

FORT WAYNE SENATE AGENDA
MONDAY
March 11, 2019
12:00 P.M., KT G46

1. Call to order
2. Approval of the minutes of January 14, January 28, and February 11
3. Acceptance of the agenda – K. Pollock
4. Reports of the Speakers of the Faculties
 - a. Deputy Presiding Officer – R. Hile
 - b. IFC Representative – J. Nowak
5. Report of the Presiding Officer – J. Clegg
6. Special business of the day
 - a. Faculty Senate Question Time (Senate Reference No. 18-36) – J. Clegg
 - b. Presiding Officer’s Response on the 2 Question Rule (Senate Reference No. 18-37) – J. Clegg
7. Committee reports requiring action
 - a. Executive Committee (Senate Document SD 18-11) – K. Pollock
 - b. Executive Committee (Senate Document SD 18-12) – K. Pollock
8. Question time
 - a. (Senate Reference No. 18-38) – A. Nasr
 - b. (Senate Reference No. 18-39) – A. Livschiz
 - c. (Senate Reference No. 18-40) – Executive Committee
9. New business
 - a. (Senate Document SD 18-13) – C. Erickson
 - b. (Senate Document SD 18-14) – C. Erickson
10. Committee reports “for information only”
11. The general good and welfare of the University
12. Adjournment*

*The meeting will adjourn or recess by 1:15 p.m.

Approving

J. Clegg

R. Hile

A. Nasr

J. Nowak

K. Pollock

B. Redman

N. Younis

Opposed

Non-Voting

W. Sirk

Absent

Attachments

“Faculty Senate Question Time” (SR No. 18-36)

“Presiding Officer’s Response on the 2 Question Rule” (SR No. 18-37)

“Resolution to Re-establish PFW Senate Right of Advisement in the Development of the University Strategic Plan” (SD 18-11)

“Disclosure of Pay Scales for Staff” (SD 18-12)

“Question Time – re: Discouraging Early Promotion and Tenure Cases” (SR No. 18-38)

“Job Family Structure Review Process” (SR No. 18-39)

“Loss of Purchasing Power for Faculty and Staff” (SR No. 18-40)

“Purdue Online” (SD 18-13)

“Orderly Process for Course Cancellations Based on Enrollment Minimums” (SD 18-14)

Faculty Senate Question Time

The Bylaws of the Faculty Senate set forth that there is a specific section of the agenda for question time:

Bylaws 2.4.9. "Question time. At this time the university administration will respond to written questions submitted in advance through the Executive Committee."

The process for submitting those questions is through the Executive Committee as stated in the bylaw below:

Bylaws 5.2.1.2.2. "Receive written questions, for response by the campus administration, from any member of the Voting Faculty and continuing lecturers. The Executive Committee shall ensure that these questions are routed to the appropriate university office, and shall place the text of each question on the agenda of the following meeting of the Senate or the next Faculty Assembly or Convocation, whichever is first."

In the process of receiving the questions the Executive Committee uses several criteria to determine if questions should be placed on the next senate agenda or returned to the submitter for re-writing or later re-submission. If a question is returned to the submitter a clear explanation for that return will be given.

Reasons that a question may be returned for re-writing or resubmission:

Tone. According to Roberts Rules of Order Newly Revised (11th edition): "Speakers must address their remarks to the chair, maintain a courteous tone, and—especially in reference to any divergence of opinion—should avoid injecting a personal note into debate. To this end, they must never attack or make any allusion to the motives of members. (Section II The Conduct of Business in a Deliberative Assembly, Sub-Section Part 4 the Handling of a Motion, Sub Section Debate on the Question p. 43)

By that standard, questions that do not maintain a courteous tone, are personal, or attack the motives of members of the senate will be returned to the submitter to be edited and may be resubmitted for inclusion in a future senate meeting.

Grouping of questions. If the Executive Committee feels that a question is substantially similar to another question they may group the questions, including the full text of both questions, and send them to the administration to answer as one question.

Timing. At times a question may be sent back to the submitter because the information needed to answer the question is not available yet or because more time is needed to evaluate the potential answer. In this case the explanation given will ask the submitter to re-submit at a later date.

Questions not governed by 2.4.9. As stated in the bylaws, questions should be for the campus administration. Questions directed to any other body would need to be introduced in the new business portion of the agenda in the form of a motion or resolution, or in general good and welfare.

Any question that has been returned to the submitter may be re-submitted at any time and will be considered again.

Presiding Officer's Response on the 2 Question Rule

As set forth in the Bylaws of the Senate Point 1 "Rules of Order" states that: "1.1. Except as otherwise provided herein, *Robert's Rules of Order, Newly Revised* shall govern the conduct of meetings of the Senate, assemblies and convocations of the Faculty, and proceedings of committees and subcommittees established by the Senate or by Senate committees.

This makes clear that Roberts Rules of Order governs all aspects of senate meeting unless an exception has been specifically set forth in the bylaws. As there are no exceptions currently in the senate bylaws all provisions of Roberts Rules are in effect.

Roberts Rules of Order Newly Revised (11th edition) states that: "In the debate, each member has the right to speak twice on the same question on the same day, but cannot make a second speech on the same question so long as any member who has not spoken on that question desires the floor. A member who has spoken twice on a particular question on the same day has exhausted his right to debate that question for the day." (Section II The Conduct of Business in a Deliberative Assembly, Sub-Section Part 4 the Handling of a Motion, Sub Section Debate on the Question p. 43).

This statement makes clear that each senator is only allowed two questions/comments per topic per day. It is clearly one of the rules of order and as such should be applied to senate deliberations. Its purpose is to ensure orderly and efficient discussion that gives the minority the right to make its voice heard and the majority its right to continue with the business of the day.

Roberts Rules of Order states that: "The application of parliamentary law (rules of order) is the best method yet devised to enable assemblies of any size, with due regard for every member's opinion, to arrive at the general will on the maximum number of questions of varying complexity in a minimum amount of time and under all kinds of internal climate ranging from total harmony to hardened or impassioned division of opinion". (Principles Underlying Parliamentary Law p. XLVIII).

If a senator feels that there has not been enough debate on a topic or is unsatisfied with answers to the questions. They should introduce a motion or resolution to address the issue. Creating motions and resolution are more likely to address an issue or bring about change than long periods of questioning. The goal of the two question rule is not to limit debate but to focus debate and encourage the use of motions and resolutions to achieve outcomes.

In response to the issues discussed in Senate, Senators are encouraged introduce a resolution addressing the issue or to use any of the following motions:

- Move to charge a standing committee with evaluating, considering, investigating, etc. (Requires two thirds majority to carry).
- Move to create an ad hoc committee or working group to investigate or discuss the issue. (Requires two thirds majority to carry).
- Move to have a Town Hall Meeting to let all faculty and staff have a discussion about an issue. (Requires two thirds majority to carry).
- Move to call a special meeting of the senate. Must be approved by 40% of the senators. Subject to rule restricting senate meetings to no more than 2 per month.

MEMORANDUM

TO: Fort Wayne Senate

FROM: Kathy Pollock, Chair
Executive Committee

DATE: February 22, 2019

SUBJ: Resolution to Re-establish PFW Senate Right of Advisement in the Development of the University Strategic Plan

WHEREAS, the Purdue Fort Wayne community is currently reviewing its strategic plan; and,

WHEREAS, the Strategic Plan Steering Committee, consisting of faculty, staff, students, staff, and university leadership, was charged with “governance, guidance, oversight, and active leadership of the strategy planning process;” and,

WHEREAS, the University has recently gone through drastic restructuring and changes with USAP, the Realignment Process, and the separation of IU from Purdue; and,

WHEREAS, Senate Document SD 13-21, “Resolution to Establish IPFW Senate Right of Advisement in the development of the University Strategic Plan,” sets a precedent that “the final draft of the strategic plan will be sent to the senate upon completion for review and comment before implementation of the plan,”

WHEREAS, in accordance with SD 13-21 and SD 17-7, the Constitution of the Faculty of Purdue University Fort Wayne, the Purdue Fort Wayne Senate has the right to review and recommend changes to the outcomes of the Strategic Plan that would involve or potentially involve any changes to academic organization, determination and management of the budget, planning of physical facilities, increases and decreases in staff, and any other alterations bearing on the faculty’s right to protect the interests of Purdue;

BE IT RESOLVED, that; the Purdue Fort Wayne Senate will review and recommend changes during the April 15, 2019 senate special session – and subsequent meetings, if need be – to respond to the outcomes of the Strategic Plan.

BE IT FURTHER RESOLVED, that the Senate have adequate opportunity to consider, weigh in, make recommendations, and vote on a final version of the plan before its implementation.

Approving
J. Clegg
R. Hile
A. Nasr
J. Nowak
K. Pollock
B. Redman
N. Younis

Opposed

Non-Voting
W. Sirk

Absent

To: Chancellor Elsenbaumer

From: Faculty Senate

Date: February 27, 2019

Re: Disclosure of Pay Scales for Staff

WHEREAS, the faculty community is concerned about pay for its devoted and hard working staff, and

WHEREAS, the Executive Committee of the Faculty Senate requested Pay Scale information be presented at the January meeting but it was not,

BE IT RESOLVED, the Senate requests that this information should be made available immediately to the campus community without further delay.

Approving

J. Clegg

R. Hile

A. Nasr

J. Nowak

K. Pollock

B. Redman

N. Younis

Opposed

Non-Voting

W. Sirk

Absent

Question Time

Has West Lafayette instructed, either formally or informally, the PFW Office of Academic Affairs on whether early promotion and tenure cases will receive treatment different from other cases for promotion and tenure once they have left this campus? If so, what is the basis for that differential treatment, and what criteria will West Lafayette use in its decisions, once early cases leave this campus with a favorable recommendation?

A. Nasr (on behalf of the COAS Faculty Affairs Committee)

Question Time

In January, Cynthia Springer came to senate and answered questions about the new Job Family Structure. Since then, we have been told that 183 requests were submitted and 107 of them were recommended to be changed.

To get a better sense of how the review process affected employees on this campus, I think it would be good for senate to see the following data--breakdown by department and level of how many people submitted appeals and how many people had their appeals approved

For example,

Department X

3 people requested to be moved from S1 to S2

1/3 approved

2 people requested to be moved from S2 to S3

0/2 approved

Department Y

5 people requested to be moved from S1 to S2

5/5 approved

3 people requested to be moved from S2 to S3

0/3 approved

ETC.

Rationale for the question: there is a strong sense that some units were treated less generously than others during the reevaluation process and seeing this distribution would allow us to see if there was any correlation between success of appeals and the department/area of the employee.

I would also like to note that EC made the request for data from HR about the job family structure in December, and it was only received in mid-February, and only after a reminder from the EC. I hope that this data will be sent to senate in time for the March 11th meeting, especially since we only have 2 senate meetings left this year.

A. Livschiz

Question Time

Over the last ten to twelve years raises have been either forgone or based only on merit. The very small merit raise pool (never more than 1 to 2 percent on years given) over those twelve years has resulted in an approximate loss of purchasing power of 20 to 25 percent for faculty and staff.

How does the current administration plan to address this egregious situation?

Executive Committee

To: The Fort Wayne Senate
From: The College of Arts and Sciences Council
Subject: Purdue Online
Date: February 20, 2019

WHEREAS, the College of Arts and Sciences Council, noting that Purdue Online has gained access to all online courses taught at Purdue Fort Wayne without prior faculty knowledge or consent, passed a resolution on February 4, 2019 asking the Purdue Faculty Senate to charge the Faculty Affairs Committee with creating a campus-wide policy to oversee the orderly and equitable transfer of teaching materials to Purdue Online,

WHEREAS, the COAS Council also noted that the relationship between Purdue Online and Purdue University Global is unclear and that faculty are concerned about the possibility of losing oversight and control over their intellectual property from both online courses and courses taught in classes with online components, such as seeing that content funneled into Purdue University Global and taught by other instructors, and;

WHEREAS, the COAS Council further noted that there is currently no policy in place that allows input from PFW faculty as to what teaching materials are transferred to Purdue Online, how those materials will be used, and who those materials will be used by,

BE IT RESOLVED, that the Purdue Fort Wayne Faculty Senate charge the PFW Faculty Affairs Committee with creating a campus-wide policy overseeing the orderly and equitable transfer of teaching materials to Purdue Online, which would include ensuring faculty giving prior and informed consent before any use of their intellectual property by Purdue Online or any other entity within the Purdue System, and;

BE IT FURTHER RESOLVED, that the Purdue Fort Wayne Faculty Senate uses any and all available channels of shared governance to advocate for compliance with this policy at all campus and system levels.

DATE: February 4, 2019

TO: College of Arts and Sciences Council

FROM: COAS Executive Committee

SUBJECT: Purdue Online

WHEREAS, Purdue Online has obtained access without prior faculty consent to any and all online courses, including instructional materials that are the intellectual property of Purdue University Fort Wayne (PFW) faculty “for possible use to corporate clients,”¹ and;

WHEREAS, Purdue Online has instigated this action without any meaningful attempt to go through existing shared governance structures or attempt to get input directly from the PFW faculty, and;

WHEREAS, the Deputy General Counsel of Purdue has stated that “Purdue Online’s request for access is entirely within the institution’s rights and we need not wait for instructor permission to grant access,”² and;

WHEREAS, this action by Purdue Online represents a direct conflict between faculty’s contractual obligations to Purdue, and faculty rights to their own intellectual property, and;

WHEREAS, Purdue Online is a new entity and Purdue University Global is a new acquisition, and the relationship between the two remains unclear, and;

WHEREAS, COAS faculty are concerned about the possibility that they will lose oversight and control over their intellectual property from both online courses and courses taught in classes with online components, such as seeing that content funneled into Purdue University Global and taught by other instructors, and;

WHEREAS, there is currently no policy in place that allows input from PFW faculty as to what teaching materials are transferred to Purdue Online, how those materials will be used, and who those materials will be used by, and;

WHEREAS, the 2013 AAUP Statement on Intellectual Property states that unless “specifically and voluntarily created as works made for hire,” all faculty lectures and original instructional materials constitute faculty intellectual property that “cannot be revised, edited, supplemented, or incorporated into courses taught by others without the consent of the original creator,” nor can these materials “as a

¹ See Karen VanGorder’s email October 3, 2018 (attached).

² Ibid.

whole be assigned to another instructor without the consent of the faculty member who created the course, and;

WHEREAS, a bedrock standard of shared governance gives faculty control over the curriculum, including control over how, when, where, and in what modality faculty deliver that curriculum,

BE IT RESOLVED, that the Council calls upon the PFW Faculty Senate to charge the PFW Faculty Affairs Committee with creating a campus-wide policy overseeing the orderly and equitable transfer of teaching materials to Purdue Online, which would include ensuring faculty giving prior and informed consent before any use of their intellectual property by Purdue Online or any other entity within the Purdue System, and;

BE IT FURTHER RESOLVED, that the Council urges development of campus-wide policy that will address faculty concerns about an orderly and equitable transfer of teaching materials to Purdue Online or any other entity within the Purdue System, and;

BE IT FURTHER RESOLVED, that the Council urges Senate to use any and all available channels of shared governance to advocate for compliance with this policy at all campus and system levels.

Karen Van Gorder

Wed 10/3/2018 12:08 PM

To:

Angela Williams

Cc:

Julie Yoder;

Manoochehr Zoghi;

Melissa Gruys;

Eric Link;

James Burg;

John O'Connell

Inbox

Good morning all:

Purdue Online (system level) has asked for access to all of Purdue Fort Wayne's courses in Blackboard for possible use to corporate clients. I asked some questions and here is the response I received from Trent Klingerman, Deputy General Counsel:

"It is my limited understanding that there was a concern voiced at PFW over permitting Purdue Online personnel access to syllabi, etc. for purposes of a necessary and urgent readiness assessment. The concern was relayed to me as whether such access was consistent with the principle of faculty ownership of their instructional works.

I am happy to discuss this with you and answer any questions; but, in a nutshell, the university has a right (by virtue of a non-exclusive, royalty-free license) to these materials for all research and educational purposes. In my judgment, Purdue Online's request for access is entirely within the institution's rights and we need not wait for instructor permission to grant access."

Access is being granted this morning. Please direct any questions to Dr. Drummond.

Karen L. VanGorder, CPA, MBA
Executive Director, Division of Continuing Studies
Purdue University Fort Wayne (PFW)



Please consider the environment before printing this email.

To: The Purdue Fort Wayne Senate
From: The College of Arts and Sciences Council
Subject: Orderly Process for Course Cancellations Based on Enrollment Minimums
Date: February 20, 2019

WHEREAS, the College of Arts and Sciences Council, noting the confusion that has occurred when terminating courses based on enrollment minimums, passed a resolution on February 4, 2019, urging the Purdue Fort Wayne Senate to create an orderly process for course cancellations, and;

WHEREAS, the COAS Council also noted that the lack of an orderly process for terminating courses based on enrollment minimums, which has negatively impacted some academic units and faculty's ability to control the curriculum as outlined in the Constitution,

BE IT RESOLVED, that the Purdue Fort Wayne Faculty Senate develop a consistent, predictable, and orderly process for determining and communicating to the Voting Faculty both a stable number for enrollment minimums and well-defined procedures for canceling class that do not meet those minimums, and;

BE IT FURTHER RESOLVED, that the Purdue Fort Wayne Faculty Senate establish in this process a reasonable timeline and deadline for when in a semester, or between semester, course cancellations based on enrollment minimums will occur, and;

BE IT FURTHER RESOLVED, that the Purdue Fort Wayne Faculty Senate establish in this process an allowance for reasonable exceptions and appeals processes based on whether a class has one or more graduating seniors; whether a decision to cancel one or more classes would harm student success and progress within an academic program; or any other factor based on educational considerations, or any factor that would impinge upon faculty control over the curriculum as outlined in the Constitution of the Faculty, and;

BE IT FURTHER RESOLVED, that the Purdue Fort Wayne Faculty Senate ensures that this process abide by established principles and practices of shared governance involving collaboration and cooperation between faculty, administration, and other constituencies who share mutual interests in ensuring that the university meet minimum enrollment targets, and that these targets treat both individual units and faculty fairly, regardless of faculty employment status or academic unit size.

To: College of Arts and Sciences Council
From: COAS Executive Committee
Re: Orderly Process for Course Cancellations Based on Enrollment Minimums
Date: 4 January 2019

WHEREAS, Purdue University Fort Wayne as a whole has faced declining enrollments, and;

WHEREAS, university administration has attempted to address those declines through imposing continuously variable minimum enrollments that escalate from semester to semester, and;

WHEREAS, the imposition of these minimums has occurred largely without clear or orderly communication; and outside a collaborative and cooperative process of shared governance, and;

WHEREAS, the rigid and frequently last-minute impositions of these minimums have resulted in confusion and disruptions to academic units and their ability to administer the educational mission of the institution, and;

WHEREAS, the Constitution of the Faculty of Purdue University Fort Wayne grants Voting Faculty the exclusive right to “determine the policies for class scheduling” (VI.A.3.b of <https://www.pfw.edu/committees/senate/documents/documents/2017-18/Constitution.3.12.2018.pdf>), and;

WHEREAS, poorly conceived and executed policies regarding the use of enrollment minimums to justify course cancellations, often occurring without meaningful collaboration and cooperation with faculty, ultimately undermine faculty control over the curriculum as outlined in the Constitution, and;

WHEREAS, decisions to terminate classes run the risk of terminating non-tenured faculty appointments, and;

WHEREAS, the American Association of University Professors’ (AAUP) 2018 revision of “Recommended Institutional Regulations on Academic Freedom and Tenure” noted that decisions involving termination of faculty should “be based essentially upon educational considerations, as determined primarily by the faculty as a whole or an appropriate committee thereof,” (<https://www.aaup.org/report/recommended-institutional-regulations-academic-freedom-and-tenure>), and;

WHEREAS, the AAUP’s “Recommended Institutional Regulations on Academic Freedom and Tenure” specifically defined “educational considerations” as exclusive of “cyclical or temporary variations in enrollment,”

BE IT RESOLVED, that the Council recommend Senate as the most appropriate body to take up and consider developing a consistent, predictable, and orderly process for determining and communicating widely to the Voting Faculty both a stable number for enrollment minimums; and well-defined procedures for canceling classes that do not meet those minimums, and;

BE IT FURTHER RESOLVED, that this process establish a reasonable timeline and deadline for when in a semester, or between semesters, course cancellations based on enrollment minimums will occur, and;

BE IT FURTHER RESOLVED, that this process allow for reasonable exceptions and appeals processes based on whether a class has one or more graduating seniors; whether a decision to cancel one or more classes would harm student success and progress within an academic program; or any other factor based on educational considerations, or any factor that would impinge upon faculty control over the curriculum as outlined in the Constitution of the Faculty, and;

BE IT FURTHER RESOLVED, that this process abide by established principles and practices of shared governance involving collaboration and cooperation between faculty, administration, and other constituencies who share mutual interests in ensuring that the university meet minimum enrollment targets, and that these targets treat both individual units and faculty fairly, regardless of faculty employment status or academic unit size.