

**WKU University Senate  
Executive Committee (SEC) Meeting  
November 30, 2015 -- 3:15 p.m.  
WAB 227 - AA Large Conference Room**

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**A. Call to Order**

1. **A regular meeting of the WKU University Senate Executive Committee was called to order by Chair Kate Hudepohl on Monday, November 30, 2015 at 3:19 P.M. in the Wetherby Conference Room.**
2. **A quorum was present:**
  - a. **Members Present:** Heidi Álvarez, Barbara Burch, Thad Crews, Susann Davis, Laura DeLancey, Marko Dumančić, Claus Ernst, Molly Kerby, Jeremy Maddox, Patricia Minter, Kurt Neelly, Bryan Reaka, Jay Todd Richey, Julie Shadoan, Liz Sturgeon.
  - b. **Substitutes Present:** Richard C. Miller for David Lee, Adam West for Gayle Mallinger.
  - c. **Guests Present:** Margaret Crowder, Karl Laves, Eric Reed

**B. Approve November 2nd Meeting Minutes**

1. A motion to approve the November 2<sup>nd</sup> meeting minutes by Bryan Reaka was seconded by Susann Davis.
2. There was no discussion.
3. The minutes were approved unanimously as posted.

**C. Reports**

**1. Chair (Kate Hudepohl)**

**Reordering of Agenda**

- Prior to Chair Hudepohl's report, the agenda was reordered to accommodate reports and discussions by guest Margaret Crowder (Handbook), Karl Laves (Ombudsman), and Claus Ernst (Benefits). The detailed discussions are in these minutes (see below).

**Evaluation of President**

- Kate Hudepohl said there were substantial comments (10). Why didn't we have an option to evaluate the President? Hudepohl intends to contact IR and ask them if we ever did evaluate the President, and if we did, when did it stop and why? In the past, were did the evaluation

go? Did it go to him? Did it go to the Board of Regents? Are there any objections? There will be an opportunity in the spring to evaluate the President. Overall comments go to the President and the Board of Regents. Hudepohl said she has heard from enough people that it has become worthwhile to pursue.

### **Sturgis/Senate Budget**

- Three new copies of Sturgis were purchased; one for each of the Curriculum Chairs. This changed the balance of the Senate budget. Roughly \$732 is the annual amount, \$11, 270? with carry forward.

### **SGA Judicial Council Investigation**

- Chair Hudepohl received an email from SGA President Jay Todd Richey regarding the student senators' review of investigation of the Judicial Council. The email, which she provided hard copies to members of the SGA, reads as follows: "As of last week, the Judicial Council decided to conduct an investigation of one of our SGA senators of the senator's actions demonstrating their desire to impeach WKU President Gary Ransdell. This investigation would mean that the senator's actions would be under review and could result in a censure, which would be a disapproval of an SGA member's actions by SGA as a whole. This is the case because all Judicial Council Justices are appointed by a president and confirmed by the Student Senate. Let me be as clear as I possibly can about this: I completely disagree with the Judicial Council's decision to investigate one of our senators for the senator's actions against President Ransdell. The WKU Student Government Association, I believe, is designed to both represent the voice of the student body and hold the WKU administration accountable for their actions. While I have some fundamental disagreements with President Ransdell, I would not personally hold a sign about or advocate for his impeachment. As Student Body President, it is my responsibility to do all I can for the student body and work with those who are influential members of the WKU community. However, I wholeheartedly believe that SGA members should be able to express their sentiments, disagreements, and grievances with WKU and the members of its community without coming under scrutiny by the Judicial Council. While this is under the Judicial Council's purview to conduct this investigation, I stand firmly with John Winstead's freedom of speech and hope the Judicial Council ends this unfortunate infringement of a student's right to speak freely."
- Jay Todd Richey has been firm with his stance. The judicial council has seven members and will conduct investigations into members of SGA and determine an outcome. Ten student signatures were brought to the Judicial Council. There were six members of the Judicial Council present; the vote was 4 in favor and 2 against beginning an investigation. Jay Todd Richey is against the investigation. The

hearing will be Wednesday at 4:00. Jay Todd Richey wants to be one of the witnesses. To all students, he has expressed a disapproval of Ransdell; Richey does not agree that the student should be censured because of freedom of speech. He feels it is out of his hands. The basis for the action was that a sign was held up at a football game saying "Impeach Ransdell." Judicial Council says it is because of a Facebook profile picture. In constitutional bylaws, there is no clear description. Judicial Council wanted to look at the motives behind it. The options are censure, impeachment, or do nothing (withdraw). Though it is just a branch of SGA, it reflects as a whole. The majority of the justices agreed 1 (was absent out of 7); they are appointed by SGA. If ten students brought it forward, it should be acknowledged. There was a student complaint within the Judicial Council meeting. They made a decision to go forward. If any ten students can get together in relation to a SGA member, it is within the discretion of the Judicial Council. Patricia Minter and Mac McKerral are putting together a panel discussion regarding student free speech; they plan to let the campus community know about that.

- Liz Sturgeon asked how often does this happen? Jay Todd Richey responded that often, they do nothing. This does not happen too often. He believes if it is an attack against personal character or is saying it is the work of the organization, it warrants censure.
- Richard Miller asked is the impression that it could have been sponsored by the SGA? Jay Todd Richey said the question is whether or not it is appropriate behavior because he is a senator. Setting to high standards, the Judicial Council wanted to determine if a senator should do this.

**2. Vice Chair (Julie Shadoan): No report.**

**3. Secretary (Heidi Álvarez): No report.**

**4. Committee Chairs**

**a. Academic Quality Committee (Jeremy Maddox): No Report**

**b. Faculty Welfare and Professional Responsibility Committee (Patti Minter): Report attached**

- There is one report on the item regarding the internal auditor/whistleblower. If approved by the Senate, Patricia Minter suggests that it go to Jennifer Miller, Gil Johnson, and Freddie Higdon.
- The other item pertains to an investigation last month that determined there are seven different evaluation forms with zero continuity on campus. The committee will try to come up with a coherent recommendation.

- Patricia Minter made a motion for approval of the Faculty Welfare and Professional Responsibility report.
- The active shooter training will be worked on jointly by the Academic Quality and a University Committee chaired by Bob Skipper. This will be piloted in January.
- The report was approved unanimously. Chair Hudepohl will send it with her signature after it goes through Senate.

**c. Budget and Finance Committee (Claus Ernst): No Report**

**d. Colonnade General Education Committee (Marko Dumančić): Report attached**

- There are no action items. There are 400 seats left for juniors and seniors in connections classes as of last week. 400 is the number who won't be able to take connections courses at all. A disaster will happen if the classes don't turn around soon. An incentive for new connections courses will happen next month that is encouraging departments to submit course proposals. Staffing and resources are major issues. Please send potential solutions to this problem to Marko Dumančić. It will affect student needs and student retention. Freshmen ready to take connections classes cannot be served. The numbers from the Registrar as of November 17 indicate that for Spring 2016, 1,800 seniors did not yet register. Out of those, 952 have not applied for graduation. These are most likely in the old general education program. 20% are in the new colonnade program. Unless the courses appear quickly, there could be a problem in a year or two. Capstone/connections are supposed to be interdisciplinary. Departments don't have the staffing for it.
- Bryan Reaka asked what is the purpose of this change?
- Marko Dumančić responded: to get a sense from other universities/colleges ie., for chemistry, what would constitute an upper level class that can be open to anyone? He is not sure of any other options. They are looking for new courses geared toward colonnade rather than recycling old classes.
- Bryan Reaka asked if the money was already there? What was wrong with the old general education program?
- Patricia Minter said this is a conversation for another day. It was a four-year conversation that dominated governance. In 2019, the old general education program will be officially dead. The problem is not the program. The problem is the staffing and the funding.
- Marko Dumančić said the new program gives coherence and intellectual integrity.
- Bryan Reaka said that lacking matrices for evaluation also lacks integrity.
- Marko Dumančić said the new person coming in will do this; the matrix in place will help to revise the course.

- Barbara Burch said 1,800 seniors have not registered. 20% of them are officially in colonnade. 400 seats are available. Are there enough courses to satisfy the demand?
- Exceptions cannot be made if the course has not been approved by the committee. Starting next year, there could be a potential disaster. 400 are unfilled; the number currently filled is more difficult to answer. It is under the discretion of the department how often they are offered. 63 courses were approved. 33 courses were offered. Connections courses are usually big. Capstone courses are typically small. Offering from only one department (ie. one history course) needs to be diverse from multiple disciplines. With a new course, one would be committing to once every two years.
- Marko Dumančić made a motion to endorse the Colonnade General Education Committee report. The motion passed with one nay.

e. **Graduate Council (Kurt Neelly): Report attached**

- Kurt Neelly made a motion to endorse the Graduate Council report.
- Information item #1, Geological Sciences, was returned to the originator because no one was present to answer questions. It was returned for editing and will reappear in the next month or two.
- The Graduate Council report was approved unanimously as posted.

f. **Resolution regarding India Pilot Project - International Student Recruitment**

- Kurt Neelly made a motion to send forward the Graduate Council resolution regarding the India Pilot Project.
- The motion was seconded by Patricia Minter.
- Neelly gave a context for the resolution: The Graduate Council acted quickly in the past month involving a downward slope of the India Pilot Project through the International Enrollment Office to increase in graduate enrollment in the engineering technology major and computers. International Enrollment personnel took a trip this summer. Discussions in admission requirements were not adhered to. In India, IM manipulated admission requirements for those who were below the admission standards. A number of the students had scores well below admissions criteria for the WKU Graduate School. This was complicated by the fact that they are not sure who Carl Fox (the previous dean) was involved in the process. The timeline was difficult to control because they were admitted on the spot.
- Bryan Reaka handed out to members of the SEC an example of what the recruiters handed out to the prospective students. This letter, dated September 8, 2015, was addressed to a prospective student B. Shiridi and was signed by Carl A. Fox, Associate Provost and Dean: “Congratulations! We are pleased to welcome you to the Graduate School at Western Kentucky University to pursue the Engineering Technology Management degree program. The academic department

for your program may have additional requirements for full admission. Further information will be providing [provided] in your welcome packet accompanying your I-20. Western Kentucky University offers tuition scholarships to qualified international graduate students. Once you are fully accepted into your graduate degree program you will be eligible to receive a scholarship of \$200 per graduate credit for up to 98 credits per semester for four semesters over a two-year period. The current total value of this scholarship is \$7,200. The tuition scholarship amount may change each semester as rates for tuition and fees change in accordance with University policy. We are honored that you have chosen Western Kentucky University for your graduate study and we look forward to working with you. If you have questions or need assistance with your application, please contact us at [graduate.school@wku.edu](mailto:graduate.school@wku.edu) or (270) 745-2446. Sincerely, Carl A. Fox., Ph.D. Associate Provost and Dean.”

- There was potential latitude because the Graduate Council had not seen this letter yet. A question was whether or not he (Carl Fox) had actually signed the letter. Dr. Arbuckle, the Department Head of Engineering Technology Management sent the letters out. There are examples of letters dated in November. Some are dated in October.
- Patricia Minter said this does not constitute a contract.
- There was some question on Graduate Council as to whether this should be revoked. Eric Reed was not inclined to take it back.
- Question: Were members of the department aware that this was coming down the pike?
- Before they went to India, there were meetings. There was conversation as to whether or not they could drop below. Once they got to India, it was dropped further.
- The resolution does not address the process of admitting them through a letter rather than through the graduate school.
- Question: Who is the Indian Pilot Project? RASA
- Kurt Neelly said this letter was generated by IBM, not Carl Fox.
- Bryan Reaka said students are supposed to be admitted to the Graduate School and the Graduate School handles the details.
- Barbara Burch said the understanding is that the graduate school did not agree with it but to leave it to the department as to whether they wanted to admit the students. 300 were involved. 19 met all criteria. Several were conditional. Barbara Burch thinks the question is when did it become an Indian Pilot? The preempts the decision making of the faculty. Recruiters have no power to admit. Burch added that she saw an ad that said “Graduate Admissions with 24-hour Turnaround.” She stated concern over pursuing quality and standards vs. quantity and dollars. Her concern is that it is a way to generate revenue. There are important points: (1) referring to a policy committee for further investigation. There will be a meeting later this week. (2) whether

enrollment management outside of line in academic affairs is unethical.

- Kurt Neelly said there is a potential SACS violation concerning the ability to complete programs.
- Patricia Minter spoke in favor of the resolution, and stated that it is a good step to restoring the integrity to the process.
- Bryan Reaka asked if people from Computer Science and the other programs meet with the committee to give their perspective on the resolution?
- Kate Webb, the Associate Dean, said Computer Science is in favor of the resolution.
- The majority of the students are non-thesis.
- Engineering Tech is a thesis. English scores could be a bigger concern for them.
- Computer Science is hiring an English Technology Associate Professor for one semester only (non-tenure track, PhD required).
- There were between 300 and 400 applications.
- Senate should connect the global issue of inadequate staffing to the administrative pressures.
- Julie Shadoan expressed concern about how many pilot projects will be in the future without a plan and a process. External recruiting is not coordinated. Writing scores are in the bottom 4%.
- Kate Hudepohl said this is just an initial step. Maybe something else will come out of senate. When admissions moved to the President's office, this became an issue.
- Liz Sturgeon asked about the wording Indian/India. Neelly responded that this is a typo. He made a friendly amendment "India."
- Bryan Reaka suggested talking to the departments involved before sending the resolution forward.
- Kurt Neelly said the concern is that it will be put off until January or February.
- Kate Hudepohl said the problem is the timing of the meetings.
- Laura DeLancey said if more issues come up, they can be addressed.
- Greg Arbuckle is the Engineering Technology Management Coordinator.
- Patricia Minter stated that a broad motion is better right now. The specifics should come later so that departments don't step on one another.
- Kate Hudepohl said that changes can come from the floor.
- There was no more discussion.
- With understanding of the friendly amendment "India" by Kurt Neelly, a vote took place on the resolution; the SEC voted in favor of the resolution with friendly amendment and the resolution passed unanimously.

**g. Undergraduate Curriculum Committee (Liz Sturgeon): Report attached**

- Liz Sturgeon made a motion for endorsement of the November 20<sup>th</sup> Undergraduate Curriculum Committee meeting report. There were no major policies. The report passed unanimously.

**h. Faculty Handbook Committee (Margaret Crowder): Report attached**

**i. Proposal to Amend Faculty Handbook, Substantive Change: Continuance Documentation Flow**

- Margaret Crowder made a motion to endorse the report from the Faculty Handbook Committee. The motion was seconded by Bryan Reaka.
- The Faculty Handbook Committee met earlier this month and considered items from last year, including the action item, the development of pedagogical lines in the Faculty Handbook. Carrie McDaniel assisted in this because she has documentation of hire and job responsibilities. Next Thursday is the next meeting; she will help with this.
- Other information items include looking at moving some things away from the handbook; for example, the WKU Store.
- The Committee is making sure there are editable word documents available in addition to PDF's. The following people will have an editable word document: The Handbook Chair, the Senate Chair, and the Ombudsman.
- The Committee is also looking to have a password-edited file.
- The document implementation flow is included as an attachment. It came back because it did not make it through the process last year. The proposed wording is from the Faculty Handbook proposal from last year.
- Julie Shadoan asked why the Ombudsman has an editable copy. Margaret Crowder responded that it is an external person to house a copy.
- Margaret Crowder made a motion to approve the action item.
- Richard Miller asked if the Provost's Office had an editable copy. Margaret Crowder responded that the Committee did not want the Provost's Office to have an editable copy.
- Question: Why not the Handbook Committee for the editable copy rather than the Ombudsman? Crowder responded that the Committee thought it should be someone more available.
- Kate Hudepohl said that the Senate Chair is more available and that would solve it.
- Margaret Crowder responded that the Senate Chair is not compensated during the summer.



- Patricia Minter said she feels Faculty Welfare would be a better place to park that.
- Kate Hudepohl added that the Ombudsman is not appointed by the Senate. Hudepohl also said she is worried about having too many copies circulating.
- Margaret Crowder responded that this is the purpose of an online password-protected file. She stated that she will take the suggestion of Faculty Welfare over the Ombudsman back to the Handbook Committee.
- The report was unanimously approved.
- Margaret Crowder made a motion to send the action item back to the Handbook Committee and move back to the action agenda (2<sup>nd</sup> Julie Shadoan).
- Margaret Crowder mentioned that the committee elected a Vice Chair.
- Margaret Crowder made a motion to approve the action item (2<sup>nd</sup> Liz Sturgeon). Crowder then discussed the background.
- Molly Kerby stated that the current wording was “summarized” by the committee. The report reads that the candidate will get the wording from the committee. Margaret Crowder said it gives a more well-defined and universal process because different departments do different things.
- Patricia Minter said that many don’t give the candidate report to the candidate. It would have to be an accurate summary of the committee report, not just a vote. The pro is that sunshine is a wonderful. People have a right to correct information. Cons are that people will shy away from chairing the committee and from having candid discussions. Tenured faculty felt it had a chilling discourse and no one would want to chair the committee. Minter said that there is not a standard procedure for the memo and its content. This creates a more standard procedure, and is not intended to be silencing.
- Margaret Crowder said the committee memo is not verbatim of what happens. The committee decides to develop the memo regarding the strengths and weaknesses of the candidate.
- Molly Kerby said if it goes through, it will curtail what is said in the committee. This is dangerous if a member of the committee has a vendetta.
- Richard Miller said it is a summary and a recommendation; if a faculty member appeals a negative decision, differences in faculty compared to the department head can be brought up. Mixed messages give an opening for a faculty member to appeal. This creates concern on behalf of the appeal process.
- Julie Shadoan asked what if the summary of the chair differs from what was said by the committee? The summary needs to be authored in a way that is reflective of the committee.
- Margaret Crowder said the committee either signs off after leaving the meeting or approves via email after the meeting.

- Julie Shadoan and Patricia Minter said that reading the memo back to the committee is not always standard process. There is not a standard process across campus. This needs to be enumerated.
- Patricia Minter said it could lead to a leadership vacuum or a silencing effect.
- Molly Kerby said that this puts a lot of pressure on the committee.
- Margaret Crowder said it clarifies the intent and this allows for the candidate to get a better whole picture in terms of strengths and weaknesses. What the candidate gets should tell them what the committee was thinking and why.
- Richard Miller said the department could be accused of bias if the recommendation is different than the committee.
- Jeremy Maddox said he would like to see two letters; one from the chair and one from the committee. He also suggested that it has to be clear about what the committee letter should look like.
- Patricia Minter made a motion to return the item to the committee for revision. This motion was immediately withdrawn by Minter in order to enable more discussion.
- Julie Shadoan said the word “promptly” is concerning. Can there be a clear deadline, such as ten days or two weeks, with time for the candidate to respond back to the department head?
- Richard Miller said that the timeline for appeal is after they receive the letter from the President; but they can respond.
- Julie Shadoan said that having a chance to respond prior to the deadline is important.
- Patricia Minter said there are seven different evaluation documents.
- Jeremy Maddox said he agrees that the deadlines to respond will be helpful.
- Patricia Minter made a motion to return the item to the committee for revision consistent with discussion (2<sup>nd</sup> Kurt Neelly)
- Margaret Crowder said the continuance document was also removed from the report.

## **5. Advisory Reports**

### **a. Faculty Regent (Regent Burch)**

- There is an upcoming meeting of the Board Committees on December 5<sup>th</sup>. Regent Burch is working on how to get appropriate information discussed at a Board of Regents meeting. There is a fine line between policy and the role of the Board on the management side.
- Regent Burch’s important issues are: (1.) conversations presented under potential information faculty decision making and integrity issues. (2.) A healthy budget vs. commitment to quality and standards. (3.) transparency issues ie. non-drop for payment – there is concern over looking at numbers and dollars without looking at those who can meet financial obligation. Trying to work with students

- is a good thing, but what are the real numbers and budget implications? (4.) Real cost and return on investment potential for holding onto students.
- Regent Burch's important issues are academic quality issues as well.
  - Board members do want to be well informed. Regent Burch wants to find appropriate ways to put them into the awareness category.
  - Patricia Minter said the whole problem is that the Board needs to know what is going on in order to make decisions.
  - Kate Hudepohl said the larger issue is about transparency and spins and trying to control the message.
  - Regent Burch said that administrators, faculty, and the Board of Regents all have responsibility. Questions being asked should be asked.

**b. Academic Affairs (Richard C. Miller for Provost Lee)**

- Richard C. Miller gave the Provost's report for Dr. Lee.
- Fall enrollment numbers are in. Overall, we are down by .5%
- There are interesting demographic shifts. There is negative growth.
- Native American 32% over 5 years; African American 18% over 5 years, and 9% since last year; White 10.5%, and .5% since last year. 20,068 down from 20,178; Hispanic increasing significantly, Biracial increasing significantly, and Foreign/Non-Native increasing significantly.
- In demographic shifts, international students are making a big difference over all.
- 20,068 is an inflated number due to those who owe money and have not been dropped (Miller does not have an actual number).

**D. Old Business:**

1. Continue discussion about SITES (supporting documents from Movember SEC meeting can be found in WKU university wide shared drive: Senate Documents; 2015-2016; SITES Research

a. [Memo from Tuesdi Helbig, Institutional Research, re: timing of SITES administration](#)

- Kate Hudepohl suggested tabling SITES under old business. It is in the shared drive. The memo on the time line came the day of the SEC meeting. The memo is that grades are open for students; they are open this week (today). They can be posted today if they end before the end of the semester. This conflicts with the issues of giving finals early.
- Julie Shadoan made a motion to table SITES until January (2<sup>nd</sup> Patricia Minter).
- The motion to table SITES discussion until January passed unanimously.

**E. New Business:**

1. [Policy 1.1012 Consensual Relations Between Faculty and Students](#)
- A motion by Patricia Minter to endorse Policy 1.1012 was seconded by Bryan Reaka.

- This changes the wording; there are not substantive changes. It references other policies. The highlights are in yellow.
- One question was whether it should apply to all students, not just those with professional relationships with faculty. That would involve a new policy.
- Julie Shadoan stated that she thinks it is not strong enough in discouraging these types of relationships. After the relationship is reported, how will the relationship cease immediately? She feels it is not practical or doable.
- Richard Miller said the whole concern is that there is a bias. There has to be an alternative option. If another section is not possible, another colleague should help in evaluating the student.
- Julie Shadoan suggested that the student could be forced to withdraw from the class.
- Patricia Minter said that she encourages discouraging language. The point has to be made that there is an unequal power relationship. She suggested looking at the language of other universities.
- Julie Shadoan said this is not a practicable policy. She thinks it has many grievable issues.
- Kurt Neelly thinks it condones it.
- Julie Shadoan expressed that the biggest concern is the classroom relationship.
- Richard Miller asked if there is a punitive step to the policy?
- Jeremy Maddox asked if instead of actively discouraging, is it better to report?
- Julie Shadoan reiterated that she would like to see language discouraging relationships. She does not see how an alternative for evaluation is possible. In the private sector, it would sever the relationship. In higher education, how would this work to pull someone else in?
- Richard Miller said that one would hope that ethically, people would adhere to it. If it is an unacceptable relationship, there is nothing to keep it from developing in class.
- Julie Shadoan offered that the student should withdraw from the class.
- Patricia Minter said she would like to table Policy 1.1012 definitely to research the policy and officially discourage it. This makes it more compliant with the statute but wants to make it open to amendment.
- Richard Miller said to consider approving and forwarding to Senate because it is an improvement over the previous policy.
- Marko Dumančić supports the suggestion of more discouraging language.
- Patricia Minter made a motion to table definitely until the next meeting and have the Senate Executive Committee provide revised language to the document at the next meeting (Second Marko Dumančić).

## 2. [Policy 1.2122 Summer Sessions and Winter Term Compensation and Distribution](#)

- A motion endorse Policy 1.2122 by Bryan Reaka was seconded by Susann Davis.
- This Policy clarified some things; C2 the inclusion of rates would require a change of policy in the future. The decision was made to leave the numbers in

there. The actual dollars are in there. Bryan Reaka said if it says “Office of Provost reserves the right to adjust rates”, why leave it in?

- There was discussion of a friendly amendment. Removal of the statement means any change would require a change of policy.
- Julie Shadoan suggested “rate, policy, compensation reside in the Office of the Provost.”
- Barbara Burch said that uneven enrollments in the winter term are offsetting larger enrollments.
- Richard Miller said there is nothing to preclude a department from negotiating rates.
- The friendly amendment is to take out all rates.
- Liz Sturgeon suggested the amount for 20-24 students.
- Richard Miller suggested that the information can be attached to the compensation schedule.
- Richard Miller will send the friendly amendment before Thursday.
- Policy 1.2122 passed unanimously with the friendly amendment as discussed.

## 2. Policy 1.4012 Substantive Change

- Bryan Reaka made a motion to endorse Policy 1.4012 (2<sup>nd</sup> Marko Dumančić).
- There are changes in wording to SACS-COC and Vice President of Enrollment Management.
- There was no discussion.
- Policy 1.4012 passed unanimously.

## 4. Policy 1.4021 Academic Program Review

- Marko Dumančić made a motion to endorse Policy 1.4012 (2<sup>nd</sup> Bryan Reaka).
- There is a change of dates with respect to procedure on page 5.
- Bryan Reaka said the steps in the procedure are not correct numerically. Richard Miller made the numbering change.
- Julie Shadoan said on page three, why was that removed? Richard Miller said there was some redundancy; he would have to check with Doug McElroy on the last sentence. Page 4, the committee chairs removed. Richard Miller said he will check with Doug McElroy.
- Julie Shadoan made a motion to table the response (2<sup>nd</sup> Susann Davis).
- Jeremy Maddox asked about following WKU review guidelines. In a program with external requirements, there is an extensive accreditation process; will they always be doing program reviews? Why can't it tie into existing reviews? It can tie into an existing review but there are formatting differences.
- Kurt Neelly suggested a generic statement “try to collaborate with other written information” to make language that makes it easier; there is less duplication of efforts.
- Kate Hudepohl asked Richard Miller to clarify this with Doug McElroy before January.
- What is the context of the chart? Highlights in red don't make sense. Those are the changes.

- Page 7 changes are on the next page. The numbers are different; it's not highlighted in the correct place.
  - Marko Dumančić made a motion to table definitely until January (2<sup>nd</sup> Bryan Reaka).
  - The motion to table Policy 1.4021 passed. Policy 1.4021 was tabled definitely until January.
5. Faculty Welfare and Professional Responsibilities Resolution
- Patricia Minter said she the Faculty Welfare and Professional Responsibilities Committee drafted a resolution over the past month: "The University Senate requests that WKU cease limiting public access to salary information by removing the password-protected firewall and return to previous practice of open access to this information, in order to restore compliance with state and federal interpretations both of the First Amendment and Open Records laws."
  - The Provost asked the Senate Executive Committee about putting salary information behind a firewall with the reasoning of the Anthem breach. Patricia Minter researched this on first amendment grounds. The WKU Herald article said it was instituted in February, before conversation even took place. The WKU Herald instituted an open records request. Letting the university take information behind a password-protected firewall is a slippery slope. There is a large pattern of non-disclosure. This crosses the line of Kentucky Statute with open records law. Several experts feel it should be reversed immediately. There are costs involved with litigation and open records requests. The faculty should stand up for transparency.
  - Patricia Minter made a motion to approve the resolution and include on the Senate Agenda (2<sup>nd</sup> Susann Davis).
  - Richard Miller asked if it is still trackable if it is not on firewall? Patricia Minter said one could do this at home; she had a difficult time finding it. She feels it is intentional that it is meant to hide information from faculty. Richard Miller said he does not think this is true. No one is trying to hide it from faculty and staff; the only way is to log in through ID like TopNet. Patricia Minter said that none of that information is protected through statute. Richard Miller said the point is that it is not deliberate. Patricia Minter feels it is dishonest that it was brought up after the fact. The Board of Regents minutes cannot be accessed past the last six meetings. They were destroying recordings and violating state law by not recording committee meetings. This will be a resolution for another day.
  - Julie Shadoan said it is inconsistent internally if information is in the Board of Regents minutes and we are supposed to go through a password. It can be found in the archives on the website.
  - Patricia Minter said in a Google search of faculty salary at WKU, you cannot get the Board of Regents minutes; it is difficult to find and it is internally inconsistent.
  - Kurt Neelly asked if it is available on the CPE website? Patricia Minter said it is not; you would have to go to the library to look it up.
  - The Herald Records request could not get to it this year.

- Jeremy Maddox asked is it hiding it from the public? Patricia Minter responded that it violates state law; no matter who it is hiding it from.
- There was no further discussion on the resolution.
- The resolution passed unanimously. The resolution, copied below, will be forwarded to the University Senate.

## RESOLUTION ON PUBLIC INFORMATION, OPEN RECORDS LAWS, AND FIRST AMENDMENT CONCERNS

WHEREAS, Western Kentucky University has placed employee salary information behind a password protected firewall, and

WHEREAS, the Office of the Attorney General (in 04-ORD-141, linked below) states that “a public employee’s name, position, work station, and salary are subject to public inspection,” and

WHEREAS, experts on the First Amendment have advised that “the public has a right to information under the First Amendment and public institutions have an obligation to comply” and that attempts to shield information risk legal action against the university, and

WHEREAS, university employee salary information is by definition a public record under Kentucky Revised Statutes, and any attempt to limit access constitutes a violation of state law, both in letter and in spirit, therefore:

RESOLVED, the University Senate requests that WKU cease limiting public access to salary information by removing the password-protected firewall and returns to previous practice of open access to this information, in order to restore compliance with state and federal interpretations both of the First Amendment and Open Records laws.

Relevant documents:

OAG (Office of the Attorney General) opinion:

[http://www.wku.edu/senate/archives/archives\\_2015/e-3-a-oag-15-009.pdf](http://www.wku.edu/senate/archives/archives_2015/e-3-a-oag-15-009.pdf)

Memo drafted by Dr. Patricia Minter to Provost Gordon Emslie and the SEC from February 2015: [http://www.wku.edu/senate/archives/archives\\_2015/e-3-memorandum-first-amendment-sec-05-10-15.pdf](http://www.wku.edu/senate/archives/archives_2015/e-3-memorandum-first-amendment-sec-05-10-15.pdf)

### F. Information Items:

#### 1. Visit with Senate appointed representative(s) to Budget Council

- Eric Reed said the Budget Council has been meeting weekly. They put together a recommendation for Gil Johnson that WKU make a commitment of 15% over 5 years and make it a strategic goal.
- The committee gives ideas on strategies. The strategies are work to come (ie. new revenue streams (new students), reallocation of current budget, big idea suggestions).

- Kate Hudepohl asked Eric Reed to attend the Senate meeting on December 10<sup>th</sup> at 3:45. He said “possibly.”
- Eric Reed thinks it is positive that the Board of Regents is interested in this.
- Kate Hudepohl thinks progress has been made since May; all talk and no action will result in an unhappy situation.

## **2. Visit with WKU Ombudsman Karl Laves**

- Karl Laves came last fall; the SEC requested background information in a general sense regarding types of complaints and volume of complaints.
- Karl Laves said the Ombudsman helps people discern for themselves if they have been a victim of illegal or unethical personal behavior. Many people are offended/disturbed/hurt and want to ventilate and then talk through if there is something they can do about it; for example, misapplication of policy can result in an informal grievance. Vagueness is to protect those people he speaks with. Most come to an awareness on their own. Some small seek an informal grievance to the department head or dean. Laves also attends meetings as a third party.
- Patricia Minter asked how much of the job is going as a neutral party?
- Karl Laves stated since October 2008, he has been to 4 or 5 meetings. Those who used it, used it.
- Patricia Minter asked if there was some way that faculty can be notified? The Regent often gets these types of complaints. Can people find out the difference between mediation vs. adversarial process? Can it be put on the website?
- Karl Laves stated that people don't look at the website, and suggested that targeted emails might help more.
- Patricia Minter said that people seem to have difficulty finding information here; the institution needs to work on this.
- Kate Hudepohl said that she can put a link on the senate page.
- She then asked if people come to talk and no action happens, is any report put in writing?
- Karl Laves said he makes a report of numbers at the end of the year. He breaks the report down according to email and face-to-face contact. He only reports numbers, and does not break down into faculty/staff and does not provide details.
- Barbara Burch asked in analysis of activities, is it of value to continue with an ombudsman? Based on activities, cost, etc., is it needed?
- Karl Laves said the people who have used it would probably say it was helpful or that they appreciated it. If it went away, they would have to seek help elsewhere.
- The first year, there were 41 face-to-face. Last year, 32 and 38. The highest was 59. Meetings are 30 minutes to an hour. Laves reiterated that he does not break the number into faculty and staff. It's either confidential or it's not; he stated that he does not share information.



- Patricia Minter said the impetus for creating the position was for staff. Targeted emails would be helpful. For those who need help in a toxic work environment, it would be helpful. She asked how much of the discussions are tenure-based? There is a fair amount of faculty going through the process. They ask how it will affect the process along the way.
- Barbara Burch asked how much of the Ombudsman falls to Richard Miller? The Ombudsman cannot take formal action. Miller said a fair amount; he calms the faculty member down and makes sure they understand their options, then refers to the roll of the two committees in the faculty handbook. He assures that the committees are objective and unbiased, and that they will get a fair hearing and justification for the appeal. He assure that it will be taken seriously. The advisory and ad hoc committees do good work and seriously consider individual appeals.
- Barbara Burch said she was curious as to if he feels that it is still needed? Can it be handled in another way or is there another option?
- Karl Laves said in an email or attachment to a report, in reference to dropping numbers, he asked if it will be or needs to be continued. He asked in a general manner, something specifically for faculty. He does wonder it, but has a naïve sense of higher education administration. If the university were to vote, the staff survey had feedback. He added that he does not think he is being paid for nothing and does not think it is useless or a waste of time.
- Patricia Minter said she thinks it is absolutely necessary; every university has an ombudsman. She supports an even more active role of the ombudsman to resolve conflicts prior to things becoming escalated. She would see it as a loss of voice if it were to disappear.
- Richard Miller said he agrees that the role is absolutely essential; he feels Karl Laves's work is very productive and essential. Miller added that he feels Laves is the first contact person and his work is important.
- Kate Hudepohl said she feels Karl Laves's expertise and experience will help to connect people more quickly to the appropriate parties for help.

### **3. Claus Ernst followed up on questions regarding Benefits.**

- Wellness Tier 2 completion checking: there was one isolated item with one department head, and it happened by accident. They do not anticipate this happening again. Trying to track down people who have not completed by email and phone because they lose money.
- Alive Center Activities: not all volunteer activities count. It is still missing on the website. Keep an eye on it; they say it will be up soon.
- Enrollment process: The enrollment process hit a nerve. Checking on boxes and leaving the pages made them disappear. The calculator was not working. HR is aware of it. The design of the webpage and functionality is contracted out. Next year, they will try to find a different vendor.
- The university's decision to become self-insured means we take on things ourselves. We don't have the personnel to make sure it is done right.

- Barbara Burch said the assumption is that self-insurance is a better thing. Does the committee do analysis on a comparative basis? Claus Ernst responded that consultants have told us we are indeed saving money. Up to 5% of the total cost. The sum of money is worthwhile. Periodically, it is put out to bid; this will happen in 2016, but Ernst does not know to whom – in the past it was Humana. Aetna is another option. It comes down to very few providers. It involves matches to the entire last year's cost to discounts. This is why we are with Anthem. This will happen again and we will also take a look at it if we become fully insured. By and large, self insured is the thing to do.

**G. Motion to Adjourn**

- 1. A motion to adjourn by Marko Dumančić was seconded by Bryan Reaka.**
- 2. The meeting adjourned at 6:30 P.M.**

**Respectfully Submitted,**

**Heidi Álvarez, Secretary**