University Senate Minutes for Thursday, March 13, 2008

Biological Science
E. L. Beard
Maureen Shuh
(E. L. Beard, proxy)

College of Business
Karen Arnold
Walter Block
Wing Fok
Brett Mathern
Mike Pearson
Mike Sibley

Chemistry
Lynn Koplitz

City College
Barbara Ewell

Communications
Anita Day

Criminal Justice
Dee Harper

English
Kate Adams
Ted Cotton
Marcus Smith

History
Robert Gerlich, S. J.
Maurice Brungardt

Languages and Cultures
Connie Rodriguez
Bob Dewell
(Connie Rodriguez, proxy)

College of Law
Stephen Higginson
Patrick Hugg
Jim Klebba
Blaine LeCesne
Lawrence Moore, S. J.

Law Library
Michele Pope
The meeting was called to order at 3:40 PM.

1. Invocation by Fr. Robert Gerlich, S. J.

2. The minutes from the December 13, 2007 meeting were approved.

3. Reports
   A. Lynn Koplitz – President of the Loyola AAUP Chapter
      Dr. Koplitz, Cathy Wessinger, and Fr. Wildes met in October, at which time Fr. Wildes said he’d be willing to meet with the AAUP members. They tried to set up a meeting, but were unsuccessful. The chapter met less than two weeks ago and put their concerns in writing. That letter from March 3 is here, with an accompanying graph of undergraduate enrollment for the past 20 years (see attached). Fr. Wildes responded, and that letter is also here. At this time Fr. Wildes says he no longer wants to meet with that faculty group and wants to work through the senate. In the letter Fr. Wildes asks for a protocol from the AAUP for steps to be taken for the university to be removed from the censured list. The administration is censured, not the university. Dr. Koplitz told Fr. Wildes that a great first step would be to meet with them and hear their concerns. Marcus Kondkar asked what the procedures might be to get the censure removed. Dr. Koplitz replied that ordinarily the administration changes, and the new administration takes steps to insure that tenure is respected, academic freedom is respected, procedures and due process are followed, our handbook would have to be followed. It’s usually the local chapter that requests removal from the censure list. They have been trying to open a dialogue. Fr. Gerlich asked about any dialogue between our chapter and other local AAUP chapters. Dr. Koplitz said that there has been talk, but no meetings. The other schools having been moving to get their handbooks to be more like ours. Alice Clark asked what the AAUP chapter would view as necessary for the chapter to request removal of censure. Dr. Koplitz stated that there isn’t any set of rules, but the administration was censure for firing tenured faculty members; we have to know that our handbook is going to be respected and our contract is going to be followed. There hasn’t been any real indication of that. There’s no dialogue. Statements are made, but actions don’t really go along with those statements. Dr. Kondkar asked whether the ongoing litigation was hampering that. Dr. Koplitz stated that the President seemed particularly nervous about discussing the litigation, and the AAUP members assured him they were not going to talk about it. They did suggest that the faculty might feel that it was a step forward if those lawsuits were settled. The chapter will be responding to Fr. Wildes letter. Fr. Gerlich thanked Dr. Koplitz for her efforts, and asked what concrete steps the senate could take to assist in the process. Dr. Wessinger stated that we should continue to uphold the handbook, which is exemplary as far as the AAUP is concerned. Maria Calzada suggested that a senate meeting could bring together the AAUP chapter and the President to hear all their concerns. Fr. Gerlich expressed a wish for concrete steps from both sides. We are trying to get both sides to work towards resolution. Dr. Koplitz said that the AAUP is not something separate from the rest of the
faculty. These are faculty rights. The AAUP members are willing to speak out and put their names on things for themselves and for the entire faculty. Fr. Gerlich replied that the faculty senate is not all agreed on approach. We are trying to nudge both sides to dialogue. Dr. Koplitz stated that they have tried to have a dialogue with Fr. Wildes and have hit a wall. It would be a great idea to get both sides in the same room. Dr. Kondkar stated it would be good to see what the AAUP views as the steps that need to be taken, and then we can take this to the President. He requested a protocol. Conrad Raabe mentioned that some faculty members detest the AAUP for various reasons—it’s a subset of the faculty. The senate represents the whole faculty. We need a means that is amenable for most of us to give credence to the handbook. The handbook is what we’re talking about. The violations of the handbook are what put us on AAUP censure as administrators. Dr. Koplitz concurred that they are asking for the administration to abide by the provisions of the handbook. Dr. Clark asked, following the handbook is the point, but what concrete measures does AAUP feel would demonstrate that? Dr. Koplitz stated that they thought talking with Fr. Wildes would establish that, but he doesn’t want to do that. Barbara Ewell asked how the Senate could facilitate getting us off censure. It shouldn’t be us and them [the AAUP]. We’re not mediating. Dr. Koplitz asserted that there’s not a process that she knows of, and she was not sure they should be put in position to do that.

B. Dr. Harris
He had been told by Fr. Gerlich that there were questions about the faculty retirement program and the issuance of contracts. The phased retirement program was approved by the Board of Trustees in 2004, and went into effect in fall, 2005. It is posted on the web. Dean Kvet chaired the faculty committee that came up with that particular program. It was presented to the senate, SCAP, UPT, etc. He asked for particular questions. Maurice Brungardt asked whether there are any phased retirements not covered by the present policy, outside the parameters of that posted program. Dr. Harris replied, not that he’s aware of. Dr. Ewell asked if this program is forever. Dr. Harris stated that it started as a five-year trial program. At the end of five years (or earlier) the university would review it for effectiveness, intent, and whether it was serving university interests. Connie Rodriguez asked if it had been reviewed, and Dr. Harris replied that it had not. Dr. Calzada asked if there is a difference between buy-outs and phased retirement? (Yes.) Have there been some negotiated buy-outs? Dr. Harris replied that there had been some. Neither a buy-out nor phased retirement is automatic. They are dependent on departmental resources. Dr. Kondkar asked whether the specifics of the buy-out were posted? Dr. Harris stated that there is a standard formula that would pay 1.5 times a person’s salary, generally over three years. At one time, with the buy-out, all obligations to the university would cease. Current law dictates that an exchange of services must take place. In that sense, looking at the dollar amount over a three-year period, the phased retirement is more monetarily advantageous. Dr. Kondkar inquired about age limits. For the phased retirement one has to be between 60-70 years old. There is no age limit for the buy-out. Fr. Gerlich said that some people had the two forms of retirement
package confused. Ed Kvet stated that the descriptions are pretty clearly written out. He wanted to point out that each faculty member has to approach the department. Dr. Harris added that it has to go to the chair, then the dean before it goes to his level. Fr. Gerlich inquired how many of each type of retirement are going on now. Dr. Harris did not know. A number of people took a phased retirement in spring 2006 – it was heavily advertised and there was an incentive (a one-time $15,000 bonus). Fr. Gerlich asked what kind of monetary caps there are on these phased retirements and buy-outs. Dr. Harris stated that there is none, but it has to be approved by the chair and dean, and must be within the financial means of that unit.

On the issue of the yearly contracts, Dr. Harris mentioned that President Wildes had stated there would be at least a 3% increase for next year. He was hoping for something larger. We generally know incoming enrollment by May 1. He suggested that those adjustments would be made after that, and approved by the board in their May meeting. Does this violate the faculty handbook? It says that contracts are “ordinarily” issued on or before March 15. This has been quite liberally interpreted over a number of years. Since Dr. Harris has been here, only one group has faculty contracts in by March 15. Most of the other units struggle in between that time and May. The former A&S traditionally has had them in April, even one year in May. The issue was that the Salary Oversight and Review Committee took a long time. That date of March 15 has been fairly liberally interpreted. Dr. Harris took this issue to the Council of Deans and asked them if we should issue contracts at the current rate just to have contracts, and do them again in May, or wait? The deans unanimously said to hold the contracts until May. The President checked it out, and everyone agreed to have the contracts in May. Dr. Clark stated that the National Association of Schools of Music, for instance, requires, if I were leaving, that I must inform my dean by 1 May. That is a courtesy that I owe to my dean. The reverse is perhaps required, especially for untenured faculty, since the rest of us assume that we’ll get a contract. She prefers that we go ahead and issue something, and reissue if need be. There was a discussion with Fr. Wildes that extra funds go to deal with salary compression and inequity issues. Dr. Harris said we don’t know that. Should there be a 6% increase, we don’t know how much would go to address the compression and how much would go to raises.

C. Maria Calzada - SCAP
The written SCAP Report was accepted and entered into the minutes (attached).

D. Conrad Raabe – Senate Representation
The handbook specifies that voters for the senate should be ordinary faculty members. He now has a list of these, based on official numbers. Traditionally they had to wait until contracts were issued. George Capowich and the statisticians put together figures accurate as of December, 2007 for each department in each college. Dr. Raabe used the handbook designation of one representative per six faculty members plus one additional representative for up to
three more faculty members. He has worked out the numbers for each department, division, and college, which he will distribute before our next meeting.

E. Ed Kvet
Status of the Faculty Handbook Revision Committee – The committee is reactionary (responds to requests, such as those from the library and law library). They made some smaller changes – pregnancy leave, etc. They also started a process of going through the committee structure. First they considered relevancy/lack of relevancy (does it meet?). This was based on reports by the senate committee led by John Murphy and the UPT committee. The bigger task is to take a look at some combinations of committees. One was simple – three admissions type committees were combined into one. The planning committees, UPT, UBC, and SCAP are a real challenge. Do we maintain their autonomy or combine them into a super committee with branches? The relevancy of UPT has generated a lot of debate. It was inserted into the handbook without coming through the senate, in reaction to a SACS visit about 20 years ago.

Fr. Gerlich called for discussion of the handbook resolution introduced at our last meeting (see attached). He inquired if we are at a juncture now at which the handbook should be looked at carefully, legally defined, and sent to the Board of Trustees, etc. Not to discuss it is already a vote. Do we wait until the legal cases are over? Fr. Gerlich feels we should not. We have no agenda in this, however. Do we want to go forward with a thorough revision? Dee Harper stated that the senate should read the handbook and compare it to the AAUP guidelines for handbooks. We have a model handbook. Dr. Clark said that the committee issue seems to be stymieing various processes, but knowing that the Handbook Committee is already addressing that, we can wait until various things happen. Dr. Rodriguez had two questions. This proposal suggests additions of board members, etc. on the Handbook Committee – would they be voting members? Dr. Kvet replied that the committee likes to bring in a board member once a semester to explain things. They don’t vote. Dr. Rodriguez asked about the “appropriate legal support” in the proposal. Who would that be? Dr. Clark replied that the Executive Committee intent would be an independent lawyer. Dr. Ewell stated, the question is, do we want to revise the handbook or not? The motion should state that. Dr. Calzada said that Chapters 1-3 are amended by the Board of Trustees, the administration, etc. Chapters 4-16 should not be touched. She would say no to the motion as is. Dr. Raabe asked whether Chapters 4-16 are contractual. The answer was yes. Joe Berendzen asked Dr. Kvet, “How do you think your committee is working?” Dr. Kvet said that if we are talking about a total review, then an enhanced committee is in order. If we are talking about editorial changes, then the Handbook Committee can handle that. Dr. Wessinger stated that there is already a process to make revisions as they are needed. But whether our handbook has been upheld is in litigation. It is not the time now. The question was called. The resolution failed. There were no votes in favor, many against, 3 abstentions.
4. Old Business
   There was a vote on the resolution of appreciation for opening of the Faculty Dining Room, which reads:
   “Whereas the Senior Commons Dining Room provides faculty a place to gather informally and to bring colleagues, candidates, and other guests for lunch, therefore, the Senate wishes to express its appreciation for its recent reopening and for the work of those who made that reopening happen.” The resolution passed unanimously.

   Handbook revision resolution (see above).

5. New Business
   Dr. Rodriguez announced two upcoming Department of Languages and Cultures lectures.

   The meeting was adjourned at 4:46 PM.