

MINUTES OF THE SIXTH MEETING OF THE 2015-16 UNIVERSITY SENATE  
Thursday, March 17, 2016

Members Present: 57

Members Absent: 9

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, D. Berger, R. Brown, G. Carbo, M. Chiuini, J. Christman, 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, R. Johnson, K. Kessler, J. Khubchandani, T. King, K. Koch, M. Lee, I. Livshits, C. Luchs, M. Maggiotto, S. McFadden, R. Morris, E. Nesson, C. Pak, S. Pattison, Z. Taylor, C. Thomas, M. Warter D. Wheeler, R. Wijesinghe, E. Zygmunt

Substitutes: Matthew Reeder for J. Becker, Greta Slater for A. Brown, Ramon Avila for J. Chapman, Murray Steib for A. Crow, Matt Stephenson for K. Kenyon, Frank Groom for R. Kovac, Jun Xu for R. Kraus, Jim Jones for T. Mahfouz, Casey Schultz for C. Munchel, Joseph McKinney for M. Quick, Jonathan Forbey for K. Ritchey, Marie Kelley-Wordon for R. Bernot, Greg Marchant for S. Shim, Ben Gibbs for K. Warren-Gordon, Nicole Etcheson for S. Zhuk

Members Absent: K. Ajayi, M. Hanley, A. Louden, S. Rice-Snow, K. Rosenberger, M. Smith, J. Sponseller, B. Wagner, J. Wells

A motion was made and seconded to approve the minutes of February 18, 2016.

The motion carried.

2. Announcements

Items I. A., Next Scheduled Meetings, and I.B. Issue in the Senate System: Policy on Consensual Sexual Relationships were reviewed by the Senate.

3. Committee Reports

- A. Governance and Elections Committee – Karen Kessler, Chairperson. Karen reminded the Senate that elections for executive committee for 2016-17 will take place at the April 28 meeting. If anyone is interested in serving in any capacity on the executive committee, please contact her.
- B. Faculty Council – Andy Beane, Acting Chairperson. Andy reported the Council met on March 3 and passed the Conflict of Interest (COI)/Conflict of Commitment (COC) policy. It will hopefully be on the April senate agenda. The council tabled the drop/add policy period revisions for further work by the Student Government Association. The council will have their elections of executive committee officers at the final meeting of the council on April 7. Please contact him if you are interested in serving.
- 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 met and approved the drop/add policy. Their next meeting is March 31.
- E. Student Government Association – Jack Hesser, President. Jack reported SGA is finishing up the resolution on providing funding for medical testing for sexually transmitted infections. It may not make it through the senate system, but the new officers will make sure there is follow-through with this policy.

4. Report by Chairperson of Senate – Amy Harden (University Senate Agenda, 3/17/16, Enclosure #1)

The membership reviewed the GANTT chart. The issue of per diem reimbursement will be discussed at the April meeting of the Senate. Business Affairs will be present to discuss the issue.

Amy reported on the meeting the Board of Trustees (BOT) on Monday, March 14. Those in attendance were two Board members, the Interim President, the Acting Provost, as well as the leadership of both the Senate and Faculty Council and the two ad hoc committees responsible for their respective resolutions. Ideas were exchanged, opinions given, and, even though there was some disagreement, she saw it as an open dialogue and sincere in terms of how people were listening and reacting. It was a good first step in terms of a different culture and new direction with interactivity with the BOT and University Senate, in particular. She asked if anyone else in attendance at the meeting would like to report.

Andy Beane, Vice Chair and Acting Chair of the Faculty Council, felt it was a good meeting and good topics were brought up from faculty and students. He believed the students did an excellent job in expressing their concerns and opinions. He felt the BOT was truly sincere in listening. They were not necessarily interested in an open forum, but more in having conversations with all of the campus community. At the meeting he inquired what can we do as faculty/staff, and students to meet the BOT halfway? How can we communicate with them to voice our opinions? They will be thinking about it and are open to the idea.

Darren Wheeler, Secretary of the Faculty Council, reported that Board member articulated several ideas of how they will be immediately supplementing existing lines of communication. They agreed they have not reached out to us, but we have not reached out to them. It was very positive.

Karen Kessler, Vice Chair of the University Senate, said she left the meeting able to return to her department and say it was a fair and honest start. She felt like everyone in the room was honest about their positions. Some things we don't (and probably will never) know. She believes we can either take them at their word, trusting that they want to make this different, or not. Her recommendation to her department was that we were given the opportunity to take them at their word.

Greg Carbo, student member of the University Senate and member of the ad hoc committee on the resolution, felt the group had the opportunity to express their views, and it was very open dialogue between the constituencies. The trustees were very receptive of how we were thinking and feeling.

Bruce Frankel, member of the ad hoc committee on the senate resolution, reported he took them at their word would not changing nor having transparency. They did indicate four initiatives, those being 1) having a better website, 2) announcing board meetings in the daily news, 3) invitations to committee meetings and being open to the public, and 4) during the week of April 18, holding open forums throughout campus for each constituent group (faculty/staff/students) regarding the search for the new president. On the issue of an open process at some point of selecting the next president, they were not willing to change their decision of making it a closed process.

Karen Kessler commented Bruce is correct in that there was no movement in transparency. She argued that if we have a completely open search, we will get lesser candidates. We need a faculty-based candidate and the BOT does not believe we will get the best if we are headhunting at other universities. They have good reasons for not being completely open in the search process.

Darren Wheeler agreed with Frankel's characterization regarding non-disclosure and openness, and agrees with Karen that the trustees gave reasons for the positions they hold. He emphasized to the BOT that the university community would like them to do a better job of articulating why they believe a closed search is best through whatever means they can do that. On the larger discussion of transparency – they need to explain to us why they do the things they do and make it clearer to us why they choose to do things the way they do.

#### 5. Questions Directed to the Interim President

Interim President King reported the following:

- Jen Bott has been appointed Dean of the Miller College of Business
- Those who applied for special assigned leaves for next year were approved by the BOT at their last meeting
- The presidential search committee will be chaired by BOT member Matt Momper. It is in its initial stages and there will be five to seven tenure-line faculty members, as well as representatives from around campus. Open forums for that search will begin the week of April 18. He encouraged them to do this as soon as possible because of the end of the semester, commencement, etc.
- The BOT is beginning a new series at their board meetings where colleges will regularly offer presentations. The College of Fine Arts will be the first. The dean will be making the presentation; however, the entire leadership of the college as well as faculty council/senate representatives from these colleges will be included in this dialogue.

The expected outcomes for the College Presentations to the BOT include:

1. Trustees will understand the scope of each college, including departments, degree programs, enrollments, faculty size, budget overview, degree production, graduation rates, placement rates, etc. (Facts and figures.)
2. Each college will provide a summary of particular strengths – centers, institutes, clinics, national recognitions, etc. (Good news, successes and brag points.)
3. Each college will provide a summary of its strategic goals in the context of the university strategic plan (Vision and plans to achieve vision.)
4. Each college will identify near and long-term challenges and the process or plans to overcome challenges. (Problem solving.)

5. College leadership and Senate representatives will become better acquainted with members of the Board and the Board's priorities.

- It was also suggested student government leaders should also present once a year. The BOT felt this was also a good idea.
- Next month's BOT meeting will include the promotion and tenure information.

Interim President King believed the dialogue on Monday went very well. Trustee members Hall and Hughes indicated after the meeting that it was a very good start and would like to see the dialogue continue. He encourages it to continue. Trustee Hall offered the option of a joint resolution between both the BOT and the governance leadership instead of two separate resolutions coming from the faculty council and the university senate.

The following questions were asked of Interim President King regarding the meeting on March 14:

- Were there minutes taken of Monday's meeting and if so, could they be circulated?

*This was an informal meeting; no minutes were taken.*

- In that case, could the group summarize their views of the meeting?

*The thoughts of those attending the meeting will be included in the minutes of today's meeting.*

- Was there a meeting of academic affairs and attended by department chairs?

*Interim President King reported he did not attend this meeting.*

Acting Provost and Executive Vice President of Academic Affairs, Bob Morris, did talk with the Academic Leadership group and was present at today's meeting. He reported he did not tell them to vote in one way but to consider the gravity of the moment. He did not ask them to vote in any certain manner. Dean Michael Maggiotto was present at today's meeting and indicated he was also present at the Academic Leadership group meeting. He indicated Acting Provost Morris said it was a very important issue and to think about it seriously and the factors to be considered. The more conversation, the better. He suggested they return to their departments and make sure senators are informed and are prepared to discuss it and vote at today's meeting, if appropriate.

- This was the first meeting for dialogue with the BOT. What is the second step? Are there further meetings scheduled?

*Interim President King indicated the BOT wanted openness with the open forums, which is what has been done with past president searches. There will be college presentations with the BOT. He suggests continued dialogue with the leadership of the BOT and governance, even during the summer. He expects that to continue. As always, however, it is a two-way street. Both sides must be looking for opportunities for that to happen.*

## 6. Question and Answer Period

There were no questions.

## 7. Unfinished Business

There was no unfinished business.

## 8. New Business

There was no new business.

## 9. Other Items

### A. Proposed Resolution (University Senate Agenda, 3/17/16, Enclosure #2)

A motion was made and seconded (Carbo/Frankel) to place on the floor for discussion. The following discussion took place from the membership of the senate:

- A senator recommended not approving either the Faculty Council or Senate resolutions. Sending through this resolution will hurt in the long run rather than help. He expressed the belief that we will hurt our chances of getting a presidential candidate when a potential candidate sees discourse that involves resolutions like the one currently before the Senate. He also expressed the opinion that an open search for a president will result in CEOs and politicians applying, which is not good.
- A motion was made to withdraw the resolution entirely. There was no second to the motion.
- One Senator indicated that underpinnings of the resentment of the faculty and students (to the circumstances surrounding the president's leaving the university) have been there. He expressed that this is a statement that has to officially now go to the

BOT and they have to respond to it. He also indicated the belief that there is no credence to the statement that an academic president cannot be acquired with an open search process.

- A student Senator said that this resolution should go forward and this will start the process of open communication.
- A senator indicated that she was resolved to the fact that yes, the students want something done. She looks at this as an opportunity to say something not previously expressed. She indicated dislike in how the issue has been portrayed in the press all week. She expressed an understanding that former President Ferguson had the power to explain the circumstances regarding his departure and has chosen not to.
- A question was asked whether this resolution is already a public document.  
*It is, but if we don't vote on it, or if there is no action taken on it, then it will never have been endorsed by this body.*
- A member of the ad hoc committee on the resolution indicated the term "we don't trust them" was removed from the initial draft of the resolution in an effort to refrain from pointing fingers or assigning blame. This member believes we want something and that this resolution is a good step at a good time, particularly with the upcoming presidential search.
- Another Senate member said that he has served on many searches he believed that many people will not apply for the job if they do not have that confidentiality. He indicated his knowledge of the members of the BOT, several being BSU graduates, and felt that they love this university and they look out for us. They want good things to happen at Ball State. He indicated a strong belief that this resolution is the wrong way to get the things we want done. He indicated having faith that our points have been well-received by the Board and that they want to listen to us.
- One senator indicated he'd vote the wishes of his department. He expressed the opinion that the Trustees have made their positions on the non-disclosure and closed-open searches issues clear and they appear unlikely to change their minds. Passage of the resolution will not change their minds on these issues.
- Another Senator expressed his opinion that the resolution is intended to solve a problem and if it's not going to do that, what do we want it to do? His concern was that once a meeting of opening dialogue took place, how will communication with the BOT continue. We have no guarantee it will continue. He expressed the belief that there should be a middle road which involves both trust in the BOT and a continuation of the dialogue.
- A senator argued that this resolution is not necessary and that the BOT does want to move forward. He supported the idea of the development of a joint resolution between the Board and Senate. He indicated that this resolution more closely resembles a one-sided conversation. It should not be us versus them. He was concerned that if the Senate were to pass this resolution it would likely affect the BOT's interest and desire to move forward together with the senate.
- A senator asked how to get a discussion started with the Board if the Senate were to make a motion to withdraw this resolution and instead pursue a joint resolution with the BOT.
- Interim President King responded that the best way of doing that is to either withdraw or table and then have another motion to say we would ask for the governance leadership to engage with the BOT that results in a joint resolution coming back to this body in a reasonable amount of time.
- The senator agreed that this would force the hand of the BOT and move things forward in a positive manner. There were ideas that came forward from Monday's meeting and the Board reacted immediately to them, especially with student government association included in the presentations scheduled at trustee meetings.
- A Senator inquired about an action plan. What do we hope to accomplish? What is the final goal? Would discussions continue? With those observations, she would feel comfortable supporting this plan.
- One Senate member stated that he was proud of faculty and students for engaging in actions for change. The BOT's desire is to see us move forward, use our common sense, and not get into some bitter, destructive dialogue. He indicated that it doesn't seem right to alienate the people we are going to try to work with on these issues. We have already put the machinery together to move forward. This resolution would be a step backward.

- A senator asked what would we include in an action plan. What would people need? Who would you want to see involved in these conversations? Who do people need to hear from who are involved in these conversations so that it doesn't become a free-for-all, but that people trust they're hearing a level of information that is trustworthy?
- Another Senator offered her opinion that if this resolution went forward, there would be no conversation on Monday. Removing the resolution could possibly see the BOT continuing as status quo, with no communication with university governance. Believes the BOT should make more steps toward openness, more things to make us more secure in our relationship with them.
- One of the student Senators stated that he was in favor of tabling this and not voting for or against it at this point. It is important to have all the information available prior to voting. It would be disrespectful to the entire university community for Senators to vote without all appropriate information.
- J. Fitzgerald made a motion (and it was seconded) to withdraw this resolution. He also requested a paper ballot for the vote. Discussion ensued.
- A motion was offered (Z. Taylor) to table the resolution and return to constituents offering the other options discussed here today. They believed withdrawing the resolution would hurt everyone in the long run.
- A senator suggested having the open conversation with the Board. We started it, we should continue it. He also was of the opinion that the Board was truthful about wanting a joint resolution.
- A student Senator agreed that a joint resolution is needed. This legislation, as it stands now, is not what is best for the university as a whole.
- There was a call for the question.  
A paper ballot was utilized for the motion to withdraw.  
Yes – 29  
No – 30  
  
The motion failed.
- A motion was made and seconded (Hesser/Fugate) to table the resolution. A paper ballot was utilized to table.  
Yes – 52  
No – 6  
  
The motion carried.

10. Adjournment

The meeting adjourned at 5:15 p.m.

Respectfully submitted,

Melanie Turner  
Undersecretary

Amy Harden  
Chair, University Senate

/mt