

FACULTY COUNCIL MINUTES
250 Student Union
April 8, 2003

Ed Lawry called the meeting to order with the following members present: Achemire, Arquitt, Bays, Bear, Bilbeisi, Binegar, Comer, Ebro, Gasem, Gelfand, Greiner, Henderson, Holcombe, Lavery, Lehenbauer, Masters, Moder, Mokhtari, Mott, Murray, Peeper, Redwood, Veenstra, and Wetzel. Also present: T. Agnew, D. Bosserman, J. Douglas, B. Fischer, G. Gates, B. Graalman, S. Harp, S. Henderson, B. Henley, A. Hildebrand, T. Jenkins, L. Jones, B. McLaughlin, L. Miller, C. Mitchell, E. Mitchell, V. Mitchell, S. Ownbey, J. Vitek, J. Wallin, N. Watkins, and J. Wheat. Absent: Damicone, Lamphere-Jordan, Morgan, Van Delinder, and Weiser

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Ed Lawry announced President Schmidly would not be in attendance at the meeting because of a flight delay.

Moder moved acceptance of the March 11, 2003, Minutes. Bays seconded. The Minutes were approved. Moder moved acceptance of the March 11, 2003 Agenda. Gasem seconded. The Agenda was approved.

Lawry also announced that Chancellor Paul Risser, State Board of Regents, was scheduled to be at this meeting and say a few words prior to a meeting at the Stillwater Chamber of Commerce and at the last minute was called to the State Legislature regarding the budget. Hopefully he will be able to attend a future Faculty Council Meeting.

Introduction of Truman and Goldwater Scholars – Bob Graalman

Bob Graalman began by saying, as always, it was an amazing experience for his office to see the quality of support, mentorship, and encouragement that come from the faculty in all of these national competitions. He said when he consults with colleges around the country they are quite amazed at the number of faculty at OSU who are fully invested in having students apply for and receive these scholarships. He stressed they sincerely appreciate the efforts of the faculty. First, he wanted to update all in attendance on two individuals that had been introduced in the past because they have had a remarkable fall, winter and now spring. He asked Bryan McLaughlin and Bart Fischer to stand. Bryan is an Electrical Engineering student from Okla. City and a 2002 Goldwater Scholar, 2003 Marshall Scholar, and 2003 USA Today All American (one of only 20 students selected in the country). He will attend Cambridge next year and study Optical Electronics. Bart is an Agricultural Economics major from Chattanooga, OK and a finalist for the Truman in 2002, finalist for the Marshall in 2003, and finalist for the Gates in 2003. He hopes to attend Cambridge next year if funding becomes available. Graalman stated that until this year OSU had never had a multiple Goldwater year. There were 15 on-campus applicants for this scholarship and he was told this was probably the most competitive group of students that OSU has ever seen. Four were nominated: Ashley Price (not present at Faculty Council) is a Chemical Engineering major from Overland Park, KS and a Goldwater nominee 2003. She had several patents working for Phillips Petroleum. Ryan Scott (not present at Faculty Council) a Math/Physics double major from Stillwater, who did a most fascinating research project. He was named Honorable Mention in the Goldwater competition. Graalman introduced Cassie Mitchell, Chemical Engineering major from Warner, OK and 2003 Goldwater Scholar. The Goldwater is the most prestigious scholarship in science, engineering and mathematics. Cassie said she wanted to thank the College of Engineering and said the professors in that College go above and beyond. She continued that Chemical Engineering was like a family to her, especially her mentor, Dr. Randy Lewis who helped her with the Wentz Project and also to the different professors that have helped her apply for internships and for an excellent research experience at Phillips Petroleum last summer. She continued that the Engineering College actually does more than push academics – they help with people skills, influence your community service, and make well-rounded engineers and she feels this is really important. Graalman then introduced Ashleigh Hildebrand, also a Chemical Engineering major from Wichita, KS and also a 2003 Goldwater Scholar. Graalman said that what makes Ashleigh's candidacy and Goldwater scholarship quite special is that she is just as active in the Honors College as she is in Chemical Engineering. She has done remarkable things in promoting honors for women engineers and has already had two papers published. She works with Dr. Steve McKeever. Ashleigh said she was an engineering major but because of Honors she did an Honors Contract for her Physics II course and that is what got her into Dr. McKeever's lab. She started working with a professor that was working under him and received two published papers out of it. She decided to take that theory and expand it and that led her to the Environmental Radiation research that she is doing now. She continued, not being a Physics major and being the only undergraduate working in their lab, Dr. McKeever and the entire Physics Department have been absolutely amazing in helping her out and fulfilling her dreams.

Graalman said this was a banner year for Oklahoma State and the state of Oklahoma in regard to having four Truman Scholars. The only other state that had four was New York. Oklahoma and New York led the country in Truman Scholars – one from here, one from OU, one from Tulsa

and one from Wake Forrest. Graalman then introduced Tom Jenkins, a Fire Protection and Safety Technology major from Broken Arrow, OK and a 2003 Truman Scholar who also received Goldwater Honorable Mention in 2003. Tom was President of the Student Body at Broken Arrow High School, is an exceptional leader, and would like to work in public service in the area of Homeland Security. Graalman said Chuck Edgley was very critical in promoting a very strong ethical and philosophical side to Tom's application because his application was quite unusual in the area of study he is pursuing. Tom said he was very glad to be in attendance and agreed that the College of Engineering was very instrumental in helping him achieve this honor and felt, more importantly, that OSU, the faculty, and Drs. Edgley and Graalman, had gone above and beyond to help him. He said faculty excel in what they do and he thanked everyone for what they have done for him and what they will continue to do for students who follow in their footsteps. Graalman said Tom would be invested as a Truman Scholar on May 25 at the Truman Library in Independence, MO. If anyone is in the area they should try to attend.

Also, Fred Beartrack (not present at Faculty Council) is a Mechanical & Aerospace Engineering major from Fairfax, OK, and a 2003 Udall Nominee.

Graalman ended by inviting everyone to Wentz Day April 23, 1-3 p.m. in the SU Ballroom where all the Wentz projects will be displayed and two days later on April 25, 4:00 is the Scholar Development reception where plaques will be unveiled for all the honored students to hang in the hallway. Finally he announced they are also giving student scholarships to go to Oxford to study with Blaine Greteman and Edward Jones this summer. Any student interested should see Dr. Graalman.

REPORT OF STATUS OF FACULTY COUNCIL RECOMMENDATIONS:

President Schmidly, Executive Vice President, and Vice Presidents

- 01-04-01-BUDG ***Market-Driven Salary Increase to Tenured and Tenure-Track Faculty:***
Funds not available at this time. Recommendation referred to University Budget Committee for consideration. Schmidly reported at 02/11 meeting that the proposal needs further evaluation and the administration will continue to look at faculty salary issues.
- 01-05-01-CFSS ***Parking Policy:*** Pending response from Geary Robinson. President Schmidly reported at the March FC meeting that the CFS&SC gave their response to Geary Robinson on February 24 and a response should be forthcoming from Robinson soon.
- 02-12-01-ASP ***Policy on Final Exam Schedule for Distance Delivered Courses:***
Pending. UEIED Credit Course Committee met on March 3 to review the recommendation and results of the discussion were presented to the University Extension Council on March 10. Suggested modifications to the original recommendation will be provided to the ASP Chair for consideration.
- 02-12-04-RFB ***Maternity/Family Leave Recommendation:*** Pending. The Leave Task Force of the Flexible Compensation Benefits Committee is considering this and other recommendations on leave.

- 03-02-01-ASP ***Revision of P&P Letter 2-0206 Dropping and Adding Courses and Withdrawing from the University:*** Pending. Proposed revisions will be reviewed by the Council of Student Academic Services Directors and discussed with Student Government representatives. Policy revisions will be delayed until the Vice President for Enrollment Management and Marketing has an opportunity to review and provide input.
- 03-02-02-ATH ***Tracking Athletes:*** Pending. Referred to the Office of University Assessment for possible inclusion in the university-wide assessment plan. Recommendation will also be referred to the Athletic Council for input.
- 03-02-04-RFB ***Change to the Employee Sick Leave Cap:*** Pending. A similar recommendation is being considered by Staff Advisory Council. As such, the administration would like to study input received from both groups prior to formulating a response.
- 03-03-01-RES ***Guidelines for Disbursement of University Start-Up Funds:*** Pending. Will be shared with Research and Deans Councils and with the Executive team.
- 03-02-06-EXEC ***Tulsa Bus Policy:*** Pending. The Tulsa bus system will be reviewed examining possible expansion and financing, with no changes in policy or charges being made until the review is completed.
- 03-04-01-EXEC ***Martin Luther King Day as Additional Paid Holiday:*** To President Schmidly.
- 03-04-02-COUNCIL ***Freeze on OSU and NOC "Memo of Understanding":*** To President Schmidly.

SPECIAL REPORT: OSU Results from the 2002 National Survey of Student Engagement (NSSE) – Julie Wallin and Shiretta Ownbey

Julie Wallin, Director of University Assessment, and Dr. Shiretta Ownbey, Associate Professor of Design, Housing, and Merchandising and Associate Dean, CHES, presented the OSU 2002 results from the National Survey of Student Engagement. Wallin provided an overview of the survey results, and Ownbey discussed the Assessment Council's recommendations for responding to and using the survey results.

The National Survey of Student Engagement (NSSE) evaluates the extent to which freshmen and seniors in U.S. colleges and universities engage in educational practices that have been empirically associated with high levels of learning and development. The survey provides

- An alternative view of collegiate quality that focuses on learning.
- A versatile research-based tool that provides usable information for institutional improvement.
- Reliable, credible information about the quality of the undergraduate experience that can be used by accreditors, prospective students, and others.
- An annual assessment of how institutions are performing on effective teaching and learning activities.

NSSE was developed to refocus the conversation about undergraduate quality to student learning and students' educational experiences. This was partly in response to the *U.S. News and World Report College Rankings*, which uses graduation rates, SAT/ACT scores, admissions selectivity, academic reputation, alumni giving rates, and similar measures to rank colleges and universities. In contrast, the NSSE focuses on educational quality by evaluating the quality and frequency of student-faculty interactions, student participation in enriching educational activities, how much time students spend studying, the extent of required reading and writing in courses, the types of mental activities emphasized in courses (e.g., memorizing vs. synthesizing ideas or applying concepts), and the extent to which students are involved in educational practices that are correlated with high levels of learning. The NSSE is intended to enhance institutional improvement efforts and provide a tool for systematically collecting evidence of good educational practices at colleges and universities. The survey is supported by the grants from Lumina Foundation for Education, The Pew Charitable Trusts, and The Carnegie Foundation for the Advancement of Teaching. Information about the survey and related research articles that describe the survey's reliability, validity and stability is discussed in detail on the NSSE website (<http://www.indiana.edu/~nsse/>).

Wallin's presentation focused on the 2002 OSU results from the NSSE; these findings were similar to OSU's 2000 results. In spring 2002, a random sample of OSU seniors and freshmen were sent letters and email messages inviting them to participate in the survey, and students completed the survey online. A total of 622 OSU students completed the survey, representing a 21% survey response rate. Nationally, 80,497 students from 366 institutions participated in the 2002 NSSE, including 15,548 students from 48 other doctoral / research institutions (OSU's peer comparison group).

Wallin provided Faculty Council with a summary that highlighted the 2002 survey results and provided comparative data from the 48 other doctoral, research institutions that participated in the survey (NSSE 2002 Summary available as a link from an announcement on the center main page of <http://facultycouncil.okstate.edu>). Wallin presented excerpts of the results, pointing out areas where OSU seniors reported educational experiences that were significantly different ($p < 0.01$) from seniors at other research institutions. For example,

- OSU seniors were less likely to ask questions in class or contribute to class discussions,
- OSU seniors were less likely to complete five or more writing assignments in their senior year,
- OSU seniors were less likely to have five or more assigned textbooks or readings in their senior year,
- OSU seniors were more likely to say that their coursework emphasized memorizing facts and less likely to say that their coursework emphasized higher-order mental activities such as synthesizing ideas,
- OSU seniors were less likely to use email to communicate with instructors or to have used electronic media (e.g. the internet) to complete course assignments,
- OSU seniors were less likely to participate in an internship or practicum,
- OSU seniors were less likely to study abroad or study a foreign language,
- OSU seniors were less likely to include diverse perspectives (different races, religions, beliefs, etc.) in class discussions or writing assignments, and

- OSU seniors were less likely to have serious conversations with students of a different race or ethnicity than their own

It is important to consider not only how OSU compares with other research / doctoral institutions, but how the OSU results compare to our expectations. For example, although OSU seniors are less likely to participate in study abroad than seniors in the comparison group, 10% of OSU seniors said they had participated in a study abroad program at OSU, and this may meet expectations for the OSU student body.

The NSSE results also indicated promising findings:

- OSU freshmen and seniors rated the quality of their academic advising higher than students at peer institutions
- 27% of OSU seniors indicated that they had participated in a research project with a faculty member outside of class.
- OSU seniors were more likely than seniors at peer institutions to say they interacted with faculty members on co-curricular activities.
- OSU freshmen and seniors rated their quality of relationships with faculty members, other students, and administrators higher than students at peer institutions,
- 85% of OSU students indicated that they would attend OSU if they could start over again, and 87% said they've had a good or excellent educational experience at OSU

In an effort to make it easier for people on and off campus to more easily talk about student engagement and its importance to student learning, collegiate quality, and institutional improvement, NSSE created the National Benchmarks of Effective Educational Practice. These five benchmarks are

- Level of Academic Challenge
- Active & Collaborative Learning
- Student-faculty Interaction
- Enriching Educational Experiences
- Supportive Campus Environment

OSU's benchmark score for Supportive Campus Environment was higher than the average benchmark score for other research institutions. For first-year students, OSU's benchmark for Supportive Campus Environment ranked above the 90th percentile relative to other research institutions, suggesting that OSU is superior in providing a supportive and friendly campus environment for first-year students. For seniors, OSU's benchmark for Supportive Campus Environment was also high, ranking between 60th and 70th percentiles relative to other research institutions. The NSSE survey findings indicate that OSU excels in providing a supportive campus environment and corroborates results from other studies and the general consensus that OSU fosters a strong sense of community for students.

OSU's benchmark score for Level of Academic Challenge for seniors was lower than the average benchmark score for other research institutions. The Level of Academic Challenge benchmark score for OSU seniors was below the 10th percentile relative to other schools. This benchmark included survey items related to the amount of time students spend preparing for class, numbers and lengths of writing assignments, numbers of assigned textbooks or readings, the extent that coursework emphasizes high-order thinking skills such as synthesizing ideas or applying concepts to new situations, and the extent to which the campus environment emphasizes spending time studying and on academic work. Even when adjusted for OSU's

admissions selectivity, enrollment, Carnegie Classification, and other institutional factors, OSU's Level of Academic Challenge benchmark score for seniors was disappointingly low.

Similarly, OSU's benchmark scores for Enriching Educational Experiences for first-year students and seniors lagged behind other research institutions, ranking below the 20th percentiles relative to other institutions. This benchmark incorporated survey items related to students' participation in internships, community service, co-curricular activities, capstone courses or culminating senior experiences, foreign language, use of electronic technology to complete course assignments, and the extent to which students interact with students with different religious beliefs, political opinions, personal values, race, or ethnicity.

During spring 2003, a subcommittee of the Assessment Council devoted three meetings to discussing the NSSE results and developing recommendations in response. The Assessment Council consists of faculty and administrative representatives from each undergraduate college. The subcommittee discussed that OSU's NSSE findings from 2000 and 2002 and the institution's response to these results would be considered during OSU's 2005 reaccreditation review with the Higher Learning Commission of the North Central Association. Ownbey described the Assessment Council's reaction to the findings and discussions during their meetings.

In response to the OSU NSSE survey results, this subcommittee of Assessment Council has recommended that

- NSSE results should be discussed with faculty and integrated into strategic planning at the university-, college-, and program-levels,
- Each undergraduate college respond to the NSSE by identifying strengths or areas of concern indicated by the survey results and considering other sources of information that may support or refute the NSSE findings. Further, colleges or programs may consider collecting additional data related to the NSSE survey items (financial assistance is available from the Office of University Assessment for this effort), and colleges should identify potential program modifications that could be implemented to enhance student engagement.
- OSU should provide resources to engage faculty in professional development that will assist faculty in integrating more enriching educational experiences in the classroom.
- OSU should demonstrate its commitment to high quality teaching by frequently recognizing, rewarding, and honoring outstanding teachers and outstanding teaching practices. For example, the criteria for the Regents' Distinguished Teaching Award might be modified to address student engagement.
- The General Education Advisory Council should consider modifying the general education course requirements to respond to specific concerns identified in the NSSE.
- NSSE results should be communicated to leadership at OSU-Tulsa.
- NSSE results should be shared with Faculty Council.

Ownbey noted that the Assessment Council discussed at length the need for professional development opportunities for faculty members related to good educational practices and the need for increased recognition and rewards for individuals who demonstrate good educational practices. Ownbey also related that there were simple ways that individual faculty members

could consider the OSU NSSE results and incorporate small changes in their courses to impact student engagement. She gave the example that she could discuss internships resources and benefits with students in her classes and this might prompt more students to investigate and participate in internships.

Wallin noted that complete copies of the report describing OSU's results from the 2002 National Survey of Student Engagement could be obtained from the Office of University Assessment (744-6687)

The first question was posed by Tom Peeper. He asked if the students did not use email communication as much as is typical across the nation since they have full face-to-face communication with faculty. He continued by describing that although many think that communication with students through email is effective, he would much rather speak with them face-to-face. Peeper asked, "Do you think they should just email instead of talking to us?" Ownbey responded that of course she didn't think that. Ownbey stated that the problem was that some students don't come to the office to talk, nor do they email. The problem is that some students don't engage through any communication medium. She continued by describing that ideally students would use various communication medium to interact with faculty. Some topics are appropriate for email, whereas other topics should be dealt with in person. Wallin explained that email use was only one gauge of faculty-student communication. The NSSE survey asks directly about the amount of contact in-class and out-of-class.

Ed Lawry stated that the fact that OSU measures well in campus environment issues (friendly, supportive, etc.) and measures much less well on academic issues, but other universities that measure well on the academic issues and are not gauged as friendly seems to be a weird result in the data. Ownbey indicated that is certainly possible for our University to be friendly and supportive, and still measure poorly on academic engagement. Bill Henley pointed out that although OSU ranks in the lowest 10% on some measures the actual numbers compared to our peer universities are not that much lower. Wallin responded that even though there was room for improvement, the numbers do not indicate a hopeless situation.

Chuck Edgley commented that behaviors are measured that are correlated with student engagement. Student engagement cannot be directly measured so factors related to engagement are measured. Khaled Gasem questioned if anyone had measured the correlation between having the resources to engage students and the actual behavior of student engagement. He asked an additional question about sample size from our peer institutions. Wallin responded that the summaries are prepared for the institutions and that we do not have access to the raw data from other institutions. The initial sample size is calculated based on the size of the institution.

REPORTS OF STANDING COMMITTEES:

ACADEMIC STANDARDS & POLICIES — Andrea Arquitt

The Academic Standards and Policy Committee is examining the Academic Dishonesty and Misconduct Policy for consistency in reporting procedure and for updating the policy to reflect changes in the OSU administrative structure. They are working on formalizing the procedure that will notify the Academic Conduct Office and the Registrar's Office when a student is given

formal notice by a faculty member. The purpose of this is to prevent unauthorized class drops and to ensure consistency with current policy.

They are also considering recommendations from the administration for revisions in the GPA standards for transfer students and for initiating an "Academic Warning" prior to probation. At the present time OSU accepts transfer students with GPAs lower than OU and other Big 12 schools in our region.

They are also examining the advisability of awarding of grades for international coursework and are looking at other Big 12 schools and their methods of making these grade determinations.

BUDGET — Scott Gelfand

Gelfand spoke with Joe Weaver on April 7 concerning next year's budget, and he informed him that it tentatively looks like next year's allocation will be cut by 7.1 percent, or approximately 7.7 million dollars, based on allocation as of December 2002. Since about 2.2 million dollars have been cut since December, if the 7.1 percent cut is implemented, 5.5 million dollars will have to be located. Increased costs associated with fringe benefits and utilities will raise this number to about 7 million dollars. However, if tuition is raised by twenty percent, as planned, an increase of about 8 million dollars is expected. This should more than offset the cut in allocation and increases in fringe benefits and utilities. Gelfand was told on April 8 that the Legislature is discussing cutting our allocation by 12 to 14 percent. That would be an additional 5 to 7 million dollars approximately. These are preliminary numbers and he guesses it would be somewhere between 7 and 14 percent

Last week it came to the attention of some members of the Executive Committee that in the past 2.5 million dollars was transferred from a University Reserves account to a University account which funds Athletics related utilities and maintenance expenses. Upon learning of this transfer, Ed Lawry, Carol Moder, Brenda Masters, Chuck Edgley and Gelfand scheduled a meeting with David Bosserman and Joe Weaver, which took place yesterday (April 7). During a frank discussion, they learned that the 2.5 million dollars was transferred from an Institutional Plant Fund account into an account that annually receives 968,000 dollars. The annual allocation of 968,000 dollars is said to be reimbursement for use of athletic facilities by the general university and the Stillwater community. Although the faculty members present at the meeting were aware of the 968,000 dollar annual payment, none were aware, until last week, that an additional 2.5 million dollars was paid into this account to cover a deficit of 2.5 million dollars which accrued over the course of the last three years. At yesterday's meeting, it was agreed that the 2.5 million dollar transfer would be reversed. However, this leaves a 2.5 million dollar deficit in the aforementioned account. The possibility of a deficit of this amount is troubling, because it reveals that Athletics may not be operating in the black, as Athletics has led us to believe. Given the widespread budget problems being experienced by the University and the fact that departments have been required to make cuts and balance their accounts makes this especially troubling. David Bosserman and Joe Weaver are looking into this matter and have assured us that they will attempt to find ways to increase communication between their office and the faculty so that surprises like the one now being discussed can be avoided in the future. Peeper asked for further clarification. Gelfand referred the question to Lawry. Lawry said he

understood that some years ago there was some change in the Legislature about how funds could be used by universities for Athletics in terms of the E&G funds and that the universities were in situations where they said “you’ve been subsidizing Athletics to a certain degree all along and now we’ve been forbidden to do this by the Legislature and what are we going to do.” Some idea was formulated at OSU and this has legendarily been referred to as “The Farley Plan” because Jerry Farley was the Vice President in charge at the time. He figured out a way of legally transferring the funds from university accounts to Athletics. This was by imagining that the Physical Plant of the Athletic Department kind of “doesn’t belong” to the university and so when the university uses it like for graduation, etc. it has to pay rent or pay some cost to the Athletic Department. How the 968,000 dollars was formulated is probably unknown to anyone. Lawry felt the point of the comment was that we are being told by Athletics on a fairly regular basis that they have been in the “black” the last couple of years and he feels this is a misleading claim. Edgley added that whenever criticisms of expenses in Athletics come up, i.e., obscene coaches salaries, this and that, the response always is, “we raise that money ourselves, this is private money, this is our money, and it is none of your business what we do with that money.” Then when we find out that the university is actually supporting Athletics expenses in all sorts of ways, including ways that delete their deficits, it is especially troubling. Edgley said, “we ought to go to some kind of system,” and he feels that Weaver and Bosserman agree with this, “in which all these expenditures are on the table and we stop this foolish nonsense that Athletics pays its own way therefore it’s none of our business, because Athletics does not pay its own way here and it does not pay its own way almost anywhere in the country. All we’re asking for is an accurate accounting of this.” Bays asked what this Plant Fund was. Moder replied it is a fund used for building project. Gelfand added it is essentially a reserve fund.

CAMPUS FACILITIES, SAFETY & SECURITY — Khaled Gasem

The CFSS Committee has finalized its review of facility planning models used at Michigan State University, University of California-Berkeley, and Johns Hopkins University. The model used by the University of Purdue was dropped because of its complexity. A consensus was reached that an effective facility planning process involves: 1) a well-developed Master Plan; 2) a facility Planning Office comprised of specialists in architecture, landscaping, art, interior design, etc.; 3) a facility Planning Administration; and 4) a robust mechanism for consultation with all university constituencies. The CFSS Committee is preparing a Faculty Council Recommendation for an improved process for facility planning at OSU.

RULES & PROCEDURES — Brad Bays

The results of the Vice Chair election and the OSU-Okmulgee representative will be announced at the Spring General Meeting on April 15 due to the fact that OSU-Okmulgee was given a two-week extension because nominees were not received from there until March 31. Bays thanked Roy Achemire for working very hard in getting these nominations and to Diane LaFollette for organizing the logistical side of the election. Other Faculty Council election results were provided as follows: College of Agricultural Sciences and Natural Resources – Thomas Phillips, Entomology and Plant Pathology and Robert Terry, Sr., Professor Emeritus, Agricultural Education, Communications and 4-H Youth Development; College of Arts and Sciences – Linda Austin, English, Marcella Sirhandi, Art, and John te Velde, Foreign Languages and Literatures; College of Engineering, Architecture and Technology – A. J. Johannes, Chemical Engineering; Library – Dan Chaney; College of Education – Pat Lamphere-Jordan, School for Teaching and

Curriculum Leadership; OSU-Tulsa, Jami Fullerton, Journalism and Broadcasting. Lawry said the final election results would be sent through the Faculty ListServ. He also suggested that the R&P Chair for next year should look into voting electronically.

REPORTS OF LIAISON REPRESENTATIVES:

Staff Advisory Council — Leslie Miller

SAC thanked faculty for serving at Staff Appreciation Day. By all indications it was a great success in part to faculty assistance and help and they are very grateful. Lawry also expressed his gratitude to all faculty that responded to his request for volunteers, not only Council members but also Mike Thompson and Tony Brown, in particular, who are non-councilors, but responded and helped out. Lawry added that they deeply appreciate the staff and were glad to help and hope they are continued to ask to help in the future.

Lawry asked if there were any other liaison reports. There were none; however, Brad Bays did introduce the new A&S liaison, Bill Henley from Botany. He is the recently-elected Vic Chair of the Arts and Sciences Faculty Council.

OLD BUSINESS:

Retirement Lawsuit Update — Chuck Edgley

Edgley began by stating the reason he had not given an update in some months was because everything had been on hold pending receipt of Judge Morris' 56-page report, plus Appendices. Edgley's report follows:

- **Background**

In the Fall of 2001 while serving as chair of this body, I was brought compelling data by two members of the Chemistry Department, Drs. Lionel Raff and Mark Rockley, about how badly the faculty had been damaged by changes in our retirement plan forced on us by the Campbell administration during the years 1993 and following. Faced with declining student enrollments, increases in the administrative fees charged by OTRS, and rising health care costs, the Campbell administration devised a plan to solve those problems by significantly reducing the amount of money the university put into TIAA-CREF retirement accounts for participants in this 24-year old gold standard for higher education. Even worse, they provided no alternative for participants to be grandfathered out of these changes.

Professors Raff and Rockley retained a highly respected Oklahoma City attorney, Larry Derryberry, who agreed to represent us in a class action lawsuit. The suit originally was to have involved OU faculty and staff as well, but, to our surprise, it turned out that they had not been damaged because their administration, when confronted with the same difficult budget choices did, in fact, give the opportunity for grand-fathering, and as a result, that had suffered no damages. (An OSU university retirement committee recommended in the Spring of 1991 a similar solution to President Campbell. Their report was rejected and they were told to devise a second report that excluded this provision.

Drs. Raff and Rockley asked me to sign on to that suit on behalf of the approximately 1,300 faculty and staff who were affected by that catastrophic 1993 decision. Recognizing the seriousness of this matter for the welfare of the faculty, as well as the correctness of their analysis, I did so immediately, and on October 4, 2001 we filed suit against the State of Oklahoma, OTRS, and OSU. We have been pressing the case ever since. It is the contention of this suit that those 1993 changes, coupled with a fraudulent OTRS retirement formula, represent breach of contract, impairment of contract, violations of the due process and equal protection clauses of the United States Constitution, breach of fiduciary obligations and misrepresentations and deceit by the defendants for which we have sought declaratory and injunctive relief as well as actual damages. (All legalese for “we are not happy.”)

- **The Halligan Administration’s Response**

The Halligan administration supported our efforts to bring the OTRS portion of the lawsuit to court because the university has been living under the oppressive burden of increasing administrative fees for sometime. They gave frequent verbal support to our case. Many meetings were held with the administration in an effort to resolve the matter. Several informational sessions with both the faculty and staff were conducted, and a calculator was devised and placed on the FC website that would show faculty and staff exactly how much they had been damaged by the 1993 changes. During that time President Halligan assigned then Vice-President for Business and External Relations Harry Birdwell to work on the problem of “stopping the bleeding” in an effort to return us as closely as possible to the kind of retirement program we had prior to the Campbell-era changes. Not surprisingly, they were considerably cooler to the portion of the suit that dealt with damages the faculty had already suffered. Meanwhile attorneys for the State, with the help of some OSU administrators, set about to have our suit dismissed. They failed in each round. We were very close to reaching some agreement about returning us as nearly as possible to the kind of plan we had before the contract was breached, when the Board ordered negotiations to cease and announced they would take over the matter themselves.

Late in 2002, the Halligan administration asked us to agree to an independent inquiry with findings of fact and recommendations from a neutral third party who might get to the truth of our allegations. We immediately agreed, and with the help of the Board of Regents, retired Judge and distinguished neutral Joe Morris, along with his staff assistant Kristin Oliver, were hired by the Board to make such an inquiry. Virtually all activity related to the suit ceased until Judge Morris’ team completed their investigation and issued the Report we now have.

- **The Morris Report**

In a memo dated March 14, 2003, Dr. Ed Lawry, Faculty Council Chair and our attorney, Mr. Derryberry, both received a copy of the Morris Report that had been submitted to the OSU Board of Regents, from Doug Wilson, executive secretary to the Board. He also included a copy of a letter by the Chair of the A&M Regents to Judge Morris requesting that he alter the portion of the report having to do with Judge Morris’ dismissal of one element of the 1993 changes, namely the so-called “benefit change adjustment”, a small amount of money given to OSU faculty and staff as compensation for having their retirement program altered to their detriment. It has always been our position that this so-called “adjustment” was, in fact, simply a renamed raise program, for prior to that time faculty had been receiving yearly raises in the range of 3-5%, but

during the year when the benefit adjustment was given, no raises were forthcoming. The Halligan administration appeared to have agreed with us, because, as Judge Morris accurately reflected in his report:

“...at some point during discussions between faculty representatives and OSU administrators in the spring and summer of 2002, it appeared that OSU would not insist on a credit for the benefit change adjustment which was given.” (Morris Report, p. 55-56)

We have placed a copy of the 56-page Morris Report + supporting documentation on the Faculty Council website: <http://facultycouncil.okstate.edu/>. Dr. Raff also sent a summary of the report to you in the 9th edition of his Retirement Lawsuit Newsletter. A copy of that newsletter is also posted on the FC website. My purpose here is not to reiterate those summary documents which are complex, and which you should already have or can access on your own. Rather, I wish to suggest what Judge Morris' report might mean for the progress of the lawsuit.

- **Essential Findings & Recommendations**

Without taking a formal position on the merits of the lawsuit itself, Judge Morris nevertheless reaches conclusions on three “prongs” which are in essential agreement with the core contentions of our complaint. These “prongs give findings and recommendations about:

- **Prong 1—OTRS's suitability as a retirement plan for OSU & OU** (Judge Morris agrees that OTRS is not a suitable retirement plan for faculty at the comprehensive universities and has a series of recommendations for all levels of faculty from new to those who are already in the system.)
- **Prong 2—Returning to a plan** similar to the one taken away from us in 1993 (Judge Morris recommends a plan he regards as sufficiently similar to what we had before and suggests we return to that plan.)

And Finally,

- **Prong 3—Recommendations for Recompense** or damages suffered by the faculty because of these changes. (Here Judge Morris agrees with our contention that faculty were damaged by these actions and concludes that the university saved between \$545,400 and \$818,100 a year by changing to this plan without the opportunity to be grandfathered. He suggests that these figures constitute an appropriate gauge of what damages should be returned to the faculty who were injured by these changes. That total in the 10 years since the plan was conceived constitutes damages in the range of \$9,199,395 on the low end and \$13,799,399 on the high end. (We believe these figures are short of what we calculate the damages were, but form a basis negotiating a settlement of the issue nonetheless.)

I suggest that you read the details of his conclusions and recommendations carefully.

- **Implications of the Morris Report for the Lawsuit**

Having carefully reviewed the Morris Report, we believe that it can serve as a significant basis for continuing to resolve the problems to which this suit was directed. As from the beginning, we hope to accomplish this outside the courtroom. We have already forwarded a letter to Judge Morris and Ms. Oliver thanking them for the comprehensive and careful analysis they conducted of the issues surrounding the program and the countless hours and interviews they conducted with all parties to the matter. We are anticipating that the Board of Regents, to whom the report was given, will respond in due course with suggestions for resolving the matter. The next step for our attorneys is to continue to press for class certification in court for all of those OSU faculty and staff who were damaged, and we believe that after the Morris Report, it will be all the more in the interests of the university to get the class certified as soon as possible to protect the university from numerous individual suits that might arise over this issue.

Edgley ended by saying he would report again as new developments warranted.

Achemire asked if anything had been heard about the change in the report the Regent's had asked for. Edgley said they had not heard back on that. They were given a copy of the letter and responded to that letter in their own letter to Judge Morris in which they reminded him that he is correct about this and that the Halligan administration had "dropped this" as far as the negotiations for returning us to a similar plan and we do not believe it is valid anyway. Lawry added that they had also suggested that if the Regents were able to have the report amended that Faculty Council should also be able to make amendments. Edgley said it was clear to him that the essence of the Morris Report supports every contention made in the suit. Lawry added that given the Regents have sort of "taken over" the suit, the assumption we have is that they have received this report, they hired this person and paid him and the presumption is they will make an initiative to go on trying to sell it or they will have to show up in court. Edgley said he was not about to characterize what the Regents might do. He is sure they and their attorney's are looking over it very carefully and they will get respond when they feel it is appropriate to do so. The other side of it is that we have this report and our attorney has the report and we want to settle it with the appropriate administrators but this will be pressed in court if need be.

Spring General Faculty Meeting — Ed Lawry

The Spring General Faculty Meeting is scheduled for April 15, 2003, 3:00-5:00 p.m., OSU Student Union Theater. The title is: "Three Models of Faculty Governance: Should We Change Our Structure?" Speakers are: Ed Lawry, 2002-03 OSU Faculty Council Chair: The Faculty Council Model; Ed Cline, 2002-03 OU Faculty Senate Chair: The Faculty Senate Model; and Kay Bull, Oklahoma AAUP, Former OSU Faculty Council Chair, Former Treasurer of the Oklahoma AAUP, Former Chair of the AAUP Committee on College and University Government: The Faculty Union Model. President Schmidly has been ask to offer some preliminary remarks before the presentations and discussion. It is hoped he will address the NOC issue. The issue of Faculty Governance has been discussed all year. Last summer Lawry sent out Memo on the faculty ListServ suggesting that people come and start to talk about having a faculty voice heard on campus and how either the structure or behavior be altered to make that happen and all of these structures have been talked about by a number of people. He feels this is particularly timely due to the fact that it has been brought to their attention that the faculty voice, at least on one issue that was of serious importance to the faculty, the bringing of NOC to

Stillwater, has been neglected or, even worse, received contemptuously by the administration. All day on April 7 there were team meetings of groups of people who had been appointed to teams to develop a so-called business plan on how NOC should operate on campus. It turns out that the goal of these "teams" was to finalize, as closely as possible, a memorandum of understanding that would be signed by the President of OSU and the President of NOC that would make this "contract" happen. Last fall Faculty Council objected vociferously when President Halligan announced his plan to have NOC come to Stillwater. Faculty thought there were problems with it and worse, there was just no talk about it among any of the faculty and nothing had been heard about it. The Deans Council added their voice to the faculty voice about this suggesting that there needed to be more discussion about this before the plan went forward and, under that pressure, President Halligan agreed to appoint a Blue Ribbon Task Force to study the problems, particularly the academic implications of this problem and submit the plan to the administration so that it could be taken seriously in the decision as to whether or not to go ahead with the plan or in what way to go ahead with the plan. The Task Force met a number of times and put in a lot of hours, did a lot of study, got a lot of data and produced two reports and those reports were mentioned at Faculty Council Meetings by the Chair of the Task Force, Dean John Dobson, Dean of the College of Arts and Sciences. He reported on the first report at the February Faculty Council meeting and provided a copy of the report and it was understood it had to do with remedial education and Lawry felt the committee was essentially saying "it sounds like maybe remedial education, if NOC offers it, might be an okay idea for us." Everyone has a sort of general bias that comprehensive universities should not be doing remedial education if they can help it and so that might be of some benefit for us. The second report mentioned by Dean Dobson at a recent Council Meeting said they had finished the report and were going to present it to the President but it was not yet public. He was not even going to deliver it to us. It was discovered on April 7 that the President, after receiving the report, said that it was too negative, forget it, we're throwing it away, we are not going to pay any attention to it and presumably instructed the chairs of these various teams to go ahead and develop this "Memo of Understanding" and complete the process. Lawry feels this is the exact plan that was in the mind of administration last fall. He feels none of the discussion that has gone on at the university and certainly nothing that the Blue Ribbon Task Force had to say seems to have been seriously considered. He finds this extraordinarily disappointing and it sounds very much, again, like the faculty voice, which was awfully strong about this matter, in terms of its concern, has not been heard by the administration. Binigar said Moder had reported the Regents had asked the lawyers to look into the possibility of changing faculty governance at OSU and asked if the Regents had made a decision yet. Lawry responded that as far as he knew they had not and the nothing was said about the matter at the last Regent's meeting. Lawry said he had written to Fred Harlan, Chair of the Regents, and talked to him after that and asked him what was happening and Harlan replied that they did not think President Schmidly needed to be involved and Lawry said a meeting was already planned to discuss this in terms of the faculty itself and maybe we should just talk to President Schmidly and see what he thinks and what we think and we'll just sort of make up our own minds and then we'll bring it back to the Regents and he sort of shook his head like yes that seemed like a good idea. He continued that for all he knew the lawyers could be investigating although he does not know what they need to investigate. Faculty can change the structure if they want to. Moder said it was also pointed out that in order to change the structure the Appendix D requirements are that there actually be a vote of the faculty in order to do that and her understanding from President Schmidly is that he is perfectly in agreement with us that

faculty ought to be able to make that decision for themselves and then action should be taken. Peeper said there were separate but related issues here – faculty governance vs. NOC. He is curious as to whether the Blue Ribbon Task Force that was initially appointed has had any further considerations or communications within the group about the latest NOC proposal. Lawry said he thought he could respond completely negatively to that because when he found out what was going on April 7 in those meetings and what was planned, etc., he and Moder both called Dean Dobson and he was very surprised about this issue, i.e., that the meetings were going on and that it was all being finished. He had not seen that. They sent him an electronic copy of the “Memo of Understanding” in draft form and he read it quickly and particularly picked out one sentence that Lawry said was something like, “this ‘Memo of Understanding’ was prepared in consideration of the Blue Ribbon Task Force’s recommendations” which certainly sounded like it was a suggestion that they were following those recommendations and he immediately sent an e-mail to the Interim Executive Vice President indicating that was false and misleading and they should remove that sentence from the “Memo of Understanding.” Lawry feels it is clear that the committee did not know that this was proceeding. He continued that this was just a guess, because he had not seen the second report of the Task Force, but that the vote of the Task Force was much more negative and this is what they understood from talking to Dr. Vitek on April 7, that the President thought that the second report on general education was too negative and therefore not acceptable. Moder felt this was particularly disturbing because when President Halligan met with the Board to discuss the NOC issue back before this requirement, he at that point asked for a recommendation about the remedial issue and said the Gen Ed issue was much more complicated and would take more study and that the idea of this should be referred to the Task Force and the Task Force should discuss this and there were discussions among the Regents at the Regent’s meeting that the recommendations would be sent back to the Task Force for consideration and that has not happened. Lawry clarified that Moder and Edgley are both on the Task Force. Peeper questioned as to whether Faculty Council should send a recommendation to the President requesting a delay in any finalization of this “Memo of Understanding” until such a time as the Blue Ribbon Task Force could reconvene and examine the proposal and offer further comment. Lawry asked if he was making a motion. Peeper replied, “yes.” Bays seconded. Lawry confirmed it was moved and seconded that a recommendation be sent to the President to delay the implication of this “Memo of Understanding” until such time the Blue Ribbon Task Force gets the “Memo of Understanding” and makes a response to it. Lawry asked for a vote and it passed unanimously. Edgley said he especially appreciated the vote because it was the Task Force’s understanding that the remedial part would be implemented in the fall as experimental to see how well it worked. Then it would come back to the Task Force to assess its success or relative failure before it went any farther in implementing it with other courses and the “Memo of Understanding” clearly has a whole series of General Education courses that are to be offered at NOC. Lawry said he especially appreciated Peeper offering this recommendation because he was one of the members of the “teams” that was supposed to be developing this business plan. Lawry said he was repeating something that he had mentioned on the ListServ that he feels our faculty voice, even on these “teams”, is marginalized partly by a lack of consideration to the faculty about scheduling meetings. They would call people up one day ahead of time and say they were meeting at 3:00 and “I don’t care whether you can make it or not” and in a couple of cases where faculty have been appointed to a committee they were never contacted by anyone at all about any meeting. Arquitt asked if this was tied in with what the Chancellor wants with these uniform course deliveries of certain high-generating courses that he

wants faculty to come together with common concepts? Lawry stated, “academic efficiency.” Edgley said the answer is “no.” He is on a committee of the State Regents that meets once a month on this and they are in the process of modifying that whole document and take words like “efficiency” and so forth out of it and he did not think it had anything to do with this. Arquitt said it was her gut reaction is that we can hire anybody that has this common set of “stuff,” and anybody can deliver it and the issue ought to be can we hire enough qualified faculty throughout this state to support these 20 plus institutions.

NOTE: Read the two reports from the Blue Ribbon Task Force on Academic Issues concerning NOC locating in Stillwater on the Faculty Council website: <http://facultycouncil.okstate.edu/>

NEW BUSINESS:

Lawry wanted to mention that the May meeting would be the last one for one-third of the Councilors. The June meeting will be the one where the new members take over which means a Faculty Council year is coming to the end. Chairs of committees are asked to prepare summaries of what has happened and what the committees have done during the course of the year so they can be passed on to the Committee Chairs for next year and there can be some continuity. Moder added that the new Councilors have been invited to the May meeting so they can hear what has been done in the preceding year.

Martin Luther King Day Recommendation — Ed Lawry

This request was brought to the FC Executive Committee at their last meeting and they decided on the following recommendation to present to Council which was attached to the April 8 Agenda.

Title: Martin Luther King Day as Additional Paid Holiday

The Executive Committee of the Faculty Council Recommends that: the University make Martin Luther King Day an additional paid holiday for all faculty and staff.

Rationale:

1. The Staff Advisory Council has made this same recommendation on the grounds that every other Big-12 institution does honor that day as a university holiday and that faculty and staff should be encouraged to celebrate Dr. King's lifelong work, not just students, who already do not have to attend classes. We agree with these reasons.
2. The Administration response to the Staff Advisory Council recommendation is that we should not add a paid holiday so that we would have to remove a holiday from the December holidays and mandate leave during those days to keep our paid holidays at 12. We reject that response. That OSU may have more paid holidays than other Big-12 schools does not mean that we don't have "comparable benefits" to those schools (as Ms. Matoy suggests in her response to the Staff Advisory Council recommendation) unless we think that the average is a red line beyond which we dare not go. We would be happy to have the best benefits in the Big-12. After all, the paid holidays granted in December were invented and continue to be

supported by the claim that they "save" the University money, not because they are a benefit to the employees of the University that drains the budget.

3. The notion of "mandatory leave" is a wholly separate issue from the question of paid holidays, contrary to the impression one gets from Ms. Matoy's response to SAC. We should avoid a policy, of mandatory leave, and if we have mandatory leave, we need to justify that on its own merits.

Lawry moved and Moder seconded the recommendation be accepted.

Lawry asked to be the first person to discuss this. He was opposed to this recommendation and urged Council to vote this recommendation down because he has an alternative recommendation that he feels the university should adopt. He feels the university should rescind its policy of no classes on Martin Luther King Day because it ruins the academic schedule. When this matter was first discussed some years ago they asked Faculty Council for its opinion and FC almost unanimously voted not to cancel classes. In addition, he feels the university should take seriously the ideals and the life of Martin Luther King by putting forth a substantial amount of resources to have the best speakers possible, panel members, activities which people could go to and learn about Martin Luther King and to celebrate those ideals. Moder felt all of the things Lawry had suggested are excellent but she felt they were not dependent of whether there is a holiday or not. Martin Luther King could be celebrated on any day or at any time around the holiday and she feels it makes the university community look racist and discriminatory to rescind a holiday that is already on the books that is clearly associated with the civil right leader. Lawry did admit, not to support the other side, that OSU is the only Big 12 institution that does not have Martin Luther King Day as a university holiday. Peeper asked if this was a paid holiday would it be added as an additional day to the end of the academic year. Lawry said "no" because it was already an academic holiday and there are no classes. Murray said he would vote the recommendation down because it separates the holiday from the mandatory leave. Bear said given the atmosphere on campus during the recent discrimination issues that we have struggled with she strongly supports this recommendation because it sends a strong image statement that we are at least trying. She continued it took forever to get an academic holiday for Martin Luther King. Masters called the vote. Lawry asked for a vote on the recommendation and the "ayes" were in the majority. Recommendation passed.

The meeting adjourned at 5:25 p.m. The next regular meeting of the Faculty Council is May 13, 2003.

Brenda Masters, Secretary