

MINUTES

**Kansas State University Faculty Senate Meeting
October 10, 2000 3:30 p.m. Flinthills Room, K-State Union**

Present: D. Anderson, P. Anderson, Atkinson, Bradshaw, Brigham, Chenoweth, Clegg, Cochran, Donnelly, Ewanow, R. Flores, Fraser, Gehrt, Glasgow, Gray, Haddock, Herald, Heublein, Holden, Hopper, Hosni, Johnson, Jurich, Karim, Keller, Kirkham, Krstic, Legg, Maatta, Mathews, McCulloh, McGee, Michie, Minton, Molt, Montelone, Mortensen, Nafziger, Newhouse, Oukrop, Owens-Wilson, Pesci, Peterson, Prince, Ramaswamy, Ransom, Reeck, Rintoul, Scheidt, Schellhardt, Schumm, Selfridge, Sherow, Shultis, Simons, Smith, Spears, Stewart, Takemoto, Verschelden, Weiss, S. White, Yagerline, Youngman, Zabel

Absent: Bockus, Burton, Devault, Exdell, Finnegan, Fjell, S. Flores, Gormely, Higgins, Lenkner, Liang, Mosier, Olsen, Reddi, Ross, Roush, Sheu, W. White, Worcester

Proxies: Geiser, Lynch, Schmidt, Williams

- I. President Mickey Ransom called the meeting to order at 3:35.
- II. It was moved and seconded to approve the Minutes of the September 12, 2000 meeting.

Motion passed.

Ransom asked to move items IV and V to the top of the agenda to accommodate guests who are giving the reports.

- III. General Grievance Board Report - Prakash Krishnaswami

Krishnaswami reported there have been no grievances during the past year. There were two contacts, one involving a promotion matter and the other involving an annual performance evaluation. Ombudspersons were involved in both cases, and the cases were resolved. Both cases involved full-time, tenured women, neither of whom was minority, from two different colleges.

Ransom thanked Krishnaswami and the entire Grievance Board.

- IV. Recycling presentation - Steven Galitzer

Galitzer provided an update of campus recycling efforts. He has been working with John Woods, Director of Facilities, and oversees the recycling effort, supported partly by city-university funding. In FY98, 56 tons of waste were recycled compared to 288 tons in FY00. This represents an improvement, but

Galitzer believes there is a long way to go. There now are one full-time and one half-time workers and five part-time student employees.

Galitzer reported that cardboard accounts for about 20% of recycled material. A grant from Napcor with a matching grant from Pepsico have funded the purchase of an additional bailer, and plastics can now be recycled. He said that following football games, plastic picked up with the help of Students for Environmental Action would fill a 10' x 10' room. Ten campus buildings will soon have new recycling bins, and some outside dumpsters are being adapted to take cardboard. Altogether, about 25 campus buildings have some kind of recycling containers.

Galitzer said John Woods is working with the custodial staff to change job descriptions to include recycling duties. Additional activities planned to encourage recycling include a recycling contest with awards given to departments, student living units, etc.

In response to several questions, Galitzer commented on the variety of materials currently recycled (e.g., paper, cardboard, plastic, aluminum, wooden pallets, metals, and about 3,000 fluorescent light bulbs per week). He said that recycling may require some additional time on the part of custodial staff, but with presorting and variable schedules for trash and recycled material collection, this might not be a major issue. One of this year's goals is to work with the Purchasing Department to find out the availability of materials made from recycled materials. Galitzer also said that it costs about \$30 to recycle a CRT and he is looking for ways to do that cheaper.

Ransom thanked Galitzer for his report.

V. Announcements - Mickey Ransom

A. Faculty Senate Leadership Council

1. Implementation of the Affirmative Action Task Force Report - Buddy Gray

Gray said that this is an important issue, and he wanted to inform FS of the discussions that have been taking place between Leadership Council and the President's Staff. He provided background on the Affirmative Action Task Force, which had its origins in the spring, 1998 as a result of perceived or alleged problems in the way alleged harassment was dealt with. A Task Force was appointed jointly by Faculty Senate and the Administration to study the situation and to make recommendations. It was chaired by Jerry Frieman and met for a full year.

In the report accepted by Faculty Senate on April 11, 2000, the Task Force found that there are perceived or real problems. One recommendation was the "need to better respond to allegations of unacceptable, but not necessarily

illegal behavior". The TF also questioned the working relationship between Office of Affirmative Action and the University Attorneys.

Last spring, Administration developed a draft response to the report, and this fall they presented their formal response. Gray quoted from the Administration response: "In some cases, the alleged actions do not rise to the legal definitions of sexual or racial harassment or unlawful discrimination, upon which the University's definitions are based. It is the charge to the administrative review team first to determine whether the alleged conduct would constitute a violation of University policy, and if so, to carefully investigate the allegations and determine whether University policy was violated. If and only if violations are found, are recommendations for sanctions added to the report."

Gray suggested that FS could consider amending the Faculty Handbook with language to address these issues, but Administration has not fully accepted some of the premises of the Report.

Sen. Holden asked if it would be helpful to invite President Wefald to come to Senate and explain the Administration response. Sen. Nafziger asked for an explanation - a concrete example - of unacceptable, but not illegal behavior. Sen. Dawn Anderson mentioned that in administrative reviews of allegations of unfair treatment or not following university policies, there sometimes is behavior that, if it were to continue, might reach the legal level. Sen. Reeck asked if specific cases drove the original concerns. Anderson commented that we cannot have access to those cases and that discussion should continue privately.

Gray said he has heard from a number of faculty regarding their frustrations about having no place to turn in situations of near discrimination or harassment. Some situations can become unbearable. He said the Task Force Report also concluded there is in some cases a perception that there is no place to turn.

Reeck commented that concrete and public examples would be helpful and asked why the use of Ombudspersons is inappropriate in these cases. Anderson said she could give concrete examples of behavior that might not reach the legal definition of sexual harassment. For example, an individual who told several dirty jokes or stared at certain body parts might fall into that category.

Sen. Verschelden said there is the view that some behavior should not be tolerated on campus. She said the Administration is concerned about abridgement of academic freedom and about establishing a system that would amount to what some would call a "morals police." But, she said, we all know it when we see it.

Sen. Karim commented that it sounds like a "hostile environment" issue, and asked about existing informal procedures at the college level to deal with such issues. Gray said that Administration is interested in setting up a process of mediation, but there still have to be sanctions or a way to stop the inappropriate behavior, and that was part of the thrust of the recommendations.

Ransom said he appreciated this discussion because he wanted Senate to be informed. He expressed hope that the Administration would discuss the possibility of a policy.

Sen. Schellhardt said he believes the discussion between FSLC and Administration is constructive. Further dialog is needed regarding Affirmative Action, Ombudspersons, and Mediation procedures before inviting President. Wefald to visit Senate.

Karim suggested that prevention might be the approach, beginning with orientation of faculty and continuing systematically to provide faculty and administrator training, as well as safe places for discussion.

2. Ransom reported that FSLC met with representatives of the Commission on the Status of Women to discuss strategies for creating an environment at K-State where everyone is treated with dignity and respect. Much of the discussion centered around what is sometimes defined as low-level but not illegal forms of harassment.

3. FSLC is planning a campus forum for the discussion of classroom space. Topics to be considered are the shortage of general classroom space, problems with room scheduling using Schedule 25, pedagogical needs that are not being met, and the construction of new buildings without any general classroom space.

4. FSLC has discussed the formation of a group called the Task Force on the Constitution and By-Laws of Faculty Senate. This task force will be charged with reviewing our constitution and by-laws concerning Faculty Senate representation, voting, and membership and procedures for casting proxy votes. Ransom proposes that the task force be composed of one representative from each of the following units: Extension, the Library, unclassified professional staff (previously called General Administration), and each of the colleges (Agriculture; Architecture, Planning and Design; Arts and Sciences; Business Administration; Education; Engineering; Human Ecology; Veterinary Medicine; and Technology and Aviation at Salina). Ransom also wants to appoint a member of the FSLC to serve as an ex-officio member. This would give a total membership of 13 on the task force. The task force would elect their own chair. Ransom asked each caucus to select their own representative, who does not necessarily need to be a current member of Faculty Senate, by October 27 so that the membership of the task force can be approved by the Executive Committee at their next meeting on October 30.

B. Faculty Senate Leadership Council/President's Staff Meeting

1. The Resolution on Recalls from the 2001 Budget from the September 12, 2000 meeting of Faculty Senate was distributed and discussed. The Leadership Council emphasized the main points of the resolution and asked for restoration of the cuts. Specific questions from Faculty Senators could be asked of Provost

Coffman and Vice President Rawson when they make their planned visits to each college as part of the discussion concerning budget reform.

Details of these visits will be included in the FSCOUP report.

2. Next week the FS Leadership Council and President's Staff will consider calling a special meeting of Faculty Senate in November or December to discuss the campus Master Plan.

C. Kansas Board of Regents Meeting - Ransom referred to the attachment to the Executive Committee Meeting for elaboration on BOR activities.

1. Budgetary reform for the Regents universities. The Council of University Presidents passed 6 - 0 a plan for budgetary reform. This plan will be a major change in the budget and operation of the Regents universities and will be considered by the BOR at their October meeting.

- a. General use concept of budgeting will be replaced with total tuition ownership and an annual general fund block grant at all six universities.
- b. Each university could have its own unique tuition structure and tuition rates.
- c. Each university could have the authority to waive tuition for any student or category of students.
- d. Each of the six universities would receive its state funding in the form a general fund block grant appropriation based on a request determined by the BOR.
- e. Each university will be exempt from state-level administrative oversight in areas such as purchasing, printing, personnel, and the state architect's office.
- f. Each university could bank and invest its funds locally, perform all accounting transactions independently, and gain greater control in administering classified employees.
- g. The bottom line is that K-State would be able to operate financially and administratively like most other land grant universities.

2. The BOR is seeking a supplemental increase for \$2.4 million from the state legislature to cover increases in the cost of natural gas. If this is not approved, there is general concern that a significant callback to the FY01 budget will be required.

3. The BOR is working on a Comprehensive Plan for Coordination of Kansas Public Post secondary Education. This plan includes the development of a slogan (Advancing Knowledge - Expecting Excellence), a mission statement, goals, and proposed tasks. Development of the plan will continue at the October meeting.

4. The BOR approved a Policy for the Kansas Partnership for Faculty of Distinction Program. This policy set rules and guidelines for the establishments of endowed professorships.

5. The Council of Faculty Senate Presidents(COFSP) is chaired this year by Khamis Siam, Professor of Chemistry at Pittsburg State University. COFSP will concentrate this year on benefits available to faculty.

D. Faculty Senate Leadership Council/Council of Deans Meeting

1. The meeting was called by the Council of Deans with the support of Provost Coffman to discuss shared governance. The deans' interest in having the meeting probably was caused by two issues from last year: (1) the role of Faculty Senate in the discussions of the faculty salary enhancement distributions and (2) the discussion in Faculty Senate of proposed minimum standards for administrators holding an academic appointment in a department.

Overall, the discussion was very constructive. Some of the Deans expressed concern about the budget callbacks during the discussion. One of the Deans suggested that membership in Faculty Senate could be more representative if the representation was by department instead of by college. Ransom mentioned that a committee or task force would be formed this year to review procedures for representation and election to Faculty Senate.

E. Farrell Webb (three-year term) and Aruna Michie (two-year term) will be the new Ombudspersons. They will join Eddie Warren who is in the second year of a two year term.

F. The hearing for the Appendix M appeal of Steve Wiest will continue at 8:30 a.m. on Thursday, October 12, in the Heritage Room of Weber Hall. The hearing is scheduled to conclude October 12. The Hearing Committee includes John Boyer (Chair), Socorro Herrera, James Edgar, Anne Kelley, Joseph Harner, Sally Yahnke, and Angela Jones (alternate). Faculty Senate greatly appreciates the Hearing Committee for their outstanding effort and dedication to service.

After the conclusion of the hearing, the Hearing Committee will have 60 days to send a report to President Wefald and to Dr. Wiest. According to Appendix M, the report will include findings of fact regarding the evidence presented and will include recommended action concerning the dismissal. President Wefald will then have 60 days to send a written notice of his decision along with reasons to Dr. Wiest and to the President of Faculty Senate. According to Appendix M, the President of Faculty Senate is required to announce the information at the next meeting of Faculty Senate.

VI. Reports from Standing Committees

A. Academic Affairs Committee - Tom Herald

1. Undergraduate Course and Curriculum Changes approved by the College of Technology and Aviation April 25, 2000.

a. Herald moved approval of NEW OPTIONS:

Applied Electronics Technology
Autobody Technology
Automotive Technology
Business Computer Technology
Commercial Art
Computer Aided Drafting
Construction Trades Technology
Dental Assistant
Diesel Technology
Horticultural Technology
Machine Shop Technology
Refrigeration & Air Conditioning Technology
Welding Technology

Motion passed.

b. Herald moved approval of NEW COURSES:

CMST 135 Web Page Development I
CMST 155 Web Page Development II
CMST 235 Web Page Programming I
CMST 332 Web Development Project
COT 495 Industrial Internship

Motion passed.

c. Herald moved approval of NEW DEGREE:

Associate of Technology in Web Development Technology

Motion passed.

2. Herald moved approval of May 2000 and August 2000 Graduation Lists.

Motion passed.

3. Herald moved approval of additions to the following Graduation Lists:

August 2000

Carolyn D. Macke, A&S, BA--Modern Languages-SH

May 2000

Lisa Jo Burling, A&S, BS--Life Sciences

Rufus Lee Forrest, Technology and Aviation, BS--Aeronautical
Technology

Jason M. Fusco, A&S, BA--Modern Languages

Tony J. Thomas Munsey, A&S, BS--Social Sciences

Jessi Newell, A&S, BS--Sociology-Criminology

May 2000 (continued)

Carrie L. Shelton, A&S, BA--English-Literature

Kara S. Spencer, A&S, BS--PreDentistry

Annette A. Sweet, A&S, BA--Mass Communications-PT

Christopher Paul Weiland, Architecture, Planning, and Design, Bachelor of Architecture

Tanya Rachel Werner, A&S, BS--Kinesiology

December 1999

Christopher A. Brecheisen, College of Technology & Aviation, BS--Aeronautical Technology

Nathan Drew Higgins, College of Technology & Aviation, Associate Degree in Technology--Mechanical Engineering Technology-T3

December 1998

Karen Ann Gough, Business Administration, Bachelors degree-Marketing

May 1996

Christopher R. Harrilchak, College of Technology & Aviation, Associate Degree in Engineering Technology--Surveying Technology-T3

December 1996

Timothy William French, A&S, BS--Social Sciences

May 1991

Bryon J. London, A&S, BS--Social Sciences

Motion passed.

B. Faculty Affairs Committee - Jim Legg

1. Legg moved amendment to the Faculty Handbook, Appendix F: Academic Conduct, Academic Honesty, Student Grievance Procedures, and Undergraduate Honor Code ATTACHMENT 1

Sen. Keller proposed a friendly amendment to the second sentence, replacing "should" with "must". Legg accepted the amendment.

Amendment passed.

Sen. Phil Anderson asked if "any academic dispute" includes any issue already resolved by the Honor Council. Legg said it does. Anderson then asked about the need to offer this possibility to those who go through Honor Council. Legg commented that students always have the right to appeal.

Keller said there is some overlapping jurisdiction. Gray expressed uneasiness about "in any academic dispute". Sen. Michie said that the main thrust of the motion is the time frame, that FS could act on that, and ask Faculty Affairs for

clarification of "any academic dispute". Sens. Verschelden, Keller, and Owens-Wilson commented on operation of the Undergraduate Grievance Board over the summer.

Motion passed.

2. Legg moved amending the Faculty Handbook, Appendix G: General Grievance Board Policy and Hearing Procedures ATTACHMENT 2

Sen. Dawn Anderson offered a friendly amendment to add "or procedures" following "university policies". Legg accepted the amendment and asked that a comma be inserted following "by a respondent" and "for" be added between "reimbursed" and "documented".

Legg offered background on this revision of a strongly worded version of this amendment which was passed by FS last spring. The Provost refused to accept the amendment for inclusion in the Faculty Handbook.

Beginning in May and over the summer, Legg worked with Provost to reach a compromise. Together with Lyman Baker and Prakash Krishnaswami, there were three-way conversations with the Provost and University Attorney. Legg convinced the Provost that the Grievance Procedure is litigious and that a grievant needs to be represented by an attorney. Together they reached an agreement of reimbursement for up to 25 hours at \$100 per hour. He also said that the Provost has accepted the "blatant and persistent violation" language. Legg said the amendment is definitely a compromise. Every word has been scrutinized and, if it is adopted by Senate, it will be accepted by the Provost and go into the Faculty Handbook.

Gray commented that this is an important issue and there has been lots of discussion of it by the Executive Committee. He moved that discussion be limited to 15 minutes. Sen. Jurich seconded the motion. Motion passed.

Verschelden asked about the "blatant or persistent violation" language. Jurich pointed out that this language is consistent with that in another part of the document. Sen. Glasgow said he thought that it is a mistake to state an explicit amount for reimbursement. Sen. Peterson said she believes the amendment will help address low level retaliation.

Motion passed.

3. Legg moved adoption of C192 Ombudsperson Appointment and Term and C193 Recognition and Training ATTACHMENT 3

Legg asked that "insure" be changed to "ensure" in C193.

Sen. Shultis asked about the rationale for the proposed changes. Legg said that some unclassified professionals have the skills and perspectives necessary to serve as Ombudspersons and want to be eligible. Gray said some unclassified

professionals believe it might be useful to have unclassified Ombudspersons. Dawn Anderson and Michie spoke in favor of the motion.

Motion passed.

C. Faculty Senate Committee on University Planning - John Johnson

1. Johnson reported no action items. He reminded Senate of the visits to colleges by Provost Coffman and Vice President Rawson regarding budget planning. If senators don't hear about them soon, they should contact Johnson.

2. Johnson hopes to have a report at the next FSCOUP meeting about HNTB's (consulting group) work on the Master Plan, so a meeting can be planned.

3. The Library Committee and the Library Information Commons Task Force continue to work. The Dean of Libraries believes the public unveiling of the Information Commons occur in January, or possibly, February.

4. FSCOUP is discussing their role and that of the CCOPs to promote the issue of diversity mentioned by the Provost in his Provost's Lecture.

5. FSCOUP plans to sponsor a forum on the impact of technology in classrooms.

Ransom mentioned that the Provost and Vice President have already presented their plan to FSCOUP and have scheduled their visits to the colleges.

D. Committee on Technology - Dee Takemoto

Takemoto had no action items, but mentioned that she expects to have a discussion board on the FS Web site on technology in classrooms.

VII. Old Business - None

VIII. New Business - None

IX. For the Good of the University

Sen. Jurich mentioned that the position of Vice-Provost for Research has been retitled to Associate Vice-Provost and has been reconfigured to emphasize research administration and technology transfer. Some qualifications in the earlier job description have been changed from required to preferred.

Ransom noted that Leadership Council (LC) was consulted about this by Ron Trewyn and made some suggestions. Gray said that LC will be meeting with him in the future. Ransom said he hoped to have that meeting on October 24 and will raise these issues.

Sen. Phil Anderson announced that there are six active cases before the Honor Council compared to none at this time last year.

Sen. McCulloh asked about the mention of the extra money that may be required for increased fuel costs which was mentioned in the Executive Committee Minutes. Ransom reported that at the last meeting, the BOR decided to ask the Legislature for supplemental funding to cover increased fuel costs. He believes the BOR is optimistic the Legislature come through. Sen. Schellhardt said he believes the dollars available for utility costs look good for how. Ransom added that it appears the Administration was out in front on getting better rates.

X. Meeting adjourned at 5:15.

ATTACHMENT 1

Faculty Handbook, Appendix F: Academic Conduct, Academic Honesty, Student Grievance Procedures, and Undergraduate Honor Code

III. Undergraduate Student Grievance Procedures (FSM 21594)

A.Procedures

- d. **If the student does not feel that an adequate solution has been reached in any academic dispute, he or she may appeal in writing to the Undergraduate Grievance Board which will arbitrate the dispute. This appeal must be made within two weeks of the date of receipt of the appeal by the dean. Appeals received during the summer will be heard the following fall term. Appeals should be addressed to the Undergraduate Grievance Board, c/o Chair (whose address is listed under Committee 3030 at www.ksu.edu/uau/univcomm/).**

ATTACHMENT 2

Faculty Handbook, Appendix G: General Grievance Board Policy and Hearing Procedures

G. Grievance Hearing Procedures

4. Findings, Recommendations, Appeals, and Reporting Responsibilities

b. The decision of the panel shall be based only upon the testimony and other evidence presented at the hearing or acquired by the panel. The grievant shall bear the burden of demonstrating, by a preponderance of the evidence, that relief should be granted. The report of the panel shall include (1) an evaluation of the evidence and findings of fact, (2) a description of the recommended specific relief or course of action that should be taken, and (3) the reasons supporting the decision. A minority statement(s) may be appended to the report. **In instances where the hearing panel determines that there has been a blatant or persistent violation of university policies or procedures by a respondent, the panel may recommend that the grievant be reimbursed for documented expenses involved in pursuing the grievance, including attorney fees, up to a maximum of \$2,500 for all expenses.**

ATTACHMENT 3

OMBUDSPERSON

C192 Appointment and Term

On the recommendation of the Faculty Senate President, the Faculty Senate Executive Committee shall appoint, three ombudspersons. Candidates for the ombudsperson shall have service qualifications that demonstrate knowledge of university structure and operations, such as service on Faculty Senate or the General Grievance Board. ~~Faculty c~~Candidates shall have attained tenure in their respective departments. **Unclassified professional candidates shall be on regular appointments.** ~~Department heads, deans, directors, and others in positions of line authority~~ **People in positions of line authority (e.g., department heads, deans, and some directors) shall not be appointed.** The ombudspersons should not serve in additional roles within the university that would compromise their ability to be perceived as unbiased. **Any qualified person wishing to be considered for an ombudsperson appointment may contact the Faculty Senate President.**

Each ombudsperson shall serve a three-year term, which shall begin the first day of each fall semester, and shall be listed as ombudsperson in the annual list of all university appointments and the Campus Directory. Reappointment to a second consecutive term should take place only in exceptional circumstances, the basis of which will be explained by the Faculty Senate President to the Faculty Senate prior to the appointment. Terms of the ombudspersons will be staggered. Ombudspersons who are unable or unwilling to adhere to C194 are subject to immediate replacement at the discretion of the Faculty Senate Executive Committee. If for any reason an ombudsperson cannot complete a term, the term of the replacement will be for the balance of the original term.

C193 Recognition and Training

Service as ombudsperson shall be given appropriate consideration as part of the ombudsperson's ~~faculty~~ responsibility during the term of appointment; the department head or functional equivalent shall ensure that service as ombudsperson shall be given consideration in decisions affecting ~~teaching and department~~ assignments, salary, and promotion. The ombudsperson shall receive released time or be compensated in some other fashion. It is expected that early in the term of an ombudsperson's appointment, opportunities will be provided by the university for the ombudsperson to receive supplemental training that may enhance his or her ability to carry out successfully the functions and responsibilities of being an ombudsperson. Beyond conferring with current and former ombudspersons, such training shall include attending seminars, workshops, and meetings. The university will pay for the costs involved with the ombudsperson belonging to The Ombudsman Association or an equivalent organization, during the ombudsperson's term.