

Faculty Senate
Minutes of September 2, 2005

FACULTY ASSOCIATION OFFICERS

PROXY

Bill Humphrey—President	P
Richard Freer—Vice-Chair of the Senate	P
Bill Rowe—Past President	P
William B. Maynard—Secretary of the Faculty Association	P
Margaret McClain—Secretary of the Senate	P
Dennis White—Parliamentarian	P

AGRICULTURE (1)

Bert Greenwalt	P
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BUSINESS (3)

Vacant Seat	---
Dan Marburger	P
Jim Washam	absent

COMMUNICATIONS (2)

Jack Zibluk	P
Pradeep Mishra	P

EDUCATION (5)

Cindy Albright	absent
Daniel Cline	P
Amany Saleh	P
Marci Malinski	P
Vacant Seat	---

ENGINEERING (1)

Shivan Haran	absent
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FINE ARTS (3)

Allyson Gill	P
Tim Crist	absent
Kelly Shaefer	P

HUMANITIES & SOCIAL SCIENCES (6)

Win Bridges	P
Mary Donaghy	P
Robert Baum	P
Joe Sartorelli	P
Richard Wang	P
Eric Gilbert	P

John Hall

LIBRARY (1)

Myron Flugstad	P
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MILITARY SCIENCE (1)

LTC Larry P. Aikman	absent
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NURSING AND HEALTH PROFESSIONS (3)

Richard Freer	P
Donna Caldwell	P
Cathy P. Hall	P

SCIENCE AND MATHEMATICS (4)

William Burns	absent
Bob Bennett	P
Jeff Jenness	P
Jie Miao	P

UNIVERSITY COLLEGE (1)

Margaret McClain	P
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I. MINUTES: The minutes of the April 15, 2005, meeting were approved as distributed.

II. COMMENTS FROM THE CHAIR:

- A.** Chairman Humphrey opened the meeting by requesting that Faculty Senators take seats around the table.
- B.** He spent a few minutes checking on the status of new senators and vacant senatorial seats. He urged the members to inform him of any changes in the roster since the spring of 2005.
- C.** Dr. Humphrey said we needed to work harder at changing the perception among faculty that we do not represent them.
- D.** He reminded the Senate of the upcoming Vice-Chair election.
- E.** He summarized activities of the summer Board of Trustees meeting, which took place in May. Shared governance materials were tabled. The Board wanted to see all shared-governance materials included in the Handbook by September 1. When the Senate balked, a new December deadline was agreed upon. Humphrey mentioned that a Board member had leveled some criticism at the Senate. Humphrey felt that he cleared up misconceptions about the Senate in a three-hour conversation with Richard Bell. One misconception was that all Senate Committees had to consist of Senators.

Humphrey came away from his discussions with assurances that the Board was concerned about spending priorities. The members of the Board reportedly understand that ASU cannot continue to raise tuition.

Board members expressed concern that our capital campaign was not as well underway as they had expected.

Humphrey's impression was that the Board was perfectly willing to meet with the Senate. He did agree that one of the obstacles to free and open communication between the two bodies may be the FOIA laws. For example, two Senators are prohibited from discussing issues with two Board members; under FOIA, such a discussion constitutes an official meeting. However, any number of faculty can meet unofficially with a single Board member, according to Bill Rowe, who sought legal advice on this matter.

Dr. Humphrey indicated that the Board would really like to be able to meet with Deans and Chairs.

Dr. Wang urged the Board to show good faith in its dealings with the faculty. He recalled that years ago we attempted to place Senate issues on the Board's meeting agenda.

When Dr. Maynard asked why the Board did not want to hold public meetings, Humphrey postulated that the Board was sensitive about possibly "airing ASU's dirty laundry" in public.

Dr. Zibluk said that the Board's constant invocation of the FOIA laws out of fear was disingenuous at best.

- F. Nomination/Election of Senate Vice-Chair of the Senate:** Bill Humphrey nominated Richard Freer for the position. There were no other nominations. Freer was elected unanimously.
- G.** Humphrey announced that due to a Senate resolution, David Clark was invited to ASU as part of the Lecture-Concert series.
- H.** Since the shared governance materials had been tabled, it was impossible to appoint new committees. Humphrey said committee structure would stay the same, however. Dr. Rowe added that some stipulations about who could serve on committees have changed. The Chair emphasized the need for all committees to meet as soon as possible and then inform him of any vacancies. He stressed the need for the Executive Committee to review all committee assignments.
- I.** Humphrey summarized the work done by the Financial Aid/Scholarship Committee during the summer. He presented three new recommendations for change to the Delta Leader Scholarship program: (1) “expand the scholarship to include students from the entire state”; (2) change the program’s name to ‘Future Arkansas Leaders Service Scholarship’; and (3) “develop an incentive program to challenge students to go above and beyond the minimum requirements.” **(See attached full document.)**
- J.** Humphrey reported on the work of the EEA Committee, comprised of the following faculty: J. Isaacson, C. Brown, R. Engelken, W. Rowe, and B. Humphrey. He summarized a series of questions and concerns that the Committee had forwarded to Dr. Susan Allen regarding ESA monies—e.g., how they were used and where they went. Of particular concern to the Committee was the fact that equity adjustments have not been made by the administration. **(See attached memo.)**

III. OLD BUSINESS:

A. Committee Reports

i. NCAA (Marburger)

Dr. Marburger reported that the NCAA recertified ASU without condition. The NCAA expressed its concern that the pressures of commercialization in sports not interfere with academics.

The Intercollegiate Athletic Committee met and discussed the ASU mascot issue. ASU’s Indian mascot has been identified as being hostile and abusive to Native Americans.

Marburger stated that Dr. Wyatt had taken two specific actions in relation to the NCAA ruling: (1) asking the NCAA for specific reasons and details on how the negative decision about the ASU mascot was made; and (2) appealing the NCAA’s decision with the goal of having ASU removed from the list.

Bill Rowe opined that even a letter of complaint from a chief could have been enough to place ASU on the negative list.

Marburger suggested asking the Cherokee Nation for an endorsement, but Rowe suggested we might not be well received.

Bill Maynard pointed out that ASU’s mascot is not connected with any specific tribe or Indian nation. The term *Indians* is broad and generic. He added that only a federally recognized governing tribal body could speak authoritatively for all American Indians.

Rowe warned against being taken in by any number of counterfeit groups or self-appointed spokespeople.

Jack Zibluk concluded the discussion with the observation that the same debate has been raging at ASU for thirty years. He recalled that the Senate had already voted several years ago to recommend getting rid of the mascot.

ii. **Parking (Flugstad)**

Myron Flugstad reported that the day before he had attended the organizational meeting of the Parking Committee. It consists of three staff members, three faculty, and three students. Regrettably, the students have not been showing up regularly to meetings. David McKinney told the Parking Committee that several hundred more vehicles than had been expected had shown up on campus.

Humphrey mentioned that the south end of campus had seen an improved parking situation.

Bill Rowe commented on the seemingly arbitrary issuance of tickets, such as on the streets adjacent to campus houses.

Bill Maynard questioned the methods used by ASU to take over public streets. He wondered if city hall had signed off on the plan.

Rowe believed that ASU should have undergone a legal process to acquire control of the streets in question and that the turnover would have had to be legally documented.

Dr. Humphrey complained that with the technology available to meter maids, there should be no excuse for arbitrary ticketing. He felt that if a driver accidentally lost, forgot, or turned around a hang tag, the meter maids should at least give a warning. The technology should let them know instantaneously whether a car is indeed legally registered on campus.

Dr. Hall commented on the inconvenience of having to pick up hang tags in person. He suggested that they could easily be sent via campus mail.

iii. **Fringe Benefits (Humphrey)**

Dr. Humphrey reported that a new law passed by the Arkansas legislature may affect employee health care. The new law allows an employee to seek health care from "any willing provider." The Fringe Benefits Committee, composed of J. Pfriemer, D. Cline, and B. Humphrey, will be discussing the new law, examining its implications for ASU employees, and evaluating options.

Bill Rowe informed the Senate that some employees have sought health care at First Care, after which they were removed from the NEA Clinic rolls. They found that they could not switch back.

Humphrey reported that the Committee would also be looking into increasing the million-dollar lifetime cap on health care costs.

iv. **Handbook (Humphrey)**

Dr. Humphrey summarized the hard work done on the Handbook over the summer, including the many meetings held over the last few weeks. The result of the Committee's work is that only four or five serious issues remain to be solved. The present version of the Committee's work has been submitted to the Deans, who are now beginning to respond. Humphrey announced that the up-to-date version of the handbook would be available on the Faculty Senate website within a week. He asked for faculty feedback.

Humphrey commented that the Committee's ultimate goal is to have an "electronic version that never goes out of date" because changes as needed can always be added as they are approved.

He reported that three weeks ago the Chair of the Senate met with President Wyatt, who agreed to read the draft of the Handbook and provide his response.

According to Humphrey, the new Handbook provides a great deal of new and important information, such as the functions of Deans and Chairs.

Dr. Maynard wondered if the composition of the Handbook Committee could be changed in the summer semester without Faculty Senate input. The interest was generated due to the fact that Chairman Humphrey had appointed a new member to the Committee during the summer 2005 term. There was extensive discussion on the subject. Others questioned the legitimacy of the Committee if it was not fully endorsed by the Senate. Some faculty felt that the summer appointment constituted a violation of the Handbook rules, but Humphrey countered by providing a copy of the relevant Handbook clause. According to the clause, the Chair's prerogatives are spelled out as follows:

“Faculty named to serve on the Senate standing committees are appointed, prior to the commencement of the Fall semester, by the newly elected president of the Faculty Association (and the Chair of the Faculty Senate). Appointments are made with preference given to faculty volunteering their services to the Committee on Committees.”

Humphrey maintained that this clause gave him the prerogative of making summer appointments without the input of the entire Faculty Senate. Humphrey also felt that reconstituting the Committee at this late date, and with another looming deadline, would be counterproductive.

Dennis White informed the dissenting Senators that appointment of new Committee members would normally fall under the purview of the Chair but that the Senate could vote to overrule the Chair by a two-thirds majority.

Bill Rowe expressed the opinion that the relevant clause from the Handbook needed to be revised for more clarity to prevent further ambiguous interpretations and needed to be rewritten for the new Handbook.

Dr. Sartorelli asked what occurrence led to the summer appointment to the Committee. Bill Humphrey responded that often only about three members of the Committee were able to attend meetings and pointed out that the job actually required a minimum of five people. He explained that in the absence of volunteers coming forward during the summer, the emergency nature of the appointment, a looming deadline, and the need for assistance with the Handbook, Humphrey had to make the disputed appointment. He praised the performance of the new member. Sartorelli suggested that perhaps proxy members could be appointed for emergencies.

A motion to appeal the summer appointment was made and seconded. Dr. White advised that the motion was not debatable. After some discussion, the original motion was withdrawn and a motion to support the nominee of the summer appointment came to the floor. In a show of hands, the motion to support the Chair's action was approved.

B. Mascot Issue (Rowe)

Dr. Rowe presented recent developments in resolving the mascot issue. He made mention of the film, *In Whose Honor*. Chief Sam Smith is to be invited to discuss the mascot issue with

ASU leaders. On October 22, several representatives of the Native American community will be arriving at ASU to film a football game, with an eye to examining whether the Indian mascot perpetuates an abusive or negative portrayal of Native Americans. Dr. Rowe said he would be asking for the Senate's assistance with housing for the visitors.

Rowe concluded his remarks by saying that nothing good would come of the tribal leaders' visit.

C. Status of Senate Grievance (Rowe)

Dr. Rowe reported that Senate lawyer, Donn Mixon, was working on both the grievance issue and the new Handbook.

D. Remarks by Dr. Allen

Susan Allen announced that Don Maness had been temporarily appointed as Assistant to the Vice-Chancellor for Instructional Innovation for a period of sixteen months. His appointment sprang from recommendations made in the Enrollment Management Report. Maness will coordinate and organize all efforts to start the enrollment management project. Maness's position as Dean will be kept open while he is on new assignment.

Allen also announced that Dr. Johnson will be leaving his position as Director of Assessment. The position will be advertised.

IV. NEW BUSINESS:

Hurricane Disaster Relief (Freer)

Dr. Freer reported that Lynita Cooksey had convened members of the faculty and administration in response to the Hurricane Katrina disaster. He reported that by Tuesday, the university would set up a website where various groups doing disaster relief volunteer work could post information about their activities. Freer made the Senate aware of the presence of large collection bins in the main lobby of the library, where various items could be donated.

Dr. Allen announced that any student transferring to ASU by Tuesday because of the hurricane would receive instate tuition. Arkansas residents would receive full scholarships for tuition and fees.

Allen also reminded the faculty that the administration would be finding creative ways to keep enrolled any National Guardsman or -woman to be called up for disaster relief duty.

When Dr. Allen was asked about the plight of commuters who might have to drop out of school due to escalating gasoline prices, she said her office would work on setting up a carpool system to keep these students at ASU.

V. ADJOURNMENT:

Although several issues had not yet been discussed, the meeting adjourned at 4:50.