation "severe, pervasive or persistent" in section B refers to three separate categories. She was assured that they were not, but that this description is based on federal law.

The motion passed with some dissent.

3. Senator Fenwick moved approval of the proposed amendment to E11 of the *Faculty Handbook* which would clarify policy related to scholarly leave and the tenure clock. The motion was seconded.

He explained that this proposal would automatically suspend the clock when a faculty member is not in pay status, even though he/she hold a continuing appointment. This would not hurt the faculty member because she/he can request an early decision on tenure, but cannot delay it.

Senator Hamilton has encouraged several members of his department to take one semester leaves to teach or research elsewhere. He is concerned that automatically stopping the tenure clock under the revised E11 might make it more difficult to get approval for leaves from the Dean and the Provost.

Several senators voiced concern about the equity of the proposal. Junior faculty who are running behind schedule on earning tenure could take leave, if the department head permitted it and if they could afford it. President Legg pointed out that the most recent Regents' documents permit a one year unpaid leave, not designated as "scholarly leave", which does not count toward tenure. When asked how "scholarly leave" is defined, he simply referred to the Regents' document which states that "scholarly leave will count toward the tenure probationary period unless the employee and the institution agree in writing to the contrary at the time the leave is granted."

After further discussion of the advantages of having a clear procedure and the possible disadvantages of the proposal, Senator Fenwick asked to withdraw the motion so that the committee could study the document further. Senator Benson, the seconder, accepted his request.

C. Faculty Senate Committee on University Planning – Linda Brigham

- 1. Senator Brigham had hoped to report on a plan for faculty input into space planning, but the meeting with Tom Rawson had to be postponed.**
- 2. The Human Ecology faculty will vote next week on the status of the Department of Foods and Nutrition. The College Committee on Planning has asked that no transfers from the College be approved until a plan has been accepted.**
- 3. She sees progress in the matter of library funding. Plans are proceeding to provide additional funding through the university budget, the Foundation and possibly student fees.**
- 4. The Strategic Planning Committee has been reactivated. Senator Brigham has been named chair in order to facilitate faculty input.**

V. Old Business

Senator Dubois asked for an update on the Distance Learning Task Force. President Legg has submitted names from the three standing committees and information for a charge. He has not yet seen the final draft of the letter to appointees.

VI. There was no new business.

VII. There was nothing for the Good of the University.

VIII. The meeting was adjourned at 5:10 p.m.

Proposed Amendments:

E11 A leave without pay of ~~one year~~ may be granted when such is judged by *the Provost in consultation with the Unit Head and Dean* to be in the best interest of the University, and such leave will not be regarded as a break in continuous service; however, such leave without pay will not count toward earning sabbatical leave. ~~Scholarly leaves count toward tenure unless the faculty member and the department head agree, in advance in writing, to the contrary. Scholarly leave which alters the faculty member's yearly appointment below any of the conditions set forth in C83 will not count as part of the probationary period (see C82.2, 82.3). Approval of the Board of Regents of the leave without pay may be granted by routine minute, except when the proposed leave is to be with a private corporation and the intent of the employee to return is uncertain. In such case and in cases of other unusual circumstances, the executive director of the Board of Regents may grant a leave without pay for the second year. Leaves without pay shall be limited to a total of two years, but the executive director may grant an extension beyond the two years upon documentation of extraordinary circumstances by the KSU president.~~

You are Invited
to a Community Briefing

by

Kansas House of Representatives
Select Committee on Higher Education's

Proposal for Higher Education System in Kansas

Friday, February 13, 1998

8:00 a.m. - 9:00 a.m.

Hemisphere Room
5th Floor
Hale Library
Kansas State University

Board owned property, the Regents institution having possession of the property shall obtain Board approval before the bond issuance process is initiated.

POLICY AMENDMENT - TENURE

A revision to the Tenure Policy in the Board Policy and Procedures Manual (1995 edition) was proposed by the Council of Chief Academic Officers on May 13, 1997 and was approved by the Council of Presidents on June 25, 1997. The revision permits the tenure clock to be extended for a maximum of one year under unexpected special and extenuating circumstances prior to the sixth year of service. Regent Craig moved that the proposed amendment, set forth below, be approved. Regent Nolan seconded the motion and it was unanimously approved.

Revision of Item 8.b. at Page 7F:

8. TENURE POLICY

- a. After the expiration of a probationary period, teachers or instructors should have permanent or continuous tenure, and their services should be terminated only for adequate cause, except in the case of program or unit discontinuance or under extraordinary circumstances because of financial exigency.
- b. In the interpretation of the principles contained in Section a. of this policy, the following is applicable:

(1) The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.

(2) Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years; except when the interests of both parties may best be served by mutual agreement at the time of initial employment, institutions may agree to allow for more than four years of probationary service at the employing institution provided the probationary period at that institution does not exceed seven years. Notices should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period. Under unexpected special and extenuating circumstances, prior to the sixth year of service, and at the request of the faculty member and the appropriate dean, the Chief Academic Officer of the university may grant an extension of the tenure clock for a maximum of one year.