

CASE WESTERN RESERVE UNIVERSITY
Faculty Senate Executive Committee
Meeting of January 17, 2007, 2 - 4 p.m.
Room 352 Adelbert Hall

AGENDA

1. Approval of Minutes of the Meeting of December 13, 2006 J. Alexander
2. President's Announcements G. Eastwood
3. Provost's Announcements J. Anderson
4. Chair's Announcements J. Alexander
5. Proposal for New Dept. of Plastic Surgery at U.H.
(Action Item for EC) A. Gosain ?
6. Report from the UUF Executive Committee
(Action Item for EC) C. Hudak
7. Report on the F/S ad hoc Committee on Pandemic Flu R. Wright
8. Tenure and Faculty Handbook considerations J. Alexander
9. Invitation to Vice President to Speak to Faculty Senate
(Action Item for EC) J. Alexander
10. Approval of Faculty Senate Agenda for January 24, 2007
(Action Item for EC)

CASE WESTERN RESERVE UNIVERSITY
Faculty Senate
Executive Committee
Minutes of the Meeting of January 17, 2007, 2 - 4 p.m.
Room 352 Adelbert Hall

Committee members in attendance

Jay Alexander
John Anderson
Dominique Durand
Gregory Eastwood
Lynne Ford

Julia Grant
Kathleen Kash
David Matthiesen
Kathleen Wells
E. Ronald Wright

Also in attendance

Arun Gosain, M.D., Professor, Chief, Pediatric Plastic Surgery

The meeting was called to order at 2:00 p.m. by Professor James Alexander, Chair of the Faculty Senate. David Matthiesen will give the Executive Committee report at the next Faculty Senate meeting on January 24th.

Approval of Minutes

The minutes of the previous meeting on December 13, 2006 were approved as distributed.

President's Announcements

Gregory L. Eastwood, M.D. announced that Bruce Loessin is returning to the university as Senior Vice President of University Relations and Development, a new position, with purview of those areas listed under Lara Kalafatis and Jeffrey Robison. It was suggested that he speak briefly at the next Faculty Senate meeting.

Dr. Eastwood also said that much time and thought is being applied to the transition for President-elect Barbara Snyder whose first public address will be to the Faculty Senate, setting a good footing for future relationships. Professor Ron Wright congratulated President Eastwood on his handling of these many matters.

Provost's Announcements

John Anderson reminded all of a reception following this meeting for three new deans - Mohan Reddy of the Weatherhead School of Management, Cyrus Taylor of the College of Arts and Sciences, and Norman Tien of the Case School of Engineering.

The provost said that he will charge the existing outcome assessment committee, working under Vice Provost Don Feke, to make a list of recommendations by June 1 to bring to the Faculty Senate who will charge each school with what they must do. It was suggested that Provost Anderson report to the Senate at the February 26th meeting.

Chair's Announcements

Professor Alexander distributed a progress report towards FY 07 fund raising goals from Jeff Robison who is happy to report a very strong last quarter and month of December. President Eastwood pointed out that the Annual Fund dollars go to the operating budget so success in that area is very important.

Chair Alexander said that plans for development of the Triangle area were presented earlier that day and are somewhat outlined in a new edition UCI magazine. President Eastwood said that our trustees have decided not to put further funds into this development so have chosen local

developers MRN/Zaremba, and signed a memo of understanding. He expects approval by the Board in June. Plans include a space to be occupied by the Museum of Contemporary Art, a new Cleveland Institute of Art building replacing the Factory, and possibly a new Rapid Transit station. There was some discussion of the railroad bridge and very unsafe underpass leading up Mayfield Road.

He reported that a group updating the Student Information System has asked to consult with some faculty. His general invitation has only brought in two responses. Others suggested were professors Frank Merat, Marty Pagel and Earle Luck, and the suggestion to ask the University Registrar's office for names.

Proposal for New Department of Plastic Surgery at University Hospitals

Dr. Arun Gosain presented the case and answered questions for Dr. Bahman Guyuron who is chief of the Division of Plastic Surgery. The supporting documentation confirmed support for this change from a division in the Department of Surgery to an independent department. Letters indicating this support were from Interim Dean Pamela Davis, Drs. Jeffrey Ponsky (Chair of the Department of Surgery), Keith Armitage (Chair of the SOM's Faculty Council, and Fred Rothstein (President and CEO of University Hospitals). This petition was approved for the agenda of the next Faculty Senate meeting.

Report from the UUF Executive Committee

Postponed to the February meeting.

Report on the Senate ad hoc Committee on Pandemic Flu

Past Senate Chair Ronald Wright, chair of the ad hoc committee, reported on a recent meeting with Deputy Provost Lynn Singer and several other members of the University Committee on Emerging Infections. The ad hoc committee will address issues related to faculty and to several standing committees, and will establish some general policies which he will bring to the Executive Committee as they are ready. He would like to hold on any report to the Faculty Senate at this time.

Tenure and Faculty Handbook Considerations

J. Alexander distributed pages from a report issued by Dean Horwitz of the School of Medicine including recommendations on "Financial commitment associated with tenure." Interim Dean Pamela Davis will address the Senate at the January 24th meeting and he urged all with questions to bring them to the Senate.

- Does tenure have any obligation or guarantee of salary? It would be good for the university and in attracting good faculty. The Faculty Handbook is vague. Earlier documents reference "fair salary" - the focus is on the School of Medicine.
- The issue was raised in 2002 - 2003 but consideration was postponed then at the request of President Hundert until an affiliation agreement was reached. With that now signed, it is time to bring back the issue of salary guarantee.
- Some of the recommendations from the Horwitz report were removed—wishing for no specific statements about salaries. Discussed meeting of Jan. 11th with Dean Davis. Now asking guidance of the Executive Committee.

Professor Kathleen Wells suggested a university-wide committee to study the issue rather than let the School of Medicine drive this agenda, noting that many models are available to inform the work. She believes that faculty across the university are concerned.

Professor Matthiesen said that the issue is governed by the fact that tenure resides in each school.

President Eastwood stated his support for a university-wide committee and the statements which allow for the unique circumstances of tenure in individual schools. He also noted that faculty

in most schools of medicine are employed simultaneously by two groups.

Provost Anderson said that the issue to him is defining salary, and pointed to the Faculty Handbook, Chapter 3, Part One, C., 2.b.

Discussion on how to proceed continued. G. Eastwood suggested getting data from the Association of American College of Medicine. In the end it was suggested that this Executive Committee, plus additional representatives, be the recommended university-wide study committee.

Due to the length of the Senate agenda already, it was decided not to invite a report from a vice president.

Approval of Faculty Senate Agenda for January 24th meeting

Approved as modified by above.

The meeting was adjourned.

Lynne E. Ford
Secretary of the Faculty Senate

EC Agenda Item 5. Faculty Grievance Panel

(Attached to e-mail)

EC Agenda Item 6. 5- Year Academic Calendar

(Attached to e-mail)

EC Agenda Item 8. Budget Committee

Proposed Wording of Amendment to the Faculty Handbook.

Chapter 2, Article VI, Sec. C, Par. 1 of the Faculty Handbook shall be amended as follows:

Par. 1. The Budget committee shall consist of one voting member elected by each constituent faculty Budget Committee for a term of not less than two years, three members of the University Faculty at-large, at least one of whom must be an elected member of the Faculty Senate, the chair of the Committee on Faculty Compensation *ex officio*, and such additional members *ex officio* as shall be specified in the by-laws. The at-large members shall be elected to serve overlapping three-year terms. One of the at-large members shall serve as the chair of the Budget committee. Should the terms of senatorial members of the Budget Committee extend beyond their terms as members of the Faculty Senate, they shall complete their committee terms as non-senatorial members.

Chapter 2, Article VII, Sec. A. of the Faculty Handbook shall be amended by the addition of :

Par. 5: Each constituent faculty shall have a Budget Committee established and charged under the by-laws of that constituent faculty. The regular members of each Budget Committee shall be selected from among the regular faculty of that constituent faculty by direct election or by appointment by a directly elected body of that constituent faculty. In addition, each Budget Committee shall include such additional members *ex officio* as shall be specified in the by-laws of that constituent faculty.

The Faculty Senate Budget Committee and the Constituent Faculties

Background for members of the Faculty Senate:

- 1) The faculty senate budget committee (FSBC) is charged with three principal task
 - (i) "participating with the Administration to assure that budgetary goals and priorities are responsive to academic plans" on the other hand:
 - (ii) "advis[ing] the Faculty Senate on the financial feasibility of the University's current and planned education programs, activities, and facilities, and their effect on the operating budget, capital requirements, and financial health of the University" and "on budgetary questions as they affect current and planned educational programs, activities, and facilities."
 - (iii) "review[ing] and report[ing] to the Faculty Senate on the adherence to budgetary priorities and the attainment of budgetary goals."

We can characterize this as serving three roles:

- * partners with the university administration,

- * watchdogs for the faculty,
 - * advisers to the faculty.
- Each of these roles has had its time and place.

The FSBC makes no binding decisions, nor is its approval required for any actions.

- 2) In a decentralized university such as CWRU, most programs and activities, and thus most revenues and expenditures occur in the constituent faculties.
- 3) Traditionally, most constituent faculties have had no faculty committee of their own serving these three roles.
- 4) Consequently:
 - (i) the FSBC cannot draw on a pool of faculty who are well informed about their own constituent faculties.
 - (ii) The FSBC often feels that its ability to probe the financial state of individual units is limited; this has hampered and is hampering its ability to advise the Senate on the financial health of the University.
 - (iii) Many schools have no clear avenue for providing faculty input into, creating faculty buy-in into, or sharing the reasoning behind financial decisions.
 - (iv) Many faculty feel absolved of responsibility for all collective financial matters .

These are negatives at any time, but particularly when the University or individual units face financial difficulties.

- 5) The FSBC is considering asking the Senate to alter its structure so as to include representatives of faculty budget committees of each of the constituent faculties.

For example, chapter 2, article VI, section C., paragraph 1 of the Constitution of the Faculty, might be amended to begin:

The Budget committee shall consist of one voting member elected by each constituent faculty Budget Committee, three members of the University Faculty at-large, at least one of whom must be an elected member of the Faculty Senate, the chair of the Committee on Faculty Compensation ex officio, and such additional members ex officio as shall be specified in the by-laws.

- 6) Constituent faculties would then be expected to create such committees.

There are precedents for expecting constituent faculties to have committees to serve particular purposes. These are usually included in Chapter 3, Policies and Procedures. One could alternatively enunciate such expectations in Chapter 2, Article VII (Structure of the University Faculty), Sec. A (Constituent Faculties). This article establishes the constituent faculties and their roles, lays down the requirement that each constituent faculty have a dean, ...

This section also requires that the constituent faculties have "essentially democratic" governments.

- 7) The Provost, who has been part of the discussions with the FSBC on this issue, has held discussions with the Deans and has requested that each form a budget committee including at least two elected faculty members. Such committees are in the process of formation. Their structure -- size, composition, how the members are selected, charge -- will vary considerably. Given the great

EC Agenda Item 10. Report of the University Libraries Committee

(See separate e-mail with attached report and comments from committee chair)

EC Agenda Item 11. Tenure and Salary Issues

(See attachments to e-mail)

EC Agenda Item 12. New Business

February 12, 2007

To: Jay Alexander, FSEC Chair
Cc: Faculty Senate Executive Committee
From: Kathleen Wells, Edith Lerner, Kathleen Kash
Re: Motions

We submit the following motions for discussion and formal vote at the February 19, 2007 meeting of the Faculty Senate Executive Committee, and we request that they be considered early in the meeting to allow time for discussion.

Motion 1: The Faculty Senate Executive Committee (FSEC) reaffirms the principle adopted by the Faculty Senate on April 24, 2002 that tenure comes with a financial guarantee (see 2001-2002 Ad hoc Committee Report to Define Membership in the University Faculty). Absent such a link, tenure is meaningless. Without tenure, institutions of higher education cannot fulfill their obligations.¹

(This motion has been put forward, as a result of the delay in action implementing the financial guarantee of tenure recommendation of the Ad Hoc Committee Report and in response to concerns raised regarding the status of tenure by members of the FSEC, by members of the Faculty Senate, by the Case MSASS faculty (see attached motion), and by the School of Medicine Faculty Council.)

Motion 2: The FSEC requests the FS Bylaws Committee to examine the Faculty Senate Handbook in order to remove any statements that suggest tenure and salary are not linked, and that the bylaws committee report their findings to the FSEC in April, 2007.

¹ “Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. . . Tenure is a means to certain ends; specifically (1) freedom of teaching and research and of extramural activities, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence, tenure, are indispensable to the success of an institution in fulfilling its obligations to students and to society.” (1940 Statement of Principles on Academic Freedom and Tenure, American Association of University Professors, <http://www.laaup.org?AAUP/pubsres/policydocs/1940statement.htm>)

Motion 3: The FSEC requests that the 2001-2002 Ad Hoc Committee to Define Membership in the University Faculty be reconstituted in so far as it is possible in order to develop recommendations regarding the implementation across the University of the principle noted in Motion 1. The

diversity in size and culture of the constituent faculties a diversity of structure is probably appropriate.

8) the FSBC seeks the advice of the members of the Senate on two principle issues:

- * The restructuring of the FSBC
- * The establishment of committees within the constituent faculties:
 - (i) their composition
 - (ii) their charges
 - (iii) how they are selected.

and in particular how prescriptive the FSBC should be in its proposals to the Senate.

On this latter matter, the FSBC offers its own view for consideration by the members of the Senate. Deans will always be free to seek advice from whomever they please on matters under their purview. To the extent that the FSBC has been able to offer independent advice to the administration and reliable reports to the Senate, it has been in part because it is chosen by the faculty. The presence ex officio of senior members of the administration with appropriate expertise -- the Provost, the CFO and the VP and AVP for Budget and Planning -- is invaluable, but it is the independence of the faculty members of the committee that has allowed the FSBC to execute its charge.

To this end, the FSBC has considered the following draft language:

Each constituent faculty shall have a Budget Committee.

The regular members of the Budget Committee shall be selected from among the regular faculty of the constituent faculty by direct election or by appointment by a directly elected body established under the by-laws of that constituent faculty.

Suggested Charge of a Constituent Faculty Budget Committee:

The Faculty Senate Budget Committee, suggests to each constituent faculty as it develops the charge for its Constituent Faculty Budget Committee the following template closely modeled after the charge of the Faculty Senate Budget Committee:

The Budget Committee of the constituent faculty shall:

- a. participate with the administration of the constituent faculty to assure that the budgetary goals and priorities are responsive to the academic plans;
- b. review and report to the constituent faculty on the adherence to budgetary priorities and the attainment of budgetary goals. The Budget Committee shall advise the constituent faculty on the financial feasibility of the constituent faculty's current and planned education programs, activities, and facilities, and their effect on the operating budget, capital requirements, and financial health of the constituent faculty. The Budget Committee shall also advise the constituent faculty on budgetary questions as they affect current and planned educational programs, activities, and facilities;
- c. elect one of its regular members to serve on the Budget Committee of the Faculty Senate for a term of not less than two years.

EC Agenda Item 9. Proposed Modifications to the Academic Integrity Policy
(see attachment to e-mailed agenda)

committee is free to expand its membership to obtain adequate representation across the Schools and Colleges. Representatives should be chosen who endorse broad academic values and who value and support tenure, in particular. The FS Personnel Committee should develop language for the FS Handbook reflecting the recommendations of the Ad Hoc Committee and the corresponding process for amending the Faculty Senate Handbook should be followed.

Motion 4: The FSEC directs the FS Personnel Committee to review the University Hospitals Medical Group Policy Manual to assess the compatibility of its content in relation to the FS Handbook . An initial report at the FSEC March 2007 meeting is requested.

Motion 5: The FSEC directs the FS Bylaws Committee to review existing policies pertaining to how changes are made in the Faculty Senate Handbook, to assess whether these policies need to be strengthened, and to report back to the FSEC and to the FS by April 2007.

from the MSASS Faculty Senators David Crampton, Aloen Townsend, and Kathleen Wells.

The Motion below passed at the Jan., 22, 2007 meeting of the MSASS faculty.

"The MSASS faculty urges the creation of [the faculty senate to create] a university-wide committee to examine the relationship between salary and tenure at the university".

Please note: 1) this motion passed prior to our knowledge of the committee that had examined this issue, and 2) within the context of grave concern regarding any effort to decouple tenure and salary and grave concern regarding the lack of information with respect to the apparent effort to do so within the School of Medicine.