

**Washburn University  
Meeting of the Faculty Senate**

**September 15, 2014**

**3:00 PM Kansas Room, Memorial Union**

**PRESENT: Alexander, Ball, Berry, Chamberlain, Florea, Francis, Frank, Friesen, Kwak, Lunte, Mach, Mapp, McConnell-Farmer, Moddelmog, Palbicke, Pembrook, Petersen, Porta, Routsong, Rubenstein, Russell, Sadikot, Schbley, Schmidt, Schnoebelen, Scofield, Smith, Sourgens, Stevenson, Sun, Treinen, Weiner, Wisneski, Marcell\*, and Fried\*.**

**\* = Guests**

**ABSENT: Childers, Fay, Jackson, McHenry, Perret, and Stevens**

- I. The meeting was called to order by President Ball at 3:04pm**
- II. Minutes from the Faculty Senate Meeting on August 15, 2014 were approved.**
- III. President's Opening Remarks: President Ball encouraged members to vote for the At-large position.**
- IV. Report from the Faculty Representative to the Board of Regents**

Schnoebelen attended the Audit meeting on August 27, 2014. The Regents elected to stay with the current company auditing the University's financials, Rubin/Brown, but elected to have a different partner in the firm oversee the account. The Regents also decided that in five years the University would find a new firm.
- V. VPAA Update—Dr. Randy Pembrook**
  - 1. Conversations with Deans and the Enrollment Management team. Deans will likely be asking departments for comparative talking points between Washburn and competing schools (probably 4-5 things that are really strong about each program). These talking points will mostly be used as information for recruiters.**
  - 2. A donor came forward last year that wants to contribute to a performance facility on campus. A week from Thursday there will be a feasibility study relating to construction of a small recital hall.**
  - 3. For each of the past couple of years, participants in Leadership Washburn (LW) have developed action plans for campus improvement. We will be trying to determine the topics/issues that are important at the beginning of the cycle that then LW teams can move ahead with. Request: if you have something that you really care about, send these to Pembrook to bring them to the LW team.**
  - 4. We have a football game at Arrowhead on November 15<sup>th</sup>.**
  - 5. C-TEL has several small grants available.**
  - 6. Dr. Pembrook was asked about enrollment numbers. He reported the numbers are embargoed until late September and they're not official until KBOR releases them.**
- VI. Faculty Senate Committee Reports**
  - 1. The minutes from the Academic Affairs Committee meeting on March 10, 2014 were approved.**
  - 2. Schbley reported that the Faculty Affairs Committee recently met for an informational meeting about a new policy regarding the use and release of data from any University office (there's discussion of trying to develop a more formal process about who gets it, how, and when they can use it). Minutes from this meeting will be submitted at a later date.**

**VII. University Committee Reports**

1. The minutes from the April 2, 2014 meeting of the Honors Advisory Board were approved.

**VIII. Old Business**

1. 14-26 Faculty Handbook Gen Ed Committee Update was approved with no revisions.

**IX. New Business: None**

**X. Information / Discussion Items: Marc Fried (new University counsel) met with the Faculty Senate to entertain questions:**

Porta asked about the continuation of employment letters. Fried provided an over view of some differences. The declining revenues language was just lengthened to add clarity not to represent a change to the policy. In terms of what the nature of the financial change has to happen before contracts change, this wasn't found anywhere. He added that perhaps this needs to be clarified since it wasn't ever defined before. This would help to clarify how the definition is applied. Absent a definition, the courts would come up with one if pressed through litigation. He wasn't sure what 'class of employee' was meant to mean before.

Petersen asked if Washburn had given terminal contracts to faculty because of budget cuts. Fried said in his experience, these have only ever been based on performance issues.

Pembrook noted we have reconfigured positions to make them work within budgetary constraints. There have been a few cases where someone has retired and this position has been deleted or broken into other positions. There hasn't been a case of faculty termination due to budget that he can remember.

Ball stated that previously when questions about these issues were raised, the Senate was told by administrative officials to consult the University Counsel. She asked if Fried was suggesting that we need to turn back to the administration for clarity rather than talking to Fried. Fried said that this might be the case since he wasn't here previously and thus, may not have all of the answers sought.

Pembrook added that the "contract versus continuation letter" problem could be perceptual; that some loss of rights may be perceived based on the change. Fried said that the rights of faculty members would still be in place with reference to termination, notices, evaluations, etc. This change of letter from contract does not change the status of the employee.

Ball clarified if the verbiage were the same, would there be no difference between the letter and the contract? Fried said he believes they are substantially the same.

Pembrook added there seems to be a perception that if someone signs, it's more real—they are more of a part of the process. Having talked to other institutions, this isn't the case. The presence of the contract didn't seem to be an issue as far as paying faculty or faculty terminating their employment early. The change was simply a change in the process. He also noted any discussion going forward needs to be framed as an "in case" context rather than

fostering the perception that the Senate is setting the regulations for faculty termination and contracts.

Routsong asked Fried to clarify the position of faculty serving as mandatory reports for crimes (assaults, rape, etc.). She noted this situation might require that we have a policy set forth in our syllabi.

Fried: He might have to look to be sure, since most states are a bit different. He will try to get this answer out ASAP. He noted there is a difference between a mandatory reporter and a responsible reporter. A responsible reporter refers to any employee who has authority, or duty, or whom any student reasonably believes might have this, to report an issue. Pam Foster is considering doing a redraft of our current policies, but the situation has been dynamic for the last couple of years making such revisions of policy difficult. Faculty need training for this to prevent violations of privacy in the reporting process. He also noted that the wording “reasonably believe” (on the part of the student) is the tricky language within the definition of a responsible reporter.

Schbley noted that some professionals on campus are required to encourage students to come forward based on accreditation standards for their field (Social Work, for instance). Fried concurred and said that the distinctions get tricky between the types of reporters, which is why a definition is necessary.

Marcell (guest from KN) said that he thought after taking recent training that he believed all faculty that we were mandatory reporters. Fried said that he needed to figure out the wording because this was not the case to his knowledge.

Petersen said that Washburn should take a more active approach to this issue. Data suggests at least 1 in 8 students are victims during their college education, and that this negatively affects retention, fosters PTSD, and hinders academic performance. He challenged the Senate to develop a policy/program that could be a model for other schools rather than something that just meets basic requirements.

Fried reminded everyone that when a complaint goes to the Office for Civil Rights (OCR), it doesn't mean there's fault—just that there's a complaint. Reviewing complaints is a long process and it does take resources. The job of OCR is to establish if the policy is in place and if it was followed. The University of Michigan policy could be a good one to review for use here, but we should use caution about making any subsequent claim of safety once a policy is established. Also important with making campus safer is the awareness and education of the entire campus and the creation of training for bystanders. Fried added these programs do cost money for training and to track effectiveness, etc. We would have to figure out how to get resources for this. Finally, he noted that resources are also already available on campus, so we need to raise awareness about existing ways that Washburn responds to problems. In short, it will take some time for Washburn to develop and implement.

Ball argued once again that we as a campus needed to define Responsible Reporters and communicate this to the entire Washburn community. We as faculty are NOT responsible reporters since we haven't been told we are. Fried said this is why we have to define it—for the “perceived as responsible party” issue. This will help increase student awareness, as well.

Russell noted it seems like there's a procedure in place without a policy. We're only told after the fact that we are or are not responsible to file a report. Department chairs, for instance, are required to report these things.

Fried responded that there is and there has been a sexual harassment and assault policy, but Pam Foster needs to reevaluate and update the process based on changes to laws due to a dynamic change over the last 3 years in what is required. We are in transition and we have had some inconsistencies, but it is being evaluated to create a uniform policy. Once the new policy is in place, then we can have training (sometimes a difficult process).

Schbley stated this policy should include students who are doing practicums in the field. Fried agreed that clinical individuals need to be covered.

Marcell (guest from KN) clarified that generic training doesn't always work; sometimes we need to know about specific counseling services and how to interact with them especially to retain confidentiality. Fried said it's a more complicated issue if they want to be a confidential report.

Ball wondered if faculty would still need to report information about problems without names to the Title IX officer in cases where students want to be anonymous. Fried said he doesn't recall that this is the policy; he'd have to take a look at it.

Russell asked if the Faculty Handbook is a list of requirements or a set of guidelines? Fried said that to the extent that something comes up with the faculty, his experience is that the procedure that is applied is to follow the Handbook. Every time there's been an issue, the handbook comes up. Pembroke added that the Handbook represents what we should do but sometimes it can be ambiguous. Ball pressed Russell for an example to clarify his question. Russell said that release time for independent student research projects not being upheld as stated in the handbook is one example of a clear policy that has been ignored for years. Pembroke agreed that we don't always follow this because of resources, but that they try to follow the Handbook whenever possible.

XI. Announcements: None

XII. The meeting was adjourned at 4:12pm.