

Faculty Senate Minutes
February 28, 2008
Special Meeting

Call to Order:

Call to order: 4:15 pm; Riggle Room; ADUC.

Senators Absent: Ali Ahmadi, Barbara Lyons, Granuaile O'Flanagan, Paul Taylor, Greg Wing

Announcements:

Regent Irons reported the following proposals related to revenue enhancement:

- Elimination of tuition waiver for spouses and children of employees
- Change parking on campus i.e., add premium/preferred parking
- Eliminate free parking for employees with more than 20 years of service
- Per credit hour charge (students would pay for each hour no matter how many they take)
- Adding Application Fee and a Facilities Usage Fee
- Vice President for University Relations is retiring

Chair Jerde reported that the announcement for election of Faculty Regent has been sent out.

Executive Council Report – 2nd Reading:

**PAC-35 Termination of Faculty for Financial Exigency or for Discontinuance/
Reduction of Program**

Chair Jerde provided background information for the Senators who were not at the last meeting when PAC-35 was presented. Chair Jerde spoke with the President today who said the final policy should support the following three questions:

- Does the process for exigency work in a timely fashion?
- Does the process for exigency protect the rights of faculty?
- Does the process for exigency protect the Institutional mission?

Regent Irons provided the members with a history on the development of PAC-26. In 1983 Morehead State University was placed on the American Association of University Professors (AAUP)'s list of censured administrations. PAC-26 is the policy passed by the Board of Regents in May, 1987 that removed the University from the censured list of the AAUP. The complete statement read by Regent Irons can be viewed at [Facts Regent Irons](#). Regent Irons stated that the "Faculty Senate request President Andrews present a full written explanation of the reasons and justifications for revoking a commitment the Institution made to the AAUP."

Diana Halem read a statement from the Department of Curriculum and Instruction. The two major points were:

- "The first issue raised by the department involves concerns about shared governance. The proposed PAC-35 very clearly reduces the role of faculty involvement in decisions related to termination of faculty due to either financial exigency or program reduction or discontinuance."
- "The second major concern identified by faculty members in my department involves questions about the relationship between the curriculum audit process and the discussion of PAC revisions related to program reduction or discontinuance."

The full statement can be viewed at [Curriculum and Instruction Statement](#).

Regent Irons moved that the Faculty Senate request that President Andrews submit to the Faculty Senate a cover letter for the proposed draft of PAC-35, in which an explanation of the reasons and justification for the proposed changes are outlined. Senator Buck seconded the motion. Motion passed without dissent.

Senator Buck pointed out "that declaring financial exigency in response to the budget cuts that are proposed, even if they are 12% more, would be a complete violation of the AAUP guidelines on declaring financial exigency" which he read as follows:

"AAUP defines financial exigency as more than a temporary cash crunch or a passing budget deficit. Rather, it is a severe crisis threatening the survival of the institution as a whole and which cannot be ameliorated by less drastic means than the termination of faculty appointments."

"Termination of faculty appointments may occur under extraordinary circumstances because of a demonstrably bona fide financial emergency, i.e. an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic means."

Diana Haleman stated that a suggestion from Curriculum and Instruction was that if PAC revisions are necessary that exigency and discontinuance/reduction of programs be separated.

A Senator asked why make changes to PAC-35 if it's going to be just like PAC-26. Senator Harford stated that the timeframe for program reduction in PAC-26 is too lengthy if such reductions are needed by July 1 due to budget cuts. Senator Harford stated that he believes that the President is interested in the Senate's input.

The question was raised that, if the timeline in PAC- 26 was the only issue, why changes can't be made to PAC-26 that include reducing the timeline.

A Senator pointed out that the policy from Northern Kentucky University (NKU) includes a shorter timeline, includes the faculty, and is pretty much inline with AAUP guidelines.

A Senator asked if program discontinuance is the issue, why isn't PAC-35 about program discontinuance, and financial exigency left in PAC-26.

A Senator said the Senate must decide if they are going to leave PAC-35 as is or make changes.

Regent Irons moved to remove all reference in the proposed PAC-35 to program reduction. Senator Chatham seconded the motion.

Discussion of the motion followed:

- A better approach may be to deal with each reference to program reduction individually
- Will financial exigency be a separate PAC?
- Protection of faculty rights
- Define a process the faculty can use to help the President find \$7.3 million to deal with the budget cuts
- Protect tenure and faculty input (shared governance)
- Involve faculty in the process
- Intent of motion is to move forward
- Work on this document or come up with a list of budget recommendations

- Are we going to take exigency, and discontinuance/reduction, and separate them into two policies?
- Regent Irons motion above is only to eliminate reduction
- Do we have three issues (exigency, discontinuance, and reduction)?
- Curriculum audit is not reviewed until fall and decisions will not happen until October; however, the budget crunch happens sooner so it makes sense to separate the two
- Senate is only advisory
- If we provide a policy on exigency the Board will live with that
- What about instructors?
- Opposed to policy that allows termination of tenure, tenure-track positions on the basis of a decision by the Provost that programs are going to be reduced
- Could divide the question and go through it point by point
- Intent of the motion is to create two policies, one for exigency and one for program reduction with faculty involvement in the process
- No termination of faculty for program reduction regardless of faculty involvement in the process
- The primary reason for this is to deal with discontinuance of programs not exigency
- If you take program reduction and discontinuance out of PAC-35 it stays in PAC-26
- President will live with the exigency part if we give him that

Regent Irons said if Senator Chatham is willing I will withdraw my motion.

A member said we should call the question; we have now spent an hour, if not more trying to decide if we are going to do something.

Regent Irons withdrew his motion.

Senator Chatham moved the following:

Amendment DC-1: Concentrate on Financial Exigency

1. In the "Subject", delete "**or for Discontinuance/Reduction of Program**"
2. In the fifth line of the first paragraph of the "General Policy" section, replace "or discontinuance or reduction of program that involve" with "that involves"
3. In the second line of the second paragraph of the "General Policy" section, replace "or discontinuation or reduction of a program that include" with "that includes"
4. In the first and second lines of the third paragraph of the "General Policy" section, remove "either" and remove "or discontinuance or reduction of a program"
5. Remove in its entirety the section entitled "PROCEDURES FOR FACULTY TERMINATION FOR DISCONTINUANCE OR REDUCTION OF DEPARTMENT, DISCIPLINE OR PROGRAM".

Regent Irons seconded the motion.

Discussion on the motion followed:

- If the University is required to make a 15% cut it could come down to the point of whether salaries can be paid or not
- Senator Patrick complimented Senator Chatham on his revisions

- If the University declares program discontinuance then you're taking tenure faculty even before instructors because you are discontinuing a program
- Take out discontinuance/reduction and send forth a policy on exigency
- Give us more time to work on discontinuance/reduction of programs
- The problem is exigency cannot be declared with the current policy
- Look at revisions to PAC-26
- All of Senator Chatham's other amendments should also apply to discontinuance of programs
- If we take out discontinuance/reduction of programs they revert back to PAC-26, we send forth a policy on exigency and we will work on PAC-26 but we need more time
- Can we advise that we would like to stay with PAC-26 in the case of reduction or elimination of programs, but if the President cannot live with that then, as a minimum, what we develop for financial exigency is what we would like for program reduction and elimination
- Program reduction is not in PAC-26, only program discontinuance is in PAC-26

Senator Wymer moved to end debate and vote on Amendment DC-1. Motion passed.

A vote was taken on Amendment DC-1 to remove discontinuance/reduction of programs from PAC-35. Motion passed by a show of hands: FOR; 21 - AGAINST; 10.

Regent Irons moved the following:

In the section entitled **General Policy**, replace numbered item 1 with the following:

If funded vacancies exist, an offer will be made to the tenured faculty members concerned for existing positions for which they are qualified by education or experience. If any current faculty members are unqualified by education or experience for a funded vacancy, the University will grant the maximum of a one-year period of sabbatical leave during which the faculty member will retrain and prepare for the specific vacancy. Financial support will be granted in accordance with the sabbatical leave policy. The funded vacancies may not be filled until an offer has been made to any tenured member whose current position is being terminated for reasons of exigency.

Senator Chatham seconded the motion.

Discussion of the motion followed:

- Is it correct that we have now limited our discussion to financial exigency in PAC-35 so this would only apply in the case of financial exigency being declared?
- Section 8 in Northern Kentucky University's policy on obligation to faculty is very good – suggest Senators read it
- Northern Kentucky University's policy on financial exigency is very well written and addresses a lot of the issues being discussed
- Appreciate what Senator Chatham has done to revise PAC-35
- PAC-35 is very poorly written - is it worth revising
- NKU's policy does not have a provision for sabbatical for retraining

Senator Irons withdrew his motion.

Edna Schack (serving as a proxy for Karen Lafferty) moved that the Senate use Northern Kentucky's entire policy on Financial Exigency as the basis for our counter proposal to PAC-

35, changing Northern Kentucky to Morehead State University. Regent Irons seconded the motion.

Discussion of the motion followed:

- I have not read the whole thing, does this fit Morehead State, and does it do what we need it to do?
- NKU's policy will need to be reviewed for minor corrections
- Someone needs to provide an explanation to the President what is going on and why we are doing this
- With regard to the explanation; PAc-35 is in violation of the AAUP guidelines and this would be in accordance with the AAUP guidelines
- Chair Jerde will speak with the President
- The members will have a week to examine Northern's policy more carefully but it seems to meet the needs better than PAc-35
- Find out what the President needs at this point
- Northern's policy supports the three questions that the President instructed us to ask
- Make clear in the letter that accompanies the proposed policy that we are replacing the proposed PAc-35 with Northern's policy with the removal from the original PAc-35 of issues of program reduction and discontinuance
- Be sure that if this is going to exist side by side with PAc-26 that there are not conflicts with PAc-26
- Doesn't the President want to have PAc-35 with the reduction of programs? wouldn't he be likely to shove this through the Board of Regents because he wants it? is there a contingency to address that?
- Chair Jerde will ask the President whether exigency is enough
- In order to cut the budget by July 1 it might be necessary to use program reduction and discontinuance and we need to address it
- Is this motion to look at Northern's policy next week and confirm that we want to send it forward, but we also need to deal with program reduction
- Communicate to the President we need more time to look at program discontinuance and/or reduction, but we can send forward financial exigency now and will address the other issues
- We really don't have a lot of time to deal with program reduction/discontinuance because of the budget cuts

Senator Wymer moved to end debate on the adoption of NKU's exigency policy. Motion passed.

A vote was taken on the motion to adopt NKU's financial exigency policy in lieu of PAc-35 that has been given to us. Motion passed.

Senator Harford moved that the Faculty Senate communicate to the President that the principle of tenure is so important that no tenured faculty member is released until every non-tenured teaching position is eliminated. Senator Buck seconded the motion.

Senator Patrick entered a friendly amendment that there is a separate part to that - that if program reduction/discontinuance is the issue, is brought forth, that faculty input is included as part of the policy.

Senator Harford said let's not have the friendly amendment, let's pass this resolution and bring another resolution to the floor that says we want a provision for faculty input.

Discussion of the motion followed:

- Some programs have outside accreditation requirements
- Should consider that releasing all non-tenure faculty before any tenured faculty would eliminate some productive programs
- Then the University would have to set priorities
- If this resolution is passed some programs might have only 1 faculty member left
- This a separate resolution, a contingency with the exigency policy in place, saying that if the University does want to reduce programs, this is the principle they must adhere to

A vote was taken on Senator Harford's motion. Motion passed.

Senator Harford moved that the Faculty Senate recommend that any policy on Reduction/Discontinuance have similar provisions for faculty input as in our recommended Exigency Policy. Senator Buck seconded the motion.

Discussion of the motion followed:

- Senator Patrick stated that Senators need to carefully communicate to everyone in their departments, particularly to the tenure-track faculty, that the Senate is trying to protect faculty and we may want to add another motion saying that faculty lines should be protected before anything else
- A model could be PAc-26, section on discontinuation, Step 2 - The President convenes an ad hoc committee to report on the effects elimination of a program could have
- Language in Texas Tech policy might be appropriate for the above committee
- Please take note of Section H of Northern's policy which references both tenured and non-tenured faculty
- Senator Haleman stated that she supports positions of faculty lines, she represents tenure track, tenured faculty, instructors and adjuncts

A vote was taken on Senator Harford's motion. Motion passed.

Chair Jerde will provide copies of the financial exigency policy from Northern to all the members as soon as possible.

Senator Harford urged the members to pass a proposal for a committee of faculty members to help the President find ways to reduce the budget before it comes to eliminating faculty. There are ways to make money not just cut money.

Adjournment: 6:00 p.m.