

Summary Update Number 1

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This is the first of what I intend to be a series of concise updates to the General Faculty about current and pending initiatives of the Faculty Council. Some of the information contained in these updates can be obtained by reading the minutes of the meetings of the Faculty Council. However, the minutes do not usually contain information about pending actions or incomplete actions that are in progress. Moreover, the minutes are often voluminous. It is my intention to make these summary updates more succinct. If you have comments or suggestions, I invite you to communicate these to me at my email address: lionelraff@hotmail.com.

IT Matters: Long-Range Planning and IT Committee:

As most of you probably are aware from news stories in the Daily O'Collegian, the Tulsa World, and the Daily Oklahoman, the University's legal counsel has now submitted the report covering the investigation of allegations brought by the Faculty Council that members of the IT Division improperly and illegally obtained proprietary software from Texas Tech computers and used that software to implement both the OSU Calendar and the O-Key system. Major portions of this report have appeared in the Tulsa World. The Faculty Council has copies of the report and will share them with anyone interested. As a result of this report, two senior members of the IT Division have resigned. On the basis of the evidence obtained in their investigation, the Office of the OSU Legal Council concluded that "[no] OSU executive official had actual knowledge of inappropriate actions by other OSU employees".

My present information is that the OSU Administration has negotiated a licensing agreement with Texas Tech to give OSU the right to use the software. The financial arrangements have not yet been released. Some OSU departments have refused to participate further in the migration until such time as OSU obtains a legal license to the software in question. While it altogether appropriate for OSU to seek to obtain proper licenses if we intend to continue using these programs, it should be clearly understood that this process in no way excuses the fact that we are in possession of property that belongs to Texas Tech University. OSU

should have first obtained the licenses and only then downloaded and implemented the software.

Discussions between the Provost, Dr. Marlene Strathe, Vice-President Wiggins, some of the officers of the Faculty Council, and Dr. Mark Weiser are currently in progress. The purpose of these discussions is to determine if there exists a means by which the University can move forward under the present leadership of the IT Division, and, if so, "how".

The past and present actions of President Schmidly are a significant factor underlying our current problems. Some of these have been aired in recent newspaper stories, but not all. In my view, the Faculty are entitled to know the events that surround the resignations in the IT Division and the current discussions now taking place.

At the April General Faculty Meeting, Dr. Mark Weiser, then Chair of the Faculty Council IT Committee, presented a detailed report concerning problems in the IT Division. President Schmidly responded to this report by warning the General Faculty against conducting a "fishing expedition" or a "witch hunt". In late April, the Faculty Council obtained information concerning the illegal downloading and use of proprietary software owned by Texas Tech. On Friday, April 30th, I scheduled an emergency meeting with Provost Strathe and Chief of Staff Goodbary for Monday, May 3rd, at which we intended to lay our evidence before the Administration so that they could formulate recommendations for action by the President. During the hour prior to the meeting, our evidence was communicated to the University's legal counsel, Mr. Scott Fern.

When the principals for the meeting arrived, we were surprised to see President Schmidly enter the room. He had not been asked to attend, and in one year as Vice-Chair of the General Faculty, I had never seen him take such action. Written documents were distributed, Professor Moder gave a very brief introduction, and Professor Weiser began the presentation. Approximately three minutes into the presentation, the President interrupted. He said,

"As I understand this, you are accusing us of federal crimes and claiming protection under the whistleblower act."

We were stunned. Professor Weiser responded for the Faculty by saying that we had not considered such a question, that it was probably a legal question for which we would have to seek legal counsel. The President responded,

"I advise you to do that. This meeting is over."

At this point, the President left the room. When I attempted to continue the discussion with the Provost and the Chief of Staff, Dr. Schmidly returned to the room and ordered them to leave, which they did. After some discussion, we decided to alert the Regents and the University Legal Office. We returned to the legal counsel's office and left word for Scott Fern. Shortly thereafter, Dr. Moder contacted the Regents and laid our evidence before them.

Subsequent to the aborted meeting on May 3rd, the President failed to appear at either the May 11th or June 8th meetings of the Faculty Council. On Friday, June 25th, he called Professors Moder and Raff to a meeting with the Provost and Mr. Scott Fern at which the IT report was discussed, but the President did not attend. He has not attended the meetings with the Provost that have been previously described.

Various newspaper reports and the OSU press release have suggested that President Schmidly requested the review by legal counsel after learning of the allegations from members of the Faculty. My information is that he did indeed make such a request, but only after it had already been made by members of the Faculty. The President's blatant refusal to listen to the officers of the General Faculty on a matter of such importance and to refuse to permit the Provost or the Chief of Staff to listen is astonishing. The thinly-veiled threat to the Faculty Council members that we would be well-advised to seek legal counsel about obtaining protection under the whistleblower act is unacceptable. These actions cast a dark cloud over the current discussions with the Provost.

On a different front, the Long-Range Planning and IT Committee is currently in the process of interviewing members of the IT Division who volunteer. The Committee is also reviewing the budget of IT with particular attention to salaries and consulting fees. These actions are in progress. We anticipate a final report sometime in July.

Rules and Procedures Committee:

This committee will again address the issue of changing the Faculty Council to a Faculty Senate. Such a change involves numerous changes to the bylaws and the University Charter. The attempt to do this last year failed for lack of support in the Faculty Council Executive Committee, even though the General Faculty favored the proposals by a margin of about 16%. We anticipate recommendations to be presented in October or November, 2004.

Academic Standards Committee:

The Academic Standards Committee will be addressing the grade appeal process. I anticipate that recommendations for significant changes will be forthcoming. One of these will probably be to make decisions by the Appeals Board subject to appeal and to permit charges of academic dishonesty to be filed against students who deliberately lie or misrepresent facts to the Board. The Committee will also be addressing the issue of grade inflation and current OSU drop policies.

Campus Facilities, Safety, and Security Committee:

I have requested that this committee focus its efforts in 2004-2005 more on safety and security issues and less on facilities since the 2003-2004 committee has already submitted a detailed recommendation that addresses facilities. Mr. John Houck, Assistant VP Physical Plant Services, has been added to the Committee in an ex officio capacity.

Student Affairs and Learning Resources:

One of my requests to this Committee is that they focus on recommendations to the library regarding a reallocation of funding to permit the Library to expand its journal holdings. In this regard, I have asked that the Committee interact with the OSU Foundation to try to increase the efforts being made to solicit funding for the Library.

Budget Committee:

My requests to this Committee include a suggestion that salary survey initiated by the 2003-2004 Committee be retained and made a permanent activity of the Committee. I have also asked that the Committee keep a careful eye on the manner in which student fees are handled in the coming year under the new, centralized system. It is essential that the new system not penalize departments by reallocating student fees to other administrative initiatives.

Faculty Committee:

This Committee will be examining a variety of issues. I have requested that one of these be the policies for reappointment of regents professors. The practice of conducting what amounts to "demotion hearings" every four years for every faculty member at this rank needs to be changed. I have also asked that the Committee to investigate the state of faculty governance at the other four regional universities and colleges under the Oklahoma A & M Regents. Currently, the Committee is considering new

policies that will govern non-tenure track appointments of clinical faculty in some areas.

Retirement and Fringe Benefits Committee:

This committee plans to take an active role in assisting faculty and staff in making critical decisions that are now available under House Bill 2226, which passed into law this June. The Committee will also be carefully monitoring the progress of the Faculty Council's recommendation that the University Administration release its hold over vested TIAA-CREF funds of OSU employees. This recommendation was passed unanimously by the Faculty Council and the University Flexible Benefits Committee in 2003-2004. It also was passed by the Staff Advisory Council. The Committee will be examining proposals for Medigap and cancer insurance.

Research Committee:

I have asked that this committee carefully monitor the manner in which the newly established research professor appointments are implemented to insure that the policies are followed. I have also requested that the committee monitor and report on actions taken by the Administration with respect to the Research Park on Sangre and US 51. Finally, I have asked the Committee to investigate policies related to start-up and matching funding for research at OSU.

Athletic Committee:

This committee will continue to monitor and report on the Athletic Department budget as was done in 2003-2004. Grades of athletes will be examined by gender and sport. Interviews with student athletes will continue to be conducted. I have suggested that the Committee take a more active part in the selection process of the students for these interviews. Finally, I have asked the Committee to investigate the extent of effort being devoted by the OSU Foundation to solicitations for athletics and for academics and to provide appropriate reports and recommendations on this issue.