



Minutes of the UWRF Faculty Senate for November 18, 2009 Vol. 34 No. 9.

Representation	Term Expires 2010	Term Expires 2011	Term Expires 2012
CAFES	Kris Hiney** (Stephen Olson)	Laine Vignona	
CAS	Wes Chapin	Patricia Berg	David Rainville
	Karl Peterson	John Heppen	
		Jennifer Willis-Rivera	
COEPS		Hilary Pollack	Todd Savage
CBE			Hossein Najafi
4th Division	Kristie Feist	Valerie Malzacher (not seated)	Barbara Stinson (not seated)
	Kristen Hendrickson(not seated)		
At Large		Kathleen Hunzer	Robyne Tiedeman
	Michelle Parkison	Dennis Cooper	Marshall Toman
	David Furniss		Dawn Hukai
	Fernando Delgado*		

* Chancellor's Designee

** Absent

() Substitute

Call to Order: David Rainville called the meeting to order at 3:32 p.m.

Seating of Substitutes: Stephen Olson for Kris Hiney

Recognition of Invited Guests: Brad Mogen

Approval of Minutes of November 4, 2009: Approval of the minutes was moved by John Heppen and seconded by Marshall Toman. Discussion: McKenna Pfeiffer's name was spelled wrong. The minutes were approved by a vote of 18 for, 0 opposed, and 1 abstention.

Chair's Report:

"I am an advocate for the faculty of this institution. I am also an advocate the University of Wisconsin-River Falls. We are now embroiled in a constitutional debate that has so overtaken us that many have done nothing more than to heat up the oven which we must now all roast in.

The history which has taken us to where we are today is long. It goes back to 1975 when our current governance structure was initiated with the establishment of the University of Wisconsin System through WSS Chapter 36. We have made minor amendments to our original Constitution along the way, but it pretty much remains intact as it was originally drafted.

Just as with our Federal Constitution, the framers of the UWRF Constitution were wise with respect to their vision of the University. Amendments were never intended to be made easily. There are however two routes mentioned in Article VII to amend ours. Each is as legitimate as the other. The current question that this campus now has before us is legitimate. To suggest otherwise is misleading and inappropriate. Is it best for the campus? That is the real question that we need to consider. Regardless where the proposal was initiated, there would likely be claims of illegitimacy.

Why are we here? It goes back to last summer when questions arose about a conflict of interest that some faculty senators had with respect to voting on faculty welfare and compensation issues. These questions continued into the fall when some of these motions were reconsidered by Faculty Senate after they were disapproved by the Chancellor. I was charged by Faculty Senate to clarify voting rights and to obtain an opinion from UWS Legal. I did so, and the reply was not direct and left many questions unanswered. I did not want to share the response with this body until I obtained clarity on the issue. I was however obligated to make the email response public when the Provost held it up at the conclusion of my report during a Faculty Senate meeting and asked me if I was going to share my response from Pat.

After that meeting, several individuals discussed constitutional reform. It was that premature disclosure that has brought us to where we are today. I was one of those who requested signatures on the petition. I also told people with whom I spoke that signing the petition does not endorse the question on the petition, but it does endorse the referendum process. Additionally, that was clearly indicated on the petition. I personally was uncertain at that time whether or not I supported the question. I had some conflicting points in my mind that needed clarification.

I want to make it clear to everyone in this room that I stand for an inclusive Faculty Senate which has representation from all the constituencies on this campus that can be involved in governance. I also want to make it clear, that individuals with clear conflicts of interest should not be involved. I do not believe that academic staff members have an inherent conflict of interest. I do believe that administrators often do.

An inclusive Faculty Senate is a stronger voice than one which is limited to the voice of the faculty. I want everyone in here to consider what we would represent if we did not include the numerous voices on this campus. This becomes particularly poignant as one considers the flurry of email message that all of us have endured over the past few days.

I believe that we need representation from the Library, from Student Personnel, and University Services as indicated in Article VIB(1). I also believe that we need to recognize that the University has changed since 1975. In recent years, we have an increasing number of instructional academic staff which have not been represented on this body or the Academic Staff Council. The simple truth is that the economic model for American and Canadian colleges and universities is changing with more and more instruction being performed by IAS. This body needs to move rapidly to assure that we are not left behind and leave them unrepresented.

Many Senators have indicated that regardless of the outcome of the referendum, we need to consider the greater question of constitutional reform to address the myriad of questions that have been poised over the past few weeks. I agree. Moreover, I believe that it would be inappropriate to make changes to the Constitution prior to the addressing the greater question of constitutional reform.

The question of conflict of interest has been resolved in my mind. Limited appointees are not classified as academic staff during the term of their appointment. I am aware that the Academic Staff Council by actions promulgated in Chapter 6, specifically 6.1.2, and 6.14.3 to allow limited appointees to serve on the Academic Staff Council. Faculty Senate never made such an accommodation. Further, we were unable to obtain clarification as to who were limited appointees on this campus.

I declared the three seats vacant yesterday even though I was aware for several days about the situation. I became acutely aware of it after I sent out the sample ballots that this body required me to do. I received numerous complaints from individuals that they had not received the ballot. I knew that I had sent them out via the appropriate lists. I then realized that these lists had been generated by computer codes with the proper classifications.

I contacted Al Crist in Madison, and subsequently Donna Robole on this campus who confirmed what I had suspected. You may also remember that I reported at our last Faculty Senate meeting that Senior Vice President of Human Resources Al Crist informed a combined group of UWS faculty and academic staff representatives that limited appointees may not serve in a governance capacity. Clarification of the list was all that remained to finally bring closure to this situation. I gave HR until yesterday to contact the three individuals on this campus. I needed to go public as the situation on this campus had become too volatile. Thus my message was sent to you yesterday afternoon.

We need to come together as a campus. The bitter rancor which at times has degenerated to the level of school playground talk needs to end. Enough is enough to put it mildly.

I have tried to keep out of the fray, but I was not all that successful. I feel as though I must take a position for the sake of the University and for this body. The situation is so bad with the email situation that it has leaked into the public domain. We do not look good.

I have grave concerns how this affect the University externally. At a time when we have diminished resources, we are debating amongst ourselves in an intemperate manner to no avail. A fighting faculty and academic staff do nothing to elevate the stature of this University. If the public perceives that there is a problem, there probably is. It will affect our ability to attract students, faculty and staff. It will also hurt any prospects that we have to appeal to the public in general as we move into the anticipated capital campaign that is planned.

I have been asked by many to step up to the plate and to take a leadership role with respect to the referendum. That is exactly what I now conclude I must do. I want to announce that I do not see just reason under the circumstances to approve the question proposed in the referendum initiated by the petition of October 21, 2009. I am encouraging all faculty, non instructional academic staff, and instructional academic staff to vote no on the question on the constitutional referendum.

With that said, I would like this body to move rapidly after the vote to send a charge to Faculty Welfare to examine how we can best represent IAS on Faculty Senate and to propose constitutional reform which will affect that charge while preserving the inclusivity of Faculty Senate. We will emerge stronger and more influential on this campus.

I have not attended any faculty representative meetings recently. The next one is December 4, 2009 with a BOR meeting to follow on December 10 and 12 in Madison.

Additionally, the Executive Committee has met recently with senior leadership. I have nothing to report with respect to that meeting.”

Jennifer Willis-Rivera made a point of order, asking if it is appropriate for the chair to encourage a particular position. Parliamentarian John Heppen said that the Constitution doesn’t address this issue, and it is not against Robert’s Rules of Order.

Jim Madsen said he would like to challenge the statement that it is not legal or proper to have limited term appointees, and also said he spoke personally with Al Christ to get a ruling. Madsen noted he would like to refer this matter to the Faculty Welfare Committee. Rainville said the Executive Committee will take it under advisement.

A senator noted that last Wednesday before the Executive Committee met a petition signed by 12 people was presented to the chair and asked for it to be put on today’s agenda. Rainville said this item was out of order, and the senator could bring this up under miscellaneous new business.

Vice Chair's Report: Vice Chair Dennis Cooper introduced and welcomed Dr. Michelle Parkinson to the Senate. Cooper reported he had the opportunity to meet with Rep. Sheila Harsdorf yesterday and they spoke about a variety of faculty welfare issues.

Other Reports:

Faculty Welfare and Personnel Policies Committee - Brad Mogen, Chair: Mogen reported that committee was asked to address issues of reduction of workload as related to the furloughs. The committee drafted a response and sent it to the Executive Committee. Mogen said that to quantitate a reduction would be to invite issues down the road. He also said he would encourage the committee to respond if it becomes systemic.

A senator asked if they could write how they personally reduced their workload in their submitted reflective statements. Mogen said that they may do that if they feel it to be appropriate.

Unfinished Business

New Business:

1. A proposal from the Executive Committee to approve a **resolution** related to Wisconsin State Senate and Assembly Bill (SB223) which requires regional representation on the University of Wisconsin System Board of Regents:

Whereas the University of Wisconsin-River Falls lies on the far-western border of the Great State of Wisconsin; and,

Whereas there are currently no members of the Board of Regents with regional ties to the St Croix River Valley, the fastest growing region with the highest cost of living in the State of Wisconsin; and,

Whereas there has rarely been adequate representation on the University of Wisconsin System Board of Regents of most of the University of Wisconsin System Comprehensive Universities, Colleges, and Extension; and,

Whereas there needs to be greater access to all citizens of all areas of Wisconsin to members of the Board of Regents of the University of Wisconsin System to ensure that the needs of the entire State are met;

Be it resolved:

That the Faculty Senate of the University of Wisconsin-River Falls endorses SB223, which requires regional representation on the University of Wisconsin System Board of Regents, and it encourages Governor James Doyle to sign this bill.

A motion to approve this resolution was made by John Heppen and seconded by Karl Peterson. The resolution was approved by a vote of 18 for, 0 opposed, and 1 abstention.

2. A **motion** from the Faculty Compensation Committee (Stephen Olsen, Chair) to approve the following motion (this motion will amend and replace motion [2007-2008/67]):

A motion from the Faculty Compensation Committee for UWRF Faculty Salary Adjustment and Salary Preservation

Revised 5 November 2009.

Whereas, The Top Priority identified in the UWRF Strategic Plan 2007-2008 is "Goal 7: Invest in Human Resources" -specifically 7.1 "Strive to enhance compensation and benefits plans for all UWRF employees" and & 7.1.1 "Act to reduce salary compression;" and

Whereas, Salary levels for all faculty at UWRF have historically lagged behind those of other UW System Comprehensive Universities; ¹ and

Whereas, Hiring practices instituted by UWRF following "Reach For the Future" have permitted Assistant Professors and most Associate Professors to make positive gains in terms of salary position when compared to peer UW System Comprehensive Universities; and

Whereas, Full Professor salaries have been identified, both during "Reach For the Future" and during our current Strategic Planning process, as being substantially below our peer institutions based on nationally recognized data sources (AAUP as well as UW-System); ² and

Whereas, UWRF is designated by the Federal Government as being included in the Twin Cities metropolitan area and, therefore, subject to the Bureau of Labor Statistics data relevant to the cost of living in that metropolitan area; and

Whereas, The Recruitment and Retention Fund (RRF) (previously called the "STAR" system) and College Deans' salary exceptions offer opportunities for faculty at all ranks to increase their base pay on a limited, individual, selective basis; and

Whereas, Since 1999, the UWRF policy on promotions has been to award \$3,000 to faculty promoted from Assistant Professor to Associate Professor and to award \$4,000 to the base pay of faculty promoted from Associate to Full Professor; and

Whereas, The Report on Faculty and Staff Job Engagement at UW-River Falls, published January 2009, shows that 67% of the respondents slightly or strongly disagree with the statement that "the pay I receive for my work is fair and reasonable when compared to the pay that others on other campuses receive for doing comparable work," and that the accompanying consultant's report emphasizes that pay inadequacy and fairness can easily become employee de-motivators, and Whereas, The current pay policies for the UW System and UWRF itself provides no formal mechanism for UWRF Full Professors to reach even the average of their system peers nor provide any significant financial incentive to excel and advance in their professional careers; therefore be it **moved**

1. That \$2,000 will be added effective January 1, 2008, out of the current year's budget to the base salary of all current faculty members who were promoted to (and not hired at) the rank of Full Professor while at UWRF on or before 1 January 2008. ³

2. That, effective for the 2010-2011 academic year, \$2,000 will be added to the base salary of all current faculty members who were promoted to (and not hired at) the rank of Full Professor on or before 1 September 2010. This salary adjustment may be delayed for one year in the event of a significant UW System lapse and only after consultation with the Senate Executive Committee and the Faculty Senate.

3. That beginning 2008-2009, the award increments for promotion to Associate Professor and Full Professor will be increased yearly by a percentage that equals the approved pay plan percentage increase. The base year is 2008-2009.

4. That all monies assigned to unclassified salaries shall remain assigned to unclassified salaries when an unclassified employee leaves UWRF (e.g., retirement, resignation, death, or any other reason). "Salary savings" shall no longer be used as a revenue source to replace UW System budget cuts or transferred to non-salary budgets. In the event of a UW System budget lapse or other budget crisis, exceptions may be made to this following consultation and concurrence of the Faculty Senate.

5. That beginning with the 2010-2011 academic year, salary adjustments (other than the pay plan percentage increase) for faculty of all ranks will be made on the basis of a model to be determined that would include, but not be limited to, 1) Post Tenure Review; 2) the difference between the faculty member's salary and the salaries of faculty at peer institutions adjusted for academic discipline; and 3) years of service at UW-RF. A minimum of \$100,000 shall be allocated to this adjustment fund annually. These monies are separate from the RRF program or its UW System institutional successor. Other compensation adjustment programs currently in existence at UW-RF will continue to exist. This allocation shall continue at least until UW-RF faculty (tenured and tenure track) salaries at all ranks reach the average of our peer institutions as determined by the AAUP Faculty Salary Survey. This salary adjustment may be delayed for one year in the event of a significant UW System lapse and only after consultation with the Executive Committee of the Faculty Senate and Faculty Senate.

Notes:

¹ For example, in 1998-1999, UWRF Assistant Professors ranked 9th in the System in terms of average salary; UWRF Associate Professors ranked 10th out of 11 institutions; and UWRF Full Professors ranked 11th out of the 11 UW System institutions in mean salary. UWRF Full Professors have ranked 11th out of 11 UW System institutions for the last six years (2002-2007) according to AAUP data.

² According to AAUP 2006-2007 averages, UWRF Assistant Professors earn \$715 above their peer average; UWRF Associate Professors are \$62 below their peer average; UWRF Full Professors are \$4,735 below their peer average.

³ If the UW comprehensives get raises authorized by the state of Wisconsin, the current \$4,735 deficit for UWRF Full Professors will only get bigger.

Approval of this motion was moved by John Heppen and seconded by Dennis Cooper.

Wes Chapin made a point of order, saying that this was a 2007-2008, not a 2008-2009 motion. Rainville said he will correct this, and it doesn't affect the motion.

Steve Olsen reported that basically no new policy being presented, and that the idea behind it has already been passed by Faculty Senate, and approved by a Chancellor. The revision resurrects unimplemented parts, revises dates, and the second round of the \$2000 salary increase, as well as a \$100,000 pot to address inequity at all levels. There is some clarification on what constitutes a budget crisis, and inserts provision for the \$100,000 to be delayed if necessary.

Faye Perkins asked who is “everybody” in the \$100,000 pot. Rainville said it is faculty of all ranks.

A senator said that the way she read the motion, the last sentence in number five would allow opportunity to delay for one year maximum, making the worst case that this could be delayed for one year barring revision.

The motion passed by a vote of 18 for, 0 opposed, and 1 abstention.

3. A **motion** from the Executive Committee to accept a report and the recommendations contained in that report from the Athletic Committee (Brian Huffman, Chair). The Report is as follows:

<p style="text-align: center;">Athletic Committee Recommendation to the Chancellor Regarding the UWRF Swimming & Diving Team</p>

Introduction

The Athletic Committee recommends the retention of the UWRF Swimming & Diving Teams. The vote in favor of retention was 6 to 1 with the Athletic Director abstaining.

This recommendation to the Chancellor was to specifically address the following eight considerations for suspending or terminating a varsity sport:

1. Title IX impact
2. Are the facilities adequate to support a competitive program?
3. What is the competitive history of the sport?
4. Is quality, consistent coaching available?
5. What are the financial implications, including the possibility of reallocating resources within and outside of athletics?
6. Contribution to broad based program:
 - a. Balance between team and individual sports
 - b. Other opportunities for competition
 - c. Availability of intramural alternatives
7. Effect on community involvement and service.
8. What are the enrollment implications, including impact on the university’s strategic enrollment goals?

The next eight sections of this report addresses each of these issues.

Item 1: Title IX Impact

The Title IX impact of suspending the team would be minimal. Although the suspension of the swimming team would involve more women than men (22 women versus 17 men), the ratio of women to men varies from one year to the next. Furthermore, the ratio of women's to men's sports offerings at UWRF will still be the largest in the WIAC Conference (see Table 1 in the Appendix).

Item 2: Adequacy of Facilities

It was reasonable to consider the desirability of retaining a team when their primary facility fails. Therefore, the 7-year Athletic Review (written to former Chancellor Betz) said that consideration should be given to dropping the swimming and diving program should the pool fail.

There are three pools to consider: the UWRF Pool, the River Falls High School Pool, and the Hudson YMCA Pool. First, the UWRF Pool is broken beyond economically viable repair. Nobody disputes that fact.

Second, the Hudson YMCA Pool is inferior to the River Falls High School Pool, the distance to it is much greater, and the rental is higher. Thus, there is no reason to consider it further.

Third, the River Falls High School Pool is superior to the university pool which failed. It has more lanes, wider lanes, and two 1-meter diving boards (versus no boards at the university pool). That pool is also very close to the university.

Adequate facilities exist whether or not the team is suspended.

Item 3: Competitive History

The women's and men's teams have never been competitive in the WIAC Conference finishing last or second last in 36 of 42 years. Their overall (conference and non-conference) win/loss ratio for the last 6 years are 19/14 for the women (winning 57.6% of the time) and 7/23 for the men (winning 23.3% of the time) respectively.

The teams have forfeited the diving part of their competitions (since they had no diving boards at the university pool); their respective win/loss ratios without diving would have been 23/10 (winning 69.7% of the time) and 13/17 (winning 43.3% of the time). These records are on par with the overall win/loss records of all UWRF teams over that same time period: 613/580 (or a winning percentage of 51.4%).

The UWRF swimming and diving teams are small, competitive for their size, and growing (there are only 3 seniors versus 18 freshmen on the teams). There are 17 men and 22 women on the teams making them the second smallest men's team and the smallest women's team in the WIAC.

Item 4: Coaching

The Athletic Director maintains that the coaching staff is first rate.

Item 5: Financial Implications

The following budget numbers were taken from the Athletic Director's Report:

Swim S & E	\$15,000
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Assistant Coach	\$ 3,000
Coach (50%)	\$21,574
RFHS Pool Rent	<u>\$15,000</u>
Total	\$54,574

It costs the university less to rent the High School pool than it did to own a pool. The savings are to the university as a whole (not necessarily to individual departments); Facilities Management (which had paid to maintain the old pool) has seen a large decrease in its expenses. The Vice Chancellor for Administration and Finance (whose office pays for the rental) has seen an increase in expenses.

Tuition income is expected to drop somewhat as the potential loss of undergraduate students is estimated to be between 30 and 35 (see Item 8). Thus, the cost to retain the program would be \$54,574/year. The cost to suspend the program would be the loss of tuition income.

Item 6: Contribution to a Broad Based Program

a. Balance between team and individual sports

UWRF offers 11 women's and 7 men's sports. If swimming were dropped that would be 10 women's and 6 men's sports.

The women compete in golf, soccer, volleyball, tennis, basketball, softball, indoor track and field, outdoor track and field, hockey, cross country, and swimming and diving. Five of those are more team-oriented (soccer, volleyball, basketball, softball, and hockey) and six are more individual sports (golf, tennis, indoor and outdoor track, cross country, and swimming and diving). Thus the elimination of swimming and diving evens the balance between team and individual sports.

The men compete in football, basketball, indoor track and field, outdoor track and field, hockey, cross country, and swimming and diving. Three of those are more team-oriented (football, basketball, and hockey) and four are more individual sports (indoor and outdoor track and field, cross country, and swimming and diving). Again, the elimination of swimming and diving would even the balance between team and individual sports.

b. Other opportunities for competition

The swimming and diving team members would have no reasonable opportunity to compete should the teams be suspended. Participation in club swimming (USA Swimming) and AAU events would be prohibitively expensive and very inconvenient.

c. Availability of intramural alternatives

There are no intramural opportunities for swimming and diving.

If the teams are suspended the balance between individual and team sports is improved, but opportunities to compete for the present team members to are eliminated.

Item 7: Effect on Community Involvement and Service

The following is a partial listing of community involvement and service by the swimming and diving team members and alumni.

Lifeguarding and Volunteering for Area Swim Meets – HASA’s head coach reports that members of the swim team serve as lifeguards and generally help run area swimming competitions at the high school and club levels.

Hudson Area Swim Club (HASA) – 5 members of the present and former UWRF swim teams coach the Hudson Area Swim Club.

North Suburban Aquatic Club – One alumni member of the swim team coaches the North Suburban Aquatic Club.

Roseville Area High School – One alumni member of the swim team coaches at the Roseville Area High School.

River Falls Swim Club – 3 members of the swim team coach the River Falls Swim Club.

Charities/Community Spirit/Service – Swim team members have participated in the Relay for Life, Trick-or-Treating for Canned Goods, were the only team to march in the last Homecoming parade, and the design of the Frisbee Golf Course at Hoffman Park in River Falls.

Service to the Team Itself – Graduating and 5th year students have stayed to help coach the team on a volunteer (non-paying) basis.

WIAC Conference – Loss of the UWRF Swimming & Diving team would reduce the number of such teams in the conference to 5 which is the minimum for competition. The WIAC competitors would also lose the opportunity to swim at the world-class facilities on the University of Minnesota campus (the UWRF team holds for profit invitationals at that University’s natatorium).

Alumni Giving – It is likely that alumni who swam for UWRF will cut back in their giving. Many have said as much in emails to this committee.

If the team is suspended the community involvement and service by team members and alumni would eventually cease.

Item 8: Enrollment Implications

The swim team consists primarily of underclassmen/women (there are only 3 seniors on the team). The men had a 3.18 GPA last season while the women had a 3.00. It is estimated that between 15 to 20 of these 37 student athletes would leave UWRF.

The enrollment implications extend to incoming freshmen as well. The team coach is in contact with 29 recruits. In a normal year he could expect to get about 15 of those to come to UWRF. It is likely that all of those would go elsewhere.

Thus, the total potential loss of undergraduate students is estimated to be between 30 and 35.

Appendix

INSTITUTION	SPORTS	WOMEN	MEN	ENROLLMENT
OSHKOSH	20	11	9	12,400
EAU CLAIRE	19	11	8	10,800
WHITEWATER	20	11	9	10,671
LA CROSSE *	18	10	8	9,900
ST POINT	19	11	8	8,800
STOUT	17	10	7	8,400
PLATTEVILLE	16	8	8	7,000
RIVER FALLS	18	11	7	6,350
SUPERIOR*	15	8	7	2,900

Table 1: WIAC Sport Offerings by Institution

Approval of the motion was moved by John Heppen and seconded by Jennifer Willis-Rivera.

Rainville said he commends the work of the Athletic Committee and thoroughness of the report.

The motion passed by a vote of 18 for, 0 opposed, and 0 abstentions.

Miscellaneous New Business:

1. Update on Salary Letters: Rainville noted he already addressed this in his report.
2. Petition: Rainville noted that the Constitution doesn't say when petitions must be added to the agenda, and that the ballots will not be marked, and there will be a public counting.

Willis-Rivera read the petition at this point (petition concerning whether or not there would be a public counting of the ballots).

A senator said that there were numerous emails regarding this topic this week, and that she was disturbed at the suggestion that this Faculty Senate cannot be trusted to count ballots. She said she feels there is a question of the ethics and principles explicit in the petition.

Provost Fernando Delgado said the administration has been concerned about the flurry of emails, and have been holding emails that are partisan on the campus mailing lists. He said he recognizes that these emails come from a place of frustration, and what is fundamentally damaged right now is the culture of campus. He continued to say that the administration must participate in stitching of that culture.

A senator noted that in her particular realm, it is natural to ask that something be done by third parties. She further said there isn't a lack of trust there, all business is based on trust, and it doesn't mean that we don't bring in third parties when there may be a perception of bias.

Student Senate representative Brent Hopkins said he finds it discouraging the way things have been going, and asked the Senate to consider where the source of the problem is. He said in his opinion, the source is not internal to this institution, but comes from the state. He noted that what is needed is unity to deal with situation that goes beyond this institution.

David Trechter said that there are differences of opinion of who is voting, and who is a senator, both of which should be clarified before this moves forward.

A senator said that this referendum was kicked off by some real problems, that there are conflicts of interest. He said he doesn't think that highlighting a voting record to demonstrate a conflict of interest means that anybody is a bad person – conflict doesn't equal personal wrong-doing.

Another senator asked if there is a conflict of interest present if the individuals counting votes are also those who signed the petitions, and questioned where the votes will be submitted and held. Rainville said the chair usually gets them, but they can be sent to Lisa Stratton for this referendum.

Michele McKnelly said she has been at UWRF for 20 years and never seen anything like this. She said that there are many people on both sides of the issue that she counts as very good friends, and is very upset about the nature and the tone. She noted that no matter the result, there is a problem here in how the academic staff are perceived by the faculty.

A senator said that during previous roll call votes, the faculty also voted against those motions.

Valerie Malzacher said that much of the rhetoric deals with a couple of votes that she cast on the floor of the Senate. She said academic staff were told on the floor that it was inappropriate for them to vote. She noted that on those votes, she voted her conscience, and that she has worked for so many years to support the faculty. She said she requests that the chair receive in writing information received verbally from Al Christ and Pat

Brady. She further said that until this lack of information and conflict of interpretation is provided to her in writing, she feels it is appropriate that she be reseated as a senator.

At this time, Todd Savage said he had to leave, and asked to seat a substitute. Jim Madsen was seated as a substitute for Todd Savage.

3. A motion to provide compensation for instructional academic staff who serve on the Faculty Senate:

Noting that instructional academic staff rarely serve as senators on the Faculty Senate,

Recognizing that instructional academic staff can only be asked to work for the University according to the terms of their contract,

Further recognizing that said contracts rarely include requirements and compensation for University Service,

Acknowledging the contribution of instructional academic staff and desiring to improve the conditions necessary for their potential participation as senators,

The Faculty Senate hereby moves that the UWRF

1. provide instructional academic staff who are elected to the Faculty Senate \$500 per semester in compensation for such University Service (provided that their contracts do not already include provisions and compensation for University Service); and
2. adjust said compensation annually to reflect changes in the pay plan.

Approval of this motion was moved by Wes Chapin and seconded by John Heppen.

A senator asked if this be something best handled by *ad hoc* committee on Instructional Academic Staff (IAS), as if the referendum fails, it would make this motion moot.

Another senator replied that even if the referendum fails, this motion would be useful. It is unprofessional to expect IAS to do this service when they are not being compensated.

Provost Delgado said this is an important issue of equity, and it is yet another compensation that goes into a complicated budget. He said that IAS receive signed contracts, which may mean they are most vulnerable employees in an enduring fashion. He said the administration signs their contracts.

A senator said the way the promotional material for lecturers is worded says you must fulfill contractual duties, and the myth is that they can't be asked to do other things. He said that for senior lecturers, they must do these things to be promoted because service is part of the promotion process.

At this time, Karl Peterson asked that Brad Mogen be seated as a substitute. Brad Mogen was seated for Karl Peterson.

The motion failed by a vote of 8 for, and 9 opposed.

Kristie Feist moved that Faculty Senate refer this motion to the Executive Committee to reassign it to the appropriate committee for review, and was seconded by Fernando Delgado. The motion passed by a vote of 19 for, 0 opposed, and 0 abstentions.

4. A motion to form an ad hoc committee to explore possible constitutional changes related to representation, voting rights, and related issues:

Whereas there has been significant debate regarding the role of academic staff on Faculty Senate,

Recognizing the critically important contributions that academic staff make to the University,

Seeking a positive resolution of the issues that have been raised by the recently proposed constitutional referendum,

The Faculty Senate hereby moves to

1. create an ad hoc “Committee on Constitutional Issues” with a membership that reflects the relative representation of the various divisions on the Faculty Senate (i.e. 3 CAS, 1 CAFES, 1 CEPS, 1 CBE, 2 FD, and the Student Senate President or designee);
2. include at least one instructional academic staff member on the committee (if practical);
3. charge said committee to review the issues raised by the proposed constitutional amendment, and to make appropriate reports and recommendations to the Faculty Senate;
4. provide a sunset to the ad hoc committee of May 1, 2010.

Wes Chapin moved to approve this motion and Marshall Toman seconded.

A senator said this is a commitment to try to move forward with some kind of conversation on this issue, and the ratios were taken from representation currently on Faculty Senate.

Another senator said he thought we already had this in place, that there was an *ad hoc* sub-committee to look at this. A senator replied that the issue goes beyond IAS.

A senator said she is concerned that the referendum is clearly worded, and faculty will have some expectations one way or another. She said she doesn’t think any of them anticipate or expect this to go to committee – if it was a matter for committee, it should have been done earlier. She further asked if it isn’t inevitable that a committee would want to change the wording of the referendum.

Wes Chapin moved to call the question and was seconded by Pat Berg. The motion to call the question passed by a vote of 12 for, 3 opposed, and 1 abstention.

The motion passed by a vote of 11 for, 3 opposed, and 2 abstentions.

5. Jim Madsen moved to reinstate the three faculty senators until we have a legal opinion in writing from Al Christ at UW System and was seconded by Kristie Feist.

Craig Morris noted that Al Christ is not a lawyer - he can give a human resources opinion but not a legal opinion.

At this time, Chair David Rainville passed the gavel to Vice Chair Dennis Cooper. Rainville said that the issue is about the role of limited appointees and their status and classification. He noted that their classification made clear by System, that when you are a limited appointee, you may not serve in a faculty governance role. He said this has always been understood in terms of Deans, and that there is no difference between that interpretation on the faculty side and this interpretation on the academic staff side. Rainville said Al Christ relayed this to Donna Robole, and she asked Rainville if he would wait to release that information until this body. Rainville also said he assumed that she had spoken to these people ahead of time.

A senator asked that what happens to the decision-making process if Faculty Senate waits for a legal opinion. He said he think Faculty Senate should submit this to the *ad hoc* committee that has been put forward.

Another senator asked if Madsen would revise the amendment to not have a specific name, as Al Christ may not be the right person to look at the question. Madsen said he is open to who is asked.

Rainville said he has been trying for many years to get clear clarification as to the classifications on this campus. He said clarification wasn't forthcoming, and so there has been confusion for a long period of time.

A senator said she wants to respect past practices when they don't violate statutes, and appalled at Faculty Senate's ability to get things in writing. She further said the Senate needs clarification from a lawyer because this is a Wisconsin Statute issue.

Another senator noted that a legal opinion is advisory in nature and not binding. He said that court decisions, statutes, etc., are the kinds of things that matter.

A senator said at UW-Stevens Point, they have a seat for a Dean on the Faculty Senate, so either they are in violation of state statute, or there is not a prohibition against this.

Rainville said that UW-Stevens Point has that written into their Constitution.

Jim Madsen moved to call the question and was seconded by Brad Mogen. The motion failed by a vote of 8 for, 8 against, and 0 abstentions. Therefore discussion continued.

Hossein Najafi moved to amend the motion to read “from a legal representative from UW System” instead of “from Al Christ at UW System” and was seconded by Laine Vignona.

Rainville – invite Al Christ and Pat Brady to this body.

The amendment passed by a vote of 14 for, 0 opposed, and 1 abstention.

A senator said if the Constitution conflicts with state statute or federal law, state statute or federal law takes precedence.

Another senator noted that the Constitution is silent on whether or not limited appointees for the purposes of governance have faculty status, and the Faculty Senate therefore must abide by state statute which says if you are a limited term appointee, you are ineligible to serve on Faculty Senate.

David Rainville moved to call the question and was seconded by Pat Berg. The motion failed by a vote of 5 for, 10 against, and 0 abstentions.

Morris said that classification is there for the purpose of establishing rights, duties, and responsibilities. He said the problem is, the campus has been operating in a certain way. UWRF’s Constitution does not read the way of that of UW-Stevens Point, however UWRF’s practice makes it seem as if it does.

At this time, Jennifer Willis-Rivera asked to seat David Trechter as a substitute. David Trechter was seated for Jennifer Willis-Rivera.

A senator said because the Constitution is silent, and because the statute is not clear, it seemed to him that there’s not a violation of law or the constitution pending some further clarification of whether or not this is legitimate.

Another senator replied that the group is under an obligation not to do something illegal, and Faculty Senate has been given wrong information in the past that serves a particular agenda.

Kathleen Hunzer moved to call the question and was seconded by Jim Madsen. There was no dissention.

The motion as amended passed by a vote of 14, 0, 1 abstention.

Kathleen Hunzer moved, and Brad Mogen seconded, adjournment. There was no dissention.

Adjournment at 7:01 p.m

