MARQUETTE UNIVERSITY
University Academic Senate Minutes
March 19, 2018
3:00 – 5:00 p.m.
AMU, Ballroom CD

Members in Attendance: Ms. Iman Ajaz, Dr. Julia Azari, Dr. Jeff Berry, Mr. Bruce Boyden, Dr. Sumana Chattopadhyay, Dr. Joseph Domblesky, Dr. Kim Factor, Dr. Marilyn Frenn, Dr. Ana Garner, Mr. Kurt Gering, Dr. Arndt Guentsch, Dr. Todd Hernandez, Dr. Brian Hodgson, Dr. Rick Holz, Dr. Kristof Kipp, Mr. Patrick Loftis, Dr. Cheryl Maranto, Dr. Tim Melchert, Dr. Dan Myers, Dr. Michelle Mynlieff, Dr. Therese Novotny, Dr. David Papke, Dr. Anne Pasero, Dr. James Richie, Dr. John Su, Dr. Doris Walker-Dalhouse, Dr. Jennica Webster, Ms. Mary Jo Wiemiller, Dr. Susan Wood, Dr. Doug Woods, Ms. Jean Zanoni, Dr. Wanda Zemler-Cizewski

Members Excused: Dr. Abir Bekhet, Dr. Paul Nolette, Dr. Brian Till, Mrs. Janice Welburn

Members not in attendance: Ms. Melissa Meyler-Warlow, Dr. Margaret Sebern, Mr. Benjamin Vazirani

Guests: Dr. Allison Abbott, Dr. Lowell Barrington, Ms. Valerie Beech, Dr. Joshua Burns, Mr. Brian Dorrington, Dr. Kerry Egdorf, Mr. Steve Frieder, Dale Kaser, Dr. Janet Krejci, Dr. Cecilia Landin, Dr. Michael Lovell, Dr. Shelly Malin, Dr. Gary Meyer, Dr. Jane Peterson, Mr. Joel Pogodzinski, Dr. Rebecca Sanders, Dr. Michael Slattery, Dr. Elaine Spiller, Ms. Toni Uhrich, Mr. Ralph Weber, Dr. William Welburn

I. Call to Order by Dr. Cheryl Maranto at 3:07 pm.

II. Reflection was given by Dr. Cheryl Maranto.

III. Approval of February 19, 2018 minutes
   • Motion to approve: Dr. Doris Walker-Dalhouse
   • Second: Dr. Marilyn Frenn
   Reference to the ability of Executive Committee to make small changes to statutes should be deleted. Was included last year when committees were being changed to allow minor changes to committees; it was not meant to provide a broad brush. With that reference removed, minutes of February 19, 2018 are approved.
   • Passed by unanimous voice vote

IV. Chair’s Report – Dr. Cheryl Maranto
   • Requests that everyone consider serving in executive committee and leadership positions. Currently do not have a nominee for vice chair; have 2 people running for faculty rep. Encourages nominations up to the April meeting. Serving on Executive Committee is not onerous; one one-hour meeting per month.

V. Vice Chair Report – Dr. Michelle Mynlieff
   • Faculty Forum will be April 11, 3 to 4:30, in Weasler Auditorium with Dr. Kati Berg moderating
   o Forward questions to Faculty Council.

VI. Secretary’s Report – Mrs. Mary Jo Wiemiller
   • Election Update
   o Nomination forms have been distributed. Can self-nominate; if want to nominate others, Mary Jo will follow-up to see if they are interested in serving on Executive Committee of UAS.
   o Remind units that voting is underway for open senator positions (at-large) and for faculty hearing committee. Ballot is open and available for the remainder of this week.

VII. Provost’s Report – Dr. Dan Myers, Provost
   • Enrollment Update
   o Undergraduate
• Continues to be good news. Is still early; are running way ahead of this point last year. Up 36% in deposits. Rolling admissions made us ahead of the cycle. Have done some snooping around with competitors, and it appears they are down a little. We appear to be doing a good job of matriculating our applications. Half of expected deposits will come in the last two weeks of the cycle. Up in all colleges, up in diversity categories.
• International: seem to be up but will have to wait to see how political environment ultimately affects international students.
• Transfers: currently, numbers are up.
  o Graduate:
  • Overall, currently looking good.

VIII. Budget Update/M12 Initiatives – Mr. Joel Pogodzinski, Chief Financial Officer
  • Presentation which included highlights of FY17 and information on various areas of our financial profile; discussion of our financial management philosophy; and overview of FY19 operating and capital budget expectations; explanation of budget related to status of M12 initiatives; and a 10-year financial plan.
  • Will more heavily utilize cash reserves than we have in the past.
    o Such things as Wild Commons, AHPRC (some fund-raising, but some utilizes cash reserves); other things in capital management plan. Strategic plan is bold and we are trying to build momentum; we may not be as conservative with cash reserves as we have been in the past. The use is not unexpected; it is a strategic decision.
  • No plans to issue new debt; are staying the course with current plan;
  • Endowment had a nice return for FY17 and are growing in FY18.
  • Operating budget has gone up modestly – FY19 is higher than some previous year increases; capital budget includes significant maintenance and upkeep as well as building projects.
  • Investments are required for implementation of M12 initiatives and capital campaign. Board has approved a deficit budget; was strategically determined to implement Beyond Boundaries. Will continue to operate with a balanced budget philosophy.
  • Capital budget also operates on balanced budget philosophy; important to keep unfunded capital in balance.
  • Operating budget
    o Freshman discount has climbed over past couple of years from an average in the high 30% range to over 47%. Budget assumes a reduction to 46% and M12 initiatives address ways to bring that discount back into a healthier spot.
  • Non-discretionary expense increases are expected – no surprises.
  • Tuition revenues and fees effectively cover compensation and fees.
  • Slightly more than half of capital budget is tied up in AHPRC and PA expansion. Books & periodicals expenses are a huge piece, as well as strategic facility priorities (animal resource center is a big investment for FY19 and FY20, for example).
• M12 Summary: Provided a very quick status/progress update.
  o Both Operational Efficiencies and Asset Monetization are intended as ways to make better use of our money by increasing efficiencies; asset monetization is more of an opportunistic initiative rather than utilization; when opportunities arise, we will look at how to monetize them (The Marq is an example).
  o All initiatives have business plans and champions and we have an idea as to what we can expect and how they will transform; these will continue to evolve over time.
  o 10-year Financial Plan was discussed from the perspective of M12 initiatives. The initiatives and Beyond Boundaries are a way to move forward strategically; doing nothing, with nominal tuition increases and pinching pennies won’t work for the long term.
  o Deficit budget was prepared on purpose, strategically, and with the full approval of both the Board and university leadership. As initiatives move into the future, will move from that deficit budget in year three. We are in an inspirational, bold, and aspirational place in our planning.
• Questions/Discussion:
  o People have been asking for longer than 1-year planning; is there any possibility that will happen?
    • University has done annual budgeting for a long time. 10-year plan will be more directional, but we want as much leeway on 3-year plan as would have on a 1-year plan.
  o Was there an official announcement about the PA Expansion?
    • No official announcement yet. That will be coming soon.
  o Is there something in place if the stock market should head down again?
    • From an endowment perspective, we don’t follow the riskiest investments. Have a balanced investment approach which helps us. We perform quite well in a down market as compared to our peers. Will never match a market upturn, but we will also never match a market downturn. A significant market crash would put pressure on our endowment income, but we are in a good place to withstand it.

IX. Amicus Brief – Dr. Cheryl Maranto
  • An amicus brief is filed by someone not a party to a lawsuit, but who has a significant interest in the outcome.
  • Discussion/Questions:
    o The link to the statutes in the brief is not active. It should be corrected or otherwise made available.
    o The brief indicates that only tenured faculty vote for people on the faculty hearing committee. The statutes or by-laws do not say that. It should be corrected to say tenured or tenure-track.
    o The brief says we have nine schools or colleges and the website might say otherwise. Encourage another proof-reading.
    o Are there any concerns about approving the filing of the brief on behalf of the entire Senate?
      • Is there a question about recusals of certain individuals from the senate voting? No; that person can just abstain.
      • Confused by the argument in the brief; it indicates that the argument revolved around the process being fair and provided a description of process used; conclusion stated we are confident it was fair. The concluding paragraph says something that appears to be a different argument than stated originally.
        ▪ Writer was trying to capture that the process is specifically designed for the interest of tenured faculty matters; wanted it to be clear that an independent review is in the best interests of the faculty. Brief spells out the process and that it is an important part of shared governance, as well as make clear that the process is in the best interests of the faculty member. Intent of the last statement in the brief is essentially the same as saying that Academic Senate accepts the brief as the position of the faculty in the same way that a committee report represents the position of the committee.
    o McAdams is appealing a summary judgment; does the brief address this? The Academic Senate, as a body, has no preference as to who wins the appeal.

Vote by show of hands:
Motion to approve: Mr. Kurt Gering
Second: Mr. Pat Loftis
Vote passed: 28 yes, 0 no, 4 abstentions

• Thank you to all for the incredibly hard work in this process and on this amicus brief.

X. Dr. Michael Lovell and Mr. Ralph Weber
  • Discussion/Questions:
    o The process we followed in McAdams case is appropriate. Compliments to faculty hearing committee for their hard and excellent work on this case. Possible outcomes of Supreme Court
review were explained.

• Lower court found that procedure was followed and that president’s decision was based on that procedure, and that it should not be relayed to a trial court, an outside lay body.
• Four members of Supreme Court agreed to hear the appeal; after review, could affirm the decision of the trial court.
• If one of the 4 were to change their decision, it would become a 3-3 tie and would go to court of appeals.
• Third option is to determine that a lay jury should hear; it would come to Milwaukee.
• Fourth option is a decision that as a matter of law, Marquette cannot discipline McAdams under his contract.
  o University acted in this case because he included the name and contact information of the student teacher; putting that information in front of a hostile audience. Had he done the same thing without including the name and contact information, this would not be an issue – the university would have had no action. Using the information was where he crossed the line.
  o Court is allowing a total time of 30 minutes per side for arguments. This time allowance indicates they are taking it seriously. Will be live-streamed on April 19. One of the justices is interested in the history of faculty governance; AAUP and faculty governance documents will be of interest.
  o An engaged panel will ask a lot of questions
  o Has raised the question of how conservatives are treated on campuses across the US, but that ignores the facts of what occurred.
  o This is a relatively straightforward contract claim. Faculty statutes, sections 306 and 307 are referenced. Can’t bring someone up on disciplinary charges saying they have acted unprofessionally, when you are really concerned with what they said about a specific issue.
  o First instance we know of where the faculty hearing committee was used, resulting ultimately in disciplinary action.
  o Senate’s filing of amicus brief makes it clear that the faculty has its own voice and that shared governance means something. Should not be set aside to allow a jury of lay people to decide in a situation where shared governance is used.

XI. University Committee on Promotion and Tenure – Dr. Gary Meyer, Chair

Motion to Approve:

Statute on Faculty Appointment, Promotion and Tenure, Chapter 303 Originating Unit Procedures
To amend chapter title, add new section and renumber current section

• Met and introduced this proposed change that would create a similar policy across campus for what happens when local P&T standards change. From a faculty perspective, important for faculty to know which standards they are expected to perform against. Currently handled on case by case, or department by department basis. This change puts the power in the hands of the faculty member to either accept the revisions or remain with the current standards for a period of up to 7 years or until that person is promoted.
• P&T committee did good work to create a useful and useable policy.
• Discussion/Questions:
  o If passes, policy takes effect immediately; but is not invoked until the next time local standards change. When that happens, the faculty member decides whether they want to proceed under old or new standards. This has nothing to do with what one college is doing in comparison to what another college is doing.
  o Concern about first sentence that says university criteria supersedes college criteria.
    • That statement is included as an introduction to the policy and is not a part of the actual policy.

  Vote by show of hands, passed: 29 yes, 0 no, 1 abstention
XII. University Board of Undergraduate Studies – Dr. Michael Slattery, Chair

Motion to Approve:
Business Analytics Major
• Discussion/Questions:
  o Provides bridge between computer science people and business executives. Business has done a good job of working with MCSC to provide extra value without impinging on other areas. UBUS recommended approval.
  o Coursework available to students would include opportunities for courses that reflect the ethics of biases in data analytics?
• Passed unanimously by voice vote.

Informed on Decisions:
a. Termination of Environmental Ethics Minor
b. Approval of Minor in Creative Writing
c. Approval of English as a Second Language Minor
d. Approval of Arab Muslim American Studies
e. Approval of Minor in LatinX Studies

• Discussion/Questions:
  o UBUS looked at five minor programs
    ▪ a. there are no students or faculty in this minor
    ▪ b. we currently have a writing intensive major; the creative writing minor will be more specifically focused on literature, reading and writing fiction.
    ▪ c. ESL is taught in college of education with a body of techniques that are used to teach ESL specifically. State dept has approved a certificate that is available for those who have studied these methods. Also fits well with our efforts in diversity and HSI.
    ▪ d. and e. are minors that support diversity efforts.

XIII. University Board of Graduate Studies – Dr. Allison Abbott, Chair

Informed on Decision:
To discontinue the Nursing dual program with Business (NURS-BUAD)

• Discussion/Questions:
  o Being discontinued because of low enrollment; there are no students in the program. The dual program is discontinued.

XIV. Faculty Search and Hiring Process – Dr. William Welburn, Executive Director for Diversity and Inclusion

• Document provides the protocol, which had its beginnings in academic senate committee on diversity and equity. Initial document prepared by that committee and reviewed by office of provost, etc. Have used over the past year in various departments; it is a strongly recommended protocol, not a required protocol. Seems to have been used with some success. Calls specifically for careful consideration and thought to be given to how hiring is being done relative to diversity and inclusion.

• Discussion/Questions:
  o Data will not correspond with individuals, will be about the pool. HR provides aggregate data about what the pool looks like. Cannot tie to individuals. Data is self-reported.
  o Why isn’t use of protocol required? If it is not required, it is that much easier to ignore.
    ▪ Is currently strongly recommended; William would encourage moving from strongly recommended to required. If that were to be suggested, where is the authority line for making it required? Strong endorsement from the Senate would be great – but ultimately would come from Provost and the Deans.
    ▪ Is already required in some colleges (Arts and Sciences). All deans, although nervous about how
it is implemented, seem to be on board with the protocol.

- Protocol has been communicated directly from the Provost to the deans and chairs.
- Would the Academic Senate endorse making it required?
  - Motion that Academic Senate recommends to the Provost that the protocol be required:
    - Motion: Dr. Rick Holz
    - Second: Dr. Ana Garner
    - Voice vote passed: Unanimous

- Dr. Dan Myers stated that the recommendation that the Faculty Search and Hiring Process be required is approved.

XV. Adjourn at 5:04 p.m.

- Motion to Adjourn: Dr. Jim Richie
- Second: Mr. Bruce Boyden
- Passed by unanimous voice vote

Respectfully submitted,
Mrs. Mary Jo Wiemiller
UAS Secretary

The next meeting will be Monday, April 16, 2018 at 3:00 p.m. in AMU Ballroom C/D.