

FACULTY COUNCIL MINUTES
250 Student Union
March 14, 2006

Bob Darcy called the meeting to order with the following members present: Austin, Bell, G., Binengar, Carter, Chaney, Cruz-Rodz, Giles, Hirschlein, Johannes, Jordan, Meinkoth, Mitchell, Raff, Sleezer, te Velde, Terry, and Veenstra. Also present: Agnew, T., Allen, M., Bird, L. Bosserman, D., Chemishanova, M., Elliott, K., Hawkins, C., Hightower, D., Holder, M., Kard, B., Masters, B., Payne, R., Strathe, M., Teague, G., and Weaver, J. Absent: Bell, P., Brown, Dare, Gelfand, Hallgren, John, Lamphere-Jordan, Martin, Moomaw, Phillips, Ransom, Rouch, and Shabazz.

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Earl Mitchell moved acceptance of the February 14, 2006 Minutes. Tom Jordan seconded. Birne Binegar said there were corrections to Patricia Bell's report from the February Council meeting due to sentences not heard well on the tape (full report is below with changes in "red"). The Minutes were approved as corrected. Darcy proposed amending the March 14, 2006, Agenda to allow faculty to ask questions of administrators or bring up concerns under item 6, "The President – Remarks and Comments" since the President was not in attendance. Raff moved acceptance of the Agenda as amended. Johannes seconded. The Agenda was approved as amended.

Report from Special Committee to review the Draft "Reporting of Unethical Conduct and Complaint Protection" proposed policy – Patricia Bell

Bell reported that Darcy appointed a Special Committee of three, Pat Bell, Chair, Kris Giles, and Pat Lamphere-Jordan to review the Draft “Reporting of Unethical Conduct and Complaint Protection” proposed policy. The **committee members read the policy and, emailed their comments to Bell.** No one was opposed to having the policy; however there were several questions raised mostly having to do with process and definition of concepts used in the policy. **After the Committee summarized their concerns and questions they were sent in writing to Anne Matoy and she responded.** Most of the concerns had to do with sections 3.02 and 3.03 in the policy regarding retaliation and good faith allegations. Some of the suggestions were moot points because the process is already under way. **An example was a suggestion that the actual policy should precede the purchase of software, but** the software had already been purchased. There were some suggestions that the policy, as stated, suggested that in regard to reprisals that the University was trying to prevent people from retaliation by going outside of the University. The question was raised, “In the event that a false allegation is made, will the University’s attempt to prevent a person from retaliating, that is outside of the University, be interfering with a person’s rights under the Civil Law”? Another question was, “What will happen to this information once a complaint is made. Is it placed and maintained in a database? If the allegation is found to be false **is it then purged from the database”?** There were some concerns regarding the terminology used. **For example,** what is the meaning of “good faith allegations”; how are some terms defined, i.e., misconduct, good-faith reporting, etc. There was a suggestion that this draft policy should be posted on a website for all to see and that all Councilors and the General Faculty should take it up as an issues before the policy is finalized. There was a concern in regard to what takes place in the event of a false report and the termination of employment if a false report is made. An earlier version of the draft policy had been reviewed by Legal Counsel and it will now be sent back to Legal Counsel for final review to determine the issue of whether or not it interferes with ones Civil Rights under the law. As for the definitions of unethical conduct and suspected violations, once a report is made it goes to a Compliance Officer and they determine whether or not the information received warrants further action; **therefore, the implication is that the Compliance Officer interprets and defines these terms.** There was a suggestion to change a paragraph that refers to what would take place if someone made a reckless and false allegation and in 3.02 it states, “An employee who retaliates against someone who has reported a violation in good faith is subject to disciplinary action, including termination of employment”. Phillips asked if this policy would include the entire OSU community. In 2.01 it states, “This policy applies to all OSU campuses and any other locations where business of the University is conducted”. Binegar asked about section 3.10 – Refrain from Rumors. Matoy replied one of the advantages of the confidential reporting system is it is a way to clarify or get proper information out. Matoy added the electronic reporting system allows the complainer to be confidential. She said they are taking care that someone is not reporting frivolous information and making a report is serious and it ought to be as reasonably accurate as possible. The review will be taken seriously. Phillips asked if Bell’s committee concluded this policy was acceptable as is. Bell replied the committee would review the draft policy in regard to the changes that were suggested. Matoy said when agreement was reached on this policy it would go to Legal Counsel, to administration, and then to the Board of Regents.

View this draft policy at: <http://facultycouncil.okstate.edu/>

SPECIAL REPORT: Institutional Data Warehouse — Brenda Masters

Masters reported the data warehouse project has been under discussion off and on over the past

decade. The main use is administrative access to institutional data for basic decision making. The end product of a data warehouse would be a website that allows one to query institutional data in order to find out information, for example, in the academic ledgers or other breakdowns of the data. The warehouse is comprised of various data collections such as faculty, staff, and student. The data collections would be accumulated from transactional databases and other sources. The transactional databases referred to are already functioning at the university and are used for day-to-day work; such as the SIS System, the Financial Resources System, and also the Human Resources System. In addition to the uses mentioned above, the data will be available for planning and longitudinal studies so over the years, if you wanted to study a student pattern, for example, in your department or college, you would be able to do so. They are hoping to set the transactional databases together in a way so they can be set together at the warehouse to increase the data alignment and validity. Sometime when departments receive data for the five-year reviews one has questions or concerns not just about that year's numbers but also previous numbers. The initial data collections in the data warehouse will start with faculty information and also planned are data collections associated with students, staff and future collections might include assessment and space issues. When the data warehouse is generated there would be a data bottle that would describe very carefully what variables came from which transactional database, how they fed in, how there were coded to be aligned with one another and in what way they were updated. Also, technical information about the system that the transactional database was in and what would come into the data collection that would be in the warehouse. Examples of faculty variables for data collection could include very basic information such as name, rank, title, email address, teaching schedules, grade distributions, research grants, salary, FTE assignment, publications, and awards (not only local awards but also national and international awards). Masters explained, that in regard to salary, if you now have access to salary information you would have access to the salary information once it was in the data warehouse but the access would not be much broader and is should not be misconstrued that all of the variables represented would be something that would be queryable on a website for a broad set of people. Masters showed an example of a data warehouse at the University of Pennsylvania as having an excellent structured website and can be viewed at:

<http://www.upenn.edu/computing/da/dw> and also one at the University of Maryland:

<http://www.oit.umd.edu/units/dataadmin/DataWarehouse>. In order to view other examples, search: *university data warehouse on Goggle*. Masters added some of these data warehouses are very technical and the front page begins to talk about intense variable descriptions and she hopes the OSU warehouse can be non-technical in terms of the presentation of its front page and make a friendly entrance to the university data that are associated. One technical or work group associated with this project is the project development team that consists of the Project Manager, Doug Reed, Assistant Director, Institutional Research and Information Management and the IRIM representatives which include Marilyn Tribble, Shumi Jahan, and Sharmila Suhaib, Information Technology representatives, a Human Resources representative and Brenda Masters as the Higher Learning Commission liaison to the project (with the Data Warehouse the accreditation work could be much simplified). There is also a project contact group which includes the Stillwater Cabinet working with and through Provost Strathe, Council of Deans representative is the Dean of Libraries, Sheila Johnson, Planning Council representatives are Joe Weaver and Christie Hawkins, GPSGA representative Zachary Roehrs and Masters has asked Faculty Council and Staff Advisory Council to name representatives as well. Masters ended by saying the purpose of her presentation was for faculty to begin thinking about how a Data

Warehouse for the University should be organized for the best use and what data collections should be contained there and what information should those data collections maintain and who should have access to which of the data collections and to what variables are contained there. Please send ideas to brenda.masters@okstate.edu, or call her at 744-4522 to discuss the project in general and to discuss concerns or questions you might have. Questions followed. Darcy asked about historical data, not just current data. Masters replied the technical group had begun to talk about that every data record should have an official time stamp associated with it. For example, salary information, year by year, would be maintained with time stamps directly on those pieces of data information. Darcy asked about restricting access to certain data, i.e., salaries, when at the same time, by public law, that data is public. How do you reconcile the idea of not making the information accessible if it's public? Student grades, on the other hand, are not public by law. Masters said in society there are many variables that are identified as public information but are not easily accessible or conveniently located public information and her perception is that this project will align with those social trends. Binengar said in regard to public versus accessible data there are robots or automated programs on the internet that scan information and collect data bases for other purposes. Masters said there will have to be advanced security systems in place in the same way they are in place for the transactional data basis. Mitchell asked about active Emeriti faculty and how far back should the data go. Masters replied they will attempt to gather data held in the current electronic or transactional data bases and then discuss if they want to update from the past. Ideally, the student information would be all the way from the first students to the current ones and that would be a massive amount of work. Sleezer said earlier it was stated that administrators would use the data base and she suggested that a similar data base might be used by people in the state, to make connections with faculty to effectively generate contracts. Sleezer stressed the importance of still being able to access paper data and not just electronically. Raff suggested that in regard to the faculty data based publications and awards that dissertations and MS theses be collected and added to the database. Darcy added he had been told that all theses and dissertations are online in the Library. Dan Chaney, Council member from the Library, said full electronic text of dissertations go back to 1961. Binengar suggested the Faculty Council Research Committee have input into research productivity. Sleezer suggested Grants and Contacts by included in the warehouse because of outside companies becoming interested when they see other companies involved. te Velde suggested including are performances. Masters said she thought that all activities associated with faculty will eventually be considered for the data warehouse.

Binengar asked where OSU was in the accreditation process. The Provost reported OSU has been reaccredited for the next ten years and this will be announced publicly in the near future.

SPECIAL REPORT: Course Management System — Ron Payne

Tom Jordan introduced Ron Payne from the Institute for Teaching & Learning Excellence, to provide an update regarding the Course Management System Task Force. Payne said he had been involved in the Course Management System at OSU since it began in June of 2001 with WebCT. In spring of 2002 Blackboard came along. The OSU course management system (CMS) task force, comprised of representatives appointed by the dean of each college, has been changed with selecting a single course management system that meets or exceeds the needs currently being served by Blackboard and WebCT. The motivations for the move are 1) to respond to student calls for a single system, 2) to provide a tool for faculty wanting a system that will satisfy their instructional needs, and 3) to help the support staff who currently have to “know” two systems very well. Five vendors were invited to make presentations to the task force, to faculty, and to students. The vendors invited were: 1) Blackboard, 2) WebCT, 3) Desire 2 Learn, 4) ANGEL and 5) Educator. Educator withdrew due to the belief by their representatives that they would not be able to meet OSU’s requirements. Beginning in December and ending in early February, the four remaining companies presented their course tools. Two days after the last presentation by ANGEL, the task force determined they wanted D2L (Desire 2 Learn) and ANGEL to return for more in-depth study and presentation. Accordingly, ANGEL representatives met with interested faculty, IT staff, and members of the task force on February 28, 2006. On March 2, 2006, D2L demonstrated their software, answered questions, and provided details about course conversations, testing, and training. Announcements detailing the visits were distributed by the Chief Information Officer, Darlene Hightower. A meeting of the task force to discuss the two finalists were held March 10, 2006. A final decision was delayed for two weeks to allow time for appropriate financial considerations to be worked out. The “winning” software will be available for faculty to learn to use this fall with the changeover expected to begin next Spring 2007. OSU will continue to use Blackboard and WebCT until the changeover is completed. Ron Payne can be contacted at ron.payne@okstat.edu if you have any questions or visit the task force report website at <http://fp.okstate.edu/fsc/cms>. Cruz-Rodz asked if this would affect the branch campuses and Payne replied they had been invited and he added that two branch campus representatives attended each meeting that was held.

SPECIAL REPORT: Athletic Update — Mike Holder

Bob Darcy introduced Mike Holder, Vice President for Athletics and Athletic Director. Holder said he had gone through an evolution in his career. At first he did not appreciate the education he received at OSU until he had coached several years and never really understood how valuable that was to the student athlete that played for him until eight or nine years into his career. Sadly, when he first started coaching, the most important thing to him was winning championships and putting players on the PGA tour if they were eligible to play that was enough for him. In 1980 he recruited a young man named Tommy Moore, who unfortunately passed away at a young age, but he had a big influence on Holder’s philosophy. Tommy Moore showed him it was possible to play golf at the highest level and achieve academically at the highest level. Holder found the higher he raised the bar for the academic performance of the players under his leadership the higher they achieved and he said he could say with great pride that in 1995 the outstanding male graduate of the entire university was on the golf team. His name was Trip Kuehne and he was also an All-American player. Thirteen players by the year 2000 had achieved Academic All-

American status where you had to make at least a 3.0 GPA in your core courses and be at least a Junior academically and you also had to be an All-American type player and meet some criteria as far as your golf went and of the 13 receiving that recognition 10 were on the OSU golf team and all after Tommy Moore attended OSU. Holder hopes to bring this philosophy to the Athletic Department and thinks the two should be integrated together. He believes all athletes, no matter what the sport, should be challenged to achieve at a high level not only on the athletic field but also in the classroom. Another thing he is very interested in is the fiscal responsibility of the Athletic Department. He is very proud of the fact that in all his years of being the golf coach he was always responsible for his budget. He never overspent what he was allocated no matter what level of funding was received from the university and he intends to bring that same degree of fiscal integrity to his role as Athletic Director. Holder said, "I do not believe we should spend money we don't have and we should get value for every dollar we put into athletics. We don't want athletics taking money away from the general university. That being said, is that the case today? 'Not necessarily'. As Professor Darcy has so openly pointed out, we get a fee for graduation being held at Gallagher/Iba Arena, a very substantial fee. We need that right now. In fact, even with that we're not going to have a balanced budget this year. The budget that I inherited, I've kind of been the bus driver up to now but the bus was headed in one direction and now I'm just kind of holding on to the wheel but I intend to do something about that in the future and we will balance the budget. In fact, I hope to operate with a surplus and in due time we'll get rid of the subsidies that we get, for example, the fee on Gallagher/Iba. In my opinion we should provide that free of charge to the university for graduation".

Holder then discussed the \$165 million gift from Boone Pickens. Pickens said that would not be his last gift and Holder believes that is true. Holder said, "If that is the case, we are participating in his fund with this money he gave us and if he makes enough money in that fund to be generous to the university again then athletics will be right there with him". He added, there is approximately \$200M invested now. The first two months of the year earned 17 $\frac{3}{4}$ percent on the money and that is over \$35M and would be the second largest gift ever given to the university. What they intend to do with the \$200M is build \$300M worth of new facilities, pay for them at the end of the day, and hopefully have a surplus. Holder said, "Pickens' fund has averaged 125 percent over the four years it has been in existence. That is the average. It does not mean that is what it will be in the future. We've computed a 20 percent return. If we hit that number, we will build \$300M worth of facilities and have \$51M left at the end of the day. If Boone does better than that there will be more money. I feel very confident that Boone will produce, and if he does, I fully expect him to turn around and do something for the academic mission of the university". Holder said he had heard Pickens say, on any number of occasions, that he gives a lot of credit for his successes in business to the education he received at this university. Holder thinks that before it is all said and done all will look back on what is being done for athletics right now and realize that had a big part of what happens in the future to the institution academically. All can stand up and applaud when that day arrives.

Holder ended by saying he had only been Athletic Director for six months and certainly does not know everything about the job but he hopes to get better every day and has good intentions.

Questions followed. Darcy asked Holder to comment on the Athletic Village in regard to why is it needed and why is it needed where it is. Holder replied that decision was made before he was

the Athletic Director; however, he thinks it is important because you would like to have all of your athletic facilities as close together as possible. When the decision was made to renovate Gallagher/Iba Arena, and then also do the same thing to the football stadium, he thinks a decision was made to stay fairly close to that area with the rest of the athletic facilities and no matter where it was located it would take something that could be used for another purpose, for another mission of the university. Holder said everyone that he had talked to or heard from that has sold their property to the university has been happy about the process and he hopes that is the way everyone feels regarding property acquired north of Hall of Fame. He added he has particular compassion for those people that have built and still live in their homes in that area. He thinks there were six owner-occupied homes south of McElroy and believes three of those have been purchased and would like to think that those people are, at least when faced with the alternatives, pleased with the price they received and are pleased with where they will be living in the future and added that is his wish and desire. The thing that will come next are the people that actually have rental property in that area and how they feel about the process at the end of the day. Holder said he could not adequately defend where the Athletic Village will be located but that he agrees with where it is going to be located and is willing to live with some of the negative consequences of that decision. Raff asked how many privately-owned homes are in either the 5 or 20 year plan and Holder replied approximately 40. Raff then asked if they planned to use Eminent Domain and Holder replied only as a last resort but they hope to acquire all the properties by a willing seller. Brian Carter asked if there were any plans to add other athletic teams, such as swimming, to the athletic program. Holder replied his number one priority now is to pay for the programs the university currently has and does not feel it is prudent to think about adding programs when it is hard just making ends meet. Once all sports can be adequately funded and they feel it is a wise decision to add, then it will be considered. Johannes said when sports are added to universities didn't they usually add from club sports that had been successful at the university rather than bringing in and starting a new program. Holder replied when Equestrian was added it was definitely not a club sport and thinks that was a decision driven more by the numbers. It was a female sport and female athletics were needed to help offset the large number of male athletics, for instance, on the football team to give you a balance. Binegar asked if the Athletic Department gets back in the black and the debts get paid back will the students be paid back as well, particularly the student fees that were raised and added that conditions in their legislation stated that if there was a possibility fees could be repaid. Holder said the students imposed the fee upon themselves and he feels lucky they cared enough about what athletics was doing to vote that in. Mitchell asked Holder what his vision was for covering the expenses of athletics in the future because of the Athletic Village and maintenance cost and there will still be scholarships to be paid for and how many of the golf players are now on endowed scholarships. Holder said, "Golf has more money than they really need and that is part of the \$202M. In addition to the \$165M Boone Pickens gave OSU, he gave another \$6M that same month. That brought the total up to \$171M and then he paid off his stadium pledge of \$12M and so he wrote \$183M worth of checks in December. The \$12M could not be used to invest in his fund because that was dedicated to the stadium. That left \$171M plus \$31M that had been saved and has grown through the expertise of Boone Pickens. Pickens took \$6M in 2003 and turned it into \$31M two years later. That was put with the money he gave OSU and that is where the \$202M comes from. The golf program is in good shape. We are going to make sure that going forward there is plenty of money to run the golf team and Karsten Creek Championship golf programs demand championship golf courses and we built Karsten Creek

knowing those were the parameters. Every player that has come through Oklahoma State University has been directly and indirectly helped by the generosity of either former students, interested alumni, or people that just enjoy golf and they have showed that appreciation by turning around and giving back.”

Darcy asked for clarification on the investments – \$165M from Pickens, \$31M in golf, earned \$35M since Jan. 1. Holder said 17¾ percent on \$202M. Darcy said that Dave Schmidly told him that Jan. 1 between \$35M and \$38M has been earned on Boone Pickens investment so far. Holder replied that was correct. Holder added that January 1, 2000, \$300,000 invested in Boone’s fund would have paid off at the end of 2005, \$138M. That is the commodity fund, not the equity fund. Holder added, “The commodity fund returns are so astronomical I don’t even want to throw a number out there. Our money is in the equity fund, 90% stocks and 10% commodities, but there is so much leverage in that commodity portion that the earnings have been 50/50, commodities/equities”.

Hirschlein said she had read in the editorial section of the *Stillwater NewsPress* a letter calling for a repeal of the Use Tax and the person writing the letter was trying to get a petition signed so it could be placed on the ballot for a vote by the people. Hirschlein asked if this were to happen and the Use Tax was repealed would that matter. Holder replied, “Yes it would matter. Six hundred thousand dollars per year is the maximum we can get on that and I promise you that is needed now. The money we are talking about is to build facilities that are still in the ‘dream stage’. What you would like to do is build them and then earn enough on your investment to defray the maintenance costs and operating overhead. Look at Allie P. Reynolds Stadium. We haven’t put a dime into it since 1981, or Lewis Field, we didn’t even paint it, it just rusted out. We have Boone Pickens at 77 years of age, still of sound mind, willing to set out there and invest our money and charge us no fees and we’re earning this money tax free and we have a chance to make a huge difference going forward. Is it guaranteed, ‘no’. That \$300,000 starting in January 2000 is part of the \$33M Boone started with in 1997 and at the end of 1999 it was worth only 10 cents on the dollar, but since that day that 10 cents on the dollar, \$3.3M, has grown into \$2.3 billion”.

Binegar asked Holder if he would comment on the relationship between the OSU Foundation, OSU Golf and the future OSU Athletics and that presently Karsten Creek and the OSU golf program are under OSU Golf and the fundraising entity is separate from the OSU Foundation. He added that President Schmidly said there are plans to widen or merge OSU Golf into OSU Athletics. Binegar asked if it would be a separation of fundraising activities – athletics on the one hand and academics on the other or would OSU Athletics be devoted to athletic facilities. Holder replied he thought OSU Athletics would be devoted to fundraising relative to athletics in general whether it be facilities, scholarships, whatever, just athletic endeavors.

Raff said Holder mentioned earlier the OSU athletic program was in the red this year and asked what the number was. Holder said it is a moving number and would not be known until the end of the year.

Darcy thanked Mike Holder for attending the meeting to a round of applause.

**REPORT OF STATUS OF FACULTY COUNCIL RECOMMENDATIONS:
President Schmidly, Provost, and Vice Presidents**

- 05-11-01-RES ***OSU Conflict of Interest Policy:*** Pending. The final document is being reviewed by the Executive Group. When approved, it will be sent to the OSU Regents for review and approval.
- 06-01-01-EXEC ***University Printing Services Employees:*** Counsel received. OSU will continue to provide assistance to individuals as requested.
- 06-01-03-FAC ***Recommended Revisions to The Policy Statement to Govern Appointments, etc. of the Faculty of OSU Approved by the Faculty Council and General Faculty in Spring 2005:*** Pending. Wording modifications suggested by the administration are under review by members of the Faculty Committee.
- 06-02-01-ASP ***Reinstatement of Undergraduates after Academic Suspension:*** Accepted. The proposed policy has been approved by members of the Instruction Council and by the Council of Deans. It will now be sent to the Executive Group for review.
- 06-02-03-BUDG ***Moratorium on Change to Block Tuition:*** Pending. Under discussion.
- 06-02-04-FAC ***Proposed Recommendation from Faculty Committee on Faculty Review of Administrators:*** Pending. Under discussion.
- 06-03-91-RFB ***Education Incentive Recommendation:*** To President Schmidly

Discussion Regarding OSU Confidentiality Agreement

Johannes said many of his constituents, including himself, were upset about being asked to sign the OSU Confidentiality Agreement and asked if someone could respond as to why this has been implemented. He added he would not sign it. Bosserman said to look at the campus environment and that there are faculty, staff and even student employees that fail to recognize the importance of confidentiality in what they are doing. He gave an example of a student that was told to destroy EA forms and he just threw them away in a dumpster. Someone retrieved them and asked if they should be thrown away – response – no, they should have been shredded. There have been cases where people that had access to data shared that data with people they should not have. He gave an example of personal student information being released and the student then asking why was this personal information released without their authorization. This agreement is an attempt to make people aware and to remind them that confidentiality is in everything that is done in their job. It is a reminder more than anything else. Bosserman said if anyone could suggest a way to improve the document to let them know but to remember the intent is to keep an awareness in front of the employees that personnel data, grade data, all data that you have access to and should be kept confidential should be kept within the realm of the employment status. Johannes said he did not understand why this was not brought to Faculty Council for input before being implemented. Sleezer said when she first read the agreement she “did not understand where they were coming from” and “who did this and why”. She thought what Bosserman said was valid but suggested they send out an announcement that reflected what was said earlier instead of just asking someone to sign an agreement that said “you can be fired”. Raff said the Buckley Amendment protects student grades. The problem he has with the agreement is that confidentiality is too broadly defined and covers essentially everything and the decision as to what is confidential is left up to administration and he is not willing to sign anything like that when they can decide what is confidential and what is not and what the penalty is. Raff added he did not agree with the section regarding leaving passwords in a readily accessible location and said if he wanted to write his password down somewhere where he could remember it that is what he was going to do and he thinks that is the way most faculty feel. If you want to remind faculty what the law is, that is fine, but this agreement is entirely too broad. Bosserman said in regard to the Buckley Amendment, there have been three violations in the last two weeks and there is one student who a faculty member put on either WebCT or Blackboard when they should not have and then allowed the class to have access to her data and Bosserman said he was sure, until they talk to that faculty member, they did not know that student was Buckley protected. Bosserman again said to submit ideas to improve the document to them and suggested Council appoint a committee of concerned people and provide input. Raff said to submit it to the Faculty Committee and let them work on it. Bosserman said, “Consider it submitted”. Darcy said back in July, as Faculty Chair, he was required to randomly draw the names of five faculty members so a committee could be formed. In the past, the practice had been to go to Institutional Research and asked Christie Hawkins to draw those names. This time he had to sign the Confidentiality Agreement and initial every paragraph before she would give him the names. He signed it because he needed the names but he thinks “the one shoe fits all” concept is inappropriate. Darcy added he could understand offices, such as the Registrar’s Office, who really need to be very conscious of these things, signing such an agreement, but any kind of document you expect the faculty to sign has got to reflect the way they do business. A document should be tailored to be used by the faculty. Darcy said this document appears to be exercising bureaucratic power in an intimidating way and although he is sure it is not intended that way, that is the way all have perceived it. Bosserman reminded all of the incident last year

where 37,000 student's names and Social Security numbers were lost from people who should have known better and did not take care of their security. In his area when they log on they get a screen that reminds them that they are about to enter confidential information and to treat it as such. Meinkoth said he was not aware of this agreement and asked if he would be asked to sign it. Bosserman replied only if he wanted data. Sleezer said this agreement evidently had been sent to some and not others and what could be done to stop the process. Bosserman replied to get the committee working. Mitchell said individuals need to be held accountable and responsible for their actions and not hold the entire group responsible. He will not sign it and he is opposed to the entire concept. Johannes said he hoped the Staff Advisory Council would be involved in this process.

REPORTS OF STANDING COMMITTEES:

FACULTY — Cathy Sleezer

Committee Chair, Cathy Sleezer, introduced Lionel Raff, committee member, to present a resolution regarding Post-Tenure Review.

Post-Tenure Review Resolution – Lionel Raff

Raff said faculty had received this resolution via the Faculty ListServ approximately one week ago for review. As background, Raff said this began with him approximately last April when one of the Regents made it clear to him in a private conversation that they desired to have a Post-Tenure Review (PTR) Policy instituted at Oklahoma State University over and above the appraisal and development policy. When Appendix D, which is now called "*Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University*" was presented to the Regents last summer by the new Chair, Professor Darcy, they met with him afterwards and said they wanted the Faculty Council and him to take the lead in developing a possible Post-Tenure Review Policy. In response to that Professor Darcy appointed a special committee comprised of Vice Chair Tom Phillips and Tony Brown, Chair of the Academic Standards and Policies Committee. They met with Deans, Department Heads, the Regents Task Force (which is four Regents so it would not constitute a majority) and, for a period of approximately seven months, formulated a possible PTR policy they thought the faculty could live with. Approximately four weeks ago, Raff sent emails to all faculty asking for input from the faculty. He received approximately 100 responses, some as much as two and three pages long, and it was clear from 93.6 percent of the responses that faculty wanted, in addition to the special committee's report, a more vigorous response to the Regent's incentive. In response, Raff drafted 10 points, which he gave to Faculty Committee members Linda Austin and Martin Wallen for further work. They condensed those 10 points to 8 and then the report from the Special Committee and the responses from 100 faculty were placed before the Faculty Committee and the Faculty Council then drafted initial recommendations. When Raff and Tom Phillips were charged with revising the document in light of comments made, they received a policy directive from the Regents and that policy directive set forth some criteria for the PTR Policy drawn up by the Regents. The resolution before you contain, in bold-faced type, the nine points transmitted by the OSU Regents. Raff and Phillips took their document which they had drawn up in the absence of that policy directive and did not change anything but reordered everything so as the points in the Faculty Committee's policy, that were responsive to the Regents' directive, were placed immediately after the directive. This document is intended to be the faculty's resolution and response to the Regent's demand for Post-Tenure Review. Raff said the email responses he received from faculty show that if PTR were put to a yes or no vote it would definitely be defeated. However, they do not have that choice. The Regents are intent on instituting a Post-Tenure Review Policy and they control the University. The objective has been to accommodate the Regent's demand but yet provide faculty the best possible protection of academic freedom and tenure that they can provide.

Raff presented the resolution which he noted had passed the Faculty Committee unanimously on a 10-0 vote and been endorsed unanimously by the Faculty Council Executive Committee, and moved it be accepted by the Faculty Council and if it passes it will be presented to the General Faculty at the April 18 Spring General Faculty Meeting for their discussion, modification, amendment, followed by a mail-in ballot. Johannes seconded.

Raff moved the resolution be amended as follows:

Replace “(D). Any changes to the conditions of employment, the termination procedures outlined in the current *Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University*, and its appendices should not be applied retroactively to present faculty. Termination of tenured faculty under any PTR policy must follow all prescribed procedures currently in force in the *Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University*. The charges justifying termination must be among those currently listed in that document.”

With (D). Any changes to the conditions of employment, the grounds for dismissal, or other policies outlined in the current *Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University*, and its appendices should not be applied retroactively to present faculty. Consequences resulting from any negative PTR outcome must follow all policies currently in force in the *Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University*. The charges justifying negative consequences following a PTR must be among those currently listed in that document.

Binegar seconded. Provost Strathe thought the wording in the first sentence should be changed. Raff moved the word “disciplinary” be placed between the word “other” and “policies outlined” in the revision above in the amended Section D. Raff asked for a secret ballot. The motion passed with a vote of 17 for and 1 against.

Ted Agnew, Professor Emeritus, as a member of the General Faculty, suggested that under Number 1 it read as follows: “The Faculty support review and revision of the current Appraisal and Development (A&D) process. In this regard, the recommendations of the Special Committee of the Faculty Council on PTR should be considered **as adopted on approval by the General Faculty**. (See report posted on the Faculty Council webpage at facultycouncil.okstate.edu.)”. He suggested adding the words in red above, “as adopted on approval by the General Faculty”. Darcy moved. Tom Jordan seconded. Motion passed unanimously.

Darcy moved Section D. be amended by adding two sentences at the beginning as follows: “The objective of PTR is to serve a formative and developmental role in the careers of tenured OSU faculty. PTR is not intended to bring about disciplinary action for unsatisfactory faculty performance”. Much discussion followed. Mitchell called the question. Secret ballot was taken. Amendment failed by a vote of 15 no and 3 yes.

The main motion was then voted on as amended. The motion passed 18-0-0.

The resolution, as amended, is as follows. Please note the two amendments are highlighted in “red”.

Resolution of the General Faculty on Post Tenure Review

We are in receipt of the Policy Directive from the OSU Regents on Post-Tenure Review (PTR). The Faculty Council will work with the OSU Leadership to develop a PTR policy and associated procedures for approval by the entire Faculty and ultimately by the Board of Regents. Pursuant to this objective, the Faculty Committee recommends to the Faculty Council for eventual approval by the General Faculty that the following resolution be adopted:

PTR Policy Recommended by OSU Faculty

The Regents have given nine general provisions to guide the development of PTR policies and procedures. Here, we address each of these provisions reprinted in bold face below.

- 1. The system of review will integrate meaningful annual reviews while providing for comprehensive, periodic, and cumulative assessment of all faculty whose primary professional responsibilities are teaching, research and/or service.**

The Faculty support review and revision of the current Appraisal and Development (A&D) process. In this regard, the recommendations of the Special Committee of the Faculty Council on PTR should be considered **as adopted on approval by the General Faculty**. (See report posted on the Faculty Council webpage at facultycouncil.okstate.edu.)

- 2. For each tenured faculty member, a cumulative review shall take place every four years. A review conducted to grant promotion qualifies as a cumulative review.**

The Regents should be aware that frequent periodic reviews will be very costly in terms of time for both Faculty and Administration. Moreover, it should be recognized that all faculty are already frequently reviewed. Care should be taken to ensure that PTR will add significantly to the existing process, particularly if the A&D evaluations are done every year. If it is decided that all tenured faculty must undergo periodic review in addition to the annual A&D evaluations, then the frequency of PTR should be negotiated between Faculty and Administration. The Faculty concur that a review conducted to grant promotion qualifies as a cumulative review.

- 3. Criteria to be used in evaluations, the nature and kinds of data that will be accumulated, and the methods of data collection shall be stated.**

Faculty will prepare and periodically review written standards for Post Tenure Review. Post tenure review should be flexible enough to acknowledge different expectations in different disciplines and changing expectations at different stages of faculty careers. The review should be based on discussion and substantive documentation provided by the faculty member.

- 4. Persons conducting the reviews shall be designated.**

As PTR focuses upon professional performance in the faculty member's discipline, the individuals designated to conduct the reviews should be faculty in the discipline or department of the faculty member under review. Faculty serving on PTR review committees should be selected by procedures approved by the department or unit.

- 5. There must be peer involvement in the reviews.**

See response to Point 4 above.

6. The review process must include written feedback to the faculty member being reviewed as well as a provision for response to it.

The Faculty concur that a written response should be required. However, such written evaluations must be conducted under the generally accepted procedures that have been in force for decades under the Appraisal and Development program. Generally, condensing evaluations into labels, such as "outstanding" or "unsatisfactory", or use of numerical ratings should be avoided.

7. Rewards for outstanding performance evaluations shall be indicated.

The Faculty concur. OSU should offer tangible recognition to those faculty members who have high or improved performance. The review committee will be able to recommend and justify a salary increase based on performance, to reduce salary compression, salary inversion and market differences.

8. The review system must require individual development/career plans for each faculty member receiving less than satisfactory evaluations in the cumulative review, including steps leading to improvement, a timeline for improvement, and a clear statement of consequences should improvement not occur. Consequences that lead to disciplinary actions shall be implemented in accordance with the Board's Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of the Oklahoma State University.

The Faculty support the following principles as stated in current policy and in support of tenure to protect academic freedom:

(A). No PTR policy that infringes upon a faculty member's right to be responsible for his/her own development as mandated by the University's "*Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University*", Section 1.1.5, Page 3, which states "**Faculty are responsible for their own development consistent with unit, college, and University goals.**", is acceptable to the Faculty.

(B). Academic freedom permits all faculty to choose the direction of their professional effort from the wide variety of objectives contained under the general headings of teaching, research, extension, and service. Any PTR policy must support this principle.

(C). No PTR policy that permits faculty development plans to be written by a committee or an administrator above the level of unit administrator is acceptable to the Faculty. If a corrective development plan is required following an unsatisfactory PTR, it must be the responsibility of the faculty member and his/her unit administrator to prepare that plan (See Section 1.1.5, *Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University*). In this regard, the applicable statement from the AAUP guidelines must be followed.

"No formal development plan can be imposed on the faculty member unilaterally, but must be a product of mutual negotiation. It should respect academic freedom and professional self-direction, and it should be flexible enough to allow for subsequent alteration or even its own abandonment." (AAUP, 2001, pp. 50-56).

(D). Any changes to the conditions of employment, the grounds for dismissal, or other **disciplinary** policies outlined in the current *Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University*, and its appendices should not be applied retroactively to present faculty. Consequences resulting from any negative PTR outcome must follow all policies currently in force in the *Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University*. The charges justifying negative consequences following a PTR must be among those currently listed in that document.

9. A plan for systematic data collection and reporting on the impact and operation of post-tenure review shall be made.

The Faculty concur.

In addition to these direct responses to the Regents' directive, the Faculty also support the following principles:

(A) Post tenure review should be formative and developmental, and institutional resources should be available for professional development or change of professional direction that may be warranted.

(B) The summary report on each PTR should be brief and should justify the professional basis for conclusions and judgments made, but should not include outside letters or extensive documentation.

(C) If the affected faculty member believes that recommendations made as a result of a PTR are based on unlawful discrimination, inadequate consideration, or legitimate exercise of academic freedom, he/she may request a review of the matter utilizing the Dispute Resolution Procedure in Appendix E of the *Policy Statement to Govern Appointments, Tenure, Promotions, and Related Matters of the Faculty of Oklahoma State University*.

(D) PTR should in no way seek to abridge or control a faculty member's first amendment rights of freedom of expression. That is, any PTR policy that adversely reviews a faculty member because of his/her personal opinion on political, social, and economic views, whether expressed privately or publicly, is unacceptable to the Faculty.

(E) Given that the Board of Regents have issued their Policy Directive, the Faculty propose that the responsibility for the further development and implementation of any PTR policy must reside with the Faculty and Administration prior to final approval by the Regents.

As a final point, we note that the report from the PTR consultant hired by the OSU Regents, Dr. Shirley M. Clark, states, “Chait concludes and many of us who have worked on tenure issues would agree, that realistically at this time, there is no broadly-acceptable substitute for tenure because of its sheer normative dominance in higher education. Award of tenure is perceived as a reward for significant individual accomplishment; it confers prestige and enhances reputation among peers. It serves as a perquisite in the absence of many rewards and benefits available to comparable professionals in other fields. In the absence of any designation of equivalent stature, tenure will remain the Holy Grail for faculty and the gold standard of the academy.” [R. P. Chait, *The Questions of Tenure*, Cambridge, MA, Harvard University Press, pp. 309-321, 2002]

All parties should recognize that any PTR policy should support this basic fact: Oklahoma State University cannot prosper and advance if the “gold standard” for academic achievement, tenure, is harmed. To this end, the Faculty note that violation of any of the principles described above would do violence to this gold standard and be counterproductive to the University, to the students, and to the citizens of Oklahoma.

Diversity Issue — Sleazer reported that in addition to Post-Tenure Review the committee has been working on the diversity issue. She had met with President Schmidly and Cornell Thomas, Vice President for Institutional Diversity. The President stated he was very interested in addressing current and future diversity issues. The Faculty Committee has decided to move forward collaboratively with administration on this issue. She has learned how to obtain the data she needs and will continue her study and will meet again with Dr. Thomas. She will use the University data to measure performance, culture and diversity.

RETIREMENT AND FRINGE BENEFITS — Greg Bell

Bell explained the attachment to the Retirement and Fringe Benefits Committee recommendation, “Education Incentive Recommendation”, was originally drafted by the University Flexible Benefits Committee as part of the Cafeteria Plan which does not exist at this time. There is a Cafeteria Plan Subcommittee which is a subcommittee of the Flexible Benefits Committee and that subcommittee drafted this plan; however, Bell stressed that at the present time there is no Cafeteria Plan. The committee is recommending the benefit be included in the current list of benefits.

Bell said this recommendation has been approved by the Faculty Council Retirement and Fringe Benefits Committee, the University Flexible Benefits Committee and the Staff Advisory Council. Bell then presented the recommendation as follows:

Title: Education Incentive Recommendation

The Faculty Council Recommends to President Schmidly that: the attached* tuition benefit proposal for faculty and staff become a policy of the OSU system beginning in fiscal year 2006-07.

[*Contact the Faculty Council Office at x48790 if you would like a copy of the entire tuition

benefit proposal.]

Rationale:

This proposal is supported by the university Flexible Benefits Committee, the Staff Advisory Council and the Retirement and Fringe Benefits Committee of Faculty Council. A statement prepared by the institutional research office (see attached) estimates the cost of this proposal as no greater than \$663,391 per year for Stillwater/Tulsa and \$700,000 per year system-wide. We recommend that, if possible, this become a system-wide OSU policy. These estimates are extremely small compared with the personnel budget at OSU. For the amount of good will and the increase in faculty/staff recruitment, retention, and productivity that could be realized, this policy is an exceptional value for the OSU system. If OSU is to excel as an institution, it will have to be the result of efforts expended by a dedicated faculty and staff.

This proposal benefits OSU for the following reasons:

1. The \$663,391 loss of potential revenue is based on census data and is an estimated upper limit. However, this policy generates additional income in tuition and fees to help pay for the education of the students who choose to take advantage of this benefit.
2. Each new dependent student enrolling under this plan will pay half tuition and full fees.
3. Increases in student hours generated by this proposal are likely to result in increases in state funding.
4. Many employee dependents receive scholarships at other institutions but could be attracted to OSU if this benefit were available to them.
5. Increases in employee satisfaction result in increased productivity.
6. This policy will almost certainly increase the number of OSU staff who can afford to send their children to college.
7. The program will increase the potential for faculty/staff recruitment and almost certainly result in increased faculty/staff retention.
8. The program encourages applications from students of the Stillwater Public School System, one of the best K-12 systems in the state.
9. This policy is compatible with a program of Restore, Reward, and Grow.

Raff asked if Block Tuition was instituted would the committee recommend the Block Tuition rates be cut in half. Bell replied the dependent students who got a 50 percent tuition break would get a 50 percent tuition break of whatever normal students pay.

Johannes said this would not apply to him or his family but he was in favor of the recommendation because he thought it was a great recruiting tool for bringing in young faculty members.

Mitchell said they had lost two faculty because one of the selling points where they went was their children could go to college at a reduced tuition.

Recommendation passed unanimously.

RULES AND PROCEDURES — A. J. Johannes

Johannes asked Council for the following committee approvals: J. D. Brown as a General Faculty representative on the Faculty Council Campus Facilities, Safety and Security Committee to fulfill an unexpired term through May 31, 2006. Glade Presnal as the Emeriti representative on the Faculty Council Athletics Committee to fulfill an unexpired term through May 31, 2007. Andrea Arquitt as the Emeriti representative on the Faculty Council Budget Committee to fulfill an unexpired term through May 31, 2008. Linda Austin to replace Cathy Sleezer as Chair of the Faculty Committee effective April 1, 2006-May 31, 2006. All were approved unanimously.

Johannes reported the following nominees for the upcoming Faculty Council election: **Vice Chair** – Birne Binegar, Ron Moomaw; **Secretary** – Tom Jordan, Barbara Miller, Chuck Ransom; **College of Agriculture** (two 3-year positions) – Glenn Brown, Kathleen Kelsey, Leon Spicer; **College of Arts & Sciences** (three 3-year positions and one 1-year position) – Joseph Bidwell, Nick Materer, Peter Shull, Jean Van Delinder, Paul Westhaus; **College of Engineering, Architecture & Technology** (one 3-year position) – Khaled Gasem, Bruce Russell; **College of Education** (one 3-year position) – Lynna Ausburn, Sandra Goetze; **College of Education** (one 1-year position) – Bob Nolan, will be an “approve” or “disapprove”; **Library** (one 3-year position) – Tori Gregory, Heather Moberly, Michele Seikel; **OSU-Okmulgee** (one 3-year position) – Danna Martin, will be an “approve” or “disapprove”. Ballots will be mailed to voting members of the General Faculty on March 15 with a return date of April 5.

REPORTS OF LIAISON REPRESENTATIVES:

Staff Advisory Council — Gracie Teague

Teague reported Staff Advisory Council wished to thank the Faculty for serving at the upcoming Staff Appreciation Day Picnic which will be held Thursday, April 6 from 11:30-1:30 on the Willard Lawn. If it is raining the festivities will take place in the Student Union Ballroom. Faculty are invited to sign up to help serve at the luncheon. Darcy said they needed to find a way to appreciate the staff at Oklahoma State University and the faculty could not do their job without them.

Old Business:

Darcy asked that the recommendation tabled at the February meeting from the Budget Committee, “Equity in Merit Pay Raise Programs for all Employees of Oklahoma State University” be left on the table until the April meeting. Vote to remain Tabled passed unanimously.

The meeting adjourned at 5:40 p.m. The next regular meeting of the Faculty Council is April 11, 2006 and the Spring General Faculty Meeting is April 18, 2006, 3:00 p.m., Student Union Theatre.

Respectfully submitted,
Birne Binegar, Secretary