



Faculty Senate Archives

Faculty Senate

Academic year 1993-1994

Volume VII

Agenda and Minutes of the Meeting of August 30, 1993

AGENDA
FACULTY SENATE
The Wichita State University

Room 126 CH

3:30
~~3:00~~ p.m.

Meeting Notice: Monday, August 30, 1993

Order of Business:

- I. Calling of the Meeting to Order
- II Informal Statements and Proposals
- III. President's Report
- IV. Approval of Minutes
- V. New Business
 1. Presentation and Discussion
President Hughes
Interim Vice President Dreifort
 2. Dismissal for Cause Policy and Procedure (green attachment)
Consideration of changes suggested by Regents' attorney
(additions shown in italics, deletions struck through)
 3. Senate's Goals and Priorities for the 1993-1994 Year
Please be prepared with ideas and issues of concern to you
and your constituents.
- VI. As May Arise

EXECUTIVE COMMITTEE

James Clark, President	3220	Box 78
Dwight Murphey, Vice President	3219	Box 88
Gayle Davis, Secretary	3359	Box 82
Joyce Cavarozzi, President-Elect	3541	Box 53
Walter Horn, Elected by Senate	3410	Box 44
Jolynne Campbell, Elected by Senate	3147	Box 43
Sue Bair, Appt'd by Senate Pres.	3340	Box 16

Revised Draft 8/16/93

WICHITA STATE UNIVERSITY

PROCEDURES FOR DISMISSAL FOR CAUSE

I. STATEMENT OF POLICY

It is of the essence of a university that its faculty have committed themselves to a life of the mind. On a personal level, their choice of that life frequently involves a decision to forego careers that are more lucrative. More broadly, history shows that a vigorous life of the mind often exposes the scholar to dangers that could have an inhibiting effect on the pursuit of truth, an inhibition that is highly destructive of an essential pillar of civilization. For these reasons, it is incumbent upon institutions of higher learning jealously to guard their faculty from arbitrary dismissal. Wichita State University sees dismissal of a faculty member for cause, especially one who has earned tenure, as a matter of the utmost gravity. It is essential that the proceedings be conducted both in letter and in spirit in a way that recognizes the seriousness of the penalty and that protects the accused from all that is arbitrary, both for his or her sake and for that of the university community's continuing intellectual freedom. At the same time, there are many other interests that a university must serve and protect, and it is the policy of the University not to shield dereliction or abuse by a faculty member. The result of the procedure must always be a fair hearing of the evidence and a judicious weighing of the competing interests in which substantial weight will be given to the legitimate protection of *the Constitutional and academic freedom rights of the* faculty. In making this assessment, care must be given not to overvalue other interests, regardless of the temper of the time.

II. GENERAL AND ADMINISTRATIVE

1. These procedures have been developed and agreed to by the President of the University and the Faculty Senate.
2. The Faculty Senate President is responsible for selecting an Informal Review Committee for informal hearings.
3. If the Informal Review Committee recommends a formal hearing, the Faculty Senate Rules Committee will select the Formal Review Committee.
4. The Formal Review Committee is responsible for conducting the formal hearings and is required to function within the procedures described in this document.
5. The Chair of the Formal Review Committee is responsible for ensuring that fair and proper procedures are followed and for submitting the final report to the President of the University.
6. The Formal Review Committee may have the advice of independent legal counsel if it determines that such advice is necessary. However, the role of the Formal Review Committee is not to serve as a court of law, but to use its professional judgment in determining the appropriate disposition of a case within the limits set out in this document.

7. *The time limits in this policy may be extended by mutual agreement among the parties and the Formal Review Committee.*

III. INFORMAL REVIEW COMMITTEE

1. The Dismissal for Cause procedure begins with the filing of a written complaint with the President of the Faculty Senate against a faculty member by the Provost or the faculty member's dean. The complaint must contain charges, alleging specific misconduct, against the faculty member. Upon receipt of a complaint, the Faculty Senate President will convene an Informal Review Committee of three faculty members to conduct informal hearings on the complaint. [...see sec. 3.02 of handbook]. These informal hearings are conducted to mediate a resolution of the problem, or to recommend a formal hearing if no mutually- agreed resolution can be effected and if the alleged improper conduct is sufficiently serious to warrant dismissal from the University.

2. If the Informal Review Committee makes a preliminary finding that the charges, if ~~true~~ *substantiated*, might be sufficient in its opinion to warrant dismissal, it will direct that the matter proceed to a formal hearing. In such case, the committee will inform the Chair of the Senate Rules Committee and will finalize the content of the complaint. Only charges as to which the Informal Review Committee believes there is plausible evidence to support the charge will be included. It is upon the specific charges contained in that document, as it may come to be amended, that the matter will proceed. Any additional charges must be approved by the Informal Review Committee if they are to be heard in formal hearings.

3. A charge may not relate to misconduct that is more than one year old at the time the charges are formalized. Exceptions may be made, however, if a pattern of misconduct may be shown that includes acts that go back further than one year, if the last act in the pattern was committed within the year preceding the formalization of the charges by the Informal Review Committee, *or if the misconduct was only discovered within the last year.*

4. No substantive amendment may later be made to the complaint unless the faculty member is given adequate time, as judged by the Formal Review Committee, to prepare a defense.

5. The complaint will list by name the witnesses that the University may call as to each charge, but one or more witnesses may be added later if the faculty member is given adequate time to prepare, again as judged by the Formal Review Committee.

6. If dismissal is sought against more than one faculty member, a common proceeding, as distinct from individual proceedings, will be decided upon by the Informal Review Committee only if the accused faculty members all agree to it and further agree unanimously among themselves that the hearings are to be open or closed. Once such agreement is given on both points, it may not be rescinded. In the event a common proceeding is decided upon, the Informal Review Committee and the parties will agree upon any special rules that may be needed relating to it. If they cannot agree, a common proceeding will not be held; but if they agree, the agreement is binding on all parties thereafter unless mutually rescinded or modified.

7. The faculty member or members may, at any time no later than three days before the beginning of the formal hearing, file with the Chair of the Senate Rules Committee a written response to the charges.

8. If the University suspends the accused faculty member before final action is taken by the

President, the suspension will be without prejudice to the continuation or outcome of the procedure stated here. These Rules do not themselves speak to the issue of whether the University has a right to suspend faculty prior to the President's final action.

IV. SELECTING THE FORMAL REVIEW COMMITTEE

1. The Senate Rules Committee, with technical assistance supplied by the University Affirmative Action Officer, will establish a pool of thirty tenured faculty members, randomly selected (although the randomness is modified by the criteria provided for in this Section IV), as potential members of Formal Review Committees. These faculty members also may be members of the existing pool maintained for grievances. No member of the pool selected for service in a given case shall be from the same department as an accused faculty member. Persons selected for service on the Formal Review Committee who allege conflict of interest or who cannot be impartial may petition the Provost to be excused from serving in the particular case. No faculty member will remain a member of the pool for more than three years except to complete a case in progress. The Faculty Senate may establish a system for staggered terms of service in the pool.

2. The pool will be representative of the University faculty, considering rank and college, and will include members of the federally protected classes.

3. After the Informal Review Committee has directed that a matter proceed to formal hearing, the Chair of the Senate Rules Committee in consultation with the members of the Rules Committee will select a person from the pool as the Chair of the Formal Review Committee, and will then select four additional members of the pool to constitute the remainder of the Formal Review Committee. In cases where the charges include a charge of discrimination against a person in a federally protected class (as defined by the Civil Rights Act of 1964, as amended), the committee as finally constituted will, whenever possible, contain at least one person who belongs to the protected class or classes to which the person allegedly discriminated against belongs; and in cases where the accused faculty member belongs to a federally protected class, the committee as finally constituted will, whenever possible, contain at least one person who belongs to the protected class or classes to which the accused faculty member belongs. No person who served on the Informal Review Committee relative to the given case shall then serve on the Formal Review Committee.

4. The parties shall attend the meeting of the Senate Rules Committee at which the selection of the Formal Review Committee is made. At that meeting, a prospective Formal Review Committee will first be chosen, in the manner described in the preceding paragraph. Thereupon, the University and then each accused faculty member in alphabetical order may exercise one challenge to remove a person from the prospective panel. This rotation shall be gone through until each party has had an opportunity to remove four persons. These four challenges can be used without giving a reason [i.e., they are 'peremptory challenges']. It is not required, however, that a party exercise them. There will be unlimited challenges for cause, for which the party making the challenge will, at the time it is made, submit a written statement of justification. The Senate Rules Committee will decide the merit of challenges for cause. If a prospective hearing committee member is removed by challenge, the Chair of the Senate Rules Committee will immediately make a new selection; and if the person who has been removed is the person who was named to serve as Chair, the new selection shall be for the Chair's position. This new selection of someone for the Chair's position may be of someone already selected as one of the four other persons to serve on the committee, in which case the naming of that individual will create an opening that the Chair of the Senate Rules Committee will fill by a selection from the pool. If the pool is exhausted by the challenges, the Senate Rules Committee will add temporary members to the pool for the hearing of the one case.

If this occurs, each party will have one additional peremptory challenge.

5. If, once the panel has been established, any member of the Formal Review Committee is unable to continue because of good and sufficient reason as judged by the remainder of the Committee, a replacement agreeable to both the faculty member or members and the representative of the administration shall be appointed by the Chair of the Senate Rules Committee.

6. Faculty who serve on an Informal Review Committee or on a Formal Review Committee are exempt from service on either type of committee for the two years immediately following that service. Faculty who serve as Chair of a Formal Review Committee are exempt from service on either type of committee for the five years immediately following that service.

V. RESPONSIBILITIES OF THE FORMAL REVIEW COMMITTEE

1. The Chair of the Formal Review Committee is responsible for ensuring fair and expeditious procedures, for setting the schedule of the hearing, and for chairing the meetings. The Chair is responsible for submitting the final report of the Formal Review Committee to the President of the University and to the parties.

2. Members of the Formal Review Committee are responsible for attending the meetings, for considering all evidence and testimony, and for using their best professional judgment in deciding whether dismissal is warranted by the evidence, whether some other sanction is warranted by the evidence, or whether no sanction or penalty is appropriate.

3. The hearing itself, unless it is an open hearing, and the deliberations following the hearing of evidence and argument will be confidential. Unless ordered by a court to the contrary, all members of the University community have a duty to maintain that confidentiality. The Chair and members of the Formal Review Committee will sign the final report, although one or more concurring or dissenting reports may be attached by panel members.

VI. PROCEDURES PRIOR TO THE HEARING

1. Unless the accused faculty member or members and the Chair of the Formal Review Committee agree to an earlier hearing, twenty- one (21) calendar days must elapse between the final formalization of the charges by the Informal Review Committee and the first hearing day.

2. The Chair shall call the Formal Review Committee to its first meeting not less than one week before the scheduled date of the hearing so that the Formal Review Committee may review its procedures and responsibilities and receive the formal charges. Thereafter, the Formal Review Committee will meet at the call of its chair.

VII. HEARING PROCEDURES

1. The Chair of the Formal Review Committee will establish the schedule for the hearings. Every effort will be made to complete the hearings in a timely manner as well as to accommodate the

needs of the parties.

2. The Formal Review Committee may request the University or any person, including the accused faculty member, to provide information the committee considers relevant and material to its deliberations. The University and any person employed by the University, including the accused, will have a duty to provide that information, if requested, and/or to testify if called by the Committee, unless a privilege against self-incrimination in relation to a possible crime is asserted. Neither the University nor any person employed by it shall retaliate for testimony or information given.

3. The Formal Review Committee may make arrangements for written testimony with the consent of all parties.

4. The University and each accused faculty member may be advised by an individual of his, her or its choosing, who must be an employee of the University, and by legal counsel. The Formal Review Committee may itself have legal counsel that is independent of the University's counsel and of the Regents' legal staff.

5. The Chair shall conduct and control the hearing. To help assure a competent presentation on behalf of the accused, the accused faculty member may have someone who is employed by the University present as an advisor, and this person may present the case for the faculty member, including making statements and questioning witnesses. In order best to maintain an atmosphere of considered judgment by a panel of the accused faculty member's peers, no attorney, other than such advisor if he or she happens to be an attorney, shall be allowed in the hearing room.

6. All hearing of evidence and argument by the Formal Review Committee will be electronically recorded, and the recording will be retained by the University Archives for a period of five years. If, however, the rules of the Board of Regents require a stenographic or other form of record, such a record shall be made in place of a recording, and so retained for five years.

7. The hearings will be closed, subject to the following exceptions: (a) they will be open if the accused faculty member, or the accused faculty members by unanimous agreement, inform the Chair prior to the hearings of his, her or their desire for the hearings to be open; or (b) observers, not to exceed three in number, may be admitted to the hearings if the accused faculty member or members agree to their admission and indicate that they waive any future complaint that they may come to have about any breach of confidentiality the observers may commit. If the hearings are open, members of the media may attend. However, the hearings may not be televised, broadcast, or electronically recorded (other than the official recording referred to in the preceding paragraph), except with the consent of all parties and the Committee.

8. The members of the Formal Review Committee shall deliberate without the presence of any other persons.

9. The University will have the "burden of proof" as to the charges made in the complaint, and the accused as to any new material asserted by him or her. Because of the gravity of a dismissal for cause, the charges must be proved by "clear and convincing" evidence. [This is a more stringent requirement than is required in most civil cases, where only "the greater weight of the evidence," also known as a "preponderance of the evidence," is needed. At the same time, it is less stringent than the requirement in a criminal case that the charges be proved "beyond a reasonable doubt."] New material raised by an accused faculty member will, however, need to be established only by a

"preponderance of the evidence."

10. In the absence of independent proof of the misconduct, the existence of a past charge of misconduct, including misconduct that is alleged to form part of a pattern, will not be ~~allowed into evidence considered by the committee~~ unless: (a) it is or has been admitted to by the accused, or (b) a formal finding of guilt was made earlier by an administrator or a faculty committee, in either case after a proceeding that afforded a fair hearing.

11. To warrant dismissal for cause, a charge, if ~~found to be true~~ *substantiated*, must amount to grave misconduct or serious, continuing and irremediable [needs to be rephrased or deleted?] dereliction of duty. Conviction of a felony by a trial court will also warrant dismissal ~~if the crime is of a sort that by prevailing social standards involves an act of moral turpitude~~. Dismissal for such a conviction will not occur, however, until there has been an unfavorable disposition of appeals to higher courts, ~~if the University's counsel certifies his or her opinion that there is reason to believe that an appellate court will overturn the conviction~~. Notwithstanding the above, if the ~~misconduct or felony relates to the accused faculty member's personal life and does not affect his or her performance of duties at the University, it will be a basis for dismissal only if it involves moral turpitude as defined above or consists of a felony that meets the tests just stated~~. [not consistent with Regents Policy Manual]

12. All parties may call witnesses and introduce evidence. The parties will have access to all written and oral evidence that is introduced and considered. The Formal Review Committee and the parties may question each witness. Each party may offer rebuttal witnesses or statements to any evidence or testimony after it is presented. The Formal Review Committee shall consider the evidence and testimony presented by each side.

13. Although the Formal Review Committee has no power of subpoena, all employees of the University are declared to have a duty to assist the hearing process and to testify if called, provided that a faculty member shall not have a duty to testify about how he or she voted on a personnel matter, including contract non-renewal, tenure or promotion. Because information that is unavailable may have a material bearing, the Formal Review Committee will take the absence of information or of a witness into consideration in arriving at its findings and recommendations, which may include a statement that the Formal Review Committee has, for that reason, not been able to provide a complete and fair hearing.

14. The Formal Review Committee is not limited by the rules of evidence as applied in a court of law, and the Chair of the committee may admit such evidence as he or she (subject to being overruled by the committee as a whole) considers desirable and relevant to hear. The committee shall then give it such weight as it seems to deserve.

15. When each party has presented its evidence and made a final summary of its case, the Formal Review Committee will retire to deliberate. The deliberations will not be recorded.

16. The private notes of a Formal Review Committee member are the committee member's work product and not part of the official record.

17. Members of the Formal Review Committee will, until the committee's written final report is filed with the President, scrupulously avoid discussing the case with any person who is not on the committee, *or with other committee members apart from the meeting of the group*. The Chair of the committee may, however, discuss procedural and evidentiary issues with the parties or their representatives and may keep the University President and the President of the Faculty Senate

apprised of the progress, though not of the content, of the hearings.

18. The Formal Review Committee will vote by secret ballot on each of its findings and recommendations.

19. Settlement between the parties may occur at any time.

20. For the Formal Review Committee to conduct its hearings or deliberations, all members of the committee must be present, with the exception that if one member of the committee becomes unable, after the hearings have begun, to attend, the remainder of the committee, consisting then of four members, shall constitute the panel for all further activity. If two or more members of the committee become unable to serve, the hearings shall be suspended and the Senate Rules Committee will initiate the process again with the selection of a new Formal Review Committee. To avoid dropping a member or causing the creation of a new committee, the Chair of the committee may postpone sessions of the committee, for a period not to exceed thirty days, during the period of a committee member's *temporary* inability to serve.

VIII. PROCEDURES AFTER THE HEARING

1. The Chair of the Formal Review Committee will submit the signed final report of the committee, together with any written concurring and dissenting opinions, to the parties and to the President of the University within ten (10) weekdays, exclusive of holidays, of the conclusion of the hearing. The final report shall:

a. State, as to each charge, whether the burden of proof has been met and the charge established.

b. State the recommendation of the committee, which may be for dismissal, or for a lesser penalty or penalties, or for vindication; and shall state the grounds supporting it.

c. Make any recommendation regarding the process that the Formal Review Committee considers appropriate.

d. With regard to each of the foregoing, give the vote on each. So that confidentiality of the voting can be maintained even in cases where there is unanimous agreement by the committee members, at least one vote shall always be reported as being opposed to the finding or recommendation.

e. Be signed by all members of the Formal Review Committee, although the signature of any member shall not necessarily signify that member's agreement with the result.

2. The Formal Review Committee will file a separate report, relating to the dismissal-for-cause procedures, with the President of the Faculty Senate and with the Provost. This report should address the effectiveness of the procedures and make recommendations for whatever changes the committee deems appropriate in the procedures or in other matters. This report should be filed within thirty (30) calendar days of the completion of the work of the committee.

3. Within four (4) calendar days of receipt of the Formal Review Committee's final report, any party may submit a written statement to the President of the University.

4. For a dismissal-for-cause to occur, both the President of the University and a majority of the Formal Review Committee must concur in that action. As to lesser penalties, if any, the President will act in agreement with the recommendations made by the Formal Review Committee unless the President communicates in writing to the President of the Faculty Senate reasons, with supporting explanation, that the President considers "clear and compelling" for not doing so. In formulating the decision, the President may meet with the Formal Review Committee in the presence of all parties to review the Committee's final report.

5. The President of the University will notify the accused faculty member or members of the President's decision, and in the event the faculty member is dismissed, or other penalties or sanctions are imposed, will state in writing the reasons for so doing.

6. If the faculty member is not dismissed, and no other penalty or sanction is imposed, the faculty member will not be subject to retaliation.

7. Once the University President has informed the accused faculty member of the decision, the Chair of the Formal Review Committee shall deliver all files and records of the proceedings to the University Archives, which shall hold them for at least five years. Such material will be considered confidential.

TO: Faculty Senate Mailing List

August 24, 1993

FROM: Jim Clark President, Faculty Senate

SUBJECT: President's Report for August 30 Senate Meeting

In past years, the President's Report has been given verbally at each Faculty Senate meeting. This year, I want to try distributing a written President's Report before meetings, and reserve the President's Report meeting segment for questions and discussion, and for any late-breaking information. Providing the report in written form should also make the information more available to the faculty in general, since it will be sent to department chairs, deans, and others in the WSU community.

To help improve communication between the faculty and its Senate, I would request that department chairs post the Senate's meeting agenda, and this report, where faculty can read them. Please send any comments, suggestions, complaints, etc., to the Faculty Senate office, box 111, or pass them along through your Senator.

August 24, 1993

Faculty Senate President's Report

for August 30 Faculty Senate Meeting

I. University Cabinet Formed by President Hughes

President Hughes has formed a "University Cabinet" to increase communication and to provide discussion, advise, etc., on university-wide policies and issues. At present, the Cabinet consists of the five university Vice Presidents, the Deans of the six degree-granting colleges and the Deans of the Graduate School, Continuing Education, Library, and University College, and the Presidents of the Faculty Senate, Unclassified Professional Senate, Classified Senate, and Student Government Association. The first meeting of the Cabinet is August 25.

II. Budget Shifts Enhance Instructional Areas

Several years ago, the Faculty Senate Planning and Budget Committee began documenting the steady, decade-long shift of state-provided General Use funds to Administration budget areas from the Instructional budget area (Instruction is defined as the regular teaching and advising activities within the instructional departments and summer school). In 1983, Instruction received 55.62% of WSU's General Use budget; by 1993, that had dropped to 51.47%. Former President Armstrong recognized the need to reverse this trend in his Program Review recommendations last spring. After extensive discussion with the Senate Executive Committee, Armstrong set a target of raising the Instructional percentage to 53.54% from the current 51.47% of the GU budget over the next three to seven years. This increase is to be accomplished by allocating a larger share of **all** budget increases received by WSU to the Instructional areas until the target percentage is reached.

After discussion between the Senate Executive Committee, the university Vice Presidents, and Former President Armstrong, a modest, good faith beginning on this funding shift was negotiated for the current budget year. The budget shifts came in three categories:

- 1. Salary Increases:** Faculty and unclassified professionals budgeted in the instructional academic departments received merit pay increases averaging 2.6%, while administrators and other unclassified faculty and professionals budgeted outside instruction received merit increases of 2.4%.
- 2. Operating Expenses:** Departments budgeted within the Instructional area received an average of a 6.8% increase in their OOE (Other Operating Expenditures) budgets, used to pay for supplies, copying, etc. University areas outside Instruction received an average of a 1% increase.
- 3. Student Employee Funding:** Departments within the Instructional area received an average increase in funding for student employees of 6.7%. Other areas received a 1% increase.

III. Senate Neighborhood Initiative Expands

In response to a request from Inter-Faith Ministries, last year's Executive Committee began a neighborhood initiative, initially meeting with representatives of organizations from the neighborhood west of WSU to explore ways that WSU could use its capabilities to better serve people within the neighborhood; Keith Williamson, last year's Senate Vice President, led our efforts. Our initiative received support from the WSU administration, and helped lead to a proposal to the Department of Education for a Title XI Urban Community Service Program grant totalling over \$500,000. President Hughes has indicated that WSU will try to provide programs to the neighborhood, of the type originally discussed by the Faculty Senate, even if WSU does not receive the grant funding.

IV. Status of Vacancies and Searches

A. Vice President for Academic Affairs Search

The Search Committee is in the process of making its initial evaluations of the applications received. By the end of this week, the number should be narrowed down substantially, some details will be released, and reference checking will begin for those still under consideration. The search process is patterned after the process used in the last Provost search, with multiple opportunities for faculty to meet those candidates invited to campus, and to express their opinions on the candidates to the search committee and the President. The Search Committee includes representatives from the nine Senate areas, the Presidents of the Faculty, Staff, and Unclassified Professional Senates, an SGA representative, and is chaired by Dean Roberts of Health Professions.

B. Associate Vice President for Academic Affairs

Interim VPAA Dreifort has decided not to fill the Associate Vice President position left vacant when Gerald McDougall left WSU to become Dean of Business at Southeast Missouri State.

C. Dean of Barton School of Business

The current plan is to appoint a faculty member from the Barton School as interim Dean for three years, rather than conduct another national search at this time; the Barton School has accreditation processes coming up in the near future. Following discussions with faculty in the School, there are several candidates still under consideration, with a decision by President Hughes expected soon.

D. Deans of LAS and Education

The current plan is to conduct a national search for these positions, beginning shortly and following the standard model.

E. Athletic Director

Four candidates have been visiting campus last week and this week, with open meetings for Faculty Senate members available. The Search Committee expects to recommend three finalists to

President Hughes next week. The Search Committee includes several faculty, several community representatives, an SGA representative, and the Presidents of the three Senates.

V. Senate Executive Committee Meetings

Agenda for July 7, 1993:

Meet with members of last year's committee to discuss left-over and on-going issues and projects.

Agenda for August 17, 1993:

1. Consider grade replacement proposal from SGA
Assigned to Academic Affairs Committee for recommendations
2. Consider suggested changes in Dismissal for Cause Policy from Regents' attorney
Sent to Senate for discussion and approval
3. Consider Senate reorganization resulting from Program Review changes in Education and from changes in numbers of faculty
Will be sent to Rules Committee when official counts of faculty are available in early September
4. Consider suggested policy on Board of Trustees Distinguished Professors
Sent to Academic Affairs for consideration
5. Discuss hold-over and future issues for Senate:
Sexual Harassment Policy
Ombuds proposal
Task Force on Athletics - meet with new Athletic Director
Endowment Assn / Board of Trustees - more open reporting
General Education updates
Senate committee structure - improving lines of communication

FACULTY SENATE

The Wichita State University

Minutes of the Meeting of Monday, August 30, 1993

MEMBERS PRESENT: Ackerman, Allen, Bair, Bajaj, Benson, Brady, Burk, Campbell, Carroll, Cavarozzi, Chopra, Clark, Daugherty, G. Davis, L. Davis, DeSilva, Dreifort, Duell, Flentje, Furtwengler, Greywall, Gythiel, Hanrahan, Hawley, Hay, Horn, Houts, Hoyer, Hundley, Hughes, Kelly, Koppenhaver, Kraft, Kuchment, Lancaster, Lansing, Mandt, Matson, May, Merriman, Murphey, Parkhurst, Pitetti, Romig, Sharp, Terrell, Thomson, Wahlbeck, Wherritt, Yeager, Zandler

MEMBERS ABSENT: Chopra, Combs, Teshome, Williamson

GUESTS: Brunner, Eagle Reporter, Sunflower Reporter

Summary of Action Taken:

1. Elected Randy Chambers to fill Abu Massud's Senate Seat during the Fall 1993 session.
2. Approved the WSU Procedure for Dismissal for Cause. Forwarded to President Hughes.

I. MEETING CALLED TO ORDER by President Clark at 3:30 p.m.

II. INFORMAL STATEMENTS AND PROPOSALS.

Senate President Clark welcomed President Eugene Hughes, Interim VPAA John Dreifort and new Senate secretary Bobbi Dreiling.

Senator Mandt noted that the Joint Legislative Educational Policy Committee held hearings on tenure and that State AAUP President Delores Furtado testified as did Regents counsel Ted Ayers who used the post tenure review compiled by Marty Hammond Paludan in his testimony. He also mentioned that Linda Ray Pratt would be the speaker at the meeting to be held October 2. In January or February there will be another meeting with legislators at the Capitol using the theme "Building Unified Vision Part II" and requested suggestions for a speaker on the topic of Teaching and How it relates to research.

Senator Kraft asked if there was any response planned by the University to the Wichita Eagle editorial on Sunday, August 29, 1993, in which enrollment declines were blamed on what the writer claimed was a significant portion of WSU faculty who are uncaring and inflexible toward students. A discussion of the negative attitude of the Eagle editorial staff toward WSU followed, including the negative effects on the morale of WSU faculty and on the university's image in the community. President Clark will look into the university's plans to address this situation.

III. PRESIDENT'S REPORT.

The President's report was distributed before the meeting.

The Athletic Director Search Committee is under way with four candidates interviewed during campus visits since the third week in August.

The Vice President for Academic Affairs search is progressing. Out of 72 applications, the search has been narrowed to 16 candidates. Written references are now being sought for those applicants. There will be a further report in October.

Community college leaders are meeting in Wichita this fall. Marty Shawver, Associate Director of Academic Affairs, suggested inviting faculty from community colleges to meet with WSU faculty. There were no negative responses to the idea.

IV. MINUTES.

There were no minutes to distribute at this time.

V. NEW BUSINESS.

1. President Clark asked for a vote on the nomination of Randy Chambers to replace Senator Massud on the Senate this fall. The replacement is required because of a class conflict. Senator Murphey ask what the usual process was for replacing a Senator. President Clark said the traditional procedure is to ask the Senators from that College to get together to nominate a replacement. Senator Hoyer said normally a Senator is elected from each department anyway so this nomination is not out of line. Senator Murphey moved to accept the nomination, Senator Hoyer seconded. The positive vote was unanimous.

2. President Clark introduced President Hughes. His remarks focused on his thoughts concerning where we are as a university and what goals we seek to reach. His comments centered on his desire to see us develop a greater sense of pride in the university, to work together to rekindle the past more positive spirit of WSU. He thinks we need to further nurture the university's relationships with its constituencies, including the Regents, Legislature, and everyone in the state and community. He would like to build our reputation not only as a Wichita university but also a Kansas university. WSU will start the Northeast neighborhood center with or without outside funding. He has requested feasibility studies on building a parking structure and more student residence halls. He wants to increase the university's off campus services and vary its instructional formats to meet student needs. President Hughes announced his appointment of Gerald Graham as Dean of the Barton School of Business and said he would appoint the new Athletic Director by the first week of September and that he will work on hiring a new Academic Affairs Vice President as quickly as possible.

Questions and Discussion followed:

Senator Daugherty raised concerns regarding the difficulty of formulating a University Sexual Harassment policy. President Hughes acknowledged the complexity of the problems encountered when universities work to develop those standards and stated his desire to work with the faculty in writing an effective sexual harassment policy. President Clark reminded the Senate that it would consider the latest draft of WSU's policy at the September 13th meeting. IVPAA Dreifort noted that the University of Kansas had just mandated a sexual harassment policy that prohibited consensual relationships between faculty and students.

3. President Clark introduced IVPAA John Dreifort who reported that he will soon take the new Tenure and Promotion document to President Hughes for his

approval. Searches for the Deans of Liberal Arts and Sciences and College of Education will start soon. In order to keep communication with the Senate as open as possible, IVPAA Dreifort plans to meet with President Clark weekly and President Clark will attend the University Cabinet meetings.

Questions and Discussion followed:

President Clark asked if classes should be canceled the afternoon of President Hughes' inauguration. Dreifort answered that it is not mandatory, but very highly recommended for this special occasion. Senator Duell asked if academic regalia was mandatory if faculty wanted to attend the inauguration. Dreifort said one should wear regalia if at all possible.

President Clark asked what status the new Dean of Business holds. Dreifort responded that at the end of three years his performance will be reviewed as is usual and that Dr. Graham should be considered the Dean and not an interim dean.

Senator Wahlbeck asked whether there were any plans to sequence the searches for Academic Vice President and Deans. Dreifort explained that the VP will probably be in place before the others, so candidates for the dean positions would know for whom they would work. Senator Mandt asked about the possibility of holding internal searches for deans. Dreifort encouraged internal candidates to come forward, but he explained that neither search committee was formed yet and no decisions on ground rules made. Senator L. Davis asked whether the search process would be as it was the last time, to which Dreifort responded that it would probably follow the standard procedure but it would not be the same committee as was appointed last year.

Senator Cavarozzi followed Senator Kraft's comment regarding concerns about the Eagle editorial. She suggested that the central administration should stand by the Faculty Senate President to find a way to modify some of these perceptions. Senator Houts agreed. IVPAA Dreifort said he doesn't discourage letters to the paper, but thinks our actions will speak to the criticism and the paper may eventually change its tune. He feels the same frustration and feels that it is a matter of what we do, not what we say. Positive comments were made with regard to the recent television advertisements featuring WSU President Hughes. Discussion ensued, including comments about the demoralizing effects of this editorial (Senator Houts); the desire that the administration support the faculty in meetings, letters to the editor and informal conversations (Senator Merriman); possible responses to the recent letter to the editor that misrepresented library policies restricting off-campus users (Senators Hundley, Carroll, Mandt & Horn).

Another area of discussion focused on speculation as to why WSU is losing enrollment to Butler County Community College. Several issues were raised in the discussion of WSU's enrollment competition including the need to educate the public that careful registration and advising procedures are time-consuming but beneficial to the student (Senator Daugherty); understanding the economics of the students' decisions about where to attend (Dreifort); WSU quality education with higher expectations versus perceptions of easier grading at BCCC (Dreifort, Senators Lancaster, L. Davis); and the advisability of requiring placement exams for transfers (Dreifort, Senators Wherritt, Bajaj & Murphey).

4. Dismissal for Cause Policy and Procedure:

President Clark said that this is the last consideration of the policy from last year's Senate. The Regents attorney went over the policy with President Clark and Associate Vice President of Academic Affairs Peter Zoller last summer. Senator Murphey moved to adopt with the recommended changes and Senator Hawley seconded.

Discussion:

Senator Wherritt questioned the addition at the end of page 2, paragraph

III. 3. because there is no statute of limitation stated. Discussion concerned the fact that financial improprieties, scientific misconduct or lies on resumes may only become evident after many years (President Clark, Senator Hawley). Some senators were still uneasy about an open-ended policy (Senators Lancaster, Wherritt) while others responded that there should not be a limit in these kinds of cases (Senator Benson) and that the review committee would keep out frivolous accusations (Senator Mandt). Senator Murphey resolved that if this is of concern to the Senate, we should take it back to the attorney.

Senator Mandt raised the concern that at WSU there is a problem with determining a "pattern of misconduct" because some cases have involved secretive unsubstantiated accusations. Senator Hoyer added that a faculty member has a right to be made aware of the perception of a pattern of misconduct. Senator Horn added a friendly amendment to the document to read: "the review committee will determine that the proposed exception is bona fide." which will be added to page 2, paragraph III. 3.

Senator Duell raised a question concerning page 6, paragraph VII. 11. if the faculty had lost anything in this section. President Clark said that this goes along with the faculty protection which we want. President Clark also mentioned the removal of the work irremediable. Senator Murphey said that the idea behind the word was that the faculty member only be dismissed after efforts to see if that member could be led to improve had failed.

Senator Mandt voiced support for the faculty role mandated on page 8, paragraph VIII,4. President Clark responded that the attorney is going to recommend against having faculty input to the extent stated.

The question was called by Senator Wherritt. The positive vote was unanimous.

The Meeting was adjourned at 5:00.

Respectfully submitted,

Gayle Davis, Faculty Senate Secretary