

University of Louisville  
Faculty Senate Meeting  
September 2, 2009

The regular meeting of the Faculty Senate was held on September 2, 2009 at 3:00 P.M. in the Ekstrom Library, Chao Auditorium, Belknap Campus, Melissa Laning presiding.

**Senators Registering Attendance**

**A&S** – Annette Allen, Beth Bradley, Jasmine Farrier, Dennis Hall, Mary Makris, Cynthia Negrey, Joseph Steffen, Elaine Wise, Tamara Yohannes **CoB** – Rob Barker, Carrie Donald, Bruce Kemelgor **DENTISTRY** – Ricardo Caicedo, Donald DeMuth, Robert Staat, Dave Willis **EDUCATION** – Thaddeus Dumas, Diane Kyle, Anita Moorman, Kathleen Rudasill **KENT** – Sharon Bowland, Seana Golder **LAW** – Enid Trucios-Haynes **LIBRARIES** – Gail Gilbert, Melissa Laning, Margo Smith **MEDICINE** – Forest Arnold, Richard Downs, Pam Feldhoff, Lawrence Hunt, Saeed Jortani, Brad Keller, Steven Myers, Steven Nakajima, Jeannie Roberts **MUSIC** – Daniel Weeks, Seow-Chin Ong **NURSING** – Diane Chlebowy, Peggy El-Mallakh, Ermalynn Kiehl **PART-TIME** – Brian Barnes, Judy Heitzman, Dylan Naeger, Susan Peacock, Dana Seay **PUBLIC HEALTH** – Ray Austin, Ruth Carrico **SPEED** – Nageshwar Bhaskar, Hollace Cox,

**Also Attending** -

Ex Officio: James Ramsey, Shirley Willihnganz, Hannelore Rader, Virginia Brown,  
Michael Rolf  
Others: Beth Boehm, O.J. Oleka  
Press: Janene Zaccone (*Inside U of L*)

**Senators Not Registering Attendance** -

**A&S** – Elizabeth Grossi, Martin Klotz **CoB** – Robert C. Myers **LAW** – David Ensign, Kurt Metzmeier **MEDICINE** – David Cunningham, Douglas Dean, Nobuyuki Kuwabara, John Nyland, John Passmore, Wayne Zundel **MUSIC** – Greg Byrne **PART-TIME** – John Baumann, Karen McKinney **SPEED** – James Graham

**INTRODUCTION: Newly Elected Senators**

Chair Laning welcomed all the newly elected senators in attendance.

**ACTION: Consideration of the Minutes**

The minutes of the July 1, 2009 meeting were approved as distributed.

**REPORT: Student Government Association** – Michael Rolf and O.J. Oleka

Mr. Rolf, the student representative to the Faculty senate, introduced Mr. O.J. Oleka, SGA President. Mr. Oleka applauded the faculty from the College of Education for their handling of the recent flood. He reported that the SGA will hold its own Town Hall

meeting next week to discuss this year's goals with students. His administration will take everyone's needs into consideration for a more holistic engagement of students, staff and faculty. The first initiative will be the Listen Up Legislators program; Governor Beshear will come to campus on September 16<sup>th</sup> to answer students' questions. He also noted that this year's Rally for Higher Education will be on February 9, 2010.

**REPORT: Staff Senate – Brent Fryrear**

Mr. Fryrear, Staff Senate Chair, reported that the Staff Senate will have its annual fall retreat next week and that H1N1 information will be available soon.

**Report of the Faculty Grievance Officer – David Simpson**

Mr. Simpson reported that the number of grievances has risen over the past year. He said that the ad hoc grievance process review committee's work last year revealed holes in the process, some of which have already been addressed. For example, he is pleased that the interim ombudsman has been implemented as a first step. Mr. Simpson also reported that he hopes the fear of retaliation seems as identified by the ad hoc committee will be addressed by the Redbook Revision Committee. After two and a half years as the Faculty Grievance Officer, he is stepping down at the end of December to become the chair of his department. Asked why mediation is not more widely utilized, Mr. Simpson said that both parties must agree to it. He did not have any information on what issues had been mediated, as that is handled through Dean Mordean Taylor-Archer's office. Asked if there was one area that had more grievances than another, he responded that the grievances were widely scattered throughout all areas of faculty welfare – work plans, tenure, service, etc. [[FGO Report](#)]

**ACTION ITEM: Elections for APC & CCC –Golder**

Due to a number of retirements and sabbaticals, two committees require an election to fill vacancies. The Academic Programs Committee has four vacancies and the Committee on Committees and Credentials has two. Elected to serve on the APC are Anita Moorman, Brad Keller, Annette Allen and Diane Chlebowy. Diane Kyle was reelected to the CCC.

**ACTION ITEM: Approval of the Faculty Senate Calendar - Staat**

The Faculty Senate meeting calendar comes as a motion from the Executive Committee and therefore does not require a second. The motion to accept the proposed meeting dates passed unanimously. [[Meeting Calendar](#)]

**ACTION ITEM: First reading of SON Bylaws – Willis**

As this is a first reading of the School of Nursing's bylaws, no discussion will be held. The bylaws have been posted to the Faculty Senate web site and are open for discussion at the next Senate meeting. [[SON Bylaws](#)]

**ACTION ITEM: Resolution of Flood Recovery Efforts – Staat**

Vice Chair Staat read the resolution and it was approved unanimously. The resolution is attached below this report.

**REPORT: University Provost – Dr. Shirley Willihnganz**

The Provost thanked the senate for the resolution. She then gave statistics of the damage the University suffered from the flood and estimated timelines for the reopening of various buildings. The next issue of concern is the H1N1 flu threat. On September 21, the seasonal flu vaccine will be available and by mid-October, the H1N1 vaccine should also be ready, provided testing is complete. Preparations are being made for Continuation of Work plans as this strain of H1N1 could put workers out for a week. The plan could allow people to possibly work from home. The advice will be to wash hands often, stay home if sick, use hand sanitizers (1000 bottles of hand sanitizer have been purchased to be placed around campus), cough or sneeze into your elbow, and to use wipes before and after using computer lab keyboards. Also, the Provost is asking faculty to relax their own classroom policies. There will likely not be any doctor's excuses as those offices will be swamped. She is also asking faculty to come up with their own Continuity of Instruction plan to cover duties if the professor is out sick. Between Blackboard and Tegrity, classes could be taught from home. All the technology is in place for this to happen, though only about 40% of faculty members use it. The Delphi Center is offering quick-learn modules on these technologies. The Provost requested that professors send out or post class attendance policies and prepare their Continuity of Instruction plan (chairs will be asking for it soon). She said she is open to suggestions for other ways to prepare for this. Provost Willihnganz then spoke about moving forward with the Smoking Policy. Both UofL and UK are going smoke-free on November 19<sup>th</sup>, The Great American Smoke Out Day. Smoking will be allowed in certain areas until June 2010. Afterwards, the policy will be enforced. The Provost said it will be somewhat similar to the use of seatbelts. There was a lot of resistance at first, but now it is second nature to Americans. She said that there cannot be expectation of enforcement on public streets and sidewalks and that more discussion is needed.

**REPORT: University President – Dr. James Ramsey**

President Ramsey reported that the state is facing a \$1B budget shortfall in the General Funds, with plans to balance the shortfall with federal stimulus money. The cuts higher education has had will be replaced by federal funds, but the UofL budget is predicated on state funds. The federal funds will be spread over the next biennium and will be gone after that. He is working with the CPE to get a credible model on which to build its budget. Unofficially, the state institutions are working together on Points of Consensus (to which all must agree in order to move forward on this initiative). The underlying principle is that any new funding for higher education must go towards technical adjustments; including debt service and maintenance and operations. This is the first time that the state did not fund M&O at all. If all the institutions and the CPE agree, M&O will be included in the technical adjustments. The total for the technical adjustments is \$36M and adjustments will be made in the sequence they were cut. Dr.

Ramsey reported that his legislative priorities are funding (with no future cuts), M&O (restore past cuts) and a base increase for salaries. He said he will also push for a new classroom building on Belknap. UofL is one of two institutions with documented, inadequate classroom space. The President briefly spoke about the coal severance tax, ULH payments to the University, and his Fall Outreach plans to visits around the state. Then Dr. Ramsey addressed the issue with Coach Pitino. He said it is more of a big story nationally than locally. Addressing the flood, Dr. Ramsey said that if it had happened any later in the month, he doubts we could have been ready for classes to start. He gave credit to the Provost and the Physical Plant and IT workers, who will be honored at the football game halftime. During the fall semester, he and the Provost will visit each college and discuss the challenges facing UofL – budget cuts, increasing graduation rates, etc. He reported that Dr. Martinez stepped down as the VPR and that Bill Pierce will be the Interim. President Ramsey's contract ends in 2012, but he may ask for a one year extension at the September 17<sup>th</sup> Board of Trustees meeting, because the upcoming legislative session will be so difficult, and he doesn't feel it would be fair to leave that to a new person.

### **Committee Reports**

**Academic Programs Committee (APC)** - This report was available online.

**Committee on Committees and Credentials (CCC)** – Election, as above.

**Libraries Committee (FSCOL)** - This report was available online.

**Part-time Faculty Committee (PTFC)** - This report was available online.

**Planning & Budget Committee (P&B)** - This report was available online.

**Redbook & Bylaws Committee (RB)** - This report was available online.

**Executive Committee (XC)** - This report was available online.

### **Other Reports**

**Dining services** - New rep – Kurt Metzmeier from Law.

**Faculty Athletics Representative (FAR)** – This report was available online.

**Human Resources Advisory Committee (HRAC)** – There was a special session to discuss rates.

**Parking Advisory Committee (PAC)** – This report was available online.

**Academic Technology Committee (ATC)** – No report

**University Librarian Report** – This report was available online.

**Employees Assistance program (EAP)** – No report

**Commission on the Status of Women (COSW)** – Susan Duncan was elected as President of COSW.

**Student Care Team** – New rep – Eli Karem, from Kent School.

### **Chair's report – Melissa Laning**

This report was available online.

### **Old Business**

None

### **New Business**

None

### **Announcements**

The next meeting is October 7, 2009 and will be held on HSC in Room 126 of the Dental School.

### **Adjournment**

The meeting was adjourned at 5:00 P.M.

Gretchen Henry  
Faculty Senate Secretary

## **University Faculty Grievance Officer Annual Report to the Faculty Senate**

**September 2, 2009**

In accordance with procedures established by the Faculty Senate Redbook Committee, as authorized in *Redbook* section 4.4.1.A, the following is my report of the activities of the Faculty Grievance Officer for the period July 1, 2008 – June 30, 2009.

This was the second year of my three year term. My appointment was effective July 1, 2007 and terminates June 30, 2010. I will address the following four areas: mediation, grievance activity and statistics, issues, and recommendations.

### **Mediation**

I continue to suggest and encourage grievants to seek mediation in cases where it is appropriate. The process of mediation has the potential to resolve issues where there has been misunderstandings and/or poor communication between the parties. Of the two of which I am aware, one reached an agreement, and the other is pending. Mediation requests are currently not copied to the Faculty Grievance Officer, but rather go directly to Vice Provost Mordean Archer-Taylor.

### **Grievance Statistics and Activity**

In the past year, I have consulted with 19 individuals concerning disputes or concerns, with 26 grievances filed, of which 18 were accepted by the UFGC. Eight were not accepted by the UFGC for procedural reasons or reasons of merit. Six of those eight rejections were appealed, and subsequently denied. There were three grievances that carried over from the previous fiscal year, all of which were resolved in the current year.

Of the five completed grievances dealt with by the UFGC since July 1, 2008, two found in favor of the grievant, one was mediated successfully, and two were withdrawn. There were 6 appeals of UFGC decisions not to accept a case, and all were denied. Twelve cases are in progress.

Below is a table summarizing activity by unit:

**Table: Grievance Activity July 2007-June 2008**

Unit	# new consultations	# grievances filed	Resolved from Prior Year	# resolved informally following filing of grievance (mediation or otherwise)	Other Resolutions
A&S	3	12	2	0	1 pending, 7 rejected, 4 withdrawn
CEHD	1	0	0	n/a	1 pending
Medicine	9	11	1	1	1 found in favor of grievant; 1 mediated; 9 pending
SPHIS	1	2		0	1 rejected; 1 pending
Speed School	1	1		0	Found in favor of grievant
School of Nursing	2	0		n/a	n/a
Other	2	n/a		n/a	Staff/student complaints; redirected to appropriate venue
<b>2008-09 Totals</b>	<b>19</b>	<b>26</b>	<b>3</b>	<b>1</b>	<b>12 pending</b>
Comparison prior year:					
<b>2007-08 totals</b>	<b>17</b>	<b>22</b>	<b>4</b>	<b>1</b>	<b>n/a</b>

Issues

## 1. President's Ad Hoc Grievance Process Review Committee

In Fall 2009 I was appointed to serve on the Ad Hoc Grievance Review Committee, under the direction of Professors Melissa Laning and Carrie Donald. As a result of that committee's work, we produced a document outlining issues in the dispute process at University of Louisville, and a series of recommendations. Those issues will not be repeated here, but I append that report to this one, as a means of reemphasizing the need for substantive changes in the process. The grievance system was found to be lacking in many respects, and the committee worked very hard to craft changes to improve the conflict resolution approach and climate on campus.

## 2. Need for strong Ombuds Office

One issue I would like to highlight is the beneficial role that the new Ombuds Office can play in dealing with conflict resolution. Usually by the time I am involved in the issue, the faculty member coming to me is seeking to file a grievance. An Ombuds Office can be a "pre" grievance place, one where there might still be opportunities for mediation and working things out. The office success will depend on a perception by the campus community that the office is impartial, and separated from the university administration.

## 3. Retaliation

Several cases this year had real and/or perceived instances of retaliatory actions based on the faculty member filing a grievance. While the University policy states this is not to be tolerated, there are no established procedures for dealing with the occurrence.

### Recommendations

1. I endorse the final report and findings of the Ad Hoc Grievance Review Committee, and support changes to the Redbook that would enable the recommendations to be enacted.
2. Revise the Redbook to include procedures for dealing with actual or reported retaliation, as a result of a grievance being filed.

Respectfully submitted,  
David M. Simpson, PhD, AICP  
University Faculty Grievance Officer

**RESOLUTION OF THE FACULTY SENATE  
UNIVERSITY OF LOUISVILLE**

Whereas President James R. Ramsey and Executive Vice President & University Provost Shirley C. Willihnganz provided significant leadership and compassion following the campus/community floods of August 4, 2009;

And whereas, Vice President for Business Affairs Larry Owsley and all the units that report to him managed the recovery of our campus tirelessly and effectively;  
And whereas countless other administrators, units and individuals from the university community worked diligently and with good spirit under difficult conditions to ensure the university was ready for the fall semester;

Be it hereby resolved that the members of the University of Louisville Faculty Senate express their profound thanks and appreciation to everyone who contributed to the successful effort to keep the University open and fulfilling our educational, research and service missions.

Be it further resolved that a copy of this Resolution be presented to President Ramsey, Executive Vice President and University Provost Willihnganz, and Vice President Owsley, and posted on the Faculty Senate web site.

Adopted by the Faculty Senate on September 2, 2009

**FACULTY SENATE PROPOSED MEETING DATES  
(Every first Wednesday of the month except January and August)**

**2009**

**September 2**

**October 7**

**November 4**

**December 2**

**2010**

**January 13**

**February 3**  
**March 3**  
**April 7**  
**May 5**  
**June 2**  
**July 7**  
**August – NO MEETING**

**EXECUTIVE COMMITTEE PROPOSED MEETING DATES**  
**(The third and fourth Wednesdays of each month)**

2009

September 23 & 30  
October 21 & 28  
November 11 & 18  
December 16

2010

January 20 & 27  
February 17 & 24  
March 17 & 24  
April 21 & 28  
May 19 & 26  
June 16 & 23  
July NO MEETING  
August 18 & 25