

FACULTY SENATE COMMUNICATIONS REPORT | 5 November 2015 meeting

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OVERVIEW

The 2015-16 Faculty Senate held its sixth regular meeting on 5 November 2015, from 3:45 to 5:35 pm in the Riggle Room of ADUC. Senate business was entirely consumed with second readings and associated revisions for PAC-26 and PAC-22. Work on PAC-26 was completed and the revised version was passed by the Senate, while PAC-22 will carry over to the next Senate meeting. There were additionally a few announcements from the chair, which will be briefly addressed at the end of this document. Due to the time-consuming nature of the PAC work, there were no reports from subcommittees or from the Provost, although the Provost was present for the entire meeting.

PAC-26: A NEW HOPE

Senator Carlson brought forth the reconciled PAC-26 revision for its second reading. Although there initially seemed to be no appetite for discussion, Senator Rus May introduced a motion to add language to the draft. This is language stating that tenure is a “property right” and that faculty are tenured to the university rather than to a specific program, and that further specifies a responsibility for the university to assist with relocating a displaced faculty member. The precise language proposed for addition by Senator May is as follows:

“A fundamental academic value, which must guide both policy and procedure, is that of safeguarding tenure. Morehead State University (“University”) recognizes that tenure is a property right. Tenure protects more than simply the right of individual faculty; it also insures that ideas, concepts, and doctrines may be examined without fear or favor; that fact and truth may be pursued in research without dictation; and that teaching may be done without reprisals. In short, tenure protects the exercise of the basic functions of the University and the reasons for its being.

It is recognized that a tenured appointment of a faculty member is a commitment by the University to the continuous appointment of the faculty member; faculty are tenured to the University. However, the tenured status of a faculty member may be terminated due to retirement; resignation and acceptance thereof; removal for cause; or the decision of the Board of Regents that termination of faculty is necessary due to financial exigency or bona fide formal discontinuance of program. [When the University proposes to discontinue a program, it should plan to bear the costs of relocating, retraining, or otherwise compensating faculty members adversely affected.]”

Naturally, there was a sustained debate about the addition of said language. Senators were generally supportive of the intent of the language, but there were concerns about whether the language would ever be acceptable to the administration. Indeed, Senator Carlson expressed her feeling that, based on the reconciliation process thus far, the administration is not likely to be comfortable with the language as proposed by Senator May. It is also worth noting that the administration has already rejected outright the earlier, Senate-approved version of PAC-26 which included this language. Nevertheless, many Senators felt that the sentiments in the proposed language were worth fighting for.

In the course of the debate, it became clear that the most controversial portion of the proposed language was the final sentence (bracketed above). The major concern seemed to be exactly what this provision required of the university, i.e., would the university be required to help relocate the faculty member within MSU or potentially to an entirely different part of the country. After a motion by Senator Remillard, Senators voted to strike that final sentence from the proposed language. Senator May responded by putting forward a modified version of that sentence, specifically adding the phrase “to another program within the university” after “relocating.” At this point, debate shifted to focus on whether such a statement was even necessary, given provision number 1 under “General Policy” on page 2 of the PAC. There also seemed to be some general sentiment that the entire section might be more palatable to the administration without the final sentence.

Ultimately, the Senate conducted separate votes, first on adding Senator May’s proposed language up until the controversial last sentence, and then on whether to include that last (now modified) sentence. Senators voted 27-4 to add the language to PAC-26, but rejected the last sentence by a vote of 11-16. With the new language now included, the Senate passed the revised PAC-26 draft (included as a separate attachment), moving it up the chain for review by the administration. To be clear, the only change made from the first reading version is the addition of the new language above (now the PAC’s first two paragraphs).

PAC-22: THE SAGA CONTINUES

After concluding the action on PAC-26, Senator Carlson brought forth the reconciled PAC-22 revision for its second reading. Senator Remillard, displaying his trademark precision, proposed numerous, relatively minor changes to clarify and clean up the language of PAC-22. All of these minor changes were approved by the Senate without incident or discussion, and can be found

as blue text in the new draft of PAc-22 included as a separate attachment along with this report. To specify, the changes enacted at the 5 November meeting are located in lines 147-154, 170-171, 189, 194-195, and 375-377.

The only proposed change to PAc-22 that received significant debate regarded the time frame provided for a faculty member responses to “Notice[s] of Intent” (see lines 147-154 of the new PAc-22 draft). In the initial reconciled draft (given its first reading at the 29 October 2015 meeting), faculty members were allotted 10 business days to provide an initial response to the “Notice of Intent.” To be clear, this initial response involves the faculty member electing which option they will utilize for the ensuing process. It was suggested by Senator Wesley White that this initial time frame be extended from 10 to 11 business days, in order to ensure that two weekends would elapse. Senator Beverly McCormick responded to this suggestion by stating that, in her opinion, even 11 business days is not enough to find an appropriate, specialized employment attorney and come to a reasoned decision on how to proceed. She further recommended extending the initial time frame to 20 business days, to mirror the time allotted for and individual to respond to a lawsuit filed against them. Ultimately, Senators voted in favor of making the change to 20 days (see line 146).

After making the above change, it became apparent that a corresponding adjustment was needed for the time allotted to file a detailed written response to the “Notice of Intent” if the faculty member elects option 2 (see lines 169-171). In the initial reconciled draft, 15 business days from receipt of the “Notice of Intent” were provided to prepare and submit the detailed written response. To be clear, the times allotted for both the initial response (in which one of the options is elected) and the detailed written response (if option 2 is elected) begin at receipt of the notice, meaning that this 15-day provision actually amounts to only an additional 5 days after electing option 2. In order to establish some consistency with the new 20-day initial time frame added above, Senator Carlson motioned to adjust this second time frame to 30 business days, which would amount to an additional 10 days after electing option 2 to prepare and submit the written response. This motion was approved, resulting in the change noted in blue on line 170.

While no other actions were taken, there was some additional discussion regarding the provision on lines 110-111 that the faculty member will receive only a “detailed statement of the charges and their basis” rather than seeing the actual evidence marshalled against him or her. Senator White made a suggestion (although not an official motion) that the language here be adjusted to provide for evidence being turned over to some other party (e.g., the faculty member’s legal counsel). At this point, the Provost joined the conversation to re-state the administration’s position that providing the actual evidence is problematic. The Provost further stated that in the legal system, the accused does not typically receive direct access to the evidence against them. Nevertheless, many Senators seemed concerned about this provision, and Senator Sue Tallichet once again raised her concern that the university may not be providing adequate due process and is leaving itself open to external legal challenges.

More work remains to be done on PAc-22, which the Senate hopes to complete at its next regular meeting on 19 November.

AND ALSO THERE WERE THESE THINGS

Help wanted: There is a vacancy on the Executive Council following the recent resignation of Ken Henderson from Faculty Senate. A new Senator is needed from his department, and the Senate will need to hold a special election to fill the EC seat for the College of Business and Public Affairs. [CO note: remember that the 2015-16 Faculty Senate is constituted according to the academic organizational structure in effect as of March 2015, i.e., the old scheme instead of the new.]

This actually could be worse: Chair Adams provided yet another update on the health benefits situation, this one courtesy of the most recent President’s Leadership Council (PLC) meeting. Once again, Chair Adams stressed that information from PLC meetings is made available through MyMoreheadState, under the “Employee Services” tab. In this case, faculty are specifically encouraged to access the file “Healthcare Benefit Changes 2016.pdf” from the 4 November 2015 PLC meeting for detailed information on upcoming changes to health benefits. The salient points are the previously mentioned 9.9% rate increase (negotiated down from the initial 19.9% figure put forward by Anthem) and a 50% reduction in the university’s health reimbursement account (HRA) contribution. The new premium rates and HRA contributions can be found on slides 13-15 of the aforementioned file. More detailed information will be coming prior to the rapidly approaching open enrollment period.

This probably will get worse: Chair-elect Dobranski briefly discussed news on pension issues derived from the 5 November Board of Regents meeting. Without getting too far into the weeds, it seems that there are potential KTRS liability problems looming on the horizon for MSU, related to the share of responsibility borne by the university. Given the recent election results, and Governor-elect Bevin’s stated proposal to start new state employees in a 401(k) system rather than the traditional pension system, there is the potential for the university’s liability to grow significantly in the future.