

## FACULTY WELFARE & CONCERNS MINUTES

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**WHEN** The FW&C Committee met at 3:45pm Thursday, September 26<sup>th</sup>, 2024

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**WHERE** via WebEx

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### MEMBERSHIP

Kevin Adkins (Physics), Ben Fitzpatrick (History), Lucas Hoots (Math), Tom Kmetz (Library), Kathy Lewis (Math), Doug Mock (Political Science), Gera Nelson (Education),

Underlining indicates that the member was absent.

\* Left early.

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### SUMMARY

#### **New Business:**

*Questions for Dr. Riegler* – The Q&A that occurred during the meeting has been incorporated into the timeline.

Dr. Riegler offered a timeline of events.

Fall of 2023

Dr. Riegler submits an [ADA accommodation request](#) with supporting documentation from her neurologist. Requests to work remotely. This would be a continuation of what she has been doing since 2020.

September of 2023

MSU initially affirms outright her request through May of 2024.

February of 2024

Dr. Riegler receives an e-mail in which MSU reneges on the affirmation from September.

March of 2024

After Dr. Riegler is directed to submit another ADA accommodations request, HR requests permission to reach out to her neurologist, which she permits. They send him the job description under which she was hired in 2009 for him to review and assess. He submits to them in writing that Dr. Riegler could perform the job duties there listed, all remotely.

Spring of 2024

Back and forth.

Everything approved except teaching - would be required to teach at least one class face to face.

The accommodations MSU offers are:

- Would be provided with a student to pass out materials
- Would have handicapped accommodations in the classroom
- Would have a handicapped placard for her vehicle.

Dr. Riegler submits an appeal to the decision, which is reviewed by same person who denied accommodations. The appeal is denied.

July of 2024

Dr. Riegler is notified that Jane Fitzpatrick did an investigation upon Dr. Riegler's inquiry about the process and is upholding MSU's decisions from February onwards.

Jane Fitzpatrick's investigation shifts the focus away from what accommodations might be appropriate and toward Dr. Riegler's ability to perform the job.

There is no documentation to support that her teaching performance has been lagging in recent years.

She is given shifting rationales as to why she needs to teach one face-to-face class.

She is ultimately told she needs to be able to complete the requirements of the job under the new "policy".

Summer of 2024

Dr. Riegler attempts to negotiate a compromise. This is when she receives confirmation that Academic Affairs is a party to these decisions.

For fall 2024, the four courses she would have taught all had been moved to online beginning in 2020.

For spring of 2025, three of her four courses were online anyway. The 4<sup>th</sup> course had been taught online by her before COVID but was now being required to be taught in-person.

Dr. Riegler submits a complaint to the Office for Civil Rights (OCR) in the U.S. Department of Justice.

August 22<sup>nd</sup> 2024 - Dr. Riegler reads her statement at Faculty Senate.

September of 2024

The OCR reaches out to Dr. Riegler about assigning an investigator.

After receiving new information Dr. Riegler re-submits her complaint to OCR.

#### Q&A between FW&C and Human Resources 10/1/2024

Are there MSU policies or procedures relating to the [ADA accommodation request](#)? If so could you direct us to them?

PG-5, PG-59, UAR 303.03 and federal guidance via ADA.gov.

Has the university kept track of these requests over a stretch of years so that an overview report (with any sort of tallies or categories) could be made public?

No, we do not keep tallies or categories because each situation is unique. I would also be concerned that tallies would violate individual privacy since our campus is small and situations could be easily identifiable.

#### *Concerns Relating to the Math Department*

Math faculty have complained that their department has been physically dispersed to the detriment of faculty and student morale. Kathy Lewis gave an update on the situation. The classes are spread around four buildings, killing the student community spirit. Kevin Adkins provided confirmation from Dr. Blankenship. Lucas Hoots echoed Kathy's concerns and frustrations. He adds that there will be a divide between mathematics and science moving forward since they are no longer housed in the same location on campus as they have been for years.

The committee will ask the provost when the math department will be back together again. Specifically, being spread thin is bad for recruitment and retention and is damaging to the mathematics program.

#### *Secret Public Documents*

The Chair described wanting to draft a resolution relating to public documents that have been declared "sensitive". The committee unanimously agreed to take up the resolution as described at the next

meeting.

#### *Staffing Level for the University Police*

This was briefly discussed and can be further discussed at future meetings.

#### **Old Business:**

The grievances from the Nursing Faculty who resigned en masse were never addressed either administratively or during meetings of the regents. While the committee does not consider this a closed case, it was decided to table the issue for the time being.

It is noted that ten people have left or are soon to be leaving the College of Education.

#### **Committee Offices and Communication:**

- Security of the committee's communications was discussed. We decided that it was not necessary to record the meetings in WebEx. We will continue to use MSU e-mail.
- The Chair volunteered to serve as recorder and keep the minutes.
- Kevin Adkins was unanimously elected Vice Chair.

**Adjournment:** Kevin moved and Doug seconded.

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**ADJOURNMENT** The meeting was adjourned at 4.55pm

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**NEXT MEETING** October 24<sup>th</sup> 2024 at 3:45 p.m. via WebEx