

***AGENDA FOR  
UNIVERSITY SENATE MEETING***

*(Meeting #6, 2015-16)*

***March 17, 2016***

***4:00 p.m.***

***LB (Letterman Building) Room 125***

Approval of senate minutes of February 18, 2016

I. Announcements

A. Next Scheduled Meetings

Senate Agenda Committee – Monday, April 18, 2016, 2:00 p.m., Letterman Building (LB), Rm. 104  
University Senate – April 28, 2016, 4:00 p.m., Letterman Building (LB), Rm. 125

PLEASE NOTE: There will be two meetings of the senate on April 28 – the last meeting of 2015-16 and the first meeting of 2016-17, where the sole agenda item will be the election of the executive committee.

B. Issue in the Senate System: Policy on Consensual Sexual Relationships

Email on 2/19/16 from Elizabeth Crawford, chair of Academic Freedom and Ethics Committee:

“Our committee met this morning and after a lengthy discussion, we have decided to leave the current policy as it stands. We believe the student code should have some reference to this policy as it relates to students and we are requesting a meeting with the Jack Hesser, head of SGA.”

III. Committee Reports

- A. Governance and Elections Committee – Karen Kessler, Chairperson
- B. Faculty Council – Andy Beane, Vice Chairperson and Acting Chairperson
- C. University Council – Derek Berger, Chairperson
- D. Campus Council – Rachel Johnson, Chairperson
- E. Student Government Association – Jack Hesser

IV. Report by Chairperson of Senate – Amy Harden (Enclosure #1 - Issues in the Senate System)

V. Questions Directed to the Acting President

VI. Question and Answer Period

VII. Unfinished Business

VIII. New Business

IX. Other Items

- A. Ad hoc committee on Senate Resolution (Enclosure #2)

X. Adjournment

/mlt

MINUTES OF THE FIFTH MEETING OF THE 2015-16 UNIVERSITY SENATE  
Thursday, February 18, 2016

Members Present: 56

Members Absent: 10

1. The meeting was called to order by the chairperson of the University Senate, Amy Harden, at 4:00 p.m.

Roll Call was taken by initialing the roster located at the entrance to LB 125.

Members Present: R. Aby, S. Aegisdottir, E. Agnew, A. Beane, J. Becker, D. Berger, R. Bernot, A. Brown, G. Carbo, B. Chang, M. Chiuni, J. Christman, A. Crow, J. Fitzgerald, B. Frankel, J. Fugate, J. Gruver, A. Harden, M. Hill, J. Hesser, M. Holtzman, S. Hsieh, J. Huff, J. Jemiolo, T. Jitpaiboon, J. Johnson, K. Kenyon, K. Kessler, J. Khubchandani, T. King, K. Koch, R. Kovac, R. Kraus, M. Lee, I. Livshits, C. Luchs, M. Maggiotto, T. Mahfouz, S. McFadden, R. Morris, E. Nesson, C. Pak, K. Ritchey, J. Sponseller, Z. Taylor, C. Thomas, M. Warter

Substitutes: William Moser for J. Chapman, Laura Brannick for R. Johnson, Glen Stamp for K. McCauliff, Casey Schultz for C. Munchel, James Rybarczyk for S. Pattison, Lori Boyland for M. Quick, Greg Marchant for S. Shim, Ben Gibbs for K. Warren-Gordon, Michael Doyle for S. Zhuk, Lisa Hawkins for E. Zygmunt

Members Absent: R. Brown, W. Donoher, M. Hanley, C. Marlow, S. Rice-Snow, K. Rosenberger, M. Smith, B. Wagner, J. Wells, D. Wheeler

A motion was made and seconded (Beane/Kessler) to approve the minutes of December 3, 2015.

The motion carried.

2. Announcements

Item I. A., Next Scheduled Meetings, and I.B. Report on the Realignment of Schools/Departments/Programs to College of Health, were reviewed by the Senate.

3. Recognition of Deaths

There was a moment of silence to recognize the deaths of Richard A. Brosio, John J. Pruis, and Michael Seidle.

4. Committee Reports

- A. Governance and Elections Committee – Karen Kessler, Chairperson. Karen requested all members of councils and committees under the senate system, please remember to send an informed substitute to meetings in which you are unable to attend as quorum must be maintained to conduct business.
- B. Faculty Council – Andy Beane, Acting Chairperson. Andy reported the Council will meet on February 4 and reviewed the special leave policy, which is an item of business on today's senate agenda.
- C. University Council – Derek Berger, Chairperson. Derek reported the Council will meet on March 24, at 4:00 p.m., in this same room.
- D. Campus Council – Rachel Johnson, Chairperson. Rachel reported the Council will meet on February 25 and review another revision of the drop/add policy.
- E. Student Government Association – Jack Hesser, President. Jack reported the ride/bike initiative should be in effect this spring with full implementation in fall, 2016. Elections activities have begun. He reminded faculty that their activities should not disrupt any university function, especially during class time. Also offered some discussion of the add/drop policy in discussion. There was some discussion about notifying students who fall below 12 credit hours due to possible negative implications for financial aid.

5. Report by Chairperson of Senate – Amy Harden (University Senate Agenda, 2/18/16, Enclosure #1)

The membership reviewed the GANTT chart. The goal is to remove issues currently on the chart by the end of the academic year; however, some will have to wait until fall, 2016.

6. Questions Directed to the Acting President

Acting President King reported a great deal has been happening these past three weeks. He believes that, with the time he's spent with faculty and student groups about the recent leadership transition (albeit it abrupt), people are beginning to understand. It has become very apparent that the anxiety by faculty members and students is that with this transition, we've lost a president internally focused and engaged with students, and who brought a tremendous amount of energy to campus. Acting President King emphasized that the initiatives happening currently and in previous years are still moving forward. There is no change in the strategic direction of the university. The Academic Excellence grants are fully funded and are going ahead as expected for the full three years of the program. The Presidential Roundtables will be continuing with another round of discussions during spring

semester. He is thankful for the faculty and the student's efforts. He went on to say he is disappointed this has happened, but it is the nature of things and encourages us to go full speed ahead. He reported that the Board of Trustees is also very thankful to faculty and appreciate the high level of energy that faculty have brought to campus.

Acting President King noted the following:

- They are starting to collect information about May graduates, 2015. Seventy-four percent work in Indiana, with another eight to nine percent work in Ohio and Illinois. The legislature is happy about this. Of those graduates, about 93% placed in either full-time employment, graduate education, with a small amount in military or civil service.
- The Dance Marathon is this weekend and they have high hopes for a record-breaking finish in their fundraising efforts.
- The Planetarium is working on programming that is impressive and generated here. Dayna Thompson, Assistant Planetarium Director, has produced a program entitled, "Saturn and Beyond". It is extremely professional and of high quality, so much so that the manufacturer of the equipment in our planetarium has purchased the program to install in all their equipment around the world.

#### 7. Question and Answer Period

There were no questions.

#### 8. Unfinished Business

##### A. Revision to Special Assigned Leave Policy (University Senate Agenda, 2/18/16, Enclosure #2)

A motion was made and seconded to place on the floor for discussion.

Discussion ensued. Concern was voiced concerning this revision and taking away something good for the faculty. It was mentioned that the Chair of the Special Leave Committee even proposed during a committee meeting to allow faculty to apply in the sixth year and the same year as applying for tenure. This seems less effective as an argument now that we have the fourth year review. It was not the will of the committee and it was voted down. The revision now states the faculty can apply in the seventh year and go on leave during the eighth year.

The floor was yielded to Marilyn Buck, Associate Provost, who clarified faculty apply in year seven, not year six, unless there is a request to apply for tenure early. If applied in the seventh year and not confirmed until the eighth year, the faculty member would not be able to take leave until the ninth year.

Further discussion yielded the conclusion that this is essentially three years later than the original policy. This has been contentious with faculty and they would like more clarity regarding the issue.

Acting President King reported this is common practice to require tenure to be eligible for leave. This would be a seven year cycle, not a five year cycle. It is then in line with the promotion process. He believed the committee considered all these things in their deliberations.

A motion was made and seconded to remove "to apply" as a faculty member does not have to wait until they're tenured to apply.

The motion carried with one opposed.

The motion to approve the revision, as amended, carried.

#### 9. New Business

There was no new business.

#### 10. Other Items

##### A. Proposed Resolution (University Senate Agenda, 2/18/16, Attachment #1)

Faculty Council member, Bruce Frankel, offered a resolution for the council's consideration. It was forwarded to all senate members prior to today's meeting. The resolution is in two parts: 1) statutory in nature (by Indiana Code), and calls for certain revisions to reconstitute the board of trustees be representative of the constituencies they serve in the university, and 2) to revise the bylaws and policies of the board of trustees to reflect transparency. He believes the board of trustees should be engaged in public forums to obtain feedback from their constituents.

A motion was made and seconded to bring to the floor for discussion.

Discussion ensued. This is a separate resolution from the one presented by Dom Caristi at the Faculty Council meeting. The Faculty Council is not advisory to the president; however, the senate is. It is in an ad hoc committee at the present time and a revised resolution has not yet been presented to the Faculty Council.

- A member asked if it can be addressed through the general assembly of the state, versus going directly to the board of

trustees?

*Professor Frankel believes the constitution goes to the board of trustees for discussion. They may not choose to do so, but any one of us could introduce this to the general assembly. The senate is advisory to the president and the board of trustees.*

- Point of clarification from Acting President King: The current make-up of the board of trustees includes two elected by the alumni council, one student member recommended by the Student Government Association, and all members of the Board of Trustees are approved by the Governor of the State of Indiana.

Executive sessions of trustees are for discussion in a limited number of topics only. No votes are taken in Executive Session. The limited topics include real estate and legal issues, and personnel matters.

Acting President King is not in favor of this resolution. Elected officials have been in conversations with the trustees and himself. This resolution would go to the Provost and then to the president who would then recommend it to the trustees. He added that the vice president search was terminated by him because it is difficult to hire someone when there is a presidential transition.

Point of clarification: The president resigned and requested it being done in the manner it was done.

- A senate member asked if there was a similar piece of work coming out from the faculty council and pushing this particular resolution through might be jumping the gun. It was suggested that waiting until the other resolution is completed before sending this one through would be a good idea.

*Professor Frankel indicated this would be more of a protest, rather than a recommendation.*

- Andy Beane, vice chair and acting chair of the faculty Council, reiterated the faculty council resolution is from the faculty. It was not written for students or professional staff, only for faculty. The ad hoc committee has a charge to come back to the faculty council at their next meeting. The proposal may not look like the first.
- Acting Provost and Executive Vice President for Academic Affairs, Bob Morris, asked how changing the membership of the trustees help with this situation. He believes the composition of the board will not change the procedures they currently use.

*Professor Frankel believes a revision in the membership will better represent the alumni and the taxpayers. We are becoming less publically supported.*

Acting President King stated that what this proposal is doing is asking the state to give up control of a state university. The percentage of operating costs is lower than tuition, but they pay for academic buildings – which is 100% solely state-funded. It's like telling the state to step back – you don't get to control us as a state university. The Board of Trustees said there was no scandal, no fraud.

- A faculty member asked what could be done to keep the events from transpiring again?

*Acting President King responded that all he can talk about is what didn't happen. He does know that Rick Hall, president of the board of trustees, came up to Muncie immediately and met with senate leadership and the council of deans, student leadership, and staff, to be certain there was communication. The trustees met later in the week. He encourages to be far more active in trustees meetings, for example. He added all but two members of the board of trustees are alumni of Ball State (with the exception of Tom Bracken and Marianne Glick). They are committed to this institution and attend meetings and follow what's happening here. Some states have total sunshine laws on hiring process. Florida State is one. Every state handles it differently.*

- Is there anything that could help with the wording of the contract, in particular, getting rid of the non-disclosure aspect of it?

*Acting President King indicated we would have to ask an attorney.*

- The issue is we know we can't, but what can be done to diminish the chances of that happening again. If not the composition of the board, is it something that can be said in the wording of the contract. That's the frustration.

A motion was made and seconded to form an ad hoc committee to work on refining the resolution and report back to the senate at their next meeting. The ad hoc group would be comprised of all representation of the senate (faculty, professional staff, and students).

The motion carried.

The time was 5:20 and a motion was made and seconded (Kovac/Aegisdottir) to extend the end of the normal meeting time. A hand count was a tie at 22-yes, 22-no. The Chair of the senate, Amy Harden, was the tie-breaking vote to extend the meeting.

The motion carried.

11. Adjournment

A motion was made and seconded to adjourn. The meeting adjourned at 5:25 p.m.

Respectfully submitted,

Rachel Kraus, Secretary

/mt

ISSUES IN THE SENATE SYSTEM, 2015-16

Issues	Committee	Start	End	10 %	20%	40%	50%	60%	70%	80%	90%	100%		
<b><i>FACULTY COUNCIL</i></b>														
Telecommuting (On Hold until Fall, 2016)	Salary&Benefits, to Business Affairs	11/19/12 3/19/13												
Issues	Committee	Start	End	10 %	20%	40%	50%	60%	70%	80%	90%	100%		
<b><i>UNIVERSITY COUNCIL</i></b>														
Telecommuting	Salary&Benefits to Business Affairs	11/19/12 3/19/13												
Evaluation of Online Courses	Distance Education/ Teaching Evaluation	9/16/13	2/29/16											
Responsible Conduct of Research	Agenda to Research	9/15/14												
COI/COC Revisions		1/11/16												
Issues	Committee	Start	End	10 %	20%	40%	50%	60%	70%	80%	90%	100%		
<b><i>CAMPUS COUNCIL</i></b>														
Course Drop/Add Dates	Returned to SGA	1-28-16												
Issues	Committee	Start	End	10 %	20%	40%	50%	60%	70%	80%	90%	100%		
<b><i>AGENDA COMMITTEE</i></b>														
Per diem rates	To Business Affairs	11/23/15												
HLC – minimally qualified faculty	Provost’s Office for task force to review	11/23/15 – to G&E												
COI/COC Revisions	Ad hoc committee on FPPH, then to FC and UC	1/11/16 Approved by FC 3/3/16												
Issues	Committee	Start	End	10 %	20%	40%	50%	60%	70%	80%	90%	100%		
<b><i>GOVERNANCE AND ELECTIONS</i></b>														
Professional Staff reorganization	President’s Cabinet	11/5/15												

## **Proposed Non-Binding Senate Resolution 3-17-16**

Whereas the January 25, 2016, announced resignation of University President Paul Ferguson, seventeen months into his tenure, and the attendant lack of transparency regarding the cause of that resignation has led the university community to experience a sustained level of frustration and disappointment, and real concern about the university's ability to secure another top flight candidate to serve as Ball State's president;

Whereas, with the entrusting of Dr. Ferguson with the position of President of Ball State University in 2014, the Ball State community was encouraged by the move towards an open, collaborative, communicative campus that was working to reshape itself into a modern 21<sup>st</sup> century research institution;

Whereas the Ball State community was noticeably being included and were revived to see positive progress being made by Dr. Ferguson, with the initiation of an "18 by 18" Centennial Commitment agenda, the administrative and academic unit reorganizations and working towards a climate of student centered, community engaged success within the university;

Whereas the Board of Trustees of Ball State University, because the employment contract with Dr. Ferguson prohibited disclosure, were unable to provide explanation of his departure;

Whereas, the values of this university, and as a democratic and publicly-supported institution, request accountability, transparency and shared governance with the constituencies of the University, and:

Whereas the University's reputation has been negatively impacted due to the lack of transparency with the resignation of Dr. Ferguson, this lack of transparency has generated unwanted rumors and speculation, including misguided speculation by national higher education publications<sup>1</sup>;

Whereas, at an informal meeting called by the University Senate on March 14, 2016, and attended by members of the university community and some board members, good will and an interest in direct open dialogue was demonstrated between these groups;

Therefore; the University Senate at Ball State University resolves:

1. That the Senate of Ball State University hereby calls on the Acting President and Board of Trustees to recommend to adopt as its by-laws and policies to prohibit blanket non-disclosure contracts with future University Presidents and to require a publicly open and representative forum in the selection and performance evaluation of those Presidents, and;
2. The aforementioned progress made on campus during Dr. Ferguson's term as president regarding open collaboration; a focus on the faculty/student/university community trust; a sincere commitment to move the university forward with a sense of modernity; and the clear understanding of partnership with the university community in growing the university must continue with the full support of the Board of Trustees and the upper administration;
3. The search for a new president must encompass finding a candidate for the position who will continue to uphold these and allied principles into the future;
4. The conduct of the Board of Trustees should be to solicit from the university community and external constituents of the University an evaluation of the course of the University, through public forums, surveys and other formats, and then to consider such feedback in its decisions;
5. The University Senate of Ball State University hereby calls on the enjoining of this resolution among the constituencies of this institution.
6. We, the University Senate of Ball State University, invite the Board of Trustees and the Upper Administration to work with us to repair our public reputation and to continue in fashioning an open, collaborative, student centered, community engaged, forward-looking model 21<sup>st</sup> century research university.

<sup>1</sup>Inside Higher Ed, January 26, 2016, <https://www.insidehighered.com/quicktakes/2016/01/26/ball-state-president-quits-suddenly>.