

**Agenda & Minutes**  
**Faculty Council (closed meeting) & LUC - AAUP Representatives**

**Date:** 10/24/2017

**Time:** 4:00 – 5:30 PM

**Location:** Faculty Lab, Langston Hughes Memorial Library

**Agenda**

1) Roll Call:

- a. **Present:** Zizwe Poe, James Wadley, James Gallagher, Ozzie Richards, Sophia Sotilleo, Emmanuel Babatunde, Dana Flint, Monica Gray, James Deboy, Marilyn Button, Nicole Files-Thompson, Robert Langley, William Dadson
- b. **Absent:** N/A
- c. **Excused:** N/A

2) Ratification of the agenda - Consensus

- a. FC members reflection on previous week's email response to proposed changes to the Faculty By-Laws

3) Previous business

- a. Updates to By-Laws document
- b. Inconsistency between Faculty Council's By-Laws section voted on by the faculty and BOT
- c. Collaboration between FC & Union

4) 4. New Business

- a. PTS: Changes in CBA pertaining to the tenure process

5. Announcements

**Minutes of Discussion Items**

**1) Ratification of the agenda:**

- a. FC members reflection
  - i. Dr. Richards: suggested that members provide their assessment of the email exchanges over the previous week in response to the By-Law's committee's proposal to modify and update the By-Laws document. Dr. Richards noted that there seems to be a perception that the FC is an elite body that is dictating the rules of engagement for all policies and procedures –

- “governance structure of the faculty” and seem to be a major concern. How should we as the FC mitigate that perception moving forward? How do we address questions of whether the Chair of the FC is a member of the faculty or administration?
- ii. Dr. Files-Thompson: there is a need to address Dr. Richard’s mitigation question – we need to be conscious of the language we use to describe what we do as a council. Further, the email exchange brought up several questions that should already have an infrastructure in place with ready answers (e.g., questions about meeting – who is the person in charge?), but that was not the case it seemed.
  - iii. Dr. Gallagher: drafted an email which he shared with Dr. Poe – particularly addressing the need for faculty to be more civil.
  - iv. Dr. Flint – requesting clarify of structure & purpose: one of the things that need to be decided is whether meetings continue via email or in meetings? He finds them cumbersome and only a few people participate in the process. Should issues that are brought up on an email be added to FC agenda?
  - v. Dr. Deboy: the faculty is diverse especially in its opinions – different perspective of the same phenomenon. Yes there are definitive answers, such as BOT minutes. With respect to “Inconsistency between Faculty Council's By-Laws section voted on by the faculty and BOT”, he was made to understand, that Dr. Ramsey removed the language, Item D, regarding compensation for FC work and advance it to the BOT and the BOT only saw the amended document. Dr. Files-Thompson interjected that there was also a question as to whether the BOT had approved the creation of the FC or not.
  - vi. Dr. Poe: responded to the BOT approval of the FC – the question was brought up by Dr. Susan Safford and high-ranking member in the Union, hence the purpose for this meeting. Dr. Poe clarified that he is not the “President” of the FC rather the Chair-person. He also reached out to Dr. Bohn and Dr. Siddique, would they be interested in participating on an ad hoc committee to investigate the seeming improprieties that they have brought forward – their response was that they are time challenge. In general, there have been many structural changes and these have not been adequately socialized among the faculty – particularly through Academic Affairs, the faculty has been remised in not changing By-Laws annually as the changes were approved. He then appealed to each FC member to register their vote for the proposed changes to the By-Laws so that the FC can advance the proposal before the full faculty.
  - vii. Dr. Babatunde: reported that the By-Law’s committee’s Town Hall meeting, held on October 23, 2017 was comparatively very civil and productive. During the deliberations, two contentious items were removed from consideration; President’s approval of dismissals & uncontested 7-year contract. He further encouraged FC members to support the 12 changes that the By-Law’s committee is currently advancing.

b.

## **2) Previous meeting**

### **c. Collaboration between FC & Union**

- i. Dr. Dadson indicated that after seeing the email sent by Dr. Safford – he reached out to her to discuss the fact that such assertions have no valuable end point in such an open forum. He then reached out to Dr. Poe to call a meeting between the FC and the Union. He then invited Dr. DeBoy to add any outstanding issues
- ii. Dr. DeBoy reminded those in attendance that the faculty as a whole is not in agreement with the formation of the FC, the vote was very close, so there will always be naysayers – as far as he knows the FC was voted on and approved by the BOT except item D, compensation for FC members & the number of faculty meetings per semester. He is most concerned as Contract Administrator – the By-Laws and the CBA are bilateral agreements, both parties must agree and neither party can amend or modify existing language. So, the faculty put together a motion, approved by faculty with Item D – the BOT approved minus item D. He recommends that the modification be put forward to the faculty to be accepted or rejected – if not this could be a slippery slope.
- iii. Dr. Poe – countered that while this may process of mentioned by Dr. Deboy has been a practice – it is not written and only been selectively followed when it was expedient. Dr. Poe and Dr. Deboy concurred that item D though removed from the By-Laws is already covered by the CBA – depending on the hours worked on a project. Dr. Poe then mentioned Addendum E of the CBA (see New Business (a) below).
- iv. Dr. Langley asked if anyone new why and by whom was Item D removed. Dr. Flint shed some light – Dr. Flint indicated that he gave the proposal to the Administration, i.e., the Provost, Dr. Ramsey and the Interim President, Dr. Green. The response was that they accepted but indicated that no language of compensation/salary can be added to the By-Laws but instead must be included in the CBA. At the time, this issue was going to be raised in the faculty meeting (was italicized in the submitted document), when the FC was being voted on, however, someone moved to vote of the FC. Dr. Langley then mentioned that if that is the case – Item D can be placed in the CBA as a side letter.
- v. Dr. Files-Thompson: this explanation seems to be another in a long line of explanations in the last 6 months, in addition, there is no way to verify because it involves person who are no long here at LU. The real question is – do we or not have to go back to the faculty on any changed to previously approved motions.
- vi. Dr. Richards: seem to be addressing several issues simultaneously. CBA has been ratified. If Addendum E says the PTS is binding, then the decisions are binding, legally.
- vii. Dr. Poe: Addendum E of the CBA seem to be an oversight, the Union was overstretched with negotiations and BOT did not go through the document with a fine-tooth comb. The FC might have been useful in this scenario.
- viii. Dr. Richards: we have no document that addresses frequently asked questions – this might solve a lot of the current document

- ix. Dr. DeBoy: the compensation/work condition/salary under Item D of the By-Laws, is clearly a CBA issue. However, because BOT approved something different that was approved by faculty – it should still go before faculty again for approval.
- x. Dr. Poe: moving forward, how will the FC & Union come together to support faculty & university – what are the individual scope of work and when do the bodies collaborate? We must agree not to go after each other in public. Dr. Dadson agreed that is not good practice to wash our dirty linen in public. Dr. Gray – to reiterate, both bodies are here to serve the faculty and make the institution better, however if each body internally go after each other and external lambast each other in public it weakens both our voices. We attack ideas and not persons.
- xi. Dr. Files-Thompson: given that the Contract Administrator & Union Executive advise that the change in original proposal occurred at the BOT, this must be returned to the faculty. Dr. Langley agreed and added – who will bring this before the faculty because the FC cannot since it is the subject of the issue? Dr. Gray – it would seem that a resolution to the Item D issue was proposed (i.e., side letter in CBA), so what exactly do we hope to achieve by bringing issue before faculty? Dr. Langley – important to ensure that BOT is put on notice that we will not accept wholesale the modifications it makes to proposals from the faculty.
- xii. Dr. Richards: if there are questions about the legitimacy of the FC, then why did they vote in their department/unit/colleges as well as in the full faculty to add member. Dr. Langley – those votes reaffirms the existence and become a part of past practice. Dr. DeBoy – the Administration in its action also reaffirms the FC's existence because it paid members to work over the summer.
- xiii. Dr. Gallagher: will only 2 items be brought forward to faculty or the entire proposal for a revote? Dr. Flint – it is how the motion is presented. Dr. Poe – proposed that things were voted on quickly resulting in a few oversight: compensations in which the Union should have been consulted and with regards to the number of faculty meetings – which can be easily corrected.
- xiv. Dr. Langley – the administration can offer any faculty release time for special duties up to 50%, below which the individual is no longer consider faculty.

**3) New business:**

- a. Addendum E of the CBA: approved during 2016 – 2017 – the PTS committee decision is binding on a person's application for tenure and promotion

**4) PTS: Changes in CBA pertaining to the tenure process:**

- a. The members of the Union will discuss and come up with a solution.

**5) Announcements:**

- a. Dr. Richards – the Education Policy committee did not get a response from the VPAA. Dr. Richards will invite Drs. Deboy, Poe and Chapp to meet.

**6) Tally of votes on proposed updates to By-Laws**

Please find the updated tally of votes for the proposed changes to the faculty By-Laws:

- 1. Dr. Files-Thompson -In favor of all 12 changes
- 2. Dr. Babatunde -In favor of all 12 changes
- 3. Dr. Button -In favor of all 12 changes
- 4. Dr. Gray - In favor of all 12 changes
- 5. Dr. Wadley - In favor of all 12 changes
- 6. Dr. Poe - **will vote with majority**
- 7. Dr. Gallagher - Yes on item 1, no on 2-12
- 8. Dr. Flint - No,on 1; Yes on 2-12 with comments
- 9. Dr. DeBoy - In favor of all 12 changes : **non-voting**
- 10. Prof. Sotilleo -In favor of all 12 changes: **non-voting**
- 11. Dr. Richards - vote suspended at this time

**Dr. Richard:**

Pursuant to your request, and an additive to my text message yesterday, I offer the following commentary, which I hope meets you and the Council well.

I think the Ed Policies Committee should meet with BOT’s Academic Affairs Committee semi-annually, in fall and spring. If you think about it, I believe you will understand the rationale as you consider the cyclical activities that are endemic to the BOT at these times.

Second, I have reviewed the narratives, proposed policies/procedures/rules/regulations, etc., of the Faculty Bylaws/amendments, and I suspend judgment and my vote now.

I believe codified rules/policies/procedures/covenants, etc., that have potential judicial and/or extrajudicial ramifications should be subject to legal review before ratification to forestall or mitigate possible litigation.

Also, it appears that the faculty council members are embroiled in so many academic and institutional issues that I wonder whether we are truly focused on our mission. Perhaps we should consider some disgruntlement as “noises” to be ignored as part of the democratic process where people can express their frustrations without engaging in constant and persistent responses. We should strive to uphold and not diminish the stature and agenda of the Faculty Council. As Winston Churchill stated a long time ago, “You[we] will never reach your [our] destination if you [we] stop and throw stones at every dog that barks.” Amen!

**Dr. Flint: Bylaws Motions - Note:**

- I believe that an updated (Faculty and BOT approved) that includes all and only updated changes to the Bylaws should be generated asap, and officially posted on the Faculty Portal. Should there be lawsuits, the lack of an updated Faculty Bylaw will generate confusion, and legal expense. Finally, “notice” is part of the law.
- Some of my “yes” votes contain a comment on various issues. If these variances are too significant the “yes” should turn to a “no.”
- None of these proposals deals with a reasonable vote concerning rescinding the Faculty Council Bylaw. I would suggest that it be a “60%” threshold. Given that the Faculty Council is 10% of the Faculty, the current requirement is too stringent.

Motion	Vote	Comment
#1	No	I agree with the substance of this provision. However, it should read: “...shall be held <i>a minimum twice a semester...</i> ” That allows flexibility in scheduling and for the possibility of scheduling more than two meetings should the need arise.  Also, there is already a provision in Article IV in case the Faculty Council bylaw is annulled. I think this clause might be redundant.
#2	Yes	
#3	Yes	However, “will” should perhaps be “shall”
#4	Yes	
#5	Yes	
#6	Yes	<i>...a two year term</i> ”
#7	Yes	

#8	Yes	<p>“resolution” needs to be understood as after any and all court cases are settled.</p> <p>Or, since the records are electronic, a copy can and should be sent to Human Resources as soon as the Committee has made its decision and is ready to forward its materials to the BOT for appeals.</p>
#9	Yes	Especially because the President might be a party to a dispute.
#10	Yes	So far as I know, the President does not appoint members of the Judicial Committee. It seems like we should be saying the Faculty shall elect, say, three alternates. The President can disqualify a member and choose an alternate and the aggrieved faculty member can disqualify a member and choose an alternate....both from the alternates chosen by the Faculty.
#11	Yes	
#12	Yes	Should be “posted prominently on the official Faculty Portal” Otherwise, we invite mischief.

**Next Steps/Deliverables**

- 1) The By-Laws committee at the December meeting will bring the Article D issue before the faculty – provide an explanation of what happened and that we move to accept the changes made by BOT