

Faculty Assembly Meeting Minutes
25 September 2007 (Approved 23 October 2007)

Present: Katie Bragdon, Liz Canuel, Francie Cate-Arries, Bill Cooke, Mike DiPaola, Colleen Kennedy, Lisa Landino, John Lee, Heather Macdonald, Rip McAdams, Alan Meese, Terry Meyers, Todd Mooradian, Adam Potkay, Dee Royster, Carol Sheriff, Gene Tracy, Tom White, Laurie Wolf, Alan Fuchs

Absent: Larry Evans, Carl Hershner

Others in Attendance: Sean Day (Daily Press), Provost Geoff Feiss, Carl Strikwerda, Valerie Hopkins (Student Assembly VP)

The meeting was called to order at 15:35 by Alan Meese

1. Approval of May Minutes.

Minutes were approved.

2. Report from Provost Feiss

Provost Feiss reported on the budget situation. Initially we were asked to submit a plan for a 7.5% reduction; this was later changed to 7% reduction. The Provost asked the Faculty University Priorities Committee for advice, which was used in developing the plan that was submitted to the Governor. A modified hiring freeze is in place that only relates to non-instructional personnel to provide flexibility in dealing with the budget and budget cuts. In consultation with the president, Sam Jones, Anna Martin, and the Provost came up with a set of principles to use in make hiring decisions.

The Provost reported about testing the emergency response system. They are also working on an Administrative Risk Task Management Task Force that will not take the place of existing committees. It will include all the stakeholders – from audit to information technology to health and safety. Athletics will have a representative on the committee (in response to a question).

The Provost met with the Liaison Committee last week. A performance audit relative to the Student Financial Aid Office was conducted. There was no evidence that students have been disadvantaged with respect to financial aid (e.g., steered to particular lenders). We also investigated study abroad and there too, our practices are reasonable.

The Faculty University Priorities Committee (FUPC) makes a report to the Provost at the end of the semester in which they lay out what they think the priorities should be. Provost Feiss provided a handout that included broad categories of budget allocations – descriptor of what that allocation is, amount, and mapping of allocations and priorities. Of the budget allocations, 82.5% are consistent with budget priorities identified by FUPC.

Meese: From proposals last spring, one was a faculty retention fund – there isn't one here. Feiss: We put some money in it last year, but no new money this year.

Meese: From the report in April, we proposed the idea of a flexible freeze (on faculty positions). What about the six-year plan? Feiss: The six year plan is going to the Board of Visitors so you will see the six-year plan. We need to do this every two years under the restructuring act.

Meese: Regarding the proposed budget cuts, how is the Board of Visitors involved? What will happen? Feiss: We will come back to the Faculty University Priorities Committee – they will be consulted on cuts and priorities.

Meese: We remind you of the letter that we sent regarding the plan to get to 75% our peer group salaries. We consider the letter still operative. Important commitment to raise faculty salaries.

3. Report from Standing Committees

Academic Affairs Committee – waiting to hear if we should move forward with anything re internationalization. No report

Faculty Affairs Committee – will discuss proposed Handbook revisions later in the agenda.

Liaison Committee report – no report.

Committee on Priorities and Resources (COPAR) –Tracy discussed the FUPC report and Data Gathering Project and noted that a motion regarding divestment would come up later in the agenda. What is the relationship between COPAR and FUPC? What is the role of each committee? What is the charge of COPAR?

Provost Feiss established the FUPC – he wanted to have a committee where the faculty could articulate its priorities. He had six year of experience with its predecessor committee (BPAC).

Mooradian: what is membership of FUPC?

Feiss: FA president, past-president, vice-president; chair of Faculty Compensation Board, Chair of COPAR, elected faculty representatives, two students representatives, some administrators.

Kennedy: COPAR was separate fro BPAC), so in some ways any problem that you are seeing is much longer standing. COPAR has done things outside the budget planning process. They have met with development in the past. COPAR has a broader charge in terms of overall university planning and priorities that go beyond state money and going into the private domain.

McAdams: Did it did feel redundant?

White: We did have something like this discussion last year. There were enough other issues that we didn't want to relegate it all to the FUPC.

Tracy: Worry about two standing committees with overlapping responsibilities
Feiss: there has been discussion about the relationship between the Development Office and COPAR.

Mooradian: The big issue is that there is such overlap

Feiss: It has been useful to have non-assembly members on the FUPC

Macdonald: Continuity is important – favoring current composition of FUPC

Conclusion: Refer to the Executive Committee

Tracy described the Data Gathering Project, something started by COPAR last year. There are now ten plots on the website that are populated in real time by Institutional Research that provide historical perspective (e.g., historical enrollment trends, enrollment trends by level). www.wm.edu/ir/info/index2.html

They want feedback from the assembly – what types of data/information should be included. Degree production over time from various programs, revenue streams. Would like printing capabilities, define key words. Plot in dollars should be in constant dollars vs real dollar. Send comments. All of this data is public data. We should consider that this is our way of presenting university data to the world.

4. Committee Elections

Lisa Landino resigned from COPAR, then was nominated and elected to the Faculty Affairs Committee.

Heather Macdonald resigned from the Faculty Affairs Committee, then was nominated and elected to COPAR.

Francie-Cate Arries resigned from COPAR. Terry Meyers was nominated and elected to COPAR.

5. Faculty University Priorities Committee (FUPC) Report to the FA

Faculty members of FUPC met and submitted a report; they recommended that the administration work as hard as possible to rescind proposed cuts. Failing that, they proposed that instead of cutting our budget, the University ought to seek other revenue streams (three different approaches). FUPC was informed that the students voted some type of surcharge, albeit not one that would cover the entire amount of the revenue shortfall.

6. Proposed Changes to the Faculty Handbook

Kennedy briefly described the process of proposed changes to the Faculty Handbook that was agreed on last year when we started the process. After initial work by Feiss, Kennedy, and Meese, the proposed changes go to the Personnel Policy Committee, then to the Assembly. The Assembly discusses as a body, then refers to the Faculty Affairs Committee (FAFAC). The FAFAC takes those comments and makes changes it considers relevant. It brings its revisions back to the Assembly for a vote (a preliminary vote as there will be another vote on the entire document later (we hope this year). Everyone will have a chance to see the entire proposed handbook. There will be no wordsmithing or editing during the meeting. If a section is complicated (word wise), and

changes need to be made, they will be made either by the FAFAC or the Writing Committee (Feiss, Kennedy, Chair of the PRC).

Macdonald: Recollection that the final version of the proposed changes needs to be posted and available for comment for faculty of all the schools for at least one month. the

Meyers: Bill Fisher has an informal AAUP group that plans to review the entire document.

Discussion of III F. Allegations of Violations of Policy.

In the Faculty Retreat – discussion that materials in the EEO office would be retained for 5 years vs 3 years. The more substantive issue is whether EEO can create a file and retain it for some number of years; the accused would not have access to it or be notified of its creation. Part of our role is representing the faculty. It seems unfair to have files that are kept that the faculty member never knows about it.

Kennedy: our existing policy - all records, regardless of the outcome of the investigation, are kept for the EEO office for the career of the faculty member. The reason for that is that is how the EEO office determines patterns. The potential that the complaint is anonymous, the accused would never know about it.

Cooke: The crux of the issue is that it presupposes that there is some vetting of the information and to have a file of allegations seems fundamentally unfair to the faculty member. If nothing further is done with it it, why should it be kept?

McAdams: [not providing information about the complaint] it doesn't allow any room for remediation of/by the faculty member and thus seems unfair.

Decision to go page by page, reviewing recommendations made by FAFAC (and accepting recommendations made by other groups earlier, unless noted otherwise).
FAR=Discussion at the Faculty Assembly Retreat

Section 1a iii (page 1) – FAR/FAFAC recommends change of sentences in this section into order of “informal investigation”, “inquiry,” “formal investigation” and presented as three distinct sentences (previous version had it in different order and had one as a sentence of its own and two as independent clauses without a conjunction).

Section 1a vii (page 2) FAFAC recommends change from “facts” to “evidence”.

Section 1f (page 3) – FAR/FAFAC added that the administrative officer shall define the violation in writing and shall explain relevant policy and procedures in writing. Question about footnote 6 – may negotiate a settlement.

Section 1h (page 4) FAR/FAFAC changed the order of clauses in the first sentence for clarity. FAFAC – the last sentence was rewritten to clarify that the Provost should explain continued suspension/reassignment every 120 days, not just the first 120 days.

Section i (page 4) FAFAC added the specification that not only should the evidence be convincing, the gravity of the alleged conduct should be great enough to warrant major sanctions. Also, wherever major sanction is used, a reference is given to the definition that clarifies what a major sanction is.

Section 2a Defer the discussion of the issue of personnel/EEO files and length of time files should be retained to later in the discussion. The unresolved issues are

- A) How long the files be retained - the FAFAC version changes it from three to five years with general agreement for that from FAFAC and FAR); and
- B) Whether faculty members should be notified of and have access to those files (the current version does not provide for notification to the faculty member in cases where the accuser wishes to remain anonymous; the FAFAC version does include the specification that faculty members have access to all files about them, Personnel and Equal Opportunity, per a suggestion at the FAR.

Section 2c (page 9) FAFAC changed “facts” to “fact”

Section 2d (page 11) - need to discuss change about access to files (see language inserted at the FAR by Terry Meyers).

Section 2d (page 11) discussion about the issue of conflict of interest as well as challenges regarding the composition of the Faculty Hearing Committee. Should there be challenges for cause? Does the committee have a procedure that would require them to declare a conflict of interest? The goal is to give people a fair hearing. Royster suggested the order (from 1-4) should be

- 1) Self removal (regarding conflict of interest (COI) or perceived COI) ,
- 2) Removal by committee (regarding COI or perceived COI)
- 3) Removal by provost (two challenges without stated cause)
- 4) Removal by accused (two challenges without stated cause)

This section will need to be revised by the Writing Committee to reflect this change.

Return to discussion regarding records in personnel files Sections 2a ii (page 7)

Feiss: Our responsibility is to protect the institution and our responsibility is to protect the faculty.

Concern about expunging record. Concern – if person making complaint knew that faculty member would see the complaint, they would not have made the complaint.

Behavior may be bad but not sanctionable. But what about a persistent pattern of such behavior?

Kennedy: We have tried to make things consistent. When you get to academic misconduct, all reports must be held for three years. There can be anonymous ones (e.g, graduate student) ORI protects the anonymity of the individual.

Recall points made regarding the value of faculty members having access to their files \made at the beginning of the discussion of the Faculty Handbook.

We have gone through pages 1-11 in Section III f. We have not resolved the issues on page 7 that recurs (whether faculty have access to all reports; how long records are kept).

7. Report from Committee on Planning and Resources regarding Sudan

COPAR proposed a motion that the following recommendation would go to the Board of Visitors concerning a divestment strategy regarding companies found to be aiding the genocide in Sudan. Two friendly amendments: change “investments in companies” to “investments in any companies” and send to the William and Mary Foundation Board as well to the BOV. The two statements as amended are given below.

The Faculty Assembly urges the Board of Visitors to adopt a targeted divestment strategy concerning endowment investments in any companies that are found to be aiding the genocide in Sudan. We realize that the Board has a fiduciary obligation to invest endowment funds to benefit the University and that its primary goals would be to maximize the return on that investment. But, investments in companies that contribute to what the US Government and the United Nation have declared to be genocide are inconsistent with the values of this institution and the society of which we are a part.

The Faculty Assembly urges the William and Mary Foundation Board to adopt a targeted divestment strategy concerning endowment investments in any companies that are found to be aiding the genocide in Sudan. We realize that the Board has a fiduciary obligation to invest endowment funds to benefit the University and that its primary goals would be to maximize the return on that investment. But, investments in companies that contribute to what the US Government and the United Nation have declared to be genocide are inconsistent with the values of this institution and the society of which we are a part.

The motion to send these recommendations forward was passed unanimously.

8. Assembly Response to Budget Cuts Proposed by the Governor – not discussed

9. Internationalisation – not discussed

10. Old business – no old business

11. New Business

- a. There have been a few complaints about the William and Mary News ceasing its publication.
- b. Sean Pieri is coming to the next Faculty Assembly meeting and will report on development.

- c. The President would like the Assembly to review the proposed climate statement that would require us to become carbon neutral as soon as possible and also has a curricular requirement; these recommendations could have budget implications. The Executive Committee will be discussing how to review the proposed document.

12. Adjourned by acclamation at 6:00 pm.

Respectfully submitted,

Heather Macdonald
Secretary, Faculty Assembly