



## Faculty Senate

### MEMORANDUM

To: Faculty  
From: Billie Brandon, Secretary to the Faculty Senate  
Date: September 11, 1981  
Re: Faculty Senate Meeting September 21, 1981  
University Center Ballroom - 3:05 p.m.

### AGENDA

- I Call to Order
- II Approval of Minutes
- III Additions or Deletions from the Agenda
- IV President's Report - Debra K. Pearce
- V AAUP report - Gary Johnston
- VI Committee Reports
  - A. Curriculum Committee
  - B. Faculty Benefits Committee
  - C. Budget Committee
  - D. Professional Concerns Committee
- VII Adjournment

# MINUTES OF THE FACULTY SENATE

September 21, 1981

Senators Present:	Richard Ward	Macel Wheeler
	Kathy Brinker	Jerry Warner
	Joseph Ohren	Kay Cooper
	Mike Gray	Larry Giesmann
	Gary Johnston	Susan Kissel
	Paul Joseph	Art Miller
	Jim Kinne	Debra Pearce
	Glen Mazis	Tom Rambo
	Peter Schiff	Mike Ryan
	Rosetta Mauldin	Frank Stallings
	George Goedel	Edwin Weiss
	Frank Dietrich	Billie Brandon
	Lois Schultz	Rachelle Bruno
	Julie Gerdson	Tom Cate
	Byron Renz	Richard Snyder
	Vernon Hicks	Donna Bennett
		Donald Cobb

Senators absent without Alternates:

Jonathan Bushee  
David Elder

Guest Present: Becky Sturm (alternate for Pam Juengling)  
Dr. A. D. Albright, President  
Mike Klembara, Associate Provost  
Lyle Gray, Provost  
Jeffrey Williams, Faculty Regent  
Bryant Bauer (Student Government)

## I. Call to Order

Debra Pearce called the second Senate meeting to order at 3:05 p.m.

## II. Approval of Minutes

Dr. Giesmann corrected the minutes of the August 31 meeting with reference to the Faculty Benefits Committee deadlines. Only the Summer Fellowship applications are due September 25. Applications for the Faculty Project Grants are due January 15, 1982. Also the Newsletter was incorrect in that regard. Dr. Giesmann also stated he sent out a timetable to each department through the Faculty Benefits representative. There are no application forms, but guidelines are specified in the Policy and Procedures Manual. Any questions concerning these two applications should be directed to Dr. Giesmann.

Gary Johnston moved the minutes be accepted as corrected. Tom Cate seconded. Carried.

### III. Additions or Deletions from the Agenda

There were no deletions or additions.

### IV. President's Report - Debra Pearce

- A. Dr. Pearce applauded the Senate Committees for their dedication and hard work. She specifically noted the hard work of the Professional Concerns Committee which just completed a final draft of the Financial Exigency Policy and the Budget Committee which has been working on a criteria for program review with possible termination of faculty. She announced that the Executive Committee was in the process of reviewing the exigency policy after which it will meet with the administration to discuss it. The policy will then be distributed to the faculty for review prior to a special meeting of the Faculty Senate to be called for the purpose of responding to the document. The anticipated date of the special meeting is October 12 which is the latest possible date to meet in order to be able to present our recommendations to the meeting of the Board of Regents on October 29. She went on to state that we do not feel the policy which is on the books at the present time is one which adequately protects the faculty; we think it very important that we deal with it immediately, so please try to attend this special meeting so that we can have a vote of the entire Faculty Senate. Also the entire faculty will be encouraged to attend this meeting. Any questions concerning these documents, she indicated, can be addressed to either Ted Weiss, Chair of the Professional Concerns Committee, or Dick Snyder, Chair of the Budget Committee.
- B. Billie Brandon made the following announcements:
- 1) Dr. Brandon stated we will need to elect new representatives to the Peer Review Committee to replace those whose terms have expired. We will be soliciting names of full-time tenured faculty to serve on this committee.
  - 2) Dr. Brandon also stated that the next regular Faculty Senate meeting scheduled for October 19 will be held in Room 110 of the Business/Education/Psychology Building as the Ballroom is unavailable.
- C. Byron Renz gave a report on COSFL (Congress of Senate Faculty Leaders) stating that the COSFL organization had met Saturday, September 12 for the second time in a two week period. The primary purpose was to consider the final draft of the so called Pritchard Committee, the

Committee on the Future of Higher Education in Kentucky. Dr. Renz reported that essentially the final draft of the Pritchard's Committee report was favorable to faculty and was genuinely supportive of higher education in Kentucky. The final draft, for example, eliminated references to such things as five year rolling contracts which had been talked about prior to that. Also, the final draft is supportive of tenure. The COSFL organization is attempting to meet with Governor Brown. George Atkins is working on our behalf to schedule this meeting in the immediate future. The main things to be addressed would be:

1. Salaries of faculty in Kentucky
2. The governor's attitude as reflected in some of his public statements on higher education. (COSFL felt that some of his statements had been rather damaging and wanted an opportunity to address him about that)
3. Tenure (COSFL supports this principal and hopes to prevent any major change in that area)

The next meeting of the COSFL Organization will be a joint meeting of COSFL and AAUP scheduled for October 24.

V. AAUP Report - Gary Johnston

Mr. Johnston announced that Ted Weiss reported at the last regular Senate meeting that the Senate would work with the AAUP in developing a financial exigency policy. As a representative of the Senate he stated that he attended meetings of the AAUP at which a policy was developed. Mr. Johnston distributed this document and asked that it be introduced into the minutes of the Faculty Senate as another approach to a financial exigency policy. Dr. Pearce requested that Senators read the document and come back to the special meeting of the Senate with some firm ideas. She said she hoped the document coming from the Professional Concerns Committee would be looked upon as a fairly finished document, but if there were any real objections or items that should be included, then those suggestions should be made at the special meeting.

VI. Committee Reports

A. Curriculum Committee - Tom Cate

No report



B. Faculty Benefits Committee - Larry Giesmann

Dr. Giesmann announced that the deadline for applications for sabbatical leave for 1982-83 is October 15.

C. Budget Committee - Dick Snyder

Dr. Snyder stated that the final report on criteria for program review which leads to termination of faculty would be in the hands of Dr. Pearce this week.

D. Professional Concerns Committee - Ted Weiss

Dr. Weiss stated that the exigency policy draft will be distributed in the near future. He thanked the faculty on the Professional Concerns Committee for their diligence in completing the policy, especially those who chaired the subcommittees: Susan Kissel, Jim Niewahner and Joe Ohren.

VII. Miscellaneous

- A. Senator Glen Mazis asked that emphasis be made that all faculty are invited to attend the special Faculty Senate meeting.
- B. Senator Mike Ryan requested that Dr. Albright be present at the next meeting.

VIII. Adjournment

Tom Rambo moved that the meeting be adjourned. George Goedel seconded. Carried. Meeting adjourned at 3:25 p.m.

Billie Brandon, Secretary  
Faculty Senate



Northern Kentucky University  
Highland Heights, Kentucky 41076

To: The Faculty of Northern Kentucky University  
From: Debra K. Pearce, President Faculty Senate  
Date: September 10, 1981  
Re: Financial Exigency-Program Change Policy

Due to the recent budget cuts and the possibility of future reductions, the administration of Northern Kentucky University this summer introduced a Financial Exigency-Program Policy to the Board of Regents. This policy was approved at the July Board meeting, with the understanding that the document may be emended.

This policy is an extremely important one to all faculty in that it abrogates many of the rights currently held under tenure and probational contracts. The Faculty Senate is in the process of making recommendations for changes of this document that will insure maximal protection to both the faculty and the university. We would like input from all faculty on this very important matter. A list of the members of the Senate Professional Concerns Committee follows. Please carefully read the policy on pages 36-45 of the new Faculty Policies and Procedures Handbook and forward your comments ~~to me~~ or to any member of the committee. A special meeting of the Faculty Senate will be held in late September or early October to deal with suggested changes. All faculty are urged to attend and lend their support to the final draft before its submission to the Board of Regents.

Professional Concerns Committee:

Edwin Weiss, Chair  
Linda Olasov  
Robert Snyder  
Kathleen Brinker  
Christine Stiegler  
Joseph Ohren  
Patricia Dolan  
Robert Mullen  
Lois Schultz  
Donna Bennett  
Susan Kissell  
Frank Dietrich  
Jerry Warner  
James Niewahner  
Donald Kelm  
Dennis O'Keefe  
Frank Traina  
Arthur Miller  
Tripta Desai  
Kay Cooper

History  
Education  
Business  
Nursing  
T.O.E.  
Public Administration  
Social Work  
Communications  
Library  
Law  
Lit/Lang  
Math  
Biological Sciences  
Physical Sciences  
Fine Arts  
Political Sciences  
Social Sciences  
Psychology  
History  
Radiologic Technology



## Faculty Senate

### MEMORANDUM

To: Education Department Faculty  
From: Billie Brandon, Secretary  
Date: October 9, 1981  
Re: Delivery of Exigency Policy/Clarification

On Thursday, October 1, 1981, the Faculty Senate Executive Committee met with Lyle Gray and A.D. Albright to discuss the exigency policy. Some revisions resulted. On Friday the policy was retyped, dittoed, collated and deposited in the university mailroom for distribution by departments. Apparently, as I learned on Wednesday, October 7, something occurred after that time resulting in non-delivery of the document to the Education Department. Please accept my apologies for any inconvenience resulting from this. Feel free to contact me should you have any questions about this or should any questions arise in the future regarding the Faculty Senate.





Northern Kentucky U.  
Highland Heights, Ken.

## FINANCIAL EXIGENCY POLICY

### A. Definitions.

The following terms have the meanings indicated:

1. "Termination means the cessation of employment of a faculty member before the end of a tenured or probationary appointment for reasons of financial exigency or program change. The non-reappointment of a faculty member on a specified term appointment is not a termination, and no objection to the non-reappointment may be filed under this procedure.
2. "Financial exigency" means any extraordinary reduction in the University's financial resources of at least 20% of a year's operating budget or 30% of two successive yearly operating budgets that is brought about by a decline in enrollment or by other action or events that compel a reduction in the current operations budget.
3. "Faculty committee" or "committee" means a committee to be constituted from the faculty and the student body. The committee, which shall consist of not less than seven members and one student member, shall be elected by the faculty on the basis of broad representation of the various departments. The student member shall be designated by the Student Government. It is empowered to consider the total allocation of resources throughout the University, including capital expenditures, and to make such recommendations as shall accomplish a budgetary reduction with the minimum effect on faculty employment at the institution. The Committee shall have access to all financial information available to the President of the University, and is empowered to discharge the functions prescribed for it in this policy.
4. "Day", means every day excluding Saturdays, Sundays, and official University holidays like Thanksgiving and Christmas.

### B. General Grounds for Termination.

Employment may be terminated when the Board of Regents decides that because of a demonstrable, bona fide financial exigency, the University's contractual obligations to one or more faculty members cannot be further met. Such a decision may be made and any resulting termination may be effected only in accordance with the procedure provided in this policy.

### C. Preliminary Determination and Statement.

If the Board of Regents decides that a state of financial exigency exists or is imminent and termination of the employment of one or more faculty may be a required consequence of this circumstance, it shall request the President to prepare a statement that identifies with reasonable particularity the state of financial exigency. The statement shall outline in



terms as specific as the circumstances permit the options for response readily apparent to the Board at the time, including any options that would or might involve termination of employment. This statement shall be transmitted forthwith to the faculty committee, with a request for its action in accordance with the provisions of Section D. This committee shall be elected by the faculty in accordance with the provisions of A(3). Simultaneously, a summary of the statement shall be published by any means reasonably calculated to bring it to the attention of all faculty, together with a statement that the subject has been referred to the faculty committee for action. Pending committee action, the President's office shall withhold any recommendations to the Board of Regents for a period of thirty days or until the committee has prepared its recommendations, whichever is first.

#### D. Committee Action.

The committee shall consider the matters identified in the Board's statement in order to give its advice and recommendations thereon through the Office of the President to the Board. In this function the committee acts as representative of the faculty's interests in both their personal concerns and their professional concerns for the University's educational program, and the students' concern for the quality of this program. The committee is entitled to further information reasonably available to the Board or President, including any clarification of the situation by the Board in light of information now available. Within thirty calendar days after it receives the statement of the Board and President, the committee shall submit to the President, for Board consideration, its written report, including any minority reports. The report shall contain recommendations addressed to the precise circumstances and optional responses or courses of action for the Board's consideration or adoption. In the event that the committee's recommendation includes any termination of faculty members, the committee shall set forth an accounting of (1) rejected options for alternative budgetary or personnel reductions, (2) overall criteria for the selection of those to be terminated. The criteria set forth by the committee shall include consideration of such factors as continuation of viable academic programs, length of service to the university and performance during the period of service.

#### E. Board's Decision.

Within thirty days after it received the committee's report, and having due regard for the advice and recommendations received from both the committee and the University President, the Board shall determine whether any option involving terminations must be retained as a possible response. If it is determined that, in view of other available options, it need not consider further any option involving termination, it shall request the President to so notify the committee and the faculty. If it determines that, on the basis of all information then available, it must take action that will, or reasonably might, involve termination, it shall request the President to prepare a statement in consultation with the President of the Faculty Senate and the Faculty Regent that designates the particular department or areas of University operation in which termination should take place as well as the names of individual faculty members to be terminated in accordance with the criteria set forth by the committee.

F. President's Action.

Within ten days after he/she transmits the statement, the President shall submit to the Board his/her recommendations for terminating the employment of particular faculty members and an equal proportion of administration and staff, excluding chairmen and clerical positions and numbering at least one.

G. Notice to Individual Faculty Members.

1. Contents.

If, after considering the President's recommendation, the Board acts to terminate employment, it shall request the President or his/her designee to give written notice of that fact by registered mail, return receipt requested, to the faculty to be terminated. The notice shall include a statement of the conditions requiring termination of employment, a general description of the procedures followed in making the decision, and a disclosure of pertinent financial or other data on which the decision was based. The University will make every effort to facilitate a terminating faculty member to be retrained. The faculty member's address, as it appears on the University's record, shall be deemed to be the correct address. It shall be the faculty member's responsibility to see that the University has his/her current address on file.

2. Financial Exigency.

When termination is based on financial exigency, the Board and the President shall make every reasonable effort, consistent with the need to maintain sound educational programs and within the limit of available resources, to give not less than one year's notice before terminating the employment of a faculty member.

H. Review of Individual Terminations.

1. Request for a hearing.

- a. Within ten days after receiving a notice of termination, a faculty member may request a review of the action by the Board. Review may be had solely to determine whether the decision to terminate was in compliance with committee recommendations and/or arbitrary or capricious with respect to that individual.
- b. The request for review must be in writing and addressed to the Chairman of the Board. It must specify the grounds on which it is contended that the decision was not in compliance with committee recommendation, was arbitrary or capricious and must include a short, plain statement of facts that the faculty member believes supports the contention.
- c. Submission of such a request constitutes on the part of the faculty member (i) a representation that he/she can support his/her contention by factual proof, and (ii) an agreement that the President may offer in rebuttal of this contention any relevant data in its possession.

- d. A hearing shall be held within ten days after the request is received; the faculty member shall be given at least ten days notice of the hearing.

2. Conduct of the hearing.

- a. The hearing shall be conducted informally and in private with only the members of the Board, the faculty member, the President and such witnesses as may be called in attendance, except that the faculty member and the President may each be accompanied by 2 person who may give advice. A quorum for purposes of the hearing is a simple majority of the Board's total membership. If the faculty member asks for a transcript of the proceedings, the transcript shall be made and given to the faculty member without charge. The Board may consider only the evidence that it considers fair and reliable. All witnesses may be questioned by the Board members, the faculty member, his/her advisor, and the President. Except as herein provided, the conduct of the hearing shall be under the chairperson's control.
- b. The hearing shall begin with the faculty member and his/her advisor's presentation of contentions, limited to those grounds specified in the request for a hearing and supported by such proof as he/she desires to offer. When this presentation and all rebuttals are concluded, the Board shall recess to consider whether the proof offered in support of the contention establishes the contention.
- c. The Board shall consider the matter in executive session.

3. Procedure after hearing.

If the Board determines that the faculty member's contention has not been established, it shall by a simple statement so notify the faculty member and the President. Such a determination finally confirms the decision to terminate. If the Board determines that the faculty member's contention has been established, it shall so notify him/her and the President by a written notice that states what corrective action must be taken.

I. Obligations with Respect to Re-employment or Other Employment.

1. For four years after the effective date of a termination pursuant to this policy's provisions, the Board shall not replace the faculty member whose employment has been terminated without first offering the position to the terminated faculty member. The offer shall be made by registered mail, return receipt requested, and the faculty member shall be notified that he/she must submit written acceptance within 60 calendar days. Acceptance shall be in writing and actual return to the job may be delayed by the faculty member for up to a year. Failure to accept within 60 calendar days or rejection of the position eliminates all re-employment rights of the faculty member.
2. A faculty member who is recalled within four years shall have restored to him/her all sick leave he/she had accrued on the effective date of the layoff.



3. When requested by a faculty member whose employment has been terminated, the University shall give the faculty member one year's salary as severance pay and reasonable assistance in finding other employment.

J. Exclusive Procedure.

Any existing procedure for reconsidering or examining an employee discharge, non-reappointment, or grievance is not available for considering an issue that arises from a reduction in force. Similarly, no other personnel action other than a reduction in force may be considered under this procedure.