



FACULTY SENATE COMMUNICATIONS REPORT
March 2, 2017 meeting

“Forever — is composed of Nows —” (The Overview) The 2016-2017 Faculty Senate held its twelfth regular meeting on March 2, 2017. The body received an update from the Staff Congress Chair and continued to discuss the NCAA infractions report. There was also a first reading of a revised PAc-27 (Tenure).

“I felt it shelter to speak with you.” (Staff Congress Chair)

Dr. Scott Niles, the Chair of Staff Congress, began his address by stating his desire to establish a reciprocal relationship between Staff Congress and Faculty Senate. He informed the Senate that the representational model of Congress (which had been a hybridization of EEO and Area models) has recently changed to a more encompassing geographic form, and that the online Staff Concerns forum has returned to what it was originally intended to do, provide a site for professional queries and concerns. Congress is currently working with Harold Nally to review UAR 324.03 (Staff compensation guidelines). At issue is the UAR’s implicit differentiation between internal and external candidates in salary negotiations. Many staff persons are concerned that the policy places a pay “cap” on internal candidates, but some do worry that any change to the guidelines (in these austere times, when “keeping your job is the new raise”) could have deleterious results. Congress is also reaching out to various groups across campus. Before Jamie Thomas’s very recent departure from the university, Congress had a Black Faculty and Staff Association report every month, and the body has agreed to work with Senate and the Student Government Association (SGA) to draft a statement against legislation that would allow for concealed weapons on campus.

“Truth is so rare, it is delightful to tell it.” (Announcements)

- **TEC update:** The body approved changes to a middle school program and also modified the TEP process to address CAPE concerns.

- **Committee interest survey:** Senator Cottingham urged people to complete the committee interest survey, which will close on Friday, March 3rd. (If you did not receive the survey, please email Clarissa Purnell or Senator Cottingham.)
- **Diversity Taskforce:** The taskforce is currently working to identify strategies to render the campus community more culturally competent. These strategies must be finalized by the end of March or beginning of April.
- **First Thursday:** Chair-Elect McBrayer attempted to organize an official First Thursday gathering at La Finca's. Although he could not get the restaurant owners to respond to his queries, he still encouraged Senators to gather at La Finca's after Senate. He also urged the body to consider how to craft a truly cross-campus event that would bring faculty and staff together. (One initial suggestion was to shift the day away from a Senate Thursday to a Monday or Tuesday.)

“Men do not call the surgeon to commend the bone, but to set it, sir, and fracture within is more critical.” (Old Business: the NCAA infraction)

At the February 16th Senate meeting, the body discussed the NCAA's "[Morehead State University Public Infraction Decision](#)" (dated February 10, 2017) and moved to ask CFO Patrick where the million dollars for the cited software update was located in the budget. (See the Feb 16th CR for a full account of this discussion.) In response, Ms. Patrick sent Chair Dobranski a detailed email message (reproduced, in its entirety, in Appendix A) and President Andrews called a meeting (on February 24th) with Chair Dobranski, Regent Berglee, and MSU's Athletic Director. Chair Dobranski recounted the substance of this meeting to the Senate's Executive Council, both orally (on February 27th) and in writing (on February 28th).

Because these responses raised even more questions about the infraction and possible problems with both NCAA compliance and internal accounting, Senator Adams made another presentation on the Senate floor, outlining the serious concerns (see Appendix B). The primary issue was the discrepancy between the official NCAA decision and our own internal account of events. This discrepancy places the facts of the case under dispute and intimates that MSU has willingly signed on to an official report that we know, in at least one instance, is “not factually accurate” (see Ms. Patrick's email in Appendix A). Secondary issues involve non-compliance with mandated penalties (particularly in regards to our website), a seeming pattern of problems with due diligence (especially in regards to technological decisions), and an apparent willingness to shift academic classifications in order to meet NCAA regulations (which suggest that we're placing the athletic cart before the academic horse).

In the discussion that followed, one Senator asserted that the body was shifting issues and moving on to less important concerns. According to this Senator, the answer to the (literal) million-dollar question was answered, and he urged the body to read Ms. Patrick's email in its entirety. In response, a number of Senators stated that they had, indeed, read the email in its entirety, and that the disconnect between MSU's internal account and official NCAA records demonstrates that there is no definitive answer because the full truth has yet to be determined. In the absence of further proof, one Senator countered, we should default to the facts as they are outlined in an official report that is agreed to by all bodies involved, not an individual missive

sent via email. Another Senator also stated that money was not the only issue here; the record needs to be set straight so that we do not run into further problems. A different Senator suggested that it was possible that Ms. Patrick may have interpreted the line in the infraction report differently, and that this differing interpretation may account for the apparent discrepancy in the documents. Senator Adams noted that this may indeed be the case, but that such an interpretation would be a *misinterpretation*, as the line in the infraction report is clear and unambiguous, and, if there were such a misinterpretation, it would unfortunately demonstrate a habit of misconstruing official documents regarding athletics, as we misread (and misrepresented) the *Huffington Post* article “Sports at Any Cost” in an official MSU response available via the Portal.

In the course of the conversation, the body made three motions, all of which passed:

1. To have the Technology Advisory Board resume its mandated function to review technological purchases over \$5,000
2. To have the administration either officially correct the NCAA report/record OR have our internal messages and documentation comport with the information we agreed to in the NCAA infraction decision
3. To be compliant with the mandate that we provide “a direct, conspicuous link to the public infractions decision located on the athletic department’s main ‘landing’ webpage”

“The Soul selects her own Society” (Questions for the Presidential forum)

At the last Senate meeting, the Executive Council asked Senators to solicit questions from their constituents so that they could compile a list of queries for the faculty presidential forum on Monday, March 6th. Chair-Elect McBrayer again noted that this request was in no way intended to censor or limit the conversation. It was merely an attempt to have questions ready so that faculty might be able to gather the most relevant information from the open-ended discussion. Chair-Elect McBrayer shared the admittedly small list of provided questions with the body and forwarded them to Chair Dobranski.

“I read my sentence — steadily — /Reviewed it with my eyes,/To see that I made no mistake/In its extremest clause —” (PAC-27 update)

Senator Carlson presented, for a first reading, a revised version of PAC-27 that incorporates feedback from the Provost and Deans. The key points of discussion and changes are below:

- Faculty Welfare and Concerns kept the power to accept or reject years toward tenure in the hands of the faculty. The Provost and Deans wished to see this power spread or limited, but the committee believed it rightfully belonged to faculty alone.
- They also kept the mandate that candidates with years toward tenure must document those years in tenure portfolios. (What the Provost and Deans see as a burden faculty see as protection for candidates and help for committees, who must assess the entirety of a record.)
- The committee wished to disburden Deans of the commitment to staff tenure committees under 5 people, but any process for staffing involved selectivity, and there needed to be a position in charge of such selection, so Deans remain as arbiters.

- At the Provost and Dean’s request, the committee removed a comment about diversity (“especially when a tenure candidate is a member of a diverse group”) that was deemed unworkable in practice.
- Wrestling with the issue of what, exactly, goes into the tenure review letter, the committee determined that “No separate minority report can be submitted.” Using language supplied by the Provost and Deans, they also added that the letter must include the “balance and substance of the entirety of the vote.”
- The committee and the Provost and Deans are suggesting a more streamlined process for appointment with tenure for faculty (#10). In the incredibly rare scenario wherein a (non-administrative) faculty member may be granted tenure at the time of appointment, a full scale tenure review could cost us hires, as people may be unwilling to submit an entire portfolio (and wait months for a tenure decision) before they are officially given the job.

During the reading, Senators asked a number of questions, particularly regarding the change in #10 (noting, for example, that a person with tenure at another institution is bound to have a tenure portfolio prepared already, and wondering what, exactly “expedited” means in this context. They also wanted to know why the final review body was the college committee, and not the university one.)

“Because I could not stop for Death” (Regent Report)

Regent Berglee had no formal report, as the Board had not had a meeting since the last Senate session. The next BOR meeting, a meeting wherein work will be done, will be Thursday, March 9th. The agenda is posted online. Regent Berglee asked Senators to review the agenda and send him any comments, questions, or concerns, and he ended by urging faculty as a whole to attend the Presidential forum on Monday. (He also offered significant praise for the work the Provost has been doing for Academic Affairs.)

“I never hear the word ‘Escape’/Without a quicker blood” At 5:35, the meeting adjourned. The next regular meeting of the Senate is scheduled for March 16, 2017, at 3:45 p.m.



Submitted by the 2016-2017 Faculty Senate Communications Officer, who is
 “Nobody! Who are you?/Are you — Nobody — too?/Then there’s a pair of us!”

Poetic coda:

Opinion is a flitting thing,
 But Truth, outlasts the Sun—
 If then we cannot own them both—
 Possess the oldest one—

APPENDIX A

CFO Patrick's response to the Senate's query re: the funding for the software update mentioned in the 2/10/17 NCAA infraction decision. The message was sent to Chair Dobranski, who forwarded it to the Senate on 2/28/17. It is reprinted here in its entirety.

In accordance with the charge you gave me at the February 16th meeting, I asked CFO Beth Patrick about both the \$1,000,000 dollars for the Ellucian upgrade and the \$5,000 penalty. Here are the answers:

NCAA Penalty: According to Brian Hutchinson, the \$5,000 NCAA penalty was paid on Friday using an Athletics purchasing card and a transfer has been issued from an unrestricted athletic fund account at the MSU Foundation (i.e. Private funds) to cover the expenditure. So, yes, it has been paid. It was paid on Friday (17 February) and the source is unrestricted athletic funds generated from private gifts and held in an MSU Foundation account.

Ellucian Upgrade:

MSU has been utilizing its current ERP business management software application, Colleague, for over ten years. A two-year contract with Ellucian, the software vendor for Colleague, was signed on December 29, 2015 after months of consultation and planning with the software provider. The purpose of the contract is to acquire services from Ellucian to assist MSU with a comprehensive assessment, refresh and upgrade to ensure the ERP application remains functional and continues to meet the campus needs.

The contract fixed the pricing through December 31, 2017 for a full spectrum of potential services and software that MSU might need to consider following an assessment and needs analysis for the ERP refresh project. The contract does not guarantee that MSU will purchase any specific level of the services and software updates priced in the contract but simply locks the prices for MSU for the two-year duration of the contract ending December 31, 2017. At that point, the pricing for any services and software remaining that will still be completed will need to be renegotiated. The contract includes potential services and software upgrades to address needs in multiple areas across campus including:

- *SQL Migration Services*
- *Linux Migration Services*
- *Usage Audits for the following areas to complete needs assessment*
 - *Communications Management*
 - *Financials*
 - *General Ledger*
 - *Accounts Payable*
 - *Requisitions*
 - *Purchase Orders*
 - *Budget Management/Position Budgeting*
 - *Financial Reporting*
 - *Projects Accounting*

- *Online approval processing*
- *Web requisitions*
 - *Colleague Recruiter (Methods Review)*
 - *Academic Records, Registration, Curriculum*
 - *Colleague Accounts Receivable/Cash Receipts*
 - *Accounting Receivable/Cash Receipts*
- *AR Account Management*
- *Billing, Automated, Miscellaneous and Sponsor*
- *Payment Plans*
- *Cash Receipts*
- *Deregistration Process*
- *eCommerce*
- *Refunds*
- *GL Reconciliation*
- *Reporting*
 - *Rules Writing Techniques*
 - *Business Process Management Review*
- *Finance*
- *Financial Aid*
- *Human Resources and Payroll*
- *Student – Accounts Receivable*
- *Student – Records and Registration*
- *Student – Recruiting and Admissions*
- *Human Resources and Payroll*
 - *Student Self-Service*
 - *Financial Aid Self-Service*
 - *Student Planning – Software Implementation*
 - *Assignment Contracts*
 - *Intelligent Learning Platform – integration with Blackboard*
 - *Ellucian Portal Upgrade*
 - *Recruiter Upgrade and Migration to Cloud Hosting*
 - *Registration Self-Service*
 - *Project Management*
 - *Change Management Readiness*
 - *Data Governance*
 - *IT Organizational Assessment*
 - *Student Retention and Success 360°*
 - *Reporting Governance*
 - *Business Intelligence*
 - *Reporting and Analytics Consulting*
 - *Dashboard Services*

The initial step in the process was to develop a detailed charter document that outlined details

about the project including scope and sponsorship responsibility. A copy of the Project Charter is attached.

To date, a total of \$199,632 in project services have been purchased from the Ellucian project or about 20% of the total contract amount. The work is ongoing and additional projects are being scheduled. However, the full scope of the overall project will extend beyond the current contract period due to limited personnel resources available to dedicate to the work while continuing to maintain existing IT services.

The non-recurring funding for the portion of the project completed to date are being covered from \$520,381 of IT operating resources set aside in 2015-16 with the additional project amount budgeted in the current year from E&G fund balance resources. Any unused portion of the fund balance allocation at the end of the project will revert back to E&G fund balance.

The statement on page 1, items 1 in Appendix A of the Morehead State University Public Infractions Decision issues by the NCAA on February 2017 states, "Morehead State University has recently invested over one million dollars to purchase modules of updated software to provide a means to closely track the progress toward degree for all students, including specifically athletes. The need for and purchase of this software came about as a direct result of NCAA findings during the APP audit." **While I cannot explain how the NCAA came to the above conclusion it is not factually accurate.**

The Ellucian refresh project was well into the planning stages long before the NCAA notified MSU Athletics on June 9, 2015, that they had found 49 student-athletes, primarily transfers, in nine sports had competed and received travel expenses while ineligible for failure to meet progress-toward-degree requirements. It was, however, pointed out in many interviews with the NCAA auditors, that MSU was in the process of a major software refresh/upgrade project with a potential investment of \$1 million but to my knowledge was there an indication that this project was a result of the NCAA eligibility issue. It was mentioned to show MSU's commitment to maintaining an effective system for processing and maintaining up-to-date technology systems. This project will bring many benefits, new tools and improvements in the Colleague Datatel system but these were all planned well before even knowledge that we had been selected for a NCAA compliance audit.

The origin of the Ellucian refresh project was initiated upon completion and Board approval of University Technology Plan (UTP) in 2012. The UTP identified 15 Primary Strategic Technology Initiatives to be addressed with four of the 15 being prioritized as "foundational". Two of the foundational initiatives identified in the UTP will be addressed as part of the Ellucian refresh and upgrade project.

The Ellucian refresh project includes implementation of two new Colleague Modules mentioned specifically in the NCAA report. The ADVISE model was implemented in 2016 as part of the Ellucian Project to replace an existing third-party application, MapWorks, that was no longer able to meet the needs of the Office of Student Success for tracking potentially at-risk

students. The STUDENT PLAN module was identified as a critical resource when it was first released by Ellucian as a way to help improve student success across campus for all students. Offices that will be involved in implementation of STUDENT PLAN are in the beginning stages of planning for the new module. It was not selected for the purpose of tracking progress-toward-degree of our athletes but it should help improve the resources they use for that purpose.

Other significant implementation that has been completed as part of this project includes an upgrade of the RECRUITER module and migration of that application to be cloud-hosted. This module is used by Enrollment Services for identifying, tracking and communicating with student prospects. A student self-service module became available this semester and numerous training and needs assessments have also been completed to date as part of this project.

APPENDIX B

Continuing Concerns re: the NCAA infraction report (statement read by Senator Adams on the Senate floor, in response to CFO Patrick's message [see Appendix A])

I'd like to thank Chair Dobranski for requesting this information and CFO Patrick for providing a timely response. Her laudably detailed message implicitly underscores the need for more oversight and ultimately raises a few new concerns. In the interest of furthering the conversation, and moving toward concrete solutions, I'd like to lay these concerns out below.

According to the "Morehead State University Public Infractions Decision (February 10, 2017)," the publicly posted document is the result of a "cooperative summary disposition process in which all parties agreed to the primary facts and violations, as fully set forth in the summary disposition report (SDR)." If our CFO presents an alternate timeline for software purchases/decisions overall¹ and openly states that the first statement of fact in the appendix to the NCAA decision is "**not factually accurate**,"² then all parties have NOT agreed to the "primary facts." This is concerning on two fronts: (1) MSU is now "on record" as having accepted and agreed to a report that is not fully accurate, and (2) this inaccurate report, which provides "additional time for oversight and monitoring by the Association," will necessarily shape our ongoing compliance efforts.

While it would be useful to try to determine how the NCAA got the specifics right (Ms. Patrick states that "two new Colleague Modules mentioned specifically in the NCAA report" are part of the Ellucian refresh project) and the big picture wrong (the refresh project is independent of NCAA rules and regulations), what matters most is that we correct the "big picture" before we have to submit any further updates or reports. Why? Because updates and reports that include statements that we know to be factually accurate and the NCAA does not could be perceived as inaccurate or misleading. We DO NOT need to run the risk of compounding this infraction. We are already at the second highest level of violation.³ We don't need further confusion or problems, particularly at a time when the institution as a whole is preparing for new leadership. (The new President will already be on the hook for the penalties/measures outlined in the current report. That person doesn't need even more NCAA trouble.)

We should also take greater care and consideration in our conversations with the NCAA to avoid such problems in the future. Ms. Patrick notes that the "software refresh/upgrade project. . . . was mentioned to show MSU's commitment to maintaining an effective system for processing and maintaining up-to-date technology systems." It is easy to see how such a discussion could lead the NCAA to assume that our refresh project was intended to meet NCAA rules and regulations: An audit had just uncovered the fact that MSU was using a software system that was not (at least in one instance) up-to-date (we ourselves asserted that our current software didn't have the same functionality as our previous system), and the NCAA was suggesting that we institute a manual check of records. Given all of this, there is no real reason why a general discussion of our commitment to up-to-date technology would be relevant, as a relatively antiquated technological failure led to our violation in the first place. Any NCAA member told of our technological updates (in the abstract) could logically infer that the cited updates were designed to rectify the specific error that led to non-compliance. (Why else would we even be dwelling on that which

caused us the serious infraction in the first place?) Perhaps if we were more scrupulous in our conversations, we could avoid such misunderstandings.

It behooves us to get “on the same page” with the NCAA because we are already infracting our infraction. Under “Additional Penalties” in “Morehead State University Public Infractions Decision (February 10, 2017)” (specifically, 6e), MSU is mandated to provide “a direct, conspicuous link to the public infractions decision located on the athletic department’s main ‘landing’ webpage.” As I noted in the last CR, there is a link to a press release that says that the NCAA released an infraction statement, but this link is currently on page 3 of the Archives of sports news and will continue to move further back in the archives as more stories are added. This is NOT what the NCAA has mandated. “[I]nstitutional media guides” and “alumni publication[s]” may provide overviews (akin to what we see in the press release linked in the archives), but the main athletics page must have a direct link to the NCAA report, a link that is clearly marked and visible. I’d hate to see us (or, more correctly, the Foundation) fined even more money for failing to meet this simple mandate.

Before I conclude, I’d also like to note that Ms. Patrick’s message (and the meeting that was called by the President to address the Senate’s queries, a meeting attended by Chair Dobranski and Regent Berglee) dramatically underscores the points I made in my previous statement to Senate. According to our own sequence of events, we began an upgrade/refresh project before we were aware of the full problems or issues with our current software. The fact that we had opted to work with Ellucian to update our software before we were even audited doesn’t just mean that the update wasn’t prompted by NCAA rules and regulations—it also shows that we made another software investment without full due diligence. Furthermore, Ms. Patrick’s careful outline of the Ellucian project itself belies the fact that we do not have the resources we need in IT. We hired a consultant because we didn’t have the expertise needed, and, according to Ms. Patrick’s overview, we won’t even be able to finish everything we intended to finish during our contract period because we don’t have enough IT support. This means that necessary updates will be delayed, and that we may have to pay more for them, because we will no longer be locked into the agreed upon prices in our Ellucian contract. This is troubling.

Also troubling? The lack of oversight in bonuses. The Foundation graciously agreed to pay our NCAA penalty, but the general E&G budget provided the \$6,176 “supplemental pay” to an employee who met APR rates, even though we had just discovered, via the NCAA audit, that we couldn’t trust the numbers we generated to create those rates.⁴ Either we didn’t understand how eligibility factored into APR rates or there was a breakdown in communication across units/offices. Neither scenario is good.

The same could be said of our notation of what could have forestalled the infraction. In the February 24th meeting that Chair Dobranski attended, AD Hutchinson explained that many of the ineligible student-athletes

would have been eligible if they had changed from their actual programs of study to the University Studies program. I found that statement odd and asked Mr. Hutchinson if the NCAA frowned on that type of action—on changing a student’s major to a general studies major for the purpose of meeting NCAA eligibility requirements. He replied that this is not counter to NCAA policy. I asked if this is a common practice, and he indicated that it is. I took his response

as indicating that many universities do this. (2/28/17 email from Chair Dobranski to the EC)

It may well be that it is common practice to shift transfer students into University Studies degrees in order to render them eligible. What's good for the NCAA, though, is not necessarily good for MSU. In keeping the letter of NCAA law, we're creating excess work for staff persons and causing potential confusion for both students and advisors. We're also harming programs whose numbers dip, not due to attrition, but to creative classification for the NCAA. Is that a practice we want to continue, particularly as we are crafting a policy for the elimination of programs and tenured faculty based, in part, on program numbers?

¹ The NCAA report states that MSU purchased new software in 2008, and that it is this software that will be updated. Ms. Patrick's email implicitly confirms that it is our current software that will be updated (c.f. her discussion of the "two new Colleague modules," which are cited in the NCAA report), but her message states "MSU has been utilizing its current ERP business management software application, Colleague, for over ten years." This would place the initial purchase of our current software at 2007 or before. This inconsistency only magnifies the disconnect between the overview of our software update in the official NCAA infractions decision and MSU's record keeping.

² See Appendix A of this Communication Report, which includes the entire text of CFO Patrick's response.

³ NCAA violations are scaled from 4 (Incidental Infraction) to 1 (Severe Breach of Conduct). Our current infraction, Level II, is defined this way in the NCAA By-laws: "19.1.2 Significant Breach of Conduct (Level II Violation). A significant breach of conduct is one or more violations that provide or are intended to provide more than a minimal but less than a substantial or extensive recruiting, competitive or other advantage; include more than a minimal but less than a substantial or extensive impermissible benefit; or involve conduct that may compromise the integrity of the NCAA Collegiate Model as set forth in the constitution and bylaws."

⁴ According to the NCAA 2016-2017 Manual: "14.02.2 Academic Progress Rate. The Committee on Academics shall have the authority to determine the minimum acceptable academic progress rate (APR), which shall include a calculation that accounts for currently enrolled student-athletes. The rate shall account for the institution's success in retaining and graduating all such student-athletes. **Further, the rate shall account for the academic eligibility of the student-athletes, including all applicable NCAA, conference and institutional academic eligibility requirements.** The committee shall publish an explanation of the APR calculation to the membership annually." (emphasis added) If you don't have eligibility right, you can't gauge progress rate, so, given the agreed upon error with our technology, there's no way we could have met APR.