

**Faculty Council on Faculty Affairs
17 December 2003
36 Gerberding Hall**

Meeting was called to order at 2:36 p.m.

Update on Part-Time Lecturer Legislation – O’Neill

The legislation was presented at the last senate meeting. O’Neill summarized the debate at the Senate meeting as a long discussion, with several lengthy comments in opposition to the proposal. One person commented that the legislation was not workable while another faculty member said that it would make the management of business difficult in her department. Based on these comments, the Senate postponed voting on the legislation until the next meeting. In the meantime, O’Neill has been copied on a number of e-mails from interested faculty continuing discussions about this issue. For some of these people, no change will make a difference. But for others, a change in timing might make a difference. The gist of some opposition is that the numbers will make it difficult to conduct business in departments because of lack of a quorum. O’Neill pointed out one can conduct mail ballots. Buck feels that part-time lecturers are not sufficiently involved in the department, and may affect quorum.

Discussion: Krieger-Brocket believes that some of the faculty about whom concerns were raised are actually clinicians, not lecturers. The point here is being careful about titles. She also pointed out that there are problems regarding getting percentage amounts clarified at the beginning of the year. The council needs a very clear statement of which lecturers are covered by the legislation. There was also some discussion about increasing the waiting period to three years, and there may be a motion to this effect. Some topics didn’t come up at the Senate: collective bargaining effects; gender – most lecturers are female. Krieger-Brocket characterized the arguments as ones about engagement rather than equity. Coutu made very articulate remarks about the lecturers’ role on campus. Another problem that surfaced was the need to make people feel welcome to be involved; lecturers have not been the beneficiary of this type of behavior.

ADR Subcommittee Update Report - Kirtley

Kirtley reviewed the discussion at subcommittee meetings. The first two meetings were an open discussion of differing types of dispute resolution and how it compared to adjudication. Kirtley noted that he is also a conciliator, and at their last board meeting, the Ombudsman was talking about ways of expanding service; she will be involved in future discussions. Vaughn described her meeting with Patty Carson, new VP for Human Resources to apprise her of faculty interests, particularly in regards to dispute resolution in the Strategic Leadership Program. O’Neill suggested a speaker as a way to focus attention on this issue. The second meeting also covered what currently exists at the University. Ideas for educating the faculty such as a brochure or presentations were discussed as well as the need to have greater involvement from the medical school faculty.

Discussion: The discussion focused on the goal of this effort, with a consensus emerging that it should be more in the nature of a study with recommendations, rather than geared towards legislation. Vaughn noted, however, that she may be preparing revisions to Chapters 27 and 28 in the 2004 summer. O’Neill would like to see a primarily educational focus with respect to faculty aimed at trying to make our grievances less common. Continuing, she stated that we should try to identify the hot spots and problems by looking at the types of grievances, and teach faculty and administrators about how to deal with conflict.

There was some interest in a survey of faculty. Faculty have a high level of distrust and are reluctant to seek help; this might identify problem spots, substantively and procedurally. Vaughn responded that with our Catalyst tools, the Senate can run a survey of the faculty. Questions were also raised about what happens at other schools? Are we better or worse – have more or less? Kirtley pointed out that many universities have informal processes that allow for earlier resolution of problems, and we lack some of these. Any study we would run would need both statistical and open ended questions. We could also work with senators for information, and ideas for questions.

Update on Winn Settlement – O'Neill

O'Neill's report covered two items:

1. Some faculty had alleged that when settlement was paid, that it may have been a violation of state law that prohibited the use of state funds to be paid to someone who had been convicted of a crime. O'Neill asked the reference librarians at the law school to check on this. The bottom line is that the settlement does not appear to violate any state law.
2. On the more subjective issues, O'Neill reported her findings: UWP has a corporate charter and bylaws. The University created the corporation for the benefit of the medical school, and it is funded from revenues generated by clinical billings. The medical school faculty are members of the corporation. She didn't know if it's non-profit, but it probably is. The corporation's membership has certain powers under its bylaws to change the governance of the corporation. The Board of Directors is composed largely of deans and chairs at the medical school with a few people from outside. It's an interlocking directorate.

One issue raised by this investigation is whether this is a faculty organization and thus a matter of concern for the Faculty Senate. We have a report from the med school officials about how the revenues from UWP are distributed. Money comes in, and some is used for operating funds, and 10% of revenues go to the dean; whatever is leftover goes back to faculty clinicians under a very complicated disbursement scheme. The money for the disbursement for the Winn case came from the Dean's UWP fund. Dr. Guntheroth has questioned whether the pay-out was consistent with UWP purposes. The officers of UWP and their lawyers say it was an exercise of discretion that protected, in part, the academic mission of the med school. Anecdotal evidence suggests that a fairly large numbers of faculty suffer from morale problems.

O'Neill concluded by framing the issue as whether we should terminate our activities and report, or whether *this* council as a body of the Senate should do more.

Discussion: One person stated that if all members of faculty are members, and they don't elect the directors, that's an issue. Krieger-Brockett described how successful the AB salary study was in answering faculty questions and that may be that's what we need here. Many council members raised the noticeable resentment that was created by the settlement, and the structure and governance of UWP. O'Neill described the governance structure outlined in the by-laws and pointed out that it can be changed by a vote of the electorate. She suggested we post something that has the bylaws and explains that this is what you can do. Krieger-Broeckett agreed, although emphasizing we should keep any presentation neutral, perhaps by using a "frequently asked questions" format. Luchtel said that part of the problem is that there is a governance document but that no one thinks it is followed. The emerging consensus, after consulting the original Class C resolution, was that the council should issue a factual white paper with a FAQ section that could be posted on the Senate website.