

Minutes
Kansas State University Faculty Senate Meeting
October 12, 1999 - 3:30 p.m. Big 12 Room, KSU Union

Present: Anderson, Baker, Bockus, Boger, Canter, Chenoweth, Clegg, Devault, Dodd, Donnelly, Exdell, Fenton, Fenwick, Finnegan, R. Flores, S. Flores, Foster, Frieman, Geiser, Glasgow, Gormely, Gray, Herald, Heublein, Jardine, Johnson, Jurich, Kirkham, Klopfenstein, Koelliker, Legg, Liang, Lutz, Lynch, McCulloh, Michie, Molt, Mortensen, Mosier, Olsen, Ossar, Ottenheimer, Oukrop, Pence, Peterson, Quirin, Rahman, Ransom, Rintoul, Ross, Schmidt, Selfridge, Sheu, Shultis, Simons, Swanson, Takemoto, Verschelden, Weiss, Williams, Zabel, Zivanovic

Absent: Devlin, Fjell, Fraser, Gatewood, Heinrich, Higgins, Hoag, Holden, Jones, Kassebaum, McClaskey, Reeck, Taylor, Worcestor, Youngman

Proxies: Koelliker for Hosni, Finnegan for Keller, Lynch for Martin, Michie for Nafziger, Molt for Wissman, Ransom for Schapaugh, Zabel for Salsberry, Stewart, and White

I. Following Senate photograph for The Royal Purple, President Gray called the meeting to order at 3:35 p.m.

II. Approval of Minutes, September 14, 1999.

Gray noted the addition of Senator Legg's statement to "For the Good of the University," which was not included in the previously printed minutes. (Attachment 1) Legg's statement concerns the University Attorney's opinion regarding instructor copyright of class notes and Legg's request that Senate ask for assistance from the Attorney's Office for instructors who wish to enforce their copyright of class notes. It was moved and seconded to accept the amended minutes. Motion passed.

III. Annual Report of Ombudspersons, Carol Klopfenstein and Leland Warren

Senator Klopfenstein reported on the Ombudspersons' activities for the past two years (see Attachment 2). She noted there appears to be a trend of increased use of the Ombudspersons by faculty. Gray thanked Klopfenstein and Warren for their important work.

IV. Report from Brice Hobrock, Dean of Libraries, on funding and prospects for ARL status.

Hobrock reported on progress toward meeting the funding goals set by the Task Force on Library Funding for the 21st Century. He noted the escalation of costs for scholarly journals (12 - 14% per year) and the average annual increases in library funding (about 2.25%) since 1987. A direct result has been deletion of about one third of journal subscriptions between 1987 and 1997. Hobrock showed tables detailing existing and projected sources of library funding provided by the Legislature, student fees, research overhead, KSU Foundation, Library Endowment, and pouring rights, while noting there are uncertainties about how much funding may come from each potential source. He mentioned President Wefald's commitment to raising \$10 million over the next 10 years for an endowment dedicated to the Library. While base funding has increased substantially, Hobrock said a "best case scenario" is that funding is about \$1 million per year short of the Task Force recommendation.

Hobrock also spoke of ARL status, the University mission, and membership criteria. ARL

membership is heavily dependent on print holdings, and he projected that in fiscal 2003, the library budget will be approximately \$2.86 million below what would be needed to achieve ARL status, even if requested funding is forthcoming.

Hobrock responded to Senators' questions about the role of Foundation funding, the impact of medical and law school libraries at other universities with ARL status, and consideration of size of universities in achieving ARL status. He said that ARL membership criteria may eventually change to reflect greater use of integrated information systems over a print strategy. Currently, the library is attempting to provide a full-range of services to meet the needs of faculty and students. Hobrock suggested university-wide discussions of how well the library is meeting our needs.

Vladimir Krstic reported on behalf of the University Library Committee. He shared a friendly amendment offered by that committee to substitute for the section of the draft KSU Strategic Plan dealing with the library. He said the Library Committee believes the proposed amendment is consistent with the Senate's unanimous resolution of May 11, 1999 that KSU should seek both ARL membership and Carnegie Research I status.

Senator Weiss asked if the Senate could endorse the proposed amendment. Gray responded that would require suspension of rules, since the item was not on the agenda. Weiss moved to suspend the rules. The motion was seconded and passed.

Senator Frieman asked for a point of order regarding appropriateness of the suspension of rules. The Parliamentarian said the procedure is ok.

Senator Fenwick moved that Faculty Senate send a recommendation to the Strategic Planning Committee to accept the amendment proposed by the Library Committee. The motion was seconded.

Considerable discussion ensued. Several senators questioned the appropriateness of suspending rules for this purpose, because the Senate was already on record supporting ARL membership and the motion might imply that the library has priority over other important issues. Several senators expressed support for the motion as a way of insuring that the Senate's voice is heard on this issue before the Strategic Plan is finalized.

Due to concern that the motion might be voted down due to procedural concerns and send the wrong message to the Strategic Planning Committee, Fenwick withdrew his motion.

After further discussion, Legg moved the following: Faculty Senate accepts the report of the Library Committee and notes its relevance and consistency with our resolution of May 11 defining ARL status for the library as a goal of the university. The motion was seconded and passed.

V. Annual Report from Chair of General Faculty Grievance Board.

Prakash Krishnaswami reported there were two contacts, but no formal faculty grievances filed in 1998-99. Gray thanked him and the Board for their work.

VI. Announcements - President Gray

A. Kristi Harper is home and improving. She thanked the Senate for the flowers we sent and asked Gray to give her regards to Senate.

B. Sabbatical leave policy approved by the BOR has a different payback period than that passed by Senate (see Attachment 3)

C. A group of faculty have sent a letter to Gray raising concerns about issues related to faculty rights and freedoms. They have asked if Senate would be interested in hearing them and possibly cooperating with them. Gray replied that Senate will be glad to hear more about their concerns and plans.

D. Gray provided an update of E-commerce publishing of class notes. In response to Senator Legg's request from the September Senate meeting, Provost Coffman said it is his intent to back up faculty on the copyright issue. David Kromm, Geography, has reported that a company called Varsity.com is posting his lecture notes on the www despite his written and verbal requests that they cease and despite wording on his syllabus stating that non authorized notes may not be posted. Varsity.com is posting notes for 30 KSU courses. The Provost's Office will try to ascertain which KSU instructors wish to object and University Attorney Dick Seaton will work with them to write a letter on behalf of the University.

E. Gray called attention to announcements in the EC Minutes regarding BOR and Senate Leadership. He mentioned summer school funding, which will require long-range planning to reach a situation where summer school is treated like other semesters so that faculty are not exploited and the quality of instruction is maintained.

F. Gray mentioned that Vice Provost Unger requested a place on today's agenda to describe a planned new university www "portal" which would involve the Alumni Association, Athletics Department, the Foundation, and the University. It would be in front of the the University web page and contain commercial advertising. The EC instructed Gray to tell Unger that an appearance by her at Senate was premature, that implications of this seem vast, involving planning, technology, etc., and that this matter should go through the appropriate committees before coming to the floor of the Senate. There is on-going discussion with her about this matter.

VII. Reports from Standing Committees

A. Academic Affairs Committee - John Selfridge

1. Course and Curriculum Changes

Selfridge moved approval of the proposed change in the general education policy from the College of Education approved by the General Education Implementation Task Force on September 2, 1999. Motion passed.

2. Graduation Lists

Selfridge moved approval of May 1999 and August 1999 Graduation lists and additions to the December 1998, May 1999, and August 1999 Graduation lists. Motion passed.

3. Posthumous Degrees

Selfridge moved approval of posthumous degrees for Jamie Kenton Adcock, College of Human Ecology, and Ryan M. Brummer, College of Business Administration. Motion passed.

B. Faculty Affairs Committee - Brad Fenwick

1. Fenwick reported on business discussed in FA, including an interim summer school pay policy which should be presented at the next EC and FS meetings, preparation of the annual Faculty Salary and Fringe Benefit Report, copyright policies for class notes, and consideration of a proposed policy prepared by the Administration regarding conflict of interest forms and procedures.

2. Fenwick moved modification of Appendix G - Appeals and Grievance Policy Amendments. Senators Anderson and Ossar offered friendly amendments adding "postdoctoral fellow" to the list of faculty roles in C.2, substituting "complainant" for "the faculty member or unclassified employee" in the second paragraph of D., and changing "include" to "includes" where it appears in C.4. (Attachment 4) The motion passed.

C. FSCOUP - Cia Verschelden

1. Senator Verschelden urged Senators to read and respond to the draft Strategic Plan and, if possible, participate in the meetings on Wednesday and Thursday.

2. Verschelden mentioned approval of the reorganization of the Center on Aging and the Galicia Institute into the Galicia Center on Aging.

3. The Campus Development Committee has been renamed the Advisory Committee on Campus Development and Planning Policy and has four subcommittees - Building Project Review, Open Space and Land Use Project Review, Circulation, Parking and Transportation Project Review, and Utilities, Technology, and Infrastructure Project Review. Each subcommittee will have a representative from

FSCOUP. Dick Hayter, Chair of the Committee, has commented that his meeting with Senate last year was extremely valuable.

VIII. Old Business - None

IX. New Business - None

X. For the Good of the University

A. Senator Rahman suggested setting up a discussion board on the Senate web site to encourage faculty discussion of the draft Strategic Plan . She also urged Senate to seek ways to pay an attorney to represent faculty and to and to clarify the relationship of the University Attorney and other units, such as the Affirmative Action Office.

B. Senator Michie suggested that the Administration be asked to state on the University Web Page that the University does not condone the posting of class notes.

C. Senator Williams read an announcement of The Jon and Ruth Ann Wefald Day of Service (Attachment 5).

D. Senator Johnson mentioned that health insurance premiums will be increasing substantially next year. For example, the Blue Select Family plan will increase more than \$500.

E. Senator Verschelden urged Senators to help increase university support for the United Way campaign.

F. Senator Jurich commended the Senate for its resolution concerning the science teaching standards enacted by the Kansas Board of Education.

G. Gray noted that Nikki Isemann will be moving from K-State, and thanked her on behalf of the Senate for her service as Parliamentarian. He asked Senators for assistance finding a replacement.

XI. Senator Finnegan moved adjournment. The motion was seconded and passed. Meeting adjourned at 5:30 p.m.

For the Good of the University

In light of recent publicity about websites such as Versity.com and StudentU.com, Provost Coffman has e-mailed all faculty and staff about our university attorney's opinion on class notes. It reads in part, "the professor owns the common law copyright in the lecture prior to its reduction to a fixed medium of expression, and also the statutory copyright after it has been so reduced. . . . unauthorized duplication or distribution of the lecture, either verbatim or in the form of notes, constitutes an infringement, and could be the subject of an action for injunction or damages, or both, by the professor."

On September 7, Provost Coffman e-mailed us a proposed statement to be added to future syllabi; but the absence of such a statement on syllabi produced before September 7 does not waive the instructor's copyright. I therefore ask that the President of Faculty Senate request the administration to direct the university attorney's office to assist any instructor who wishes to enforce her or his copyright with respect to any individual or company that sells or charges for access to the instructor's class notes without the instructor's permission.

Jim Legg

Correction to the Faculty Senate Minutes of September 14, 1999. This statement was omitted from the minutes and should be added.

Ombudsperson activities of Carol Klopfenstein, Jan. 98 to present - Report to Faculty Senate

Nature of problem	Number of cases	
	Jan. 98 to Dec. 98	Jan. 99 to Oct. 99
*Annual evaluation and salary increase	7	8
*Tenure and promotion	0	3
*Other disputes between faculty member and supervisor	6	7
Dispute between two faculty members	2	1
Dispute between faculty and student	2	2
**Chronic low achievement	2	0
Annual leave	1	2
Faculty misconduct	2	0

* usually involved an initial meeting between ombudsperson and faculty member, then meetings with department head, faculty member, and ombudsperson; dean often was included; chair of GFGB attended some meetings

** complex cases involving multiple meetings that included department heads, deans, departmental faculty, Office of Unclassified Affairs and University Compliance, Affirmative Action Office.

As far as I know, none of the cases listed above has been brought before the GFGB.

Carol F. Klopfenstein
Carol F. Klopfenstein, Ombudsperson

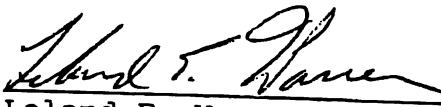
10/12/99
Date

Ombudsperson activities of Leland E. Warren, Jan. 98 to present:
Report to Faculty Senate

Nature of problem	Number of cases	
	Jan. 98 to Dec. 98	Jan. 99 to Oct. 99
Annual evaluation and salary increase	2	4
Tenure and promotion	4	6
Other disputes between faculty member and supervisor	5	5
Dispute between two faculty members	0	2
Dispute between faculty and student	0	0
Chronic low achievement	0	0
Annual leave	0	0
Faculty misconduct	2	1

About one third of these cases required two or more meetings with the complaining faculty members, at least one meeting with a supervisor, and a number of exchanges by telephone or written communication. With two exceptions, which required little effort, the others involved extensive consultation with the faculty member but no meetings with others.

In all cases in which the faculty member has kept me informed, there have been no grievances filed. Two cases, however, may still be open.


Leland E. Warren, Ombudsperson

10/19/99
Date

E5 And provided further: Faculty must agree to return to the service of the state institution granting the sabbatical leave for a period of at least ~~two~~ ~~one~~ years (18 ~~9~~ or 24 ~~12~~ months depending on term of employment) immediately following the expiration of the sabbatical leave. Persons failing to return to the institution granting sabbatical leave, shall refund all sabbatical pay. Those who fail to remain for the full ~~two~~ years of school service (18 ~~9~~ or 24 ~~12~~ months depending on annual term of employment) shall refund that portion of their sabbatical pay as represented by the portion of the ~~two~~ years they fail to serve.

E7 Division of Human Resources will notify the department administrator, dean, provost, and controller in writing concerning faculty members who are leaving Kansas State University prior to completion of their ~~two~~ ~~one~~-year period of obligation. The controller will determine the duration of service performed after return from sabbatical leave, (summer school teaching is not credited toward completion of the 18 ~~9~~-month, ~~two~~ ~~one~~-academic-year service requirement), calculate the amount to be repaid by the faculty member based on a standard formula, and notify the faculty member. The faculty member and the controller will establish a mutually agreed-upon repayment schedule whereupon payments will be remitted to the Kansas State University cashier. (Policy and Procedures Manual)

Policy adopted by the Board of Regents June 24, 1999.

ATTACHMENT 2

Sabbatical leave policy draft on payback period

E5 And provided further: That no faculty member will be granted leave of absence with sabbatical pay who does not agree to return to the service of the University immediately following the expiration of the sabbatical leave, for a period equal to the length of the sabbatical leave. Persons failing to return to the institution granting sabbatical leave or to one of the other state institutions of higher education, shall refund all sabbatical pay. Individuals who terminate their connection with the University or state institutions of higher education shall refund a prorated portion of their sabbatical pay as represented by the portion of the period they fail to serve.

(Contingent on Regents' approval.)

Appendix G: General Faculty Grievance Board

D. C. Jurisdiction

The jurisdiction of the GFGB shall extend to charges or allegations (hereafter referred to as grievances) arising out of administrative actions or for which administrative action could provide a remedy, provided that all administrative remedies have been exhausted.

1. Nature of grievances: Grievances may arise out of decisions concerning reappointment, tenure, dismissal, promotion, salary, working conditions, discrimination, or any other matters related to the employment of a faculty member *or other unclassified personnel*.
2. Eligibility: A grievance may be filed by current and former members of the faculty and unclassified personnel (hereafter referred to as the grievant), including *but not limited to* term and part-time faculty, having an appointment of the rank of or performing as a teaching assistant, research assistant, research associate, assistant instructor, instructor, *postdoctoral fellow, research assistant professor, research associate professor, research professor*, assistant professor, associate professor, or professor.
3. Grounds: Grounds for a grievance shall include, but shall not be limited to, 1) violation or misapplication of the written rules, regulations, or established practices governing the University and its units; (2) improper, arbitrary, or capricious actions of the University or its agents; (3) violation of academic freedom; and (4) discrimination.
4. *Exhaustion of administrative remedies: Exhaustion of administrative remedies includes attempting to resolve the grievance through normal administrative channels, culminating in the required administrative appeal under Section D below. For a grievance alleging discrimination, exhaustion of administrative remedies also includes a review of the discrimination allegations by the Office of Affirmative Action.*

G. D. Administrative Appeals

~~Before filing a formal grievance, the faculty member shall have presented the complaint in writing to the administrator(s) whose sphere(s) of authority include(s) the circumstances which gave rise to the complaint. Within ten class days, the latter shall investigate and provide the faculty members with a written response.~~

Before making an administrative appeal, the faculty member or unclassified employee is encouraged to contact a Faculty Ombudsperson.

For a complaint regarding tenure, the faculty member shall follow the procedures in sections C114.2-114.3 of the Faculty Handbook. For a complaint regarding promotion, the ***complainant*** ~~faculty member or unclassified employee~~ shall follow the procedures in sections C154.2-154.3 of the Faculty Handbook. For other complaints, the faculty member or unclassified employee shall have presented the complaint in writing to the appropriate administrator, such as the Dean, Provost (e.g. for a complaint against a dean or regarding reappointment of a tenure-track faculty member) or Vice President. At that point, the administrator will investigate and arrange a meeting with the faculty member or unclassified employee to discuss and attempt to resolve the complaint. An ombudsperson will be included in the meeting at the request of the faculty member or unclassified employee. Within fourteen calendar days after the meeting, the administrator will provide the faculty member or unclassified employee with a written response.

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