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Minutes 2016-2017

Faculty Senate Minutes

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10-1-2016

## Faculty Senate Meeting Minutes – October 2016

Faculty Senators

*University of South Alabama*

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October 19, 2016 – Marx Library - 3:00 pm  
Minutes

**Present:** Jason Brooks, Coral Gubler, Ron Morgan, Tracy O'Connor, Phil Carr, Rene Culler, Sam Fisher, Nick Gossett, Ellen Harrington, Mara Kozelsky, Patricia Mark, Juan Mata, Laura Moore, Sinead Ni Chadhain, Andrew Pavelescu, Ted Poston, Matthew Reichert, Phillip Smith, Justin St. Clair, Sam Stutsman, Rebecca Williams, David Bourrie, Matt Campbell, JT McDonald, Chimene Gecewicz, Leslie Whitson, Elizabeth Allison, Laureen Fregeau, Linda Reeves, Neil Schwarz, Jim Vaneghan, John Cleary, Kevin West, Saami Yazdani, Ellen Wilson, Michael Chinkers, Gene Cioffi, Wito Richter, Bettina Riley, Bill Gillis, Terry Grant, Gwen Pennywell, Kelly Woodford, Sam Fisher, Carolyn Dolan, Terrie Platt, Elizabeth Vandewaa, Joyce Varner, Kumar Palle, Gary Piazza,

**Excused:** Sam Stutsman, Mark Gillespie, Mark Taylor, Natalie Bauer, Clista Clanton, Amy Davis, Christopher Freed, Cherie Pohlmann, Tom Rich, Brad Swiger

**Call to order: at 3:04 by S. Fisher Quorum**

**Approval of minutes:** September 2016 meeting, **motion made to approve; 2<sup>d</sup>; approved**

**Approval of agenda: motion made to approve; 2<sup>d</sup>; approved**

**President's Report: Sam Fisher**

**Summer Pay:** We're making progress. One of the problems is that summer money pays for a number of operating expenses that should come out of operations management budget.

Question: How much do the colleges receive?

Answer: originally we believed it was \$162 per credit hour, but now we know it was 57% of \$162.

**Financial Aid:** There are issues of students sitting in a course for three weeks without textbooks. The problem is that Financial Aid has not been disbursed. More than 1.5 weeks pass before (best case scenario) students get the direct deposit in their accounts. It is possible that students can charge against account at the bookstore. This is an ongoing issue and we discussed ways in which faculty can help educate students about the bookstore as an option.

## **Town Halls:**

Library: next week, October 26.

A&S: November 21.

College of Medicine: Attended by Waldrop, Johnson, Weldon. DJ talked a lot about undergraduate programs. No discussion of where we are going, what is going on, whether there will be money released for research (what or when). Meeting over in 30 minutes. Many people from hospitals there, but no one asked questions. President remarked CoM not a very lively crowd.

Allied Health: Same people there in addition to Marymount. The meeting lasted an hour. People were mostly pleased. Good, open dialogue willing to answer questions. In pre-meeting we discussed some of the issues for faculty, be sure to ask those questions in the open forum. Helpful to give heads up on what we wanted ask them.

## **Searches**

### **Executive Director Library**

Five candidates on a short list. Hope to bring people in before the end of the term.

### **Dean, Honors College**

Committee formed this past week. We'll be putting an add together. Do not expect to see anyone on campus this semester. Eric Loomis sitting on this committee as associate dean of arts and sciences. DJ called Sam ahead of time to measure faculty response. Sam said Eric has trust of faculty.

**Dean and VP, Graduate School:** Last candidate comes in October 27. Will move quickly after that most likely. Haven't heard anything about changes in application status of other applicants.

Other: None.

## **Announcements**

Part-time faculty getting a 5% raise. A good sign some movement is happening for part-time people.

A&S townhall moved to November 21.

## **Old Business**

Grievance Policy Vote

Handbook chair summarizes exchange about grievance: 1) grievant now able to personally present case at initial grievance hearing; 2) No limit on number of witnesses, but time of presentation of witnesses.

**Motion to vote, 2d, vote carries**

Civil Campus Statement Vote:

Secretary presents history and purpose of Civil Campus (i.e. requested by Ombudsperson to help manage relationship between grievant and grieved; purpose evolved in Handbook committee with consideration of wider application and cross-campus implementation. Discussion and debate about application of civil campus. Concern statement is too vague. Others would like to see it become policy. Others wondered whether climate at USA warranted it.

**Motion to vote, 2d, vote carries, 1 abstention.**

### **New Business**

On-line Office Hours: according to handbook, we are supposed to have six hour for six hours taught. We have a situation in one college that you have to be physically in office for an entirely on-line program. Discussion ensues, questions about difference between 9mo and 12 mo. Violation of policy. Differences between handbooks and college policies. Faculty Handbook = 6 hours; business minimum of 8.

Movement to adjourn, 2nded.

Committee Reports & Caucus Reports – Submitted in Writing

**Salary & Benefits Committee Report**  
**Terry Grant**  
**October 19, 2016**

The committee met in September. We are currently focused on two main issues, restoration of full summer pay, and completion of a faculty senate questionnaire about the current state of the prescription benefits plan under Express Scripts.

**Summer Pay:** We are striving to restore summer pay to its “normal” 9.375% for each summer course. This is a challenging proposition because of the general decline in summer school enrollments due to the absence of federal financial aid, and the university’s reliance on summer school revenues to fund many other university operations.

Sam Fisher, Kevin West, and Terry Grant have met with VP of Finance Scott Weldon on two separate occasions this semester to exchange ideas to try to resolve summer pay. The problem is complex because the university has relied heavily on summer school revenues to fund on-going operations that are not directly linked to summer school. Decreased summer school enrollments stress the ability to “tax” summer school revenues while leaving enough to pay the faculty responsible for the revenue generation. Our focus has been to develop a plan that would restore summer school compensation to 9.375% per course. We still have work to do. We have requested additional data from Scott Weldon that will be useful in developing a solution. We will meet again to try to reach a resolution.

In pleading our case, we have made numerous points to support summer pay restoration. These include the following:

- USA faculty salaries lag most of our peer schools.
- Several universities in Alabama offer a 403b (voluntary retirement savings plan) with matching contributions from the university. We no longer offer matching contributions at USA further eroding our overall compensation package.
- 9.375% is less than most schools pay for summer school. 10% per course is more customary.
- Most other schools have a minimum enrollment cutoff to determine whether a class “makes” for summer school. This is typically around 10 students. If a class makes, faculty receive their full summer pay. This is true regardless of the revenue generated for that course. Overall, summer school generates far more revenue than faculty salaries would consume. Therefore, a holistic perspective would be the best approach to resolve summer pay.
- Department heads and deans should use judgment based on a variety of factors when scheduling summer courses. A major consideration should be the importance of offering a course needed for students to progress toward graduation in a timely fashion. Certain prerequisite courses that prevent students from taking other courses in their major are an example.
- Current summer teaching compensation negatively affects faculty morale. A number of faculty are considering not teaching in the summer if pay is not restored to 9.375%. If this came to pass, it would have an overall negative effect on USA's budget.
- In spite of the recent 2% pay raise, if a faculty member’s summer pay is cut, they could experience an overall decrease in annual compensation.

- It is more challenging to attract and retain faculty members given our total compensation package. When potential new hires compare our package with other schools, they quickly see that the summer school funding situation makes us even less competitive. We have lost faculty candidates because of this.

**Express Scripts:** Sam Fisher distributed a questionnaire to all faculty senate members to assess the current state of the Express Scripts prescription plan. The questionnaire requested identification of any current problems associated with the prescription benefit plan.

## CAHP

Tracy O'Connor

The CAHP Faculty Senate Caucus met on October 7, 2016 to discuss the "Town Hall" meeting. The Town Hall meeting was held Thursday October 13, 2016. The "Town Hall" meeting was well attended and lots of questions were answered.

Tracy O'Connor Occupational Therapy Caucus Leader

Brad Swiger Biomedical Sciences

Cherie Pohlmann Radiological Sciences

Ron Morgan Emergency Medical Services

Jason Brooks Emergency Medical Services

Coral Gubler Physical Therapy

College of Nursing

Caucus Report

Dr. Joyce Varner, Caucus Leader

10/19/2016

I have had an inquiry regarding parking at the College of Nursing. A faculty member stated that parking is becoming an issue in that there is not a sufficient number of faculty parking spaces and it was suggested that the student spaces be decreased in number and that students use the overflow lots and/or Jag Tram to get to the building.

**MCOB Faculty Senate Caucus Report  
October, 2016**

**MCOB**

Bill Gillis

The Mitchell College of Business celebrated National Business Women's Week with over 40 guest speakers in numerous classrooms. We also continued this theme with our Executive Leadership Series speaker, Ms. Sandy Fitzgerald-Angelo, a successful business speaker who shared her story of advancement and success in the Student Center Ballroom.



## Faculty Grievance Policy

### **4.2.1 Purpose & Scope**

To further the aims of the University of South Alabama (hereinafter “USA” or “the University”) in teaching/performance, research/scholarly activity/creative work/professional development, and professional/public service, the faculty has established this grievance policy and the following procedures. The intent of this grievance policy is to promote an atmosphere of mutual trust and honest communications. Faculty have a right to pursue grievable issues that affect their ability to contribute to the University and have their disputes settled fairly, expeditiously, and according to understood rules.

### **4.2.2 Definition of Grievance and Grounds**

A grievance is a process initiated by one or more members of the faculty, the Grievant(s), who claim(s) to have been directly wronged as a result of a violation, misinterpretation, misapplication or unreasonable application of a University policy, procedure, rule or regulation. Grievances are intended to seek correction of an asserted wrong of substantial negative effect on the member(s) of the faculty. A grievance may not be filed until a final decision regarding the grieved issue has been rendered through other applicable University policies and/or procedures. Grievances must be filed within 30 days of the most recent related event or issue.

Exceptions and Additional Policies: Non-reappointments of untenured faculty are grievable only if the decision to non-reappoint occurs after re-appointment following a mid-probationary review and only on matters of procedure. Faculty members may not grieve the merits of the non- reappointment decision. Any person wishing to grieve this or any matter on the grounds of discrimination, whether a violation of Equal Opportunity/Equal Access or Sexual Harassment, should follow procedures outlined in USA Handbook section 1.5.3 or 1.5.4.

### **4.2.3 Informal Resolution**

No formal grievance proceeding may be initiated unless the Grievant has made every reasonable effort to resolve the problem on an informal and internal basis.

To this end the Grievant must attempt to resolve the matter directly with relevant faculty, chair, or dean/director. If resolution cannot be achieved at this stage, then the faculty member must seek resolution through the ombudsperson. For the role of the ombudsperson, see section 4.7 of the USA Faculty Handbook.

### **4.2.4 Initiation of Formal Grievance**

After all informal efforts at resolution are undertaken and fail, the ombudsperson shall inform the Grievant of the **right to an advocate** and of the process for filing a formal grievance (see Notice of Grievance Form, 4.2.4.b)

#### 4.2.4.a

Each academic year, the Faculty Senate establishes a **Faculty Advocate** pool of a minimum of 4 tenured, senior faculty who are not attorneys admitted to the practice of law before any State or Federal court. There will be at least one faculty person from each of the academic divisions. The **Faculty Advocate** will assist the Grievant in determining whether to file a formal grievance and may serve as a mentor and advisor to assist the Grievant during the formal process.

- At the stage of formal grievance, the Grievant will be notified by the ombudsperson of the right to choose a Faculty Advocate from the above- referenced pool. If a formal complaint/grievance is filed, the person or persons against whom the complaint is filed (“Respondent”) will be notified by the Provost and Senior Vice President for Academic Affairs (PSVPAA) of the opportunity to also choose a Faculty Advocate or, if the Respondent is an Administrator, another employee of their choosing who is not an attorney licensed to practice before any federal or state court.
- Advocates serve an important role by providing both tangible and intangible services for conflict resolution. Their service in providing timely advice and information about the grievance process, they are not legally accountable for the process or the actions or inactions of the Grievant/Respondent/University. Advocating may include listening to the complaint and offering advice, directing the Grievant/Respondent to the appropriate forms, and/or assisting in the hearing. Advocates, at the respective Grievant’s/Respondent’s request, shall have the right to be present at all stages of the grievance process.
- Except as otherwise required by law, communications between the Advocate and the Grievant/Respondent shall be confidential throughout the proceedings. However, with the respective Grievant’s/Respondent’s permission, the Advocate may seek advice from other Advocates in the pool. Moreover, the Advocate may recuse his/herself at any time and the Grievant/Respondent may request another Advocate.
- The Grievant and Respondent may select a Faculty Advocate from outside the Advocate pool, provided that person meets the requirements (except for being a member of the pool) listed above.

#### 4.2.4.b

The Notice of Grievance Form shall be filed with the Provost/Senior Vice President for Academic Affairs (PSVPAA). The PSVPAA will then distribute copies of the completed Grievance Form to the Respondent(s) and the relevant department chair(s), dean/director(s), and Vice President(s). The office of the PSVPAA shall also ensure adherence to procedure and timelines.

In the event that a Grievance is filed against the PSVPAA, the President of the University or his/her designee shall oversee the grievance process and shall assume the responsibilities attributed to the PSVPAA outlined in this policy.

#### **4.2.5 No Retaliation, confidentiality, and appointment of intermediary**

Faculty filing a grievance in good faith may do so without fear of retaliation, harassment or negative impact on the employment relationship with the university. It is expected that all parties involved with the grievance procedure shall make every reasonable effort to maintain confidentiality except as otherwise required by law.

While the grievance is in process, both the Grievant and the Respondent must take special care to conduct themselves civilly and behave according to relevant University policies and applicable codes of professional conduct. All involved parties may request the presence of a non-involved third-party should they need to interact for professional purposes during the pendency of the grievance. This third party (for the Grievant/Respondent this will be their chosen Advocate) must be a member of the faculty (or an administrator if the Respondent is an administrator) of the University who is not an attorney admitted to the practice of law before any State or Federal court. In some circumstances, it may not be appropriate for a third party to be present if the professional interaction is protected by FERPA, HIPAA, or other regulation/law/policy or if the third party chosen has a conflict of interest.

#### **4.2.6 Establishment of the Grievance Committee Pool**

The President of the Faculty Senate and the PSVPAA shall each nominate five members of the faculty for service on the Grievance Committee Pool and submit the nominations to the President by May 1 each year. The President will then appoint five new members from the two lists to a rotating pool of fifteen (15) to serve as potential grievance committee members. All full-time faculty shall be eligible for nomination to the grievance pool. Administrators and staff shall not be eligible for service on the Grievance Committee Pool. All appointments will begin June 1 and will be for three years, five (5) new appointees being named each year. Interim replacements for the duration of the unexpired term of a member of the pool will be made by the President in consultation with the President of the Faculty Senate.

#### **4.2.7 Selection of the Grievance Committee**

Within ten business days of a Notice of Grievance form being filed per these procedures, the PSVPAA of the University shall appoint a Grievance Committee made up of three 3 members of the Grievance Committee Pool. Copies of the letters of appointment to a Grievance Committee will be provided to the President of the Faculty Senate, the Grievant, the Respondent, and the

appropriate department chair, dean/director, vice president, and other officers or persons named in the Notice of Grievance Form.

The Grievant and the Respondent shall each have a right to challenge up to two persons appointed to membership on the Committee. To exercise the right to challenge, the challenger must send a written notice to the PSVPAA within 3 business days of appointment, with copies sent to those named above. Within 3 business days of notice of challenge, the PSVPAA shall consider the challenge and, as warranted, appoint replacement faculty members.

Within ten business days of appointment of the Grievance Committee, the members of the committee shall meet with the PSVPAA or his/her designee for familiarization with these procedures and shall elect a chair.

#### **4.2.8 Initial Determination**

At the meeting held for the initial determination, the presence of the Grievant will be requested. During this meeting and based on the documents submitted by the Grievant, the Committee shall determine whether the complaint fulfills the criteria required by Section 4.2.2 above and that a hearing should commence. The Committee may question the Grievant but these questions are to be limited to those necessary to clarify that the grievance fulfills the criteria established in Section 4.2.2. The Grievant will not be allowed to participate in or observe Committee deliberations. If the initial determination is affirmative, the Notice of Initial Determination shall state the date, time, and location for the grievance hearing, which must be within 45 business days of the date the grievance was filed. This notice will be given at least 15 business days before the hearing date. Once set, the hearing may only be rescheduled for reasons that, at the discretion of the Committee Chair, are compelling. If the initial determination is negative, the Notice of Initial Determination shall state the reasons for that negative decision and there shall be no further proceedings under this Policy. The committee shall make every effort to inform the Grievant and Respondent of the Initial Determination in a timely fashion.

#### **4.2.9 Grievance Committee Hearing Procedural Rules**

At the hearing, the presence of the following persons will be requested: the Grievance Committee members, the Grievant, the Respondent, respective Advocates, and the current witness.

The chair of the Grievance Committee shall arrange for the official recording of the hearing. No other recording or transcription of the hearing shall be permitted unless specifically authorized by the Committee chair. Upon request of either party, the chair shall arrange for the parties to be given, within 3 business days after each session of the hearing, a copy of the official recording. The University will assume costs associated with the recordings. No recordings will be made of the Committee's deliberations, including but not limited to the preparations of findings and recommendations.

Two members of the Grievance Committee, one of whom must be the chair, shall constitute a quorum for conducting the business of the Committee. No member who is absent during any part of the hearing may participate in the preparation of findings and recommendations of the Committee without first listening to the official recording of the portion of the hearing conducted in the Committee member's absence.

At the hearing, the Grievant shall present information regarding the grievance following which information may be presented by the Respondent or otherwise as solicited by the Committee. The Grievant shall have the burden of persuasion.

Where more than one Grievant complaining of a wrong arising out of the same set of facts has a hearing pending, the hearings may be consolidated with the approval of all such Grievants and of the Grievance Committee first appointed to hold such hearings.

Grievants and Respondents shall provide witness lists and any documents they wish to be considered in the hearing to the chair of the committee a minimum of seven business days prior to the date of the hearing. The Grievant and Respondent will be offered access to review these lists/documents at least three business days prior to the date of the hearing.

The chair of the Grievance Committee shall:

- call witnesses before the Committee as requested by the Grievant, the Respondent, and members of the Grievance Committee;
- set time limits for the presentation of witnesses and information (each side will be afforded the same amount of time);
- maintain an orderly hearing and permit no person to be subjected to abusive treatment. The chair may eject or exclude anyone whose conduct is disorderly.

The Grievant and the Respondent shall be permitted to:

- examine all information presented to the Grievance Committee;
- present information regarding the grievance that is available to them and question any witnesses called.

In addition, witnesses unable to attend may submit written or recorded statements to the Grievance Committee if video or phone conferencing is not a possibility.

If a party so chooses, his/her Advocate, as those are defined herein, may exercise that party's rights during the hearing. This must be decided by the party before the hearing and if the Advocate is acting in the party's stead, such will be the case throughout the hearing. The party so choosing will only address the Committee when answering the questions of his/her Advocate, the other party/representative, or the Committee.

At the hearing, the members of the Grievance Committee may ask questions of any witness, of the Grievant, and/or of the Respondent.

Any correspondence, notices, or other information which is exchanged, shall be distributed to the Grievant, the Respondent, and the Committee.

#### **4.2.10 Findings and Recommendations**

Following the conclusion of the hearing, the Grievance Committee shall meet in executive session with all other persons excluded. In this session, the Committee shall prepare a written report of its findings and recommendations to the PSVPAA for settlement or resolution of the grievance. Again, executive sessions of the Grievance Committee shall not be recorded.

The Grievance Committee shall make its written report to the PSVPAA of the University with copies to the Grievant and the Respondent as promptly as possible, but no later than 10 business days after the last hearing date. The Office of the PSVPAA shall distribute final recommendations to those persons listed in 4.2.4b. The official recording of the hearing and the Committee's file on the proceedings shall also be forwarded to the PSVPAA at that time.

#### **4.2.11 Action of the Provost and Senior Vice President for Academic Affairs**

Upon receipt of the report of the Grievance Committee, the PSVPAA shall review the findings and recommendations of the Grievance Committee and decide upon the action to be taken on the Committee's recommendation.

The PSVPAA shall send the Notice of Decision promptly to the Grievant, the Respondent and to the Grievance Committee, unless the PSVPAA returns the matter to the Grievance Committee for clarification or further proceedings as appropriate. In either case, this action shall occur not later than 10 business days after receipt of the report. The decision of the PSVPAA is final.

#### **4.2.12 Timeliness**

It is expected that all procedures will take place in a timely fashion and that all parties involved shall strive to adhere to the time limits established in these procedures. Extenuating circumstances may, however, delay a particular action beyond its deadlines and such a delay should not be construed as a procedural violation as long as the involved parties are acting in good faith.

## Civil Campus Statement

The University of South Alabama Community is dedicated to creating an environment where each individual is valued and can succeed. Our institutional ethic compels us to foster the best possible environment for doing our work as educators, learners, and supporters of the educational process. When our members are prevented from doing their best, the entire community is diminished.

Our commitment to be a diverse and inclusive campus relies on all community members to do their part. While no set of rules or policies can wholly govern human conduct, civility requires respect and a thoughtful and careful balancing of different points of view.

### Values

A respectful campus exhibits and promotes the following values:

- Displaying personal integrity and professionalism
- Practicing fairness and understanding
- Exhibiting respect for individual rights and differences
- Demonstrating harmony in the working and educational environment
- Respecting diversity and difference
- Being accountable for one's actions
- Emphasizing communication and collaborative resolution of problems and conflicts
- Developing and maintaining confidentiality and trust
- Achieving accountability at all levels

### Cornerstones of a Civil and Respectful Campus

The commitment to a civil and respectful campus calls for promotion of an environment where the following are upheld:

- All individuals have important contributions to make toward the overall success of the university's mission.
- University of South Alabama's mission is best carried out in an atmosphere where individuals at all levels and in all units value each other and treat each other with respect.
- Individuals in positions of authority serve as role models in the promotion of a respectful campus. Promoting courtesy, civility, and respectful communication is consistent with the responsibility of leadership.
- Individuals at all levels are allowed to discuss issues of concern in an open and honest manner, without fear of reprisal or retaliation from individuals above or below them in the university's hierarchy.