

Minutes of Faculty Senate Meeting

April 19, 2017

Submitted by Senate Secretary, Claudia Kairoff, Professor of English

Prepared by Amalia Wagner and Claudia Kairoff, Ph.D.

Caveat: Comments recorded are not necessarily verbatim. In order to facilitate open discussion, the identity of most Senators making comments or asking questions is not recorded. The identities of comments from Senate Officers and Senate Ad Hoc and Standing Committee Chairs are given as are the identities of persons commenting in their official administrative capacity (e.g., CFO, Provost, College Dean).

In attendance: Jane Albrecht, Doug Beets, Caron Simone, Carter Stewart, James Cotter, Larry Daniel, James Ford, Michele Gillespie, Claudia Kairoff, Molly Keener, Ralph Kennedy, Rogan Kersh, Christopher Knott, Mark Knudson, Nina Lucas, Hof Milam, Wilson Parker, John Parks, John Pickel, Tim Pyatt, Sarah Raynor, Pete Siavelis, Kathy Smith, Beverly Snively, Darlene Starnes, Rosalind Tedford, Lisa Washburn, Page West.

There were 23 voting-eligible Senators present, a quorum.

Welcome

President Cotter called the meeting to order. He made a motion to accept the minutes of the March 15, 2017 Senate meeting, which was seconded. A show of hands was unanimous in favor of approval.

Election of New Officers:

President Cotter presented the report from the Senate Nominating Committee. He opened the Senate floor for additional nominations for each office. No additional nominations were made. President Cotter noted that write-in nominations on the ballots were welcome.

The proposed slate of candidates:

President: Stewart Carter

Vice President (presumptive President –elect): James “Wilson” Parker

Secretary: Ralph Kennedy

At-large Member: Sarah Raynor

Chair, Committee of Collegiate Senators: Simone Caron

Chair, Committee of Medical School Senators: none

Ballots were distributed. The results were tallied by Claudia Kairoff, Senate Secretary and were announced the day following the Senate meeting via email. The results are as follows:

President: Stewart Carter (22 votes)

Vice President (presumptive President –elect): James “Wilson” Parker (20 votes), (1vote) for write in candidate Michele Steward.

Secretary: Ralph Kennedy (22 votes)

At-large Member: Sarah Raynor (21 votes)

Chair, Committee of Collegiate Senators: Simone Caron (10)

Chair, Committee of Medical School Senators: Write in candidates: Lisa Washburn (3) and Mark Knudson (2)

Report from the Senate Subcommittee on a Poverty-Free Campus by Simone Caron (Refer to Addendum A for full report):

Simone gave a brief overview of the report. She mentioned the moral issues raised by outsourcing campus staffing to Budd Group. The subcommittee has several recommendations:

1. That the University prepare and publicize a “social audit” (not just a financial audit). This would clearly outline policy changes to employment on this campus.
2. That we expand from two employee groups to three categories: faculty, directly-employed staff, and employees of sub-contracted firms.
3. That the University grandfather existing staff at their established level of remuneration and benefits to any new subcontracted appointments. Additionally, we should guarantee their current pay when transitioning to the subcontractor.
4. That the University ensure that all people (direct staff and contract workers) working at WFU earn a living wage of no less than \$11.00 per hour. AAUP calls for the implementation of policies equally across all units of a university; the living wage must be equal on both the Hawthorne and Reynolda campuses.
5. That the University make clear that all the people (direct staff and contract workers) who work at WFU have the right to draw on the Chaplain’s Emergency Fund and the resources available at Campus Kitchen. Additionally, this fund should become a regular line-item in the University budget.
6. That the University offer financial management workshops as well as skill development opportunities to all employees, direct staff and contract workers alike.
7. That the University stop pressuring employees to contribute to the United Way and Arts Council campaign.
8. That the University acknowledge equally the death of all employees (direct staff and contract workers) on our campus.

Comment: There is stress and unease for those employees being transferred out of the family. We are worried about contract workers being left out and handed to an outside firm. It seems critical that we don’t assume that Budd is going to take care of them. If we don’t say loudly now, that this group needs to be grandfathered and given proper severance, then everyone else not tenured on this campus could be outsourced. This has an enormous impact on morale. I would like to make a motion to ask Hof to get up and say there’s protection for this group of employees being outsourced. The Senate is the body that can make a moral case for this.

The report comes as a seconded motion from the committee. A friendly amendment was made and seconded to accept the 11 recommendations. Paper ballots were distributed. Results were, 22 for and 1 against. Motion passed.

Report from Committee for Academic Freedom and Responsibility by Ulrike Wiethaus
(Refer to Addendum B for full report):

Ulrike Wiethaus, Chair of CAFR, referenced the report that was distributed several weeks ago to all Senators. She informed the Senators that the committee worked very hard on collating research on the Koch foundation. They defined their work more narrowly in looking at internal documents and the process by which the Eudemonia project morphed into the Eudemonia Institute, and they looked at conflict of interest policies. She thanked her committee members and made the remarks below (obtained from Ulrike for the minutes).

This report summarizes our CAFR sub-committee findings and recommendations in response to a faculty petition issued last October.

As Chair, I designed our committee membership to represent a spectrum of perspectives and thus to minimize bias. Our committee consists of a representative from the Divinity School, SOB, Medical School, and the college. We could draw on the committee members' areas of expertise: conflict of interest policies, SACS-COC accreditation policies and guidelines, and business contractual policies.

Our methodology was to gather and analyze evidence that led to the original faculty petition, and then to compare this evidence to best practices as established by WFU, AAUP, and SACS. We organized our research data in four sections: academic freedom and responsibility as it relates to (1) the CKF donor agreement and MOU, (2) industry/academy relationships and COI, (3) accreditation benchmarks, and (4) institute governance.

To summarize, as of today, neither the Ad Hoc nor the CAFR committee have been granted access to the donor agreement. Would we not have read the Chronicle of Higher Education; we would still be under the impression that Provost Kersh is trying to get permission from the CKF for the two committees to review the donor agreement. In our view, the Provost's lack of direct and clear communication about releasing the donor agreement with two Senate committees is puzzling and unfortunately undermines faculty trust.

1. Donor Agreement. Lack of access to the donor agreement has raised legitimate questions such as whether (1) the CKF has undue influence over the choice and tenure of the institute director; whether (2) the CKF stipulates curricular and extracurricular influence; whether and how (3) the CKF is involved in faculty and staff searches identified in the Operating Agreement as affiliated with the EI, and (4) what the CKF conditions for rescinding the contractual agreements on short notice are, including public donor acknowledgment on the EI website.

It should be noted that in the Operating Agreement, curricular activities are defined as an integral part of EI activities, and that elsewhere, colleagues who have received well-being research funding from the CKF were forbidden to disclose their funding source.

2. COI. While WFU has a limited and broadly designed COI policy, no specific COI guidelines exist for institutes or new donor activities such as designed by the CKF. This is relevant, since it may be argued that institutes ought to be held to high standards due to their longevity, broad public impact, and impact on the reputation of a university.

WFU's COI policy refers to both "compromise and appearance of compromise" in judgment or conducting professional activities. Given the lack of access to the donor agreement and the publicly stated goals of the CKF, concern about the appearance of compromise by the WFU community and wider public must be taken seriously, especially since the EI website, including its conference site, does not display the CKF as donor.

3. Accreditation benchmarks, as explained in the report, demand that given the nature of the CKF's mission, comprehensive guidelines for institutes ought to be established without delay. Whereas WFU Centers have been able to rely on such guidelines, no institute guidelines exist. Such guidelines would strengthen the alignment of the EI with the university's institutional effectiveness process and program priorities, and ensure that institute hires follow appropriate credentials and competencies to accomplish the mission and goals of WFU institutes and the specifics of courses taught by these hires.

4. Institute governance. The current term rotation for the three institute directors varies: 3 years plus one renewal for the PHI director, three years for the HI director, and unspecified renewals after the initial three-year appointment for the EI director.

Faculty governance is assured for the HI institute through a faculty executive committee, and for the PHI through multiple shared directorships; structurally, sole control of the EI is granted to the Director. As our report notes, the EI's Declaration of Research Independence and a Faculty Advisory Board do not match the faculty governance structures evident in the other two institutes and protect ultimate decision-making powers by the director. The EI Operating Agreement, cited by the Provost in his recent public remarks, notes that "all institute activities will be supervised by the Institute's Executive Director in a manner consistent with university policies and procedures" (p1), yet no such policies exist specifically for institutes, as is evidenced, e.g., in the spectrum of institute governance structures.

Motions

Let me move on to our two motions. Simply put, motion # 1 asks for the creation of a joint committee to create stronger faculty oversight regarding COI, disclosure, and faculty governance as it relates to university institutes.

Motion # 2 specifically focuses on stronger faculty oversight as it relates to gift acceptance policies.

A few words might be in place here about best practices related to the process of shared governance and the acceptance of gifts. AAUP's Recommended Principles Part I, Principle 1 states: "The university must preserve the primacy of shared governance in establishing campus-wide policies for planning, developing, implementing, monitoring, and assessing all donor agreements and collaborations, whether with private industry, government, or nonprofit groups. Faculty, not outside donors, should retain majority control over the campus management of such agreements."

The current WFU Gift Acceptance Policy does not provide faculty participation in the creation of such agreements nor does it bar input from faculty and administrative parties who might have a

COI in negotiating the agreement. The final responsibility for accepting all gifts rests with the University President. However, fundraising experts and university presidents might not have the expertise, or should, by AAUP standards, have the power, to make such decisions without robust Faculty governance. We recommend that Faculty should be involved in reviewing and assessing all gifts alongside the President, which includes the (1) first review of the agreements and (2) the final responsibility of gift acceptance. Faculty should have veto power over gift agreements if they find that the terms and conditions in such agreements violate academic freedom and responsibility, shared governance, or any other area in which donors should not have control.

Ballots were distributed for the two motions below:

Motion 1: Potential COI, Disclosure, and Faculty Governance

The sub-committee asks that the Faculty Senate and the Committee on Academic Freedom and Responsibility create a joint Ad Hoc Committee charged with devising -- in consultation with the Research Advisory Council, the Provost, and the Vice Provost for Research – a university-wide comprehensive conflict of interest (COI) policy that conforms with AAUP and Southern Association of Colleges and Schools' Commission on Colleges (SACSCOC) guidelines and specifically, clearly enunciates decision-making roles and disclosure responsibilities for institutes.

Incorporating faculty participation in all COI decision-making, these revised policies will improve disclosure process guidelines to ensure transparency of external relationships, funding sources for faculty and staff hires, conference, research grants, and any donor-obligated teachings (such as direct student education, curriculum development, and service on committees with educational impact).

Motion 2: Gift Acceptance Policy

The sub-committee asks (1) that the Senate recommend to the President that a Senate member be added to the Gift Acceptance Committee based on the definition of the Faculty Senate's responsibilities as defined in the Faculty handbook (see below); and (2) that the Senate recommend that the Gift Acceptance Committee review and enhance guidelines in concert with AAUP and SACSCOC recommendations.

WFU Faculty Handbook Definition of the Senate and its Powers

The Faculty Senate consists of ex-officio representatives from the administration, elected representatives from the Faculty, and an ex-officio representative from the Staff Advisory Council. The Senate has the power, unless otherwise directed by the Board of Trustees, to participate in long-range planning for the University, to consider other matters pertaining to the general welfare of the University, to advise on the appointment of senior administrative officers, and to recommend through the President to the Board of Trustees persons to receive honorary degrees.

Comment: I want to take a minute to thank Ulrike and her committee for their hard work.

Both motions passed with 19 for and 4 against.

Fringe Benefits Committee report by Peter Siavelis (refer to Addendum C & D for full report):

Peter came back to the Faculty Senate because there has been a change in the proposed medical plan options that the Senate had previously endorsed. During the last Senate meeting, the Senate approved a motion that the administration should seek other places for revenue to cover the 2.1-million-dollar shortfall and if they could not, then the Senate approved option 3. This option was a move to increase the employee premium by 5% and move to a value network. Once the numbers were finalized, the administration proposed a 10% premium hike. Other changes are the out-of-network maximum was \$2350 but will now be \$2500; individual deduction in the high plan was \$950 but will now be \$1250; and the out-of-pocket maximum was \$5650 and will now be \$6250. The question that arose, was, as a general principle in terms of the type of plan and option, it is indeed what the senate endorsed last month, but the numbers and amounts are different. Should the Senate act on this or not?

Discussion ensued:

Comment: This is a lot worse than what was given as an option at the last meeting.

Pete said that since the Senate endorsed the principal plan with different numbers, we could withdraw our endorsement of the plan or ask the administration to do something else.

Comment: Hof mentioned that the reason that this was as much as it was per employee was because they are making up a deficit in ways that they had not had to do in previous years. When asked if such an adjustment had been made before, his answer was that this is the first time.

Comment: It seems that this is a matter of principal and we should think about why the deficit is being made up on our backs. Why is this deficit being taken care of through this health plan, this year?

Q: Is there any benchmark as to how this fits into our annual pay increases?

A: (Pete) I'm not in a position to say how salary increases will play into this. Maybe Hof would like to comment.

Comment: (Hof) In terms of salary increases, they will vary from school to school depending on the state of the budget for each school. There is a general increase that is planned across the university, which is more than enough to handle the increase in premiums. I have to tell you that there is no other place to get the money. The only place would be to hold back on salary increases across the university. You are far better off as individuals to receiving pre-tax dollars instead of lower premiums. We are trying to hold the line on a 70/30 split between the university and employees on premiums. We made money in FY15, lost a lot in 16 and will lose a lot this year. We are not trying to go back and get the money lost in prior years, but we are trying to make sure that we break even on the plan this year. I know there is a lot of concern about going to a value network. If we take last year's claims of \$20 million, \$221 thousand went to hospitals

that would be out of network under this new model; \$467 thousand on out-of-network professional fees. It is a modest portion of the claims in the plan. Some people will see additional costs if they are going to out-of-network providers, but it won't affect that many people. We have been told that by going to the value network, on about 90% of our claims we will see about a 10% saving on claims overall. I will be surprised if we achieve that much savings. The value network is renegotiated with providers on a calendar-year basis. It may be that on January 1 we lose that advantage. We have many challenges to deal with on the medical plan and we don't have anywhere else to get it in the university budget except through what would have gone to salaries.

Q: The concern is for the staff who are paid a low salary, has anyone thought about having a plan that is salary-dependent?

A: (Pete) The senate passed a motion to study that option. Hof said that the leadership is supportive of that but not able to do it this year. Workday will be able to handle something like that. Hof apologized if he seemed more direct than usual, but he knows where the challenges are, having spent all day preparing to present the University budget to the Board of Trustees. We are in a very challenging period. We want to be competitive on salaries. With the work we've done with the consultants and when comparing with peer schools, we are doing well.

Q: We keep bumping up to the same principle every year, that this plan always must pay for itself and always stand on its own two legs. Is that generally the accepted way of doing things across institutions, or is there more flexibility in the budget for health care to be subsidized in other ways? There are units running at a deficit on this campus, including athletics, that we routinely subsidize. Is the general principle that every unit must stand on its own two feet and pay for itself?

A: If athletics runs a deficit, they pay interest.

Q: As a general principle, are these health plans across universities designed to pay for themselves?

A: Usually, unless you want to pull back on other benefits to help cover that deficit. Healthcare is a huge challenge for not only universities but corporations as well. I'm not sure with what we've put on the table that we're going to break even next year.

Q: Hof, you mentioned that compared to peer schools we are doing well. Who are those peer schools?

A: We've looked at Duke, Elon, UNC, Davidson, Furman, and Vanderbilt. We have looked at their high and low plans.

Hof reported that they are expanding the benefits to include the autism benefit up to \$40K per year. He said that the 10% increase doesn't cover the full cost of those benefits.

Compensation Committee report by Wilson Parker (refer to Addendum E–N for full report):

Wilson referred the senators to the handout regarding salary comparisons. He will provide 9 charts that were the source of these summaries to be added to the minutes. In general, the

historic comparison of salaries has been based around nine cross-admit schools: Davidson, Duke, Emory, Richmond, UNC, UVA, Vanderbilt, Washington, and William & Mary. He went back ten years and was not as interested in what the numbers were as in the deviation from the mean. In 2006-07, WFU was -10% below the mean for Full Professors against our peer institutions. In 2011-12, that gap was reduced to -2.2%, but in 2016-17, the gap had increased to -7.4%. The department of institutional records is now putting in a cost-of-living adjustment. If you consider the COLA in 2016-17, it reduces the gap from -7.4% to -3.3%.

For Associate Professors, in 2006-07 the gap was -4.1% below the mean and was reduced in 2011-12 to -2.8% but has now expanded to -10.7% in 2016-17. The lesson here is that there was a gap between 2006 and 2011 and the university moved in significant ways to narrow the gap but has fallen behind in the last five years. This is more drastic for Assistant Professors; in 2006-7 they were -13% below the mean but by 2011-12 they had gone +1.3% over the mean. These figures do not include the medical schools but does include the professional schools. Next year the compensation committee might want to canvass the department chairs to inquire if WFU is having problems with recruitment, due to salary concerns.

The next document is a comparison with the Colonial Group: BC, BU, Brandeis, GW, Lehigh, NYU, Northeastern, SMU, Syracuse, Tufts, Miami, and Notre Dame. The adjusted figures are dramatically better but still have problems at the Assistant Professor level. Wilson created a list with College-only salary comparisons which included: Bryn Mawr, Bowdoin, Davidson, Dickinson, Furman, Kenyon, Pomona, Swarthmore and Williams. He compared WF college salaries for the past year with those colleges. WFU was -4.4% below with Assistant Professors, -11.5% for Associate Professors and -2.1% for Professors, but when taking the COLA into account, WFU was positive in all three categories.

Discussion ensued:

Comment: (Michele Gillespie) She informed the Senate that she just pulled data from the current College searches to tell you where they stand. She reported that out of 18 TT searches, only one department had a failed search. Overall, the College has 28 positions filled and only two failed searches, one TT and one Teaching Professor.

No additional reports.

Professor Carter inquired if there was any new business; hearing none, he adjourned the meeting at 5:08 p.m.