

JOURNAL OF THE FACULTY SENATE
The University of Oklahoma (Norman campus)
Regular session - March 20, 1995 - 3:30 p.m.
Jacobson Faculty Hall 102

The Faculty Senate was called to order by Professor Tom W. Boyd, Chair.

PRESENT: Anderson, Badiru, Baker, Boyd, Burnett, R.C. Davis, Dillon, Erdener, Fiedler, Friedrich, Fung, Genova, Gutierrez, Havener, L. Hill, Horrell, Hutchison, Laird, Loving, R. Miller, D. Morgan, Mouser, Nelson, Ogilvie, Patterson, Pauketat, Reeder, Rhodes, Sankowski, Stock, Sullivan, Sutton, Tepker, Tiab, Van Gundy, Watson, Weaver-Meyers, Weinel, Wenk, Wiegand, Williams

PSA representatives: Barth, Marshall

ABSENT: Bremer, Greene, Holmes, Kincade, Koger, Kukreti, Landes, F. Lee, Mock, Ragep, Roegiers, Wallach

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APPROVAL OF JOURNAL

The Senate Journal for the regular session of February 13, 1995, was approved.

ANNOUNCEMENTS

The faculty awards luncheon is scheduled for Tuesday, April 18, at 11:30 a.m. in the Union ballroom.

The American Association of University Professors, Oklahoma Conference, is sponsoring a state-wide meeting March 31-April 1 in Norman on higher education in Oklahoma. Speakers are Governor Frank Keating, Dr. Hans Brisch, Representative Laura Boyd, Dr. Anne Morgan, and Dr. Jim Richardson. Further information is available from the Faculty Senate office.

DISPOSITION BY THE ADMINISTRATION OF SENATE ACTIONS

President Boren approved Interim Provost Mergler's recommendation to reorganize the Faculty Class Attendance Policy approved by the Faculty Senate at its January 23 meeting (1/95 Journal, page 6) so that the policy would begin with the third sentence and be divided into two paragraphs. The policy will be effective with the Fall 1995 semester (originally reported as summer 1995 term).

A faculty member's assignment to teach a course is an important element of the faculty member's professional responsibilities, including the obligation of the instructor to attend all classes and to teach. Academic units shall have a policy regarding faculty absences from teaching responsibilities and a procedure for instructors to arrange with their units plans for modifying scheduled class periods. Chairs and directors are also responsible for ensuring that faculty obligations for courses are fulfilled.

For medical and family emergencies and other unforeseeable contingencies, a scheduled class meeting may be canceled. For legitimate foreseeable obligations, the faculty member is responsible for finding a reasonable alternative way to perform teaching duties in the form of a substitute or a make-up session.

President Boren supports the recommendation that the tenure dossiers be routed sequentially from the budget dean to the Campus Tenure Committee instead of simultaneously to the dean and tenure committee (1/95 Journal, page 7).

Due to illness, remarks by Dr. James Pappas, Vice Provost for Continuing Education, were postponed until next month.

SENATE CHAIR'S REPORT, by Prof. Tom Boyd

A town hall meeting to discuss the recommendations of the task force for spending the HERO II computing bond money is scheduled for Tuesday, March 28, at 8:00 p.m.

Prof. Boyd thanked Prof. Jean Claude Roegiers for providing core samples to present to legislators during Higher Education Day. He also thanked Prof. Connie Dillon for updating the facts brochure (distributed at the meeting) given to legislators. The brochure was initiated last year at the suggestion of our local legislators.

President Boren is working with the legislature and Governor to make sure there are no cuts in the academic budget for next year. An 8% tuition increase seems likely for next year. State Representative Laura Boyd says there is agreement between the House and Senate to make the one-time funds permanent. She has indicated that letters written to the newspapers on behalf of higher education's budget have been effective. Prof. Boyd applauded the efforts of President Boren and Representative Boyd.

The legislature is not willing to allow employees to be removed from OTRS (Oklahoma Teachers' Retirement System) or to reinstate the caps. Representative Boyd says the legislature is considering several options to relieve some of the OTRS pressure, such as extending the amortization period and changing the total compensation formula (removing the TIAA-CREF contribution), which could cut the University contribution.

Prof. Trent Gabert, Chair of the Faculty Welfare Committee, added that the administration seems to have ignored the Senate's goal of an 80% retirement proposal until recently. There has been some discussion as to whether the \$350 million removed from OTRS in 1981 could be returned. That is one example of why the legislature is partially at fault for the OTRS unfunded liability. The administration says we cannot have a high quality program, no reduction in take home pay, and no reduction in TIAA-CREF. However, the Faculty Welfare Committee believes that the University could pay part of the cost of OTRS, with a corresponding decrease in TIAA-CREF, and that would still provide an 80%-90% wage replacement. Representatives of the Staff Senate were interested in removing the \$9000 exclusion from TIAA-CREF, but that would be too expensive. The staff also suggested a three-year waiting period before joining OTRS, but the legislature does not want to look at that. The Faculty Senate representatives are urging that any change be temporary so we are not locked into a lower TIAA-CREF.

Prof. Stock asked for clarification about the money that was removed from OTRS. Prof. Gabert said the \$350 million had been transferred to retirement funds of other state organizations. The question is whether that money could be moved back into OTRS. State Representative Larry Roberts, Chair of the House retirement committee, thinks there is little possibility of that. Prof. Stock asked how much would be left for TIAA-CREF if the University paid half of the OTRS. Prof. Gabert said we have asked for a reciprocal relationship. Thus, if 3.5% goes to partial employee cost of OTRS, then the TIAA-CREF contribution would drop to 8.5%, so the total paid to retirement by the University would be about 12%. Prof. Stock asked about the options the legislature is considering. Prof. Boyd said he could ask Representative Laura Boyd for further details. Prof. Stock moved to invite Vice President Farley to the next Faculty Senate meeting to discuss retirement scenarios. Prof. Dillon noted that plans are being made to have a general faculty meeting in late April or early May to inform faculty about retirement, and Dr. Farley would make remarks then. Prof. Stock said he thought Dr. Farley should also make a presentation to the Faculty Senate, since the Faculty Senate is probably better informed on retirement than the general faculty. The motion was approved on a voice vote.

PROPOSED INTERIM CONFLICT OF INTEREST POLICY

Prof. Boyd said the main discussion of the revised conflict of interest policy would be at the next meeting. A committee of faculty and staff from the Norman and HSC campuses prepared a draft policy (available from the Faculty Senate office). Prof. Linda Wallace (Botany and Microbiology), a member of the committee, explained that the National Science Foundation, and subsequently the National Institutes of Health, issued new regulations and will require all applicants for funding to meet their guidelines by June 28. The current 1989 policy (distributed at the meeting) does not meet the guidelines. The committee gathered example policies from other universities and plans to provide draft scenarios, an analysis of how this policy interacts with other policies, and forms for implementing the policy. Because this is a lengthy effort, this is viewed as a work in progress. What the senators are being asked to do is discuss this with their colleagues and provide comments at the April 10 meeting. Because of the deadline, they are not being asked for approval at this time. The draft policy will be presented to the regents in June and will be in force for only one year to allow for revisions.

Prof. Loving asked how sole source contracts would be covered with respect to commercial transactions. Prof. Wallace said if a sole source was owned by an employee, someone else would have to do the ordering. Prof. Sankowski

asked about the scope of the policy. He said he thought it was driven primarily by research considerations, yet the policy is broader than that. Prof. Wallace said limiting the policy to research would exclude staff. Moreover, policies of other universities are very broad in scope. Prof. Sankowski commented that even with respect to faculty, the proposed policy was broader than required. He asked about the definition of domestic partner on page 2 under Family. Prof. Wallace said that would be anyone who occupied the same household as the employee.

Prof. Hill explained that when the Senate Executive Committee discussed this with the committee, he raised the question about the breadth of the policy. He said it seemed that the committee went beyond Provost Kimpel's mandate for a new conflict of interest policy. He said he was not satisfied with the committee's explanation of the differences between conflict of interest and conflict of commitment and planned to offer a resolution next time to delete all references to conflict of commitment. Prof. Sutton asked how the proposal differed from the original and what did not meet the federal guidelines. Prof. Wallace said the current policy says employees should use their best judgement to avoid the appearance of conflicts. NSF wants specific plans for avoiding conflicts and for managing any. Prof. Van Gundy said NSF did not ask for conflict of commitment. Prof. Wallace said that was correct. Prof. Boyd asked whether the Senate wanted to consider the policy at this meeting or the next. Prof. Loving moved to delay consideration until April 10. The motion was approved on a voice vote.

STAFF SENATE PROPOSAL FOR SUPERVISORY REVIEW

This proposal (available from the Faculty Senate office) will be considered at the next meeting.

REVISIONS IN CLASS ATTENDANCE AND MAKEUP EXAMINATIONS POLICIES

Prof. Connie Dillon, Chair of the Athletics Council, explained that the Council had recommended changes in sections 4.19 and 4.10 (class attendance and makeup examinations) of the Faculty Handbook because there is no consistent way for faculty to handle excused absences. There is nothing in the current policy that says an athletic event is a University-sponsored activity. The Senate Executive Committee added the language about activities such as jury duty (Appendix I).

Prof. Havener said he was generally in favor of the revisions but was concerned that all the responsibility was on the faculty. Students are not required to give notice except for exams or quizzes. Students should notify faculty about foreseeable absences in advance since, for example, athletic schedules are known at the beginning of the semester. Mr. Gerald Gurney, Assistant Athletic Director, said the implication was that student-athletes are required to give advance notice, and if not, then the policy should not apply. Prof. Wenk said it should say explicitly that students need to make every effort to advance notify, just as faculty make every effort to accommodate them. However, the meaning of "every effort" is subject to interpretation. She has known of instances where students expect an exam to be sent by facsimile. Prof. Dillon said every effort is the faculty's definition. Prof. Wenk said that should be explicit. Prof. Van Gundy said that was not clear in the policy. Prof. Weinel remarked that faculty are given alternatives a, b, or c. Prof. Van Gundy suggested that language could be added to section 4.19 such as, "as defined in section 4.10." Prof. Tepker said there is no guarantee as to how any policy will be interpreted.

He moved to change "an accommodation" to "a reasonable accommodation" in both sections. Prof. Havener offered the following language: "Students who miss class as a result of participation in Provost-approved university-sponsored activities or legally required activities such as emergency military service and jury duty should notify faculty in advance when possible and faculty should make a reasonable accommodation." Prof. Tepker said he preferred to separate those issues. Prof. Hill suggested changing "make every effort to find" to "attempt to find." Prof. Tepker said faculty already have an obligation to make a reasonable accommodation because of the Americans with Disabilities Act. He declined Prof. Hill's suggestion. Prof. Tepker's motion was approved on a voice vote.

Prof. Havener moved to revise the third sentence of section 4.19 to read, "Faculty, if given notice two class periods in advance, should make every effort to find a reasonable accommodation ..." to make it parallel to section 4.10. Prof. Miller asked if a student failed to do that, whether faculty would no longer have to make a reasonable accommodation. Prof. Boyd said there could be some occasions on which a student could not give notice. Prof. Havener said "foreseeable" could be added. Prof. Weinel noted that faculty would not be precluded from making accommodation even if they were not advance notified. Prof. Miller offered a friendly amendment to change the language to "Students have a responsibility to inform faculty prior to absences whenever possible. Faculty should make every effort to find a reasonable accommodation ..." Prof. Havener said he accepted that as a friendly amendment. Prof. Genova asked whether proof of the activity would be required. Several senators replied that a written notice is provided for athletic conflicts. Prof. Genova asked about Provost-approved activities. Prof. Dillon said that provision was new, and the provost would have to approve the activities at the beginning of the semester. Students would be required to bring some documentation. Prof. Patterson proposed that the two class period requirement be removed from section 4.10, because that could mean three weeks' notice for classes that meet only once a week. Prof. Havener said faculty could accommodate absences even if students do not give notice. Prof. Sutton suggested substituting a one week's notice. Prof. Hutchison said if someone is called as a witness, s/he does not always know in advance. Prof. Van Gundy suggested deleting "either" in the third paragraph of section 4.10. There was general agreement by the Senate to that change and to the addition of the above sentence proposed by Prof. Miller to section 4.19.

The Senate approved the document as amended on a voice vote. These amendments are included in Appendix I.

PRESIDENT'S PROFESSORS OF EXCELLENCE PROGRAM

Prof. Hutchison said some of his colleagues asked him to bring up an item being considered by the OU Regents this week: the President's "Professors of Excellence" Program, which will award \$10,000 per year for three years to tenured faculty (\$5000 for untenured). Prof. Hutchison said his colleagues objected to selected faculty getting \$30,000 when other faculty are getting no salary increases. President Boren says this is something that can be sold to donors, but those donors should be willing to support the institution and thereby benefit more people. If the president wishes to do this, it should not be in the form of salary, but rather M&O support. There has been no faculty input to this decision.

Prof. Dillon said the Faculty Senate Executive Committee had raised these issues with the President (March 9). He indicated that there was nothing final yet, and he would be willing to work with the Faculty Senate. Prof. Hill added that, at the March 9 meeting, he had expressed concerns about this program, and Prof. Magid had suggested the M&O option. Prof. Weinel commented that she views this as a political move on the part of President Boren, and it would be a waste of time to try to to alter his course.

Prof. Boyd read a portion of the description of the program from the regents' agenda, which stated that a Professor of Excellence may choose to receive a proportion of the award as salary or as a faculty development award within a departmental account.

Prof. Sutton asked how this would fit with the George Lynn Cross (GLC) and David Ross Boyd (DRB) professorships and other distinguished professorships. He asserted that this would dilute the awards that are already given.

Prof. Stock asked about the criteria. Prof. Boyd said nominations would be made by Chairs or Directors and reviewed by the Deans. Prof. Hutchison noted that the other awards go through an elaborate process. He moved that the Senate Executive Committee request of the President that the use of the money for personal salary be removed to avoid the problem of divisiveness. Prof. Tepker said he was not in favor of the motion because the Senate should not be taking a position against a good thing until it has a better sense as to how the program could be improved. He thought the selection process should be reconsidered. Prof. Hutchison pointed out that the George Lynn Cross professorship is not an increase in salary; it is a one-time cash award. Prof. Boyd noted that he had not read all of the selection process to the group. Prof. Davis commented that no one was present to represent the other side. The Faculty Senate should not take a stand without more information. Prof. Weinel said her objection is the Faculty Senate was not involved in the decision. Prof. Badiru said he thought the amount of the award was too high. The other awards will be overshadowed. These professorships are called the President's Professors of Excellence, which will mean the President will have the last say on the recipients. A lot of money will be going into a process where the Senate did not have any input. Prof. Hutchison said he would be glad to withdraw his motion, but any action taken by the Senate should be taken today.

Prof. Watson asked who would select the professors. Reading from the Regents' agenda, Prof. Tepker answered that a selection committee would serve in an advisory capacity to the President. Prof. Watson said the Faculty Awards and Honors Council worked very hard to make recommendations on faculty awards. She said she could not imagine that its decision could be overturned by one individual. Prof. Tepker read the composition of the selection committee. Prof. Hutchison said we already have a procedure--the Faculty Awards and Honors Council--that has been working well for years. This body ought to express its displeasure before the Regents make their decision tomorrow.

Prof. Wiegand offered a friendly substitute motion, which Prof. Hutchison accepted, urging the Regents not to act this week and asking President Boren to meet with the Senate Executive Committee to get its input because of serious reservations about the process. Prof. Weinel asked whether the objection was to the procedure and not the award. Prof. Patterson said she sensed the objection was also to the amount. Prof. Havener said another issue was the lack of faculty input to the procedure. Prof. Ogilvie said the amendment would take care of that. Prof. Dillon said she did not want

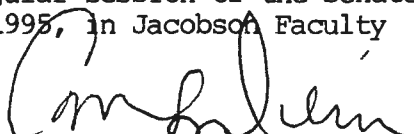
this to sound like the Senate did not want money to go to faculty. Prof. Boyd said he had not heard anyone ask that the program be eliminated, just that questions had been raised. Prof. Hutchison said something should be included about the size of the award and the divisiveness this will cause. Prof. Williams said this award will be viewed as bucks and will take away from the prestige of the academic achievement. Prof. Weinel said the point is whether or not the funds for these awards will be raised through the University or contributed by an individual and whether these awards are comparable to the GLC and DRB professorships. The questions involve the definition of the award, where it comes from, who makes the decisions, and what the perceived benefit is. This appears to be cronyism again.

Prof. Boyd said one option would be to make a general statement like Prof. Wiegand suggested and then list the matters of concern, such as amount of money and procedure. Prof. Badiru stressed that the criteria for qualifying should be included. He said everyone here would qualify because it is so subjective. Prof. Wiegand's motion was approved on a voice vote.

ADJOURNMENT

The meeting adjourned at 4:55 p.m. The next regular session of the Senate will be held at 3:30 p.m. on Monday, April 10, 1995, in Jacobson Faculty Hall 102.


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EXCUSED ABSENCES
RECOMMENDED CHANGES FOR FACULTY HANDBOOK

Recommendations from Excused Absence Subcommittee of Athletics Council
And Modified by Faculty Senate

(Additions underlined; deletions crossed through)

4.19 Class Attendance

Students are responsible for the content of courses in which they are enrolled. Specific policy concerning attendance requirements and announced and unannounced examinations is the responsibility of the individual instructor. Students have a responsibility to inform faculty prior to absences whenever possible. Faculty should make every effort to find a reasonable accommodation for students who miss class as a result of participation in Provost-approved university-sponsored activities or legally required activities such as emergency military service and jury duty.

When absences seriously affect a student's class work, the instructor will report this fact to the Admissions and Records Office, where the information will be directed to the dean concerned.

4.10 Makeup Examinations (Other than Final) Due To University-Sponsored Activities or Legally Required Activities

The following guidelines have been approved by the Faculty Senate and the UOSA to aid the faculty in determining a policy for making up exams (other than final examinations) in cases of absences due to participation in educational extracurricular activities. (For the policy on final examinations, see Section 4.8.)

Only Provost-approved university-sponsored activities ~~only~~, such as scholarly competitions, fine arts performances, intercollegiate athletics competitions, and academic field trips, and legally required activities, such as emergency military service and jury duty, are covered by these guidelines.

Faculty, if given notice two class periods before an exam or quiz (excluding pop quizzes), ~~are encouraged~~ should make every effort to find an reasonable accommodation by ~~either~~ (a) giving a makeup exam, an early exam, or a quiz, (b) changing the exam schedule, or (c) dropping the exam or quiz and increasing the weight of the other exam or quiz or other agreed upon approaches acceptable to the instructor and the student.

If the student and the faculty member cannot agree, normal appeal procedures (faculty to director/chair to college dean to Senior Vice President and Provost) are available to the student and can be followed.