

**FACULTY SENATE MEETING**  
**September 11, 2019**

**1. Call to Order**

FACULTY SENATE CHAIR MARK COOPER (Film and Media Studies) – called the meeting to order.

**2. Corrections to and Approval of Minutes**

CHAIR MARK COOPER called for corrections to the minutes of June 5, 2019, and July 11, 2019. There were none and the minutes were approved.

**3. Invited Guests**

PROFESSOR CHRISTIAN ANDERSON (President of the UofSC Chapter of the American Association of University Professors) – reported on the re-forming of the AAUP Chapter at the University of South Carolina. It has existed in the past at least as early as 1965, probably earlier than, and has come and gone. One of the goals as a newly re-formed chapter is to create an institutional organization and culture that will allow for it to stay active.

The purpose of the American Association of University Professors is to promote good academic practices. This includes enhancing the proper and important role of faculty in shared governance at the university, college and department levels. And to promote and protect academic freedom, which is the foundational element of any institution of higher education and especially a research university. The AAUP was founded in 1915 to promote these very values across the disciplines.

The first chapter meeting of the year will be tomorrow, Thursday, September 12<sup>th</sup> at 5pm in Wardlaw College, Room 110. The agenda is linked on the Twitter account and in the Facebook group.

Everyone is welcome to come. Only active members, those who have actually paid dues, can vote on issues that need a vote. But all are certainly welcomed and faculty who would like to join can go to AAUP.org and join. The fee is salary based, not just a flat fee, no matter what and it can be paid monthly.

Anyone with question can contact Anderson at [Christian@sc.edu](mailto:Christian@sc.edu).

CAROLINE AGARDY (Vice President for Human Resources) – reported on PeopleSoft, with university controller Mandy Kibler. The university went to a Peoplesoft system in April after almost 40 years on a legacy system that was responsible for paying employees. With this new enterprise system, USC will realize efficiencies now and down the road. Reporting will also be

much better. But for the most part it was to get off the legacy system for which there is no longer programming support. USC was a bit behind the times compared to other universities. There have been a few bumps in the road as any ERP implementation will have, and they are reporting on specific items of concern.

There is concern about students being paid in a timely manner. As they started looking at the data and looking at individual cases, they found a number of students hired late in the process. Deadlines have to be met in HR in order to get hires to payroll. More than 83% of the student hires were late in August. They've got to improve that and will take steps to improve communication and training. They did a lot of that in the spring and the summer, but to need to continue so students are paid in a timely manner when they come to this university.

With Peoplesoft a pay lag was instituted for new faculty and staff or faculty and staff that had a break in service and came back. The pay lag also impacted students. If someone came in on August 15<sup>th</sup> or 16<sup>th</sup>, they would formerly have been paid at the end of the month. With the pay lag, they will be paid on the 15<sup>th</sup> of September. If the paperwork came in late, some students would not be paid until the end of September.

As they looked into the problems that students were reporting, they found cases in which students were not entering their times in ITAMS. That's necessary to do, and of course the supervisor has to approve that before the employee will be paid. Part of the problem is also that graduate students didn't know about the pay lag. Mandy Kibler will report on a loan program that will help mitigate the situation.

She asked for understanding about the new system. There was a glitch early on with the summer compensation. The summer compensation process was kept manual with pieces of paper rather than electronic because it wasn't enough time to change that process for the summer. They are working now on that for next summer, so it can be seamless, timely, and everybody can be paid on time. She stated they should have gotten everybody paid on that Friday the last of May and that didn't happen. Most faculty got paid by that Monday or Tuesday, thanks to some checks that were cut.

MANDY KIBLER (University Controller) – Implementation of a new ERP system is probably one of the most difficult things to do, especially in a large entity and organization like the university, because it not only affects the Columbia campus, but the system as a whole. This is her second round of Peoplesoft implementation as she came in right after Peoplesoft Finance was implemented, and there were a lot of challenges there. It has since stabilized, and it will be the same with HCM.

Their most immediate concern is taking care of the students. They just implemented a loan program for graduate assistants. Any GA's that are experiencing challenges with financial burdens due to the lag in the payroll can find the information on the Controller's site. Three people have submitted an application for that, and they were paid the same day. It takes just a

couple of hours to get that in, review it, and confirm enrollment. They are receiving some positive feedback on that.

She asked that faculty make sure that hiring paperwork be done in a timely manner, so things will not be delayed. Their staff met with the deans this morning. They will continue to improve processes and procedures along the way, and they appreciate any feedback.

PROFESSOR ANNE BEZUIDENHOUT (Department of Philosophy and the Program of Linguistics) – stated that one reason for late submission of graduate students’ paperwork is because the students have to be on campus physically present in order for some of the paperwork to be completed. This is going to be a continuing thing, especially with international students coming in who may not arrive until a week before classes start. Is there a way of overcoming that problem?

GUEST KIBLER - They are in the process of working not only between HR and the controller's office, but with departments that are hiring a lot of graduate assistants so that her office can look holistically at the whole process. They do recognize that some of those students are not on campus until the very week before classes start, but there are some things that can be done in advance. They are working making the whole process as fluid as possible. It should be solved very quickly.

PROFESSOR BETHANY BELL (College of Social Work) - When Caroline Agardy met with Faculty Welfare earlier this semester the committee requested that there not be pay lags for graduate assistants and for new faculty because they're not hourly employees, and they get paid the same every week. Where does that stand?

GUEST AGARDY – Her office is looking at everything holistically including that, but they didn't want to make a rash decision without bringing people to the table. Part of the problem before is they needed to involve a lot more people in these decisions rather than doing it in a vacuum.

PROFESSOR JOE FLORA (Department of Civil Engineering) – asked about the letter regarding measles immunizations.

GUEST AGARDY – Another communication is coming out. One point of contention is the suggestion that faculty kept off campus in the event of an outbreak would have to use sick leave. Flexibility is always allowed with faculty. That part of the memo was meant for staff. They will reissue some clarification on that.

Another issue stemmed from the fees that student health services is charging for the measles vaccine. USC's insurance pays for that if the employee goes to a pharmacy. It may cost more to go to the doctor's office for the measles shot. This all part of an effort to make sure that if there were a quarantine that people could stay on campus if they had the vaccine.

PROFESSOR FLORA – stated that he was born and raised in the Philippines and he doesn't have anything that he can show to the DHEC. He has questions about whether he actually needs two shots or can have the titer test, and what pharmacies provide it.

GUEST AGARDY – It has to be an in-network pharmacy, and they can provide a list. People do not have to go to DHEC.

#### **4. Report of Faculty Committees**

##### **a. Senate Steering Committee, Professor Elizabeth West, Secretary**

SECRETARY ELIZABETH WEST (University Libraries) – announced candidates for vacancies.

For Academic Responsibility, Shanna Schaffer from University Libraries, is filling a vacant position.

Grievance – Bo Cai, Epidemiology and Biostatistics

Professional Conduct - Jodi Spillane, Libraries and Shannon Bowen, Journalism

Senate IT – Orgul Ozturk, Economics

There were no nominations from the floor and the slate was approved.

WEST announced the Senate Steering Committee appointed Tessa Davis (Law) to a vacancy on the Senate IT committee that is less than one year.

Remaining vacancies are one on Instructional Development, which needs someone who is not from Arts and Sciences; one on Faculty Advisory Committee; two on Professional Conduct, which requires tenured faculty only.

The last upcoming vacancy is that for Senate Secretary. The bylaws state the secretary is to be elected in the fall. They would like to be able to do that at the October meeting if at all possible. Candidates must be tenured. Contact West for questions or suggested names.

CHAIR COOPER – The new person would serve as secretary-elect along with West for a year so they would learn the role and wouldn't be plunged in immediately.

**b. Committee on Curricula and Courses, Professor Marianne Bickle, Chair**

PROFESSOR MARIANNE BICKLE (Department of Retailing) - brought forward two proposals and 26 courses of experiential learning for approval.

There was no discussion and the proposal was approved.

**c. Committee on Scholastic Standards and Petitions, Professor Brett Altschul, Chair**

PROFESSOR BRETT ALTSCHUL (Department of Physics and Astronomy) - presented a proposal back in the spring for a change in the attendance policy for the university. There is a history of the attendance policy and how these change came to be proposed in the documents posted for the Senate meeting.

In the 1970s, the first university-wide attendance policy was established where there were a small number of complaints from students that they were being penalized for missing just one class. The faculty decided to set a maximum number of absences at 10% of a course before academic penalties could be levied for absences. That has been the rule for the undergraduate courses at this institution for 40 some years now.

Recently there had been a small number of complaints, particularly from Jewish students who had raised concerns with members of the Faculty and Staff Jewish Council that on certain years, the Jewish lunar calendar has a large number of holidays in the fall. And they fall on Tuesdays and Thursdays. A student could miss as many as four or five classes with attending religious services. The students who observed those religious holidays can be pushed over the 10% threshold for Tuesday-Thursday, or Monday-Wednesday classes in those years. There was concern that this was somewhat inequitable, so a proposal was brought before the Faculty Senate and referred to the Committee on Scholastic Standards and Petitions. The committee discussed it and solicited feedback from the faculty. There turned out to be a great variance of opinion about how things should be done.

Some people were very much in favor of there being no changes. Some people felt that changes were definitely in order. There was a sizeable constituency of faculty members who thought that students should be able to miss any number of absences as long as they were for documented religious reasons. On the other hand, there were many faculty who were concerned about having to police students' legitimate religious observances.

The eventual compromise proposal that the committee came to was quite simply to raise the number of allowed absences in a course from 10% over the course of a semester to 15%. And in the policy, it lists exactly how many missed classes that is for two-day a week or three-day a week class. So that is the proposal. It is an incremental change. If at a later date the faculty senate wants to move toward an even more expansive policy, or if this is decided to be a mistake and voted down, the policy will remain that professors can begin penalizing students when they've missed 10% of classes.

One final note, a number of faculty also expressed disbelief that any faculty members would be that unreasonable to penalize a student for missing one extra class for going to their high holiday service. He's sure the vast majority of faculty would not behave unreasonably, but there were a few instances of this occurring and it did seem to be something that needed to be addressed officially.

PROFESSOR KAREN EDWARDS (Department of Retailing) – asked if there were any information or an impact study or best practice in the field on how this could affect student failure rates, attrition, etc. because it is a 50% increase in the amount of allowable absences.

PROFESSOR ALTSCHUL - was was not able to find any specific research on the effects of attendance policies and allowed numbers of absences on student success. He looked at attendance policies for other universities in the Southeast and elsewhere. He did not find any of them that seemed to have a scientific or even particularly research basis, that they stated, for why they had set the policy where they had.

PROFESSOR ALEX DUNCAN (Department of Mathematics) - the third paragraph of the new attendance policy is a little bit ambiguous. It says that the policy cannot penalize students for absences. And then it says this corresponds to six absences or four absences. His colleague was confused as to whether this meant seven absences was when faculty could start penalizing or six absences was when they could start penalizing etc. Mainly it's a complaint of clarity.

PROFESSOR BELL - Also, is that often twice a week classes or ....[inaudible]

PROFESSOR ALTSCHUL – It's six for three times a week classes. Four for twice a week classes.

PROFESSOR BELL – USC also has once a week undergrad classes.

PROFESSOR ALTSCHUL – Ultimately it is a simple mathematical thing. A typical Monday, Wednesday, Friday class has 42 class meeting. So what's 15% of 42.

UNIDENTIFIED SPEAKER – 6.1

PROFESSOR ALTSCHUL – 6.1. So the six is the maximum number of allowed absences. Penalties would kick in at seven for three times a week class or five for a twice a week class or two for a once a week class.

CHAIR COOPER – asked if someone wanted to propose a quick amendment to the language while he pulled it up.

PROFESSOR DUNCAN - The complaint is with the fourth paragraph. There's a parenthetical comment of the new attendance policy and there were at least two of his colleagues that were confused about exactly what this meant. “The policy cannot penalize students for absences of all sorts, that amount to less than 15% of scheduled class sessions.” And then the comment just says in parentheses, “this corresponds to six absences, etc. , etc, and four absences.” And so the confusion would be what the pronoun *this* refers to. Is whether or not that was when penalties kicked in or whether or not that was how many were allowed.

PROFESSOR ALTSCHUL – That’s how many is allowed. The parenthetical could be reworded as...

CHAIR COOPER - “The maximum allowable absences corresponds to...”

PROFESSOR ALTSCHUL – “The maximum allowable absences are six for fall and spring semester classes that meet Monday, Wednesday and Friday and four for fall and spring semester classes that meet Tuesday.

PROFESSOR ALTSCHUL - There is an algorithm there. Actually there were requests to have these specific numbers spelled out.

CHAIR COOPER - A possible amendment might be something like, “The maximum allowable absences are 6 for fall and spring semester classes that meet Monday, Wednesday and Friday; 4 for fall and spring semester classes that meet Tuesday and Thursday and other classes as dictated by the 15% rule.

COMMENTS FROM THE AUDIENCE - [inaudible]

CHAIR COOPER - for 2-day a week classes that meet two days a week. Three days a week and two days a week instead of the days a week.

PROFESSOR BELL - Does it say 15% of classes or 15%, because there is a half semester class..

PROFESSOR ALTSCHUL - 15% of scheduled class sessions.

PROFESSOR BEL – suggested it's about the amount of hours. It's a mess because there are four week classes and some of it's online. She's proposing that it's not about scheduled classes. It's about 15% of contact hours.

CHAIR COOPER – asked if she were making a motion to that effect or a motion to return this to the committee and have them redo it on the basis of hours.

PROFESSOR BELL - If this is going to be the policy that is in the student manual or bulletin or wherever it exists to accommodate all sorts of classes, it's going to be more feasible to say it's a certain percentage of contact hours or a certain percentage of scheduled hours, not classes because there are a wide variety of ways the classes are taught across the colleges. Therefore she would like this rewritten and brought back.

PROFESSOR ABBAS TAVAKOLI (College of Nursing) – agreed with Bell and stated that at the College of Nursing they have a full semester for summer, and that could be also issue for a students.

CHAIR COOPER - The parliamentarian has said that if the sense is that this language isn't right, the Senate needs to do one of two things. Somebody needs to make a motion to amend it in a particular way or return it to the committee and ask the committee to recompute on the basis of hours as opposed to days of the week. If someone would want to make one of those two kinds of motions, they could then be seconded and then discussed.

PROFESSOR BELL – moved that it goes back to the committee and comes back with a different way of computing what they intend by 15% of classes.

The motion was seconded and discussed.

PROFESSOR REBECCA STERN (Department of English) - suggested just looking at what's currently in the bulletin next to what this is, and if possible condense it and make it as simple as possible. And there's also in this version an undue onus on faculty to accommodate students. There are lines in here that faculty members are generally encouraged to be understanding towards the needs of students beyond the classroom. She agrees with that and tries to practice it, but she doesn't know that it should be in the bulletin under attendance policy.

PROFESSOR ALTSCHUL - Everything that was in the current policy was specifically requested by various individuals for certain reasons. And in particular there were a number of requests to have the policy be longer, more detailed and more careful than the current one.

CHAIR COOPER - In other words, this is round three of attempting to wordsmith this policy and there has been a lot of discussion around this.

PROFESSOR FLORA – There are classes that are like four hours from one to one. So these won't work. Second comment is it one of the major driving forces for this basically choosing particular days for the Jewish students? How will that work when it's actually saying that a student will miss a huge amount if they have different types of hours.

PROFESSOR ALTSCHUL – Asked for clarification of the question.

PROFESSOR FLORA - One of the major driving forces is days and already saying it should be done with hours or maybe differently. She doesn't know how that's going to work. The need to look at days that the students can miss

PROFESSOR ALTSCHUL - The vast majority of courses meet a certain number of days per week, a standardized number of hours. There are always going to be some edge cases where weird things can happen.

CHAIR COOPER – The intent behind the amendment is to cast the general algorithm as a matter of hours and provide some clarifying for instances. Is there further discussion of the motion to send this back, to return this to the committee to fine tune this as a matter of hours?

There was no further discussion and the motion to send it back to committee passed.

**d. Faculty Advisory Committee, Professors Charley Adams, Andrew Graciano, Co-Chairs**

PROFESSOR ANDREW GRACIANO (School of Visual Art and Design) – brought forth a motion from the Faculty Advisory Committee to add a new section to the Faculty Senate bylaws. In this section, number seven, the language was presented at faculty senate I believe either in the May or the June meeting and it was agreed by consensus that it would be put to a vote in this meeting after the summer. This new section seven in the Faculty Senate bylaws describes a process for the Senate’s removal of the Senate leadership.

PROFESSOR MARCO VALTORTA (Department of Computer Science and Engineering) - [inaudible].

PROFESSOR GRACIANO – It does provide a process by which senators could make a motion for removal of this Senate leadership.

CHAIR COOPER - As a motion of a standing committee, this requires no second. This came up while reviewing language about possibilities for replacing the chair elect. They did a review of other Senate rules and they had provisions for replacing officers and it seemed it would be good to have one here.

There was no discussion and the motion passed.

**e. Faculty Senate IT Committee, Professors Heather Heckman/Neset Hikmet, Co-Chairs**

PROFESSOR HEATHER HECKMAN (LIBRARIES) – provided a sense of what they're working on this year. They took the results of the survey that was sent out to faculty and accidentally also staff last spring and identified three topics to focus on.

There are subcommittees working on: classroom support which got overwhelmingly the most feedback in the survey; grant administration and Peoplesoft--concern has been raised by PI’s that they're no longer able to for example, view salary and fringes for individuals, which impedes their ability to be good stewards of their grant funds; and then finally, rejection of software agreements by university council. This was only raised by one person in the survey, but members have anecdotally heard about it from others and they think it is a serious issue. An example of that might be faculty members reporting that they're unable to trial software before committing to it because counsel will not approve the trial agreement.

#### **f. Faculty Welfare Committee, Professors Bethany Bell, Chair**

PROFESSOR BETHANY BELL – stated the committee is continuing to work with Caroline Agardy about the Peoplesoft issues. It came to Agardy’s awareness, through meeting with Faculty Welfare, that a lot of decisions have been made in a vacuum without any input from faculty or staff and so moving forward, HR and everyone that she oversees when there are policies that would impact faculty or staff as well, will be more intentional to bring people to those meetings and those discussions. That’s why Bell asked her about the status on eventually removing the pay lag for graduate students and faculty. The reason the pay lag is in there is because every pay period there would be about 10 or so people who were being overpaid, people who left the university. But payroll wasn't notified. But that's really about hourly employees. They've been really responsive. They know they made some mistakes and they're trying to work better.

Anyone with questions about the measles policy can contact Bell. The committee talked a lot about that and Agardy is going to send out a new memo with more correct information about where to obtain those and shots.

Faculty Welfare will continue to monitor the Excellence Initiative funds that continue to be accrued from all of the units’ budgets.

The committee meets the last Monday of every month. The next meeting is going to be to set their agenda. Please send her anything that the committee should take up.

### **5. Report of Officers**

INTERIM PROVOST TAYLOE HARDING - The first subject is the matter of the budget situation and current financial situation as it relates to academic affairs, specifically the colleges and other academic units. USC is experiencing a time now where the board has decided to collect \$29 million from the university in various ways to present the new president with a fund that he can execute as he sees fit relative to the strategic plan and the goals of the institution.

The strategic plan and the goals of the institution of course are informed in no small part by the faculty of the institution. Harding is representing those as he makes his own case, along with Ed Walton as a pair, to the president for the expenditure of the \$29 million, hopefully in this fiscal year, but certainly before too long. If he can't spend it all in this fiscal year, perhaps a good deal of it can be spent in this fiscal year and some in next. It's \$29 million of recurring funding.

Harding explained the sources of the funding.

The Efficiency Initiative was approved by the Board of Trustees on the 21st of June. It resulted in \$10 million being taken from the budgets of academic and administrative units similar to what was done three years ago with the Excellence Initiative only instead of a 3% flat fee, this ended up being to the academic and administrative units about 1.6% that resulted in \$10 million of recurring money in the \$29 million dollar pool.

\$ 12 million came from the pay package mandated by state law to all faculty and staff at the campus who make \$100,000 or less. This was a 2% raise and a one-time bonus of \$600 for all of those who make \$70,000 or less. The money that USC got from the state does not equal that total amount required to provide the raise to all employees, but it does equal that \$12 million was centrally held. It's the first time in anyone's recollection that a pay package mandated by state law and funded in part by the state was held centrally with academic and administrative units being asked to find in their own budgets the funding for the pay package.

The other \$7 million came from the new legislative appropriation that the institution received this year. It was the first significant new appropriation from the state to the university in many years.

The president has on numerous occasions publicly talked about the first \$14 million of that \$29 million. Harding has suggested, Ed Walton has seconded, and the president has described publicly to faculty and staff, students, alumni--USC's entire constituency that the \$14 million be spent on two very important matters that Harding considers and those deans and faculty who have visited with him over the last few months also considered to be the two biggest issues immediately.

First, there should be an effort to mitigate the efficiency initiative and the pay package cuts that resulted in that \$22 million that came out of administrative and academic units. Harding has proposed \$6.6 million after doing a fair amount of research with the Provost's Office on what it would take to mitigate colleges in such a way that leaves them able to survive and operate with their carry forwards in their business models. That's a \$6.6 million figure. It's also based upon what deans spent time telling him about early in the fall. The president has granted his approval, but that approval doesn't really exist until the Board approves it. He's grateful to the president for talking about it publicly because it gives Harding a chance to tell faculty what the details of that are.

It will not mitigate administrative units because the Provost doesn't have the authority over the administrative units, Student Affairs, Admissions other things that are not academic affairs. So, of that \$ 14 million, 6.6 is for that mitigation.

The balance of 7.4 is for faculty pay. Faculty pay is problematic in many different ways. But in the two ways that seem to make the most sense and that he has had the most feedback about to date so far, is salaries across the board relative to Oklahoma State averages, and deans, department chairs, and senior faculty and centers and institutes being able to award especially meritorious faculty and deal with retentions.

He has not yet determined how the \$7.4 million will lay out to meet each of those two principles, largely because he's still in the process of collecting information from individual faculty, from the Senate as a group, from deans and others as to what is the best way to deal with those two big principles. It will certainly not be done like the vast majority of raises faculty have received over the last 12 years, which is across the board. It would likely be some kind of compression exercise that would be informed by faculty and by Academic Affairs officials and then dealt with in a process where legal counsel and the Provost's Office work together to determine the best way to meet those principles and to do so without getting into legal hot water.

On the merit/retention side, there are a number of different ways that they could execute this. Some money could be given directly to the deans, and deans for instance make decisions themselves with department chairs and other college leaders or committees about who is most meritorious and how that money should be allocated. Or it could be a situation where the money sits in the Provost's office and the deans make cases on behalf of their colleges, their meritorious faculty, their flight risks, their actual retention cases. And the Provost's Office makes decisions about how best to allocate the money towards those issues.

Those are the two big salary issues that fit into this \$7.4 million ask of the president that he has talked about openly. With the \$6.6 million mitigation it comes to \$14 million. Regarding the rest of the \$29 million, Ed Walton and Harding have been sounding out folks from all over campus about certain ways to ask the president for it. It feels like a good deal of this will not necessarily be directed to academic affairs, but rather deal with infrastructure issues on the campus that impact indirectly academic affairs.

IT is a big issue here of course, and there are three big IT issues. Each one of them has some degree of impact on academic affairs. The first one is research computing. USC has been doing this already and needs to up its game on the spending on research computing.

The second is to make classrooms modern. This is a very big issue with IT. Doug Foster and his staff have done a very good job collecting information from faculty regarding what's necessary to make the classroom situation across campus to make the technology more modern and to make it more uniform, so the people that teach similar classes in different classrooms can count on some degree of consistency of technology from one classroom to the other.

And then the third big issue is for students, which of course means it's a big issue for faculty indirectly, and that is WIFI in the residence halls, which is abysmal. It's certainly problematic and most of USC's peer institutions are not dealing with this problem like USC is dealing with it. So IT is going to factor largely into that other \$15 million of recurring spending.

He hopes the president will recommend to the Board and recognize not only the advancement of diversity inclusion officer from the provost offices to the vice-presidential level, but also a funding of the diversity and inclusion strategic plan that was approved by the Board and designed by Academic Affairs and Diversity and Inclusion employees over the course of the last 18 months or so. There are requests as a part of that \$29 million to fund that.

These include support for outreach, with respect to secondary school children and interesting them in college, which would manifest the president's broadening interest in accessibility, affordability, and eligibility to the University of South Carolina, Columbia and other USC campuses.

Some degree of funding would be needed to restore some of the things that have been lost in the Provost's Office with respect to being able to help colleges or faculty. For instance, the Internal Grants Program, Creative and Performing Arts Grants, the Humanities and Social Sciences Grants, the Visiting Scholars Grants for fiscal year 20 are on the chopping block because the Provost's Office does not have recurring funding any longer, largely because of the collection of the \$29 million.

Harding has to come up with several different plans for those, for study abroad grants for certain specific things in colleges that had been brought to his attention by the deans to also include in this other \$15 million asked of the president.

He urged senators to share these details with the faculty in your departments so they can not only be aware of what's happening through the Senate but also can provide feedback through the Senate as a conduit to his office and other administrative and academic offices on the campus so that USC's governance model of a three-sided triangle can function efficaciously, which as everyone knows right now it's not doing. He also asked for faculty to share with him via email their thoughts on the faculty raises, compression side or the merit retention side, and that they be kept to a paragraph.

Harding spoke about the external consulting that's going on. There's some degree of confusion about this largely because there hasn't been a really good communications effort on the campus with what the external consultants are here to do, and he's working on that right now.

Harding made a call to the president's office today to note that deans had questions about the planned September visit of the external consulting team. He asked that they clarify that this is a different team of AGB officials than will consult on board governance. This team is designed to get information from the campus stakeholders about the nature of the institution, where its excellence is, where its challenges are, to help inform the president as USC moves forward. Sally Mason, who's chairing that group, gave Harding a 30,000 foot view of what they're doing with this particular consulting effort. He read what she provided:

*The AGB external evaluators on university strategic planning are looking to identify and highlight all of the areas of strength and excellence at USC and place them in the institution at large in the context of the current and future landscape of higher ed. Harding added his edit to put into context of the current and future landscape of higher ed as they see it.*

The AGB hopes to help the new president understand the institution better and hope it will inform the strategic planning process. They'll be on campus at least through December on and off again. And they're speaking with many on the Palmetto College campuses as well. Their work could spill over into the new year. That will depend somewhat on what the president feels he would like help with. These are former presidents of universities. Some faculty have already

met with them and Harding has met with them. They are very, very eager to help USC succeed with getting the president up and running and successfully advocating for and leading the institution. Harding urged faculty that have the opportunity to meet with them to tell them exactly what's on their minds about the institution because that's what they're collecting.

Harding spoke about enrollment and growth management on the campus. Faculty feel this in a way that no one else does. And it's really important that there be attention given to this at every level. Dennis Pruitt is one of the best that has ever done what he does and when USC's fall numbers shake out, and they know what the enrollment is really like and how strapped USC's resources really are, Pruitt and Harding will sit down with a few people in their offices and develop a plan to give to the president that will show what it would mean to enroll a certain number of first-time freshmen and transfer students next fall and the following fall and the following fall.

They'll give several different types of models. One that would show a consistent rise of growth, like USC has had; one that would show a flat rate; and one that would show a modest rate of getting smaller, so that the president can make informed strategic decisions while he's getting information on the excellence around the campus, to determine which of these to recommend to the Board, probably even before the end of the fall semester. This is a very, very important conversation. If a provost were in place that had been hearing from colleges and faculty about this matter for a number of months or a years, that would be sufficient, and they wouldn't have to offer that kind of information. This is likely going to happen while Harding is interim provost. He needs better knowledge of how faculty feel about the enrollment growth and what's happening in their classes and buildings, etc.

He asks faculty to feel free to email him their reactions and ideas relative to enrollment growth. He doesn't know that decisions will be made that align with their feelings, but he will listen to them and they will inform the conversation.

The SACS reaccreditation is up and going. Donald Miles presented on it at the Provost retreat. Donald is USC's lead person on SACS and is doing remarkable work. There is a SACS website that has the timeline.

PROFESSOR TAVAKOLI – commented that Harding reported at the General Faculty meeting the number of tenure track faculty promotions, and asked if he had information he could share for clinical faculty because they didn't hear anything about the number of clinical faculty got promoted.

INTERIM PROVOST HARDING - That's a great question. The reason he didn't give that is because they have an office that deals with promotion and tenure that has been focused only on tenure and tenure track and not the promotions of non-tenure track faculty. But he will note that and hopefully have something by next time.

PROFESSOR JENNIFER VENDEMIA (Department of Psychology) - With respect to faculty pay, Harding brought up the issues of compression and merit retention, which are things that are brought up every time there is talk about faculty pay. But one thing she'd like to see brought up is an emphasis on diversity and gender equality in concerns with faculty pay.

INTERIM PROVOST HARDING – He asked her to send him an email with some detail about it from her own perspective.

Part of the other \$ 15 million that they're requesting will have a hiring initiative in it as well. A hiring initiative that deals not only with where faculty replenishment is needed in some way, but also with spousal partner issues and underrepresented minorities as it relates to hiring.

PROFESSOR JOSHUA STONE (Department of Biology) – asked for clarification of what he meant by salary compression and how they're going to deal with that.

INTERIM PROVOST HARDING – he can't say you for sure how he's going to deal with it because there are too many matters that impact it that could be legal. For instance, USC had three years of a compression exercise over the course of an aggregate of six years and this was a number of years ago. And a formula was determined by the Provost's Office in consultation with deans and faculty and that was advanced. And then they had several categories of faculty report to the General Counsel's office that they felt that there was age discrimination the way that compression exercise had been written. So, it had to be thrown out and started over again. That's why what he reported was the principle of compression, meaning that USC doesn't have enough faculty at or close to Oklahoma State averages for USC to be competitive, both with attracting faculty and retaining faculty, but also to remain competitive with respect to the rankings which are important to everyone on the campus on some day of the week.

To work its way up the rankings, if indeed that is a strategic priority, USC will have to have higher faculty salaries across the board. And while he doesn't believe that across the board raises are the way to get there, he does believe in helping individuals who are the most compressed, meaning the most under the Oklahoma State averages, get up as close to the averages as they can.

CHAIR COOPER - Another term for this kind of raise is “market equity.”

## **6. Report of the Chair**

CHAIR COOPER – announced the 2018 Campus Climate Survey results are now available on the Office of Diversity and Inclusion site. They are really interesting statistics and the 2016 results are there too, for comparisons.

Tomorrow from 1:30 to 3:00 PM in the Russell House Ballroom, Dr. Benjamin Reese will discuss Implicit Bias Choices and Decisions. This is the fall 2019 finding common ground lecture.

Cooper discussed the Quality Enhancement Plan or QEP. This is a required part of the SACS accreditation. It's a 10-year plan to focus on student learning and success and it should involve collaboration across all parts of the university. USC's previous QEP was USC Connect and the thought is to use that as a base to propose a new but related plan for the next 10 years. Anyone interested in hearing more about it can go the Russell House Theater on Wednesday, September 25th from 2:00 to 3:00 PM. There's a forum on the Quality Enhancement Plan open to all faculty, staff and students.

Cooper spoke in relation to the Faculty Welfare report. Last year, Faculty Welfare sent a letter to the Board of Trustees Academic Affairs Committee asking for some clarification about the Excellence Initiative proposals which kind of resulted in some of those proposals being approved by the Board. They have written another letter asking about the Excellence Initiative process and plans going forward. That letter will come from the Faculty Board Liaison Committee which is the board and faculty committee that meets with the Academic Affairs Committee. They're meeting with the Board on Friday. The members of that committee are senate chair, the past chair or the chair elect, chairs of Faculty Advisory and Faculty Welfare, a representative from the Palmetto College and a representative from one of the comprehensive universities.

Cooper turned to the subject of the Board of Trustees. He felt confident in saying that newspaper stories that came out yesterday will not be the last newspaper stories, and that no one believes that faculty concerns about the search process and its outcome have somehow magically gone away. There will be plenty of opportunities for this body to let its will be known in the coming semester. In his view, the situation calls for some reflection about what exactly faculty want to accomplish and how best to accomplish it. There's an opportunity to think about shared governance here more broadly, which he will talk about later.

He provided some background information. Cooper met with the Board on August 16th and attended the retreat of the Board on the following morning. He is making every effort to get to know members of the Board personally. There is a keen awareness that the Board has some rebuilding to do, some work to do in rebuilding its relationship with the faculty.

On August 20th Christian Anderson and Cooper testified before the Senate Subcommittee of the Education Committee that is working on Senate bill 798. This is the bill that would restructure USC's Board of Trustees. That legislation is very much in progress, and he thinks the bill will change considerably over the course of the next months. The focus of the panel was really on how to make the Board more representative of the state and there was lots and lots of back and forth about how that might work, how they could change the rules to make that work. Christian and he both advocated, and there were other advocates as well, for term limits on the Board. He

also advocated, and others did too, for the faculty and student representatives to the Board to be voting members. There was a little bit less enthusiasm about that.

Cooper turned to the AGB consulting process for the board. AGB means the Association of Governing Boards of Universities and Colleges. It's a group which mostly comprises retired or former presidents and provosts of institutions. The Board has contracted a consulting team to review governance processes specifically as they relate to questions posed by SACS. And the members of that panel will be Rick Legon, who's the former president of the AGB, and on the board of trustees at Spelman College, and Ellen Chaffee, who is a senior consultant with AGB; they're both past presidents.

They will interview all trustees, all senior personnel who interact with the Board, select campus and faculty leaders and other political and policy-making leaders as needed. They will be deciding who to interview. They plan to attend and observe the Board and committee meetings on October 11th and they plan to be on campus or in Columbia on October 10th as well.

There's a lot of activity around USC's Board. He thinks the chances that there will be some changes in Board of Trustees procedures whether initiated through this consultation process or in some other way are very high. The chances that there will be changes in the composition of the Board itself are high, maybe better than average. Faculty should be watching that Senate bill and this consultation process.

Cooper described the formation of the Provost search committee. He met with President Caslen on August 1<sup>st</sup>. It was the first day for both of them and one of his first questions to Cooper was if he could help Caslen expedite a search for a new provost. Cooper reached out to the Steering Committee and asked for nominations that were diverse demographically and in terms of discipline and that were of a sufficient stature to attract excellent candidates to the position nationally. He received more names than he could use, balanced the list according to those three criteria, and made recommendations to the president who followed them, adding just one name, which Cooper thought was a great addition.

The search committee has met twice. Once to be charged and once today to discuss some of the details of the position description. These were both good and constructive meetings. It's going to be a very good search committee. It's chaired by Tom Vogt from the College of Arts and Sciences and Gloria Boutte from the College of Education. There is now a page on the Provost's site that describes the composition of the search committee and provides contact information. The full list of names of people is there. Faculty who have recommendations to the committee about whom they should solicit an application from are welcome to send those to the co-chairs.

A search firm has not yet been contracted. There was a bit of confusion about the timeline anticipated in the request for proposals process. They had to reissue the requests for proposals. The new proposal deadline is September 16th. The procurement site has the request for proposals, all the details that they're looking for in a search firm. It will maybe the end of the month before a search firm is set up, and then the committee will be moving full speed ahead.

The president has challenged them to try to find a new provost, make recommendations from the finalists lists by December 15th. That would mean visits would take place at the end of the semester, probably during finals week. But the president has made very clear that is more important to find an excellent provost than it is to meet that deadline.

There's never been a better time to re-examine shared governance on this campus, very broadly at every level. What are our rules of shared governance? What are our practices or habits of it? How do we do it and what are our objectives? What do we aim for from it? Do we just consider shared governance a check on administrative power? That's one way people think of it. Or do we think about it more in terms of setting priorities for the institution? How do we talk to each other about our shared governance process? Are we interested in being more effective? Do we put up our hands and say, that's not my job, somebody else should do it.?

The rules part is probably what everybody thinks about, because we talk about amendments to bylaws and establishing new committees and so forth. Cooper suggested faculty need to think more broadly at every level: the relationship between the faculty and the Board, how the Faculty Senate works and its committees, how the faculty and the Senate and the General Faculty relate, how departments and colleges work. There needs to be a sweeping reexamination. He imagines a semester-long process. Maybe it won't take that long. Maybe some priorities will emerge instantly. But he is hoping that over the coming months faculty will have conversations with their colleagues about what the priorities for improving shared governance should be.

A sample conversation starter might be, should we reconsider the composition of the Faculty Senate in terms of its size? There are 160 faculty senators. One for every 10 faculty members generally speaking. And that proportion means that the more faculty there are, the bigger the Faculty Senate would get. Is that the structure we want? Would we like to think about proportional representation a little bit differently to maybe get a smaller, more nimble body? Do we want to say it's fine for now, but we don't want the Faculty Senate to get any bigger than X. This is a classic kind of governance conversation where we have to balance the nimbleness, the ability to convene and deliberate as a body, with representation.

Cooper was glad that the provost mentioned the budget. He would like to broaden his question beyond the local matter of a merit pool or a market equity pool. What role should the faculty have in the budget process generally? At what levels? Should it be primarily an oversight role or should we have mechanisms that allow us to inform budget development? The president has talked a lot about bottom-up budgeting. Cooper is not sure exactly what he means by that in terms of details, but if faculty were asked to help develop a bottom-up budget process, is that something they'd be interested in and what kind of conversations would be necessary for us to build a process that we felt confident about?

Should the faculty senate have its own Diversity, Equity and Inclusion plan? There are plans for the campus as a whole. Should we have our own plan? Cooper was really pleased when he asked for some statistics about diversity in the Faculty Senate relative to the faculty as a whole. The Senate has for the last few years been slightly more diverse as a body than the faculty as a whole.

But maybe we want to be more intentional about diversity and inclusion in the Faculty Senate, maybe in the leadership particularly.

Last question, if the Board asked us to help make sure that the priorities of the faculty and the priorities of senior administration are an alignment, could we do that? Beyond broad generalities, like we all love students and want to be awesome in research. Could we come to determinations like, yes, we think it's more important to invest in this area than in this other area. Would we be able to think beyond our local concerns as members of departments and colleges to make judgments about that? What would be the right mechanisms for us to do that?

He's hoping that senators will talk with their colleagues about what their shared governance priorities are and that these will percolate back either to discussions on the floor of the Senate, emails to him, emails to any of the chairs of the standing committees as appropriate. And that the Senate will have an ongoing conversation this semester about maybe two to four things that faculty really want to work on together starting in the spring.

PROFESSOR VALTORTA – thanked Cooper for taking over the role after a difficult time and coming up as well prepared as he has been, especially his comments about the shared governance at the end, and coming up with priorities that are very well received.

PROFESSOR MARK MACAUDA (Department of Health, Promotion, Education & Behavior) - commented that Cooper is talking about a slow process of reflecting on how the move forward, in general and that's something that the Senate would like to do no matter what was going on outside of this body. But given the extraordinary things that are happening right now, he is wondering how they handle that both within the body and as representatives of the faculty, because it's a situation in which emotions are running high. He is looking for guidance as to how to balance that against a longer process where they need to really think things through. How do they move forward with this sort of steady process with these other things that are either really important or just a bunch of background noise.

CHAIR COOPER - is hoping they can take some of the energy inspired by current events and invest it in long term improvements in shared governance. There's also a need to respond. But he thinks there will be plenty of opportunities so the Senate doesn't have to leap at everything. We can think about issues and pick a moment, make resolutions or write letters, etc. The body should act as it deems necessary, but when it does so let's do it with the gravitas and a way that can be effective.

PROFESSOR CAROL HARRISON (Department of History) – commented that it seems Cooper is suggesting that for the moment they should assume that the rest of the world understands that the resolutions they passed this summer remain true. In this moment when they have just had

read this reporting from the Post and Courier and The State, that that seems pretty unsatisfactory and that there is something to be said for striking while the iron is hot.

CHAIR COOPER – His sense is that the iron is going to remain hot for at least another several months which he was trying to suggest by the number of activities that are on going. He will represent the will of the body if the body expresses it. In terms of timing, he thinks they will have other opportunities. When he has conversations with board members or people in administrative positions, the president included, they know that the resolutions the Senate passed this summer expressed a prevailing opinion of the faculty that needs to be addressed continually.

PROFESSOR HARRISON – re-read the summers resolution to restore the integrity of the presidential search before the meeting and was really struck by the things the Senate said then and the ways in which they have been confirmed and amplified in the last few days. And that is things like turning the search into a partisan conflict, the enhanced scrutiny of SACS and the damage to the university's reputation. She asked if it is not at least the moment to reaffirm the resolution we passed the summer

CHAIR COOPER – Would you like to put that in the form of motion?

PROFESSOR HARRISON – moved that the Senate reaffirm the resolution to restore the integrity of the presidential search. Someone might want to discuss this because this was very much written for that moment in the summer. So, the resolution ends *that the Faculty Senate or just the Board of trustees to cancel the current presidential search*. And obviously that moment has passed, but there should be able to find a way to reaffirm the sentiments in that resolution.

The motion was seconded and discussion began.

PROFESSOR BELL - I don't know if it will fall under this motion or something else, but I think one thing that is really troubling to me, I'll speak to me as a person. But from I've heard from, you know, several dozen faculty as well, is that everything that we have done as a unit, as a Faculty Senate and all of the social media that has been generated from this process really stayed focused on the process. Right? We wrote a resolution to the Board of Trustees about the search process, but now it's coming out that there are statements by our president that I find wholly offensive and at some point we as a Faculty Senate need to address the person and the process. We cannot continue to just ignore the reality of where we are employed right now.

CHAIR COOPER - Other discussion of the motion to reaffirm the resolution--a motion that welcomed an amendment that might change the "therefore." And I will welcome suggestions to scroll in any direction.

UNIDENTIFIED SPEAKER – Options are, what we could resolve to do. It says at the bottom to cancel the current search. Obviously that cannot happen, so what are our options? What could we say other than we're not happy, period?

PROFESSOR BELL – That they are honest with us. Shouldn't they have to address us as the faculty whose opinions and concerns were completely disregarded? Isn't that what we're wanting to hold someone accountable?

UNIDENTIFIED SPEAKER – I think the need for accountability is clear but I don't know how to phrase that, in a way that has any sort of precedence.

CHAIR COOPER - My inclination is that the board would say that they've demonstrated accountability by engaging the AGB consultants and inviting a review of their process and procedures. A resolution that explained why that was an inadequate response might be appropriate.

PROFESSOR HEATHER BRANDT (Department of Health Promotion, Education & Behavior) – I'm thinking about the SACS response to our response after the initial letter that was sent and wondering if that might afford us an opportunity for an action step. So I'm thinking about how we have yet to see how our Board of Trustees has provided the president with the information to formally respond to SACS saying, we received this, we want more, we need additional clarification, particularly in light of the recent developments as published in The State and the Post and Courier about what was happening behind the scenes, the appearance of impropriety, political meddling, et cetera. I'm wondering if there's a way at the end to demand that type of information or response.

CHAIR COOPER - Good thought. Wordsmiths get on it

PROFESSOR REBECCA STERN (Department of English) - Mine's going to be a little more controversial. Keeping almost the entire final paragraph but change it as follows: *Therefore be it resolved that the Faculty Senate urges the Board of Trustees to dismiss the current president and begin an open and legitimate search process.*

CHAIR COOPER - Is that, is that a motion to amend?

PROFESSOR STERN - It's open for, I guess it's a motion. You can discuss. It's a little extreme. I know.

CHAIR COOPER – Is there a second? An amendment to the main motion has been made and seconded and it would be, Rebecca, do you want to restate this exactly? To dismiss the current president and open.

PROFESSOR STERN - It's simply rather than to cancel the current presidential search, it is to dismiss the current president.

CHAIR COOPER - Okay. That's clear. That's the only change. Discussion?

UNIDENTIFIED SPEAKER – Please read it again.

CHAIR COOPER - The therefore would read, *Therefore be it resolved that the Faculty Senate urges of the Board of Trustees do dismiss the current president and begin an open and legitimate search process as described in its bylaws and as recommended by the American Association of University Professors.*

UNIDENTIFIED SPEAKER - [inaudible] does his contract allow for dismissal without a cause?

UNIDENTIFIED SPEAKER - [inaudible]. Grounds for incompetence based on what he said here last time, “I don't know how to do my job.”

CHAIR COOPER - Peter, in answer to your question. I don't know the details of the contract. I believe it does not have a golden parachute type provision in the event of separation. I don't know what for-cause provisions might be dictated by the contract or by state law. So, that's an open question as far as I know. If somebody knows that'd be great.

PROFESSOR BELL - So let's think about a back for those that came to the July emergency meeting. Let's think about what Betty Reagan told us. Betty Reagan was on a Board of Trustees at a university up in the Boston area and they hired a controversial president. And within a year of that controversy, that Board fired that controversial president. This is the process that governance is, is that we keep making those requests. We did a Vote of No Confidence. They ignored it. We gave a resolution. They ignored it. If we don't keep putting pressure on them, who are they accountable to? How will we expect change if we don't take risks as a faculty?

CHAIR COOPER – Other discussion of the proposed amendment to the motion? The order here would be, we decide on the amendment and then we go back to approve the main motion.

UNIDENTIFIED SPEAKER - [inaudible]

CHAIR COOPER - I believe the answer is yes.

PROFESSOR HARRISON - I find the amendment very attractive in many ways and I'm trying to think about the pros and the cons, what we have to lose. And I suspect what we mostly have to lose is making it very clear how little power we have, which I think is why I like Heather's idea about formulating a resolution asking for more information about the SACS process which I think is makes it less clear just how powerless we are in this situation.

CHAIR COOPER - We need to first discuss this amendment. If you want other language, you would vote no on this one and then propose a different amendment. Other discussion of the proposed amendment?

PROFESSOR ERIK DOXTADER (Department of English) - I'm opposed to this. You don't get to go back. If we make this, *he should be dismissed* it's a demonstration that we don't have any power. It's a demonstration that we're unwilling to actually take the time to make a case. It's a plausible thing to do, but if we're going to make the argument that resolved, he should, Mr. Caslen should be dismissed, we need to make a case. We need to establish incompetence. That's not done in this proposal. So I don't think it makes any conceptual or political sense to embrace this amendment. I'm not convinced that endless requests for information are going to do us much good either, but I'm certain that at the very least, we should convene a special meeting of the Senate in which all the senators can be here as opposed to the summer meeting and the only item on the agenda is this question of what should we do. I think that makes the most sense. I think that's the most representative course of action, but until we make a case, I think we look foolish

trying to amend something that was done in summer, which is no longer in many ways, not all that relevant.

CHAIR COOPER - Thank you. Other discussion of the amendment?

UNIDENTIFIED SPEAKER- So Eric just summed up in his last remarks what I was going to suggest. I think it's going to be very challenging for us right here in this moment to work from this document that was put forth in a different context. But I'm saying that I'm in support of his idea for convening a meeting of the Faculty Senate that would allow for discussion and generation of action steps and proceeding there in with a resolution as appropriate.

CHAIR COOPER - If you want to follow that procedure, we would first vote. Close discussion on the amendment. Vote on that. Then we would vote on the main motion and then entertain a new motion to call a special meeting of the Faculty Senate with that agenda item. Is there further discussion of the amendment? It's been seconded.

So, hearing no discussion, all those in favor of the amendment say, aye. All those oppose, nay. The motion fails. Now we return to discussion of the main motion whether to put forward to reaffirm this resolution. Is there further discussion of that?

PROFESSOR STONE - I just want to reiterate what other people have been saying that with something of this magnitude I would appreciate just more time to go back to my department and further discuss with them these sorts of things before we vote on something of this magnitude.

CHAIR COOPER - Excellent. Further discussion on the main motion? Hearing none, all those in favor of reaffirming the resolution to restore integrity of the presidential search. Please say aye. As it is, we have no amendments. I'll entertain another motion to amend it if people want to do that. All those in favor of reaffirming the resolution to restore integrity of the presidential search as written, please say aye. Those opposed, please say nay. The motion fails. Now the chair would be happy to entertain other motions.

PROFESSOR DOXTADER – moved that the Senate convene a special meeting addressed to the question of how to proceed from the summer resolution at which the meeting attended is limited only to that issue.

CHAIR COOPER - Senator Doxtader has moved that we convene a special meeting of the Faculty Senate. Do we want to make it happen before the next Senate meeting?

Before the next Senate meeting, a special meeting of the Faculty Senate to discuss how to proceed from the summer's resolutions regarding the presidential search. It's been moved and seconded. Is there discussion? All those in favor please say aye. Those opposed? Motion carries. We'll have a meeting.

PROFESSOR BELL - [inaudible]

CHAIR COOPER - Are there abstentions? Okay.

### **7. Unfinished Business**

There was no unfinished business.

### **8. New Business**

PROFESSOR BELL –Earlier today it was brought to her attention that AGB who is working as a consultant also could be possibly submitting a proposal to be the search firm for the provost search because they are AGB Search as well as AGB Consulting. She is bringing this to the attention of the Faculty Senate because that seems like a strong conflict of interest. Even a proposal would be biased because they're already on campus and they know much more about the university and the state of the search and everything going on than any other search firm would have. If this is true information that they do have two companies that operate under the same name, she would like to make a motion that they are not eligible. She doesn't know how it works with USC procurement, but it needs to be elevated that they should not be receiving the contract to be the search firm for the Provost search.

CHAIR COOPER - There's a motion with two parts. One is to charge Cooper to investigate the procurement process and the candidacy of the AGB. And the second is to strongly recommend that AGB not serve as the search firm for the provost because of a conflict of interest or perceived conflict of interest with their role as consultants. The motion was seconded and opened for discussion.

PROFESSOR DOXTADER - This is a legal question. Take legal advice. You don't know what a conflict of interest is in this particular situation as defined by law.

CHAIR COOPER – Yes, I believe that's true. But, I also think the Faculty Senate could vote, voice its skepticism or reservations.

PROFESSOR DOXTADER - We could recommend, but I would be very hesitant to make this too precise because this is a technical legal question and someone can be held accountable for attempting to do some kind of restraint of trade.

CHAIR COOPER - The sense of the motion is that the Faculty Senate perceives that there would be a conflict of interest that should be avoided.

PROFESSOR BELL – [inaudible] We move forward with their investigation and recommendations. [inaudible]

PROFESSOR BEZUIDENHOUT - I'm a little unsure about whether this constitutes a conflict of interest. To me it would seem that there would be an advantage to have somebody who has knowledge of the campus to be part of the search. I didn't know that. Of course, I understand that other firms would be at a disadvantage not having that knowledge, but having that knowledge, it seems like a good thing.

PROFESSOR BELL - Not when this company was hired by the president to investigate the Board.

CHAIR COOPER - We should allow for other discussion. I think the procedure is people get to speak once before some people speak twice.

UNIDENTIFIED SPEAKER - Is there a way to split this?

CHAIR COOPER - Sure. You could move to divide the question. Do you want to say what you think the most important part is for you?

UNIDENTIFIED SPEAKER - I was think part A—the investigation--is more important right now.

CHAIR COOPER - I'll tell you that I'm going to look into the procurement process anyway, no matter what happens. So the actionable part here is that statement that the Senate is skeptical about this and perceives a potential conflict of interest. Further discussion?

Hearing none, all those in favor of the resolution, please say aye. The resolution is, that the Faculty Senate chair should investigate the procurement process and to determine whether it is indeed possible that the Association of Governing Boards, which is a consultant, is potentially a candidate for the search committee firm. And secondly that the Senate expresses its skepticism about AGB serving in both roles and perceives a potential conflict of interest.

UNIDENTIFIED SPEAKER – [INAUDIBLE]

PROFESSOR BELL - Well that's the legal thing.

CHAIR COOPER - I tried to clarify that we probably don't have the power to exclude someone from getting a contract if it's a legal matter for them to do so. But the information that we perceive a conflict of interest would be, I think actionable for people doing the procurement regardless of the legalities.

PROFESSOR MINETT (Department of English and Film and Media Studies) - Can I get a clear statement about the conflict of interest that is seemed to be perceived? [inaudible]

PROFESSOR BELL – The conflict of interest was that the AGB was hired by the president to consult on teaching him his job. And the AGB was hired as consultants to review our Board processes. And so those two things were hired by the president of this university to vet, and he also has personal relationships with at least one of the consultants, Sally Mason he worked with at UCF. So there's a lot of unknown relationships and agendas already between this president and this organization called AGB. Therefore, the conflict of interest is if then they serve as the search firm to hire our provos, there is no separation. And so to me if did you one thing for the president, you should not be hired. I think it's a conflict.

CHAIR COOPER - Just one clarification. It's actually the Board that has hired AGB to advise the Board with the president's recommendation.

PROFESSOR BELL [inaudible]

PROFESSOR DOXTADER - What's the timeline for the hiring the search committee or the search firm?

CHAIR COOPER - Proposals are due on September 16th, I believe the review panel will likely meet very soon thereafter. There will be a three-person review panel which will vet the applications and make recommendations according to a rubric.

PROFESSOR DAN BRACKMANN (School of Law) - Am I understanding the motion correctly, that we are directing you to inquire and then it seems to assume the answer to the inquiry in the second part of the motion. [inaudible]

CHAIR COOPER - Right. That's really the only way it can work it, if we're going to make a procurement decision before the next meeting. I do not yet know, nobody can know whether AGB Executive Search will put in a proposal by the September 16th deadline.

PROFESSOR VALTORTA - So, Mark, I have a conflict of interest because I was on the panel, original panel at least to review the proposals from search firms and that it's hard to say this without, well I would say the assumptions that are being made are very good assumptions. It's realistic to assume that something like this may happen. AGB is a big search firm. They're likely to send proposals in a case like this.

CHAIR COOPER – They're also a highly ranked firm and one under any other circumstances that we would want to receive a proposal from. It's just whether you perceive that there is likely to be a conflict because of the many roles that then AGB would be performing for our university or whether you perceive that there may be an advantage.

(UNIDENTIFIED SPEAKER) - Regardless of whether we perceive the conflict or advantage or something related to that recent experience might raise some red flags for us in the absence of transparency with how the search was handled for the president position. So I can understand putting forward this type of motion to ensure that even the appearance of impropriety is addressed up front versus after the fact when we perhaps are satisfied or not with the outcome of the search. So perhaps for me it's the addressing it up front. Let's make sure that everybody's okay with what's happening with the selection of, or consideration of that.

CHAIR COOPER – The motion is to call upon me to investigate the status of AGB's application to serve as a search firm for the provost search. If there are conflicts, if AGB is likely to submit a proposal, it's the will of the Senate to express its skepticism about that and to condemn a

perceived conflict of interest. Is condemned to strong a word? I feel like I've said that better two or three times. And note a perceived conflict of interest.

All those in favor of this motion, please say aye. All those opposed? Abstentions? A hand count was necessary.

The motion passed 30 to 13.

### **9. For the Good of the Order**

There was nothing for the good of the order.

### **10. Adjournment**

The meeting was adjourned. The next regularly schedule Faculty Senate meeting is Oct. 2, 2019, at 3pm, at the Karen J. Williams Courtroom, School of Law.