

Faculty Senate
Wed, November 6th at 3:15, Cabe Room, Garrison Center

Senators Present: Eunice Akoto, Steve Becraft, Rafael Bejarano, Alan Blaylock, Shannon Clardy, Jim Duke, Maryjane Dunn, Victoria Ellison, Darrel Farmer, Matt Gross, Catherine Leach, Michael Loos, Bryon Martin, Cheryl Massey, Beth Maxfield, Richard Miller, Brett Serviss, David Sesser, Tammie Townsend, Lacy Wolfe, Fred Worth

1. Call to Order – 3:15
2. Approval of minutes – The October minutes were approved.
3. President’s Report – The President’s report has been included in Appendix A

Additional Topics Mentioned:

The academics committee is working on making faculty evaluations better so that they will have value. Potential ways to encourage student participation were discussed.

Questions were sent to be asked to determine if we are truly interested in joining ASU, however, the decision has been made before questions were answered. The questions will still be answered as the contract is addressed.

When Elaine Kneebone was appointed as president, she negotiated a contract that she will have a 2 year appointment as general counsel when she is no longer president.

Fred Worth met with presidents of faculty senates of Arkansas. Two policies in particular were discussed. One policy is one that University of Arkansas, Fayetteville adopted and one they will likely adopt. In the first, focused on post-tenure review, each tenured faculty member is evaluated and scored (3-2-1-0). If a faculty member score 2 zeroes in a row, the faculty member is reviewed for possible removal. The other policy (proposed) is that people can be reported and tested for suspicion of drug or alcohol abuse. There is a list of behaviors that could be cause for suspicion.

4. Report of Committees
 - a. Executive Committee – no report beyond the President’s report
 - b. Academic Committee – A survey to faculty about the evaluations that students complete was distributed to all faculty. As of Monday, November 4th, 33 responses had been received. Please encourage other faculty to complete this survey. It will remain open until November 12th.
 - c. Buildings and Grounds Committee – No Report
 - d. Finance Committee - A proposal to the change in language around promotion was brought forward for discussion. The proposal is included in Appendix B. Discussion resulted in advisement to the committee that the proposed language causes compression for those promoted to the rank of assistant professor and does not consider time in rank. The proposal was returned to the committee for further consideration.
 - e. Operations and Handbook Committee – For information, the senate has received a list of changes for the faculty handbook that have not yet been approved by the board of trustees. (From Fred Worth Oct 22)

All proposal brought forward are included in Appendix C.

Proposed changes for the termination of tenured faculty members was discussed. The Faculty Senate voted. The proposed change passed with 1 abstention.

The proposal to amend the policy regarding librarian promotion was discussed. The senate voted. The proposed change passed unanimously.

The proposal regarding tenure pause was discussed. The friendly amendment to make change wording to “Tenure and promotion pause” and include “One must pause both the tenure and promotion processes for the period of the year” were accepted by the committee. The Faculty Senate voted to accept the amendment. The amendment passed unanimously. The Faculty senate voted on the proposal with amendment. The proposal passed.

The fourth proposal regarding promotion paths was discussed. The Faculty Senate voted. The proposal passed with 1 abstention

The proposal regarding the list of additional benefits to the handbook was discussed. The Faculty Senate voted. The proposal passed with 1 abstention.

The proposal to delete the credit union language was discussed. The Faculty Senate voted and the proposal passed.

- f. Procedures Committee – The procedures committee is awaiting the results of departmental votes before the at-large votes move forward. The results of each election will be included in the minutes following their finalization.

In October, a constitutional amendment was passed by members of the Faculty Senate. The text of the constitutional amendment and the rationale must now go to all faculty for a vote. This task was sent to the Procedures Committee.

- g. Shared Governance Review Committee – The Shared Governance Review Committee was given 2 items to review. The first item is a flow chart detailing the process to create new committees. The second item is a revision on the Policy on Speech and Expression to conform to legislation passed in the Arkansas Legislative Session.
- h. Representative to the Board of Trustees – No report
- i. Representative to the Graduate Council was not present. Please refer to Graduate Council minutes for report.

- 5. Unfinished Business - Three alternates for the Academic Grievance Committee are needed. Please poll your colleagues to see who is willing to serve. President Fred Worth will send an email with a request for volunteers.
- 6. New Business - Some items were removed from the Faculty Handbook without senate approval. Items such as check cashing were taken out. Catherine Leach shared a version of the handbook has those items highlighted (shared by Fred Worth via email October 22nd) . A motion was made to accept the approved changes and to approve the changes with

obsolete items removed and changes made to reflect current practice. A vote was held and the motion passed.

7. Adjournment – 4:59pm

Respectfully Submitted,
Shannon Clardy
Faculty Senate Interim Secretary

Appendix A
President's Report
Meeting with President Kneebone

1. We discussed ways to make the student evaluation of faculty more meaningful to students and faculty. Providing incentives for student participation may be reasonable as long as those incentives come from the university, not from individual faculty since that might make students think "good evaluations could influence grades." I mentioned that some faculty would like to see evaluations in the middle of the semester.
2. President Kneebone believes that the questions (regarding joining ASU) provided to the board by faculty, staff and students, will be addressed carefully as the specifics of the agreement are formed.
3. It is common for higher administrators to be hired with tenure. I asked if President Kneebone was given any kind of consideration like that. She said that the agreement that she came to with the board stipulates that she will have a two-year contract as general counsel once a new president (or chancellor) is installed.

Meeting with Dr Adkison

1. I talked to Dr Adkison about faculty, departments and committees having access to upload documents to their web sites. He thinks that is reasonable but IT is not under his domain anymore. He said he would communicate with the appropriate people about it in order to express that request.

Appendix B
Finance Committee Report 11-6-19

The Finance Committee met via email to discuss a change to promotion pay raises in the Faculty Handbook. Below is the current language on promotion pay increases and the new language that we are proposing. The proposed language represents our understanding of the actual practices of the Administration over the last several years as it relates to promotion pay raises.

Current Language:

Salary Increases

All promotions, as well as the awarding of the title of distinguished professor, should come with an increase in salary of 5%, in addition to any across the board increase, or an increase to the base pay level for the new rank, whichever is greater.

Proposed Change to Language:

The promotion of faculty from instructor to assistant professor should come with an increase in salary which raises the pay of the new assistant professor to the average pay of assistant professors within that discipline at Henderson State University. The promotion of faculty to the rank of associate professor should come with a minimum increase in salary of 10%. The promotion of faculty to the rank of professor should come with a minimum increase in salary of 15%. The promotion of faculty to distinguished professor should come with a minimum increase in salary of 5%. Any across the board increase, or an increase to the base pay level of new rank, whichever is greater, shall be given in addition to any salary increases when promotions are awarded.

Appendix C

Operations and Handbook Committee Proposed Changes

Page	Section	Proposed Change (note we are using the convention that language that is proposed to be deleted will be struck through and proposed additions will be in bold.)
would be on 15	III.D.3.c.	(this is a minor addition to the librarian rank proposal passed by the senate in September) (add end of paragraph) A Librarian is eligible for tenure or is tenured.
11	III.B.1.b.	(because of addition of librarian rank) Tenurial academic ranks are those of Assistant Professor, Associate Professor, and Professor, Assistant Librarian, and Associate Librarian, and Librarian.
18	III.H.	(after the last paragraph)(many schools have a tenure pause policy) Tenure pause - Henderson State University recognizes the value of providing flexibility during the probationary period for tenure-track faculty who are experiencing childbirth, adoption, personal or family medical issues, public/university service or other exceptional circumstances. In light of such considerations, a faculty member may extend his or her probationary period by one year. This is not a leave of absence and brings no reduction in professional responsibilities. In order to obtain that extension, the faculty member shall notify his or her department chair (or immediate supervisor), dean, and the provost of the decision to extend the probationary period by one year. The department chair or immediate supervisor, dean, and provost will each record the extension.
20	III.K.2.c.(2)	(second paragraph) Additionally Alternatively , Instructors on nine-month contracts
55	V.A.	14. Dental Insurance Dental insurance is available for benefit-eligible faculty and their dependents. This is a voluntary benefit and is 100% faculty paid 15. Prescription Drug Plan As a part of the health Insurance plan, a prescription drug plan is provided. For more information contact Human Resources. 16. Vision Plan Vision insurance is available for benefit-eligible faculty and their dependents. This is a voluntary benefit and is 100% faculty paid. --- --- some section numbers in the table of contents are not correct - fixing these would be editorial changes that should be approved
52	IV.F.25	(paragraph at top of page) Individual arrangements may be made with the credit union to divide the ten payments into twelve. Fiscal year appointments are paid on twelve-month basis. Proper forms must be completed with Human Resources by the 15th of the month preceding the first pay period in order to be processed. Faculty members receive an annual notification of salary for the forthcoming year with their letters of appointment, usually in April.
38	III.Q.8	Note: The termination process was constructed (years ago) in a way that mirrors the

process for obtaining tenure. As written, there were ambiguities (such as whether the dean is supposed to make a recommendation) in the process or things that no longer matched the academic reporting processes of the university (we now have a provost). With one exception (denoted by *) the changes here simply eliminate the ambiguity and conform to the current reporting process. That one change (*) mirrors a change made a few years ago in the tenure process to help smaller departments that could not do what the process dictated.

III.Q.8. Termination of Employment of Tenured Faculty for Cause

a. Initiation and Notice

Should the fitness of a faculty member to perform his/her job be seriously questioned, it is the initial responsibility of the Department or area involved to deal with the issue. The Chairperson or Immediate Supervisor is responsible for convening the Departmental/area faculty, which will then elect an Informal Review Committee which is representative of the faculty. This Committee shall study and make recommendation to the Chairperson or Supervisor on questions concerning ethical conduct and satisfactory performance of professional responsibilities.

In all that follows, if the Chairperson is the one whose fitness is questioned, the dean will perform all duties assigned to the Chair or Immediate Supervisor.

Questions involving possible breach of ethics or failure to meet professional responsibilities [see below under 2. b. (1), (2) and (3)] may be initiated at any level, either administrative or faculty, and shall be referred first to the Department Chairperson or Immediate Supervisor. **If T**the Chairperson or Immediate Supervisor, after discussing the matter with the individual faculty member involved, shall refer the issue to the **Informal** Review Committee if in his/her **is of the** opinion there is substance to the charge, **T**the Chairperson or Immediate Supervisor is responsible for convening **will notify the Dean and convene** the Departmental/area faculty, which will then elect an Informal Review Committee which is representative of the **department** faculty.

(*) If excluding the chairperson/immediate supervisor, the faculty member(s) bringing the issue forward, and the faculty member under review leaves fewer than three members of the department available for the committee, the dean will appoint others from the college or school to create a committee of three.

This Committee shall study and make recommendation to the Chairperson or Immediate Supervisor on questions concerning ethical conduct and satisfactory performance of professional responsibilities. **The committee shall report its findings in writing to the Chairperson or Immediate Supervisor.** Following the findings of the Committee, which are advisory but non-binding on the **Chairperson or Immediate Supervisor or** administration or President, the Department Chairperson or Immediate Supervisor shall submit a written report with his/her recommendations, also advisory

but non-binding on the administration or President, **along with the committee's report**, to the faculty member in question and to the Dean of the College or School for appropriate action.

If no informal agreement is reached at this stage of mediation between the faculty member and his/her Supervisors concerning the disposition of the issue, and there remains a serious dispute about the fitness of the faculty member in question to perform his/her job satisfactorily, **the Dean shall read the written reports of these proceedings and write a recommendation based on his/her findings. The Dean shall then forward each of the recommendations to the Provost.**

At this point, formal proceedings may be invoked by the Administration so as to dismiss or non-reappoint said member. This process shall begin with notice of such intention in writing by the President of the University **Provost**. The notice shall state in writing the principal reasons for the recommendation of dismissal or non-reappointment of the faculty member.

b. Causes for Dismissal or Non-reappointment

Adequate cause for dismissal or non-reappointment of a faculty member with tenure may be established through demonstration by the University of gross professional incompetence, gross neglect of professional responsibility, or gross personal misconduct.

(1) Gross Professional Incompetence

Repeated demonstrated inability to perform the duties of the position.

(2) Gross Neglect of Professional Responsibility

Demonstrated failure to keep current and maintain competency in one's field; general inaccuracy or dishonesty in the performance of teaching and/or research duties or administrative duties; repeated failure to comply with official directives and established written University policies; repeated neglect of Departmental and University duties; repeated failure to comply with such reasonable requirements, stated in writing, that the University may prescribe for achieving professional improvement and growth.

(3) Gross Personal Misconduct

Any gross personal misconduct involving the violation of the law or established written University policies which seriously and substantially impairs an individual's fulfillment of institutional responsibilities or adversely reflects in a serious and major way on the University.

c. Personal Conference

After **tThe** tenured faculty member **shall be given written** has received notice in writing of the reasons for the recommendation of dismissal or non-reappointment. **The faculty member, against whom allegations of misconduct have been made, will be given an opportunity to respond to the allegations in writing and/or at a meeting (at the discretion of the faculty member) with the Provost. The affected faculty member shall be accorded a reasonable amount of time to prepare a response to the allegations.** , the appropriate administrator, at the request of the faculty member, shall discuss the matter with the individual in a personal conference. If an understanding of the University's decision satisfactory to the faculty member does not result, the faculty member shall be advised of the right to a formal hearing before the Faculty Hearing Committee.

d. Right to Hearing

The faculty member involved shall have the right to obtain a hearing before the Faculty Hearing Committee and challenge a termination based upon "cause" on the following bases:

- (1) Determination of cause as defined in 2.b. which are not supported by a preponderance of the evidence presented by the University;
- (2) Decisions which are arbitrary or capricious;
- (3) Decisions which are based on reasons which are constitutionally or statutorily prohibited, such as the faculty member's age, sex, race, religion, or disability;
- (4) Decisions which are the result of the exercise of the faculty member of a constitutionally or statutorily protected right, such as the right of free speech or peaceable assembly;
- (5) Decisions which were made after repeated failure to comply with the proper procedures as set forth in this section. The faculty member must show that such error was or could have been a contributing factor in the decision.

The burden of proof in d. (1) rests with the University while the burden of proof in d. (2) through (5) rests with the faculty member.

e. Responsibilities and Obligations of the University to Tenured Faculty Terminated for Cause

If recommended for termination or dismissal, the faculty member (except in cases of gross personal misconduct) shall remain on regular salary until the hearing process is

completed. The faculty member's duties shall be continued for that period at the discretion of the President of the University subject to review by the Board of Trustees.

3. Faculty Hearing Committee: Membership and Procedures.

a. The request for a hearing on the recommendation of a termination, dismissal, reassignment or non-reappointment by a faculty member must be made in writing to the President of the University **Provost** within thirty (30) days of the notice from the administration of the recommendation for termination of employment. Failure to request a hearing within thirty (30) days will forfeit the right to a hearing. The President **Provost** shall immediately notify the President of the Faculty Senate that the request has been filed.

b. The Committee shall consist of fifteen (15) members, three (3) to be elected from the School of Business, three (3) from Teachers College, Henderson, and nine (9) from the Ellis College of Arts and Sciences (three (3) from each of the traditional areas: Fine Arts, Liberal Arts, and Math and Science). Terms shall be for three (3) years and the three (3) members from each elected area shall serve staggered terms. Only full-time faculty members are eligible to serve on the Committee. Verbatim written or taped records of the Faculty Hearing Committee proceedings shall be kept, and the Committee shall report to the President of the University **Provost** who shall report to the Board of Trustees **President of the University. The President will report to the Board.**

c. The hearing should be completed within forty-five (45) days from the date that the faculty member makes a written request to the President of the University **Provost**.

d. The Committee shall be informed of its responsibilities by the Faculty Senate President. In any part of the hearing, twelve (12) of the fifteen (15) members of the Committee shall constitute a quorum for the transaction of business. Decisions of the Committee must be reached on a majority vote (eight) of the full committee, with the number of 'yes,' 'no,' and 'abstention' votes being recorded, without designating the person who casts each vote.

e. The faculty member shall be entitled to notice of the time of the hearing at least two weeks prior to the date of said hearing.

f. The faculty member requesting the hearing and the University shall be invited to make presentations before the Committee. The Committee may then solicit any additional evidence it may deem appropriate. Any and all oral testimony, witnesses, and such documentary evidence as necessary and relevant to make a proper determination may be accepted.

g. The faculty member shall have the right to be accompanied in the hearing by an

attorney of his/her choice or by a fellow faculty member. The University shall designate its representative(s).

h. The faculty member shall have the right and the opportunity to obtain necessary witnesses and documentary or other evidence, the right to confront and cross-examine witnesses, the right to obtain sworn statements from absent witnesses at least ten days prior to the date of the hearing, and the right to submit interrogatories to absent witnesses to clarify, supplement, or rebut material included in sworn statements of absent witnesses. HSU Faculty Handbook – revised September 11, 2014
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i. The Committee shall insure that the faculty member receives due process in all the committee proceedings. The Faculty Hearing Committee shall review all evidence felt to be relevant and material to the issues in the hearing to insure that the faculty member receives a fair and impartial hearing.

j. The findings of fact and the recommendation will be based solely on the hearing record.

k. The proceedings of the Faculty Hearing Committee shall be confined to the principals and the witnesses called by the Committee, unless the faculty member requests an open hearing.

l. A verbatim written or taped record of the proceedings and the recommendation of the Committee shall be presented to the President of the University **Provost** and the faculty member within ten (10) days from the conclusion of the hearing.

m. If the Faculty Hearing Committee concludes that adequate cause for dismissal has not been established by the evidence in the record, it will so report to the President **Provost**. If the President **Provost** rejects the report, he will state his reasons for doing so, in writing, to the Committee and to the faculty member, and provide an opportunity for response before transmitting the case to the **President** Board of Trustees. If the Committee concludes that adequate cause for a dismissal has been established, but that an academic penalty less than dismissal would be more appropriate, it will so recommend with supporting reasons. In the event that the President of the University **Provost** recommends dismissal or other severe sanctions to the Board of Trustees **President of the University**, the recommendation of the Hearing Committee also shall be presented to the Board **President**. **If the President agrees that dismissal or other severe sanctions are appropriate and makes that recommendation to the Board**, the faculty member shall be afforded the opportunity to make a statement to the Board in person and in writing. If the faculty member elects to make a statement to the Board in person, he or she shall have the right to be accompanied by an attorney of his or her choice or by a fellow faculty member. --- --- **Current process**

fitness is questioned department chair/immediate supervisor convenes department faculty department faculty elects review committee department chair/immediate supervisor discusses with faculty member - it can end there but if dc/is decides there is substance - review committee reports findings department chair/immediate supervisor submits report to faculty member and dean - doesn't require that the committee's findings be forwarded process can end here if faculty member comes to some agreement with department chair/immediate supervisor note that it is not clear that the dean is to make any recommendation it does not clearly state to whom anything is sent after the dean gets the report President may give notice that the administration wishes to terminate faculty member faculty member may respond to allegations in writing or at a meeting with the provost faculty member may appeal to Faculty Hearing Committee hearing will be held hearing committee reports findings to the president president accepts or rejects, gives chance to respond, then reports to board faculty member may make statement to board

Suggested process

fitness is questioned department chair/immediate supervisor discusses with faculty member - it can end there but if dc/is decides there is substance **if issue is against chair or IS, dean assumes role of chair/IS** department chair/immediate supervisor **notifies dean, then** convenes department faculty department faculty elects review committee review committee reports findings department chair/immediate supervisor submits report to faculty member and dean along with the committee's findings process can end here if faculty member comes to some agreement with department chair/immediate supervisor dean reads both report and makes a recommendation to the provost, also sending both reports to the provost Provost may give notice that the administration wishes to terminate faculty member faculty member may respond to allegations in writing or at a meeting with the provost faculty member may appeal to Faculty Hearing Committee hearing will be held hearing committee reports findings to the provost provost accepts or rejects, gives chance to respond, then reports to president president accepts or rejects, then sends to board faculty member may make statement to board