September 3, 2002

Commonwealth A, Student Commons Academic Campus

Agenda

1. Approve May Minutes
2. Introductory Remarks & Introduction of new committee chairs - Bob Andrews
3. Report on the status of all unfinished business from the previous academic year - Bob Andrews
4. Election of Representatives to University Council, Executive Committee Nominees listed below
   Bob Andrews, Bob Lamb, Judy Lewis, Dan Ream with Peter Kirkpatrick serving as alternate
5. Report of Nominating Committee for University Grievance Panel Chair - Sue Brilliant
   Nominee to replace Michael Smith who replaced S. Price who was elected for 3-year term starting 8/15/2000
6. Dr. Mc Davis
7. Committee assignments - Chris Turner
8. Research Data & Conflict of Interest policies - Lloyd & Lamb
9. Computer and Network Resources Use Policy - Phyllis Self & Mark Willis
   Policy can be found at http://www.at.vcu.edu/policies/computeruse.htm
10. General Obligation Bond Bill - Chris Turner & Nora Adler
11. Committee to review Grievance Policy (revised 1/97) - Wes Poynor
12. Committee to review Bylaws of the University Faculty (revised 4/99) - Dianne Simons
13. Report on Faculty Senate of Virginia and Legislative Issues - Turner/Andrews
14. New Business
Minutes of the Meeting

Present:

Absent:
Ader, Costanzo, Crouch, Dilworth, Hague, Kuemmerle, McCreary

President Bob Andrews welcomed New Faculty Senate members. May Faculty Senate Minutes were approved.

Bob Andrews recapped unfinished Faculty Senate business from last year that is still being worked on by Senate committees:

**Research Data and Conflict of Interest policy.** Faculty has done a great job working with the administration on this. Bob Lamb and Joyce Lloyd are working on and improving aspects of the policy. **Bylaws of Faculty and Credentials and Rules** both need to be reviewed this semester. A group will be appointed to work on those documents. **Wes Poynor** will chair a group which will work on reviewing the **Grievance policy.**

New Business.

Bob Andrews was asked to participate in a group to give faculty feedback to the administration on budget matters. Two groups are meeting tomorrow – **Dan Ream** from the Academic campus and Wes Poynor from the VCU Health System campus will be attending these meetings about the budget. Bob Andrews suggests the faculty voice its concerns and stress its mission in teaching and research. There is sometimes confusion amongst faculty, staff and students about the university budget. Monies that have been allocated for construction are not to be confused with the budget shortfall that the State of Virginia is now facing. They are two different areas and the monies allotted to one cannot be used in the other. Bob Andrews stated, “My goal is to make sure that faculty has a credible voice and that it is listened to”. That voice is heard at
Bob Andrews presented members of the Faculty Senate Executive Committee to all Senators. The Chairs of Faculty Senate committees were also introduced. If Faculty Senate members need to contact a Chair of a particular committee, they can easily locate a Chair by referring to the Committee Assignment List which is distributed to all Faculty Senators. Committee Chairs will meet with members of their respective committees in between regular Faculty Senate meetings.

Vice President of Faculty Senate, Chris Turner, reminded all senators to make sure they have signed up for committee assignments. A sheet describing the different committees within Faculty Senate was distributed before today’s meeting. A sign-up sheet was circulated during today’s meeting and Senators were also asked to indicate if they wished to serve as Co-Chair of a particular committee.

Alan Briceland, a past president of Faculty Senate, has agreed to serve as our Parliamentarian. All Senators were reminded that terms to Faculty Senate are for three years. After the third year, one can serve as an Honorary member.

Last year, Faculty Senate’s voice was heard on several issues. Faculty Senate opposed changes to the composition of voting members serving on the Committee on Academic Affairs, thereby ensuring a majority vote amongst faculty members. The Senate also opposed proposed language changes to the Bylaws of the University Council, and its voice was heard. Faculty Senators Iris Johnson, Chris Turner and Wes Poynor have been elected by their own academic units to serve on University Council. The Senate also needs to appoint three representatives and an alternate to serve on University Council. Senators Bob Lamb, Bob Andrews, Dan Ream and Judy Lewis with Peter Kirkpatrick, as alternate, were proposed. The floor was opened for further nominations. The slate proposed was elected unanimously.

Report from Nominating Committee for Grievance Chair.

Faculty Senate elects this person who is suppose to serve three years. Dr. Price resigned in his first year of service and Dr. Mike Smith was elected to replace him. Dr. Smith left in May to go to another university. Sue Brilliant, as Chair of the Nominating Committee, presented a name to the Faculty Senate. It was pointed out however that all Faculty Senate members have until next meeting to present other candidates. The Election will not take place until the next Senate meeting. The nominee presented by Sue Brilliant was Wes Poynor. In fact, Wes has already been serving as interim chair since Mike left in May.
Research Data and Conflict of Interest Policies.

Joyce Lloyd and Bob Lamb presented an update on the current status of the policy on Research Data. They are both looking closely at the policy drafted by Vice President for Research Marsha Torrs’ office. Last year the faculty was not enthusiastic about the draft of the document submitted to Faculty Senate. Joyce and Bob have met already once with Chuck Chermside and Dick Framson to talk about areas of the document which are of concern to faculty and they will meet again Thursday. Bob Andrews, Wes Poynor, Blue Wooldridge, Allen Lee, Jim McMillan, Margot Garcia are also part of the group looking at the document in order to determine what it will say about access and ownership of research data by faculty. Areas, such as, what happens when a faculty member leaves the University has to be addressed. The policy needs to also cover faculty on misconduct in research as well. Any faculty members wanting to join that group looking at the policy should contact Joyce. The group will meet next Thursday and will be able to determine just how far an agreement on the document has come along.

Bob Lamb stated that the Conflict of Interest Policy is just in a draft form and not much has been done on it. Dr. Torr has presented this document to Faculty Senate and the document is on the web for those who want to read it. The document however has not been before other committees. Judy Lewis also voiced her concern about the status of the document on Intellectual Property submitted to the Provost. There is some question as to whether this document is actually on the Provost’s desk or in Dr. Torr’s office.

Bob Andrews explained to Faculty Senators what exactly is the Policy on Policies that was passed by the Board of Visitors and has since been put into practice. This policy allows the Administration of the University to quickly and easily put (state and federal) requirements into place. The main concern is just exactly what policies does this cover. Does it cover other policies that do not involve state and federal language? The policy was approved in May without the document having gone before any other committees and bodies within the University for review. Faculty Senate members are concerned and want to make sure that the Conflict of Interest Policy does not go to the Board without faculty input and review.

Wes Poynor pointed out that the raison d'être for the Policy on Policies document is to allow the Board of Visitors to make changes in a timely manner to existing policies. For example, the Computer Use Policy was modified this past summer without faculty input in order to implement and to comply with changes in State Law. Nowhere in the Policy on Policies does it say that the faculty does not have to be consulted for its opinion and review. Faculty, therefore, need to make sure that their
voice is heard regarding all issues at the University concerning them. Bob Andrews reassured Senators that if the faculty does have an issue with any policy that he can take that directly to the President of the University. Wes Poynor stressed that the Research Data Policy is new and unlike any other policy that already exists. In contrast, the Conflict of Interest Policy replaces the old one and the Computer Use Policy replaces its older version. Yet, it is still of great concern even when a new policy replaces a former one that the policy and its changes be discussed by the faculty and that they have the occasion to express their voice and opinion.

Higher Education Bond Referendum

Nora Alder, Elisabeth Hodges and Chris Turner made a PowerPoint presentation about the Higher Education Bond Referendum. VCU has taken an initiative to educate students, staff and faculty about the upcoming November vote on the Bond referendum. Chris, Nora and Elisabeth met to see what faculty could do in this light. Their PowerPoint presentation is different from the one produced by Donald Ghering’s office (see http://www.vcu.edu/exrel/VCUGOBHome.htm). Their presentation to Faculty Senate will be edited and then sent via email to senators, who can forward it to colleagues. A question concerning the legality of a professor presenting this information in class was raised. The presentation is considered informative and educative and not an indication of how to vote.

The referendum is to pay for construction and buildings across the state. The PowerPoint presentation addressed the Education bond issue and not its other component about Parks and Recreation. VCU has 8 projects worth $77 million, a part of all other state projects totaling $143 million. Chris Turner mentioned that Faculty Senate of Virginia met last weekend, and it supports the Bond issue. Again, clarification needs to be made to faculty, staff and students between the difference in Equipment and Operating funds. There is also a third fund; it is for buildings, parking, dorms, dining hall, etc. This funding comes from direct revenues through the VCU Foundation and is not from the General Assembly. This third fund does not come from Student tuition. Students should know this.

VCU, VA State, Richard Bland, JSR and John Tyler are the area schools to benefit from the bond. In the next ten years, Virginia universities will be dealing with 32,000 more students on top of 350,000 currently enrolled. Professors should encourage students to register to vote and direct them to sources where they can learn about absentee voting, which can be found on Don Gehring’s above mentioned web site.
Visit by Provost McDavis.

Introducing Provost Rod McDavis, Bob Andrews indicated his appreciation of the candor the Provost has had in responding to Faculty Senate questions in the past. “Our relationship has been a good one”, stated Andrews. The President of Faculty Senate also recalled the cooperation of Provost in working with the Senate and with Senator Dan Ream on improving our teaching environments on campus.

Provost McDavis began his time with Faculty Senate by following up the question concerning the legality of talking about the Bond referendum in class. “We need students’ support. You can’t just talk about what is positive. You have to talk about both sides of the issue. It is important to provide information but play it down the middle”, said McDavis. He commented on the quality of the PowerPoint presentation just shown. “$77 million dollars to VCU. It will change the University in ways we can’t imagine. It will also stimulate private money coming in to the University. The Administration supports it and hopes that Faculty will”, stated the Provost.

The Vice President and Provost of the University underlined the impact that a $1.5 billion hit to the State can have and its possible consequences for VCU. McDavis stated: “To the disbelief of the public, we live on the edge. In the 90s, we shaved fat from the budget. In Spring 2002, we had to make cuts, and we were already right to bone. 7, 11, 15 percent cuts will cut into the bone. The cuts will hurt. The Deans have been working. They are to meet this week. There are two areas to protect: instruction (faculty/teaching) and research. Governor Warner has requested plans for 7, 11 and 15 percent cuts. President Trani has asked for proposals indicating 17 percent cuts. Why? Because, let us say the Governor announces an 11 percent cut, then by planning for 17 percent one can look at cuts for non-instructional units at a higher level and therefore lower cuts for instructional units. Those cuts would then be able to go back to instruction and research”.

The 6th of September is the deadline for proposals. “We need your ideas”, indicated McDavis. The President’s advisory committee wants to know what aspects are crucial to the University. Bob Andrews (Faculty Senate President), Dan Ream (Chair, Faculty Senate Budget & Planning Committee) and Wes Poynor (Immediate Past President of Faculty Senate) are representing Faculty Senate in the President’s advisory committee. The next meeting for this planning committee is this coming Thursday. The Provost asked Senators to think outside their specific areas. “First think of the students. What to cut and what to keep in the University community. Your input will be heard and please relay your ideas to Bob, Dan and Wes”, suggested McDavis.
McDavis continued: “Let me separate certain things. We have a feeling that faculty are making statements in the classroom that are confusing issues between the General Operating Budget and the Bonds. Operating money is a separate issue. It is not a choice of brick and mortar over people. The Bond is to give infrastructure. These are the very projects that faculty has been asking us to get”.

The Provost stated that during these times of budget cuts the priorities of the University will be Instruction and Research. “Can we protect everything? Probably not, but we are going to protect faculty. We need teaching faculty members, more than people like me”, stated McDavis.

**Concerning a University-wide General Education requirement**, McDavis said that we are one of few research universities having decentralized all forty-four Gen. Ed. credits. There was a faculty-based committee appointed last year which is reviewing the requirements. The Provost indicated that he received feedback this summer and is giving back this information to the task force. “We are going to put the information back out in the Fall, have more discussions, and bring it back to the Senate. There will be numbers with it”, voiced McDavis. The Provost feels that this is in the best interest of the University and its students, and in the efforts for VCU to become a Tier 2 university.

The last issue that McDavis pointed out in his remarks was about the five-year diversity plan. He had planned to create a **Vice-Provost position for Diversity**. The job search was put on hold however after the first round of cuts last spring. Now since there is a freeze, the University cannot start a search. In consultation with **Dr. Donna Brodd (Vice Provost for Academic Affairs)** we will talk about how to implement the plan this year without having a new Vice-Provost to handle it”, stated McDavis.

**Dr. Patricia Cummins** asked where the University was in its search for a new **Vice Provost for International Education**. This position is on hold as well as finding a new **director for the VCU Honor Program**.

A Senator asked a question about how the budget cuts would lower **adjunct instruction** in the spring. McDavis replied that he did not know to what degree adjunct instruction would be impacted, but he imagines that the Deans will have to go far to reach 17 percent. They will look at how much instruction has to be given up at 17 percent. Then we will look at what can be put back once the Governor announces his decision. McDavis went on to say that the present situation is also an opportunity. According to him, this is a time to reduce redundancy in the curriculum, citing statistics as an example. He said it is an opportunity to look at all instructional and research components. “Over the next six months, there will be some fundamental changes. We are looking at duplication and redundancy”, stated the Provost.
Wes Poynor asked if the Vice-President of Health Sciences is stepping down. Provost McDavis answered that there will not be a national search, but a replacement for Dr. Kontos will be found. Wes Poynor indicated that, in the past, it has been the policy of the University to conduct national searches to fill similar positions. McDavis acknowledged that he understood that and, with a smile, said one such national search for Vice-President for Academic Affairs resulted in his coming to VCU.

A Senator had a question about this year’s higher enrollment figures while other universities are cutting back enrollments. McDavis announced that the University will soon make public that in-state enrollment will in fact be limited. “We will grow out-of-state enrollment. We cannot continue to grow in-state enrollment. We will maintain current in-state levels. Growth will be out-of-state. But we cannot take one down for the other because that would not be a good political and financial decision. If we lose in-state students, we also lose money”, he said.

There was a question about the budget and after these cuts, how long before more cuts? Provost McDavis indicated that this is a two-year stage we are entering. “The Governor will have on his desk all agency proposals by September 20th. He will receive proposals at 7, 11 and 15 percent scenarios. The Governor has the authority to cut state budgets up to 15 percent. Once the percent amount is settled, the State Legislature will have to vote on how deep the cuts for next year will have to be. What he decides is for this year’s budget. Legislators decide on next year’s. We have a two-year problem. That is why decisions are important. We cannot be too short sighted and do something that might cost us 5 to 10 years from now.”

There was an inquiry about where the 17% comes from if the Governor is asking for 7, 11 and 15 percent figures. McDavis replied, “That is an internal decision. 17% rather than 15% allows to the University to take 17% from one division and can give 2% to another unit if the Governor says cuts are going to be 15 percent”.

Senator Dan Ream asked how would the library fare in all this. The Provost replied, “If faculty interprets instruction as VCU Libraries' mission then we need to hear this. The faculty needs to voice this to Faculty Senate so Bob Andrews can put this on the table Thursday morning. We will be able to paint a picture after hearing from Faculty and Students about what is important and then we will see what is left on the table”.

Returning to the issue of University-wide Gen. Ed. Requirements, Dr. Alan Briceland asked if it was not just a curriculum decision but also a financial and staffing decision. The example of 1,000 students out and into the Arts was given. This implies a reduction of faculty in one area in order to go into another. There would
obviously be staffing implications and the matter should be taken seriously. The Provost explained that he is working closely with the Dean of Humanities and Sciences and with the Dean of the School of the Arts. He indicated that what was important was not the issue of shifting staff but rather what is in the best interest of VCU students.

The question if there would be another tuition increase was asked. McDavis answered, “Yes, not a tuition increase this year, but a mid-year surcharge this year. Plus, there will be a tuition increase for next year. Some programs could charge more depending upon their reputation”. The Provost indicated that certain academic programs could actually charge more because students are coming to VCU to enroll in those specific programs, programs not found at other universities. He feels that if a department or a school has a national reputation, they can charge more for their students. Why a surcharge at midyear? Because, if approved, VCU can reduce the cuts it needs to make. Other options on the table are decreasing the amount of hours students can take at the same price. On that subject, the example of the AdCenter was brought up since it already applies a differential tuition. McDavis said that was a good example and it needed to spread to other divisions.

The Provost stressed, “The University will have two areas of high priority concerning undergraduate education: 1st year students and seniors. He indicated that seniors need to graduate and the University does not want to interfere with that. Freshmen are the future, and we want to keep them. The Deans have indicated that these two groups have to be protected, freshman and senior required classes”.

“We will move quickly as we can, continued McDavis. As soon as the Governor lets us know his decision then we will need to implement the plan as soon as possible”.

McDavis stated in response to a question about cuts impacting hours taught that “yes, everything can go up. Faculty workload is on the table”.

Concerning about how public the plans were going to be made, the Provost indicated, “It is going to be quite a delicate balance because no one wants all the scenarios out. When the Governor makes a decision, then VCU will then make its cuts public rather than having scenarios out there. Yet, with Freedom of Information: journalists can ask for the information. Even at 7 percent it will be painful. What is the public going to do when it hears? Reaction or ho-hum?” VCU is the largest employer in the community.

Wes Poynor asked the Provost about how the savings from the cuts would help the current year’s budget since the E&G budget is tied up in faculty salaries and notice cannot be given. The Provost responded that the cuts for this year will come from
non-instructional areas. “Plus we have a rainy day fund which should help us. Yes, the savings will not kick in until the following year. This is why the decisions need to be good ones. Tenured faculty should feel very secure. Collateral on yearly contracts; yes, this can be difficult. These decisions are difficult to make. But I can certainly say that tenured faculty is a protected group. Beyond that it depends upon what type of contracts were given. If people are doing their jobs and are productive and if they are important to the instructional and research enterprise, we need to keep them”, confirmed McDavis.

**Will there be a tenured faculty pay cut?** “Yes, it has been discussed”, said McDavis. But he feels it would only be a measure of last resort. He indicated that one really does not gain a lot by cutting salaries across the board.

Budget cuts in the state of Florida have had consequences on tenure-track faculty receiving tenure. McDavis was asked about how the cuts could impact those coming up for tenure at VCU. McDavis answered by saying that “for faculty who have invested in VCU, one trusts that this crisis is not going to discriminate. We need to use the process and the rules. I talked to folks at my former institution: concern about people’s careers. This is tough, but no need to spread panic, paranoia in addition to things. Decisions will be made, some will be made that you like and others not. We must protect Instruction and Research and the people doing those jobs. There is concern, but let’s not negatively influence students about the state, school, etc. The sun will come up tomorrow”.

Dan Ream cited the example of the Seattle public library that shut down its website in order to see public reaction. The Provost stated that Dr. Trani will not allow VCU to do that. “We will go about things in a logical, orderly manner. We are not going to pick one area just to get public attention. We will not close VCU Libraries; restricting use however to only students and faculty is possible”, warned McDavis.

Bob Andrews thanked the Provost for coming to meet with Faculty Senate.

The President of Faculty Senate added that as for the library, its funding will remain a priority unless members of Faculty Senate indicate the contrary. A resolution on this position was passed in the spring.

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**Network and Computer Use Policy**

Mark Willis (Director, Administrative Information Technology) and Dr. Phyllis Self (Vice Provost for Academic Technology) came to explain
Phyllis Self (Vice Provost for Academic Technology) came to explain implementation of the **Network and Computer Use Policy**. Bob Andrews immediately let it be known to the two guests that Faculty Senate would liked to have had more input before the said policy was put into place.

In response, Willis and Self provided some background about the process in which the policy was drawn up. The University created the **University Information Technology Advisory Committee**. This committee looked at the impact of technology on research, teaching and service. Members were chosen to serve on the council. This group was asked to examine a couple of policies concerning computer use. Computer use policies existed before the creation of OIT. According to Self, the new group wanted to separate Computer Use Policy from Procedures. These documents were then reviewed by Vice-Presidents, approved and now available on the VCU website. There are currently other policies that UITAC is working on.

Mark Willis then indicated that it was this past spring that the Board approved the Policy on Policies. With that in place, it allowed the Vice-Presidents to solely approve the Network and Computer Use Policy. The policy replaces the old Student Use Policy and also incorporates State legislation about appropriate use of computers by state employees. There is no proactive monitoring of computer use on campus at this time.

Wes Poynor asked how many other faculty members besides the four appointed to the council were able to review to policy. According to Poynor, the document did not go through the Academic Technology Faculty Advisory Council. Self indicated that it was not communicated to other faculty groups. She said, “It went through the initial group in the mid-1990s. We took that and then pulled apart what was policy and then procedures. Nothing radically changed; just additions on current policies”. Poynor underlined the fact that Faculty Senate was not given the chance to review the document. He asked, “Was there a rush to get this in for this year’s class?” Self responded, “No, UITAC was set up as University-wide body in order to review policies”. Mark Willis added that it was not intentional on their part to avoid Faculty Senate. He stated, “Under new policy, Vice-Presidents can decided what groups review what”. Poynor replied, “I’m not aware of another case of no review. Nowhere in the Policy on Policies does it say in that the faculty is to be avoided”.

Alan Briceland voiced the same concerns about how the Network and Computer Use Policy was put in place. He stated, “Unfortunately, this is considered to be official and in place. We want to take it and go back to our constituents, to see if it can be modified”. Mark Willis suggested that the Senate should go through its representative who serves on UITAC, but there is some question as to whether the Senate actually has a representative on the group. Phyllis Self told Faculty Senate to
review the policy and let her know what problems faculty may have with it. “If we missed something, we want to know what it is”, she said. Willis added, “We are restricted by other State and Federal regulations on what we can and can not do”.

Dr. Pat Cummins indicated that she did not have a problem with the policy, but she did have a question about why Blackboard was down again this afternoon. Phyllis Self indicated that new memory was being added. The down was, this time, planned. “We encourage you to use technology during these times. We are working around the clock. We are not the only ones having problems with Blackboard. Most of the problems are probably from sudden use increase, up much more than from last year”, said Self. Dr. Cummins suggested that while plans are being drawn for budget cuts, it would be a good time to make the case that Blackboard is instructional. Self warned, “Our division is more than 89% personnel. We have to cut people; not contracts. If we cut people, we cut services”.

Bob Lamb asked what should be done in the future to ensure faculty that policies do not go through for approval without proper Faculty Senate review. Bob Andrews replied that Faculty Senate has tabled the Policy on Research Data. The Policy will be reviewed by the Senate before going to the Vice-Presidents and to the Board of Visitors. Alan Briceland asked if Bob Andrews, as Faculty Senate President, would take the whole issue about the document called Policy on Policies to University Council in order to let the Council know that faculty will not tolerate the fact that they were not consulted. Wes Poynor confirmed Briceland’s request by stating that he is very surprised that the University Council and Faculty Senate were not taken into account concerning the approval of the Network and Computer Use Policy.

With no further business, the Faculty Senate adjourned at 6:20pm

Respectfully submitted,

Peter S. Kirkpatrick
Faculty Senate Secretary-Treasurer

Posted by Neil W. Henry
September 30, 2002