

DASNR Faculty Council Meeting Minutes

September 23, 2005

Members Present: Lynn Brandenberger, Dwayne Cartmell, Udaya Desilva, Damona Doye, Steve Hallgren, Brian Kahn, Mike Kizer, Notie Lansford, Mali Mahalingam, Phil Mulder, Sissy Osteen, and Sharon von Broembsen

Members-Elect Present: Jim Criswell, Gerald Horn, William McGlynn, and Dan Tilley

Members Absent: Shiping Deng, Sam Fuhlendorf, and David Lalman

Ex-officio Members Present: Bob Whitson, Vice President, Dean & Director, DASNR

Also Present: Ed Miller, Associate Dean, CASNR; Steve Stone, Director of Fiscal Affairs, DASNR; and Bob Westerman, Acting Associate Dean & Director, DASNR

1. Call to Order: 3:05 p.m. call to order by Chair Phil Mulder; no agenda items were added.

2. Approval of Minutes: Minutes of March 25, 2005 meeting were approved as they appear on www.afc.okstate.edu.

3. Announcements and Updates

a. Bylaws: Copies of the DASNR Faculty Council Bylaws were distributed. It was determined that under Article VI, Section 2, Udaya Desilva could not continue serving as Chair-Elect of the DASNR Reappointment, Promotion, and Tenure (RPT) Committee because he is not as yet tenured. After a brief discussion as to whether “tenured faculty” meant in this case “tenure-track faculty”, it was decided to add the Chair-Elect of the DASNR RPT Committee to the list of officers to be elected today. Dr. Desilva was thanked for his past year of service.

b. Introduction of Dr. Whitson: Dr. Whitson gave brief introductory remarks.

c. Introduction of Members-Elect: Four members-elect were introduced and their respective departments were noted: Jim Criswell (ENTO/PLP), Gerald Horn (ANSI), William McGlynn (HORT/LA), and Dan Tilley (AGEC).

4. Committee Reports

a. DASNR Reappointment, Promotion, and Tenure (RPT) Committee: RPT Committee Chair Notie Lansford reported that member David Engle had left OSU and that a replacement committee member was not yet confirmed. Dr. Lansford presented a detailed report and recommendations (included as **Appendix A** to these minutes). AFC members were asked to review the report and recommendations. Questions or corrections were to be directed to Dr. Lansford. The RPT Committee will revise the document (if needed) before the next AFC meeting, at which time it will be discussed, and a vote on the recommendations is expected to be taken.

b. DASNR Curriculum and Academic Standards (CAS) Committee: CAS Committee liaison Brian Kahn reported the committee met on August 2, 2005 and voted on various course action requests. Dr. Miller noted that the CAS Committee also approved a proposed new major in Food Science. The new major replaces the present Food Science option under the major in Animal Science.

c. Report from OSU Faculty Council: Steve Hallgren is replacing Tom Phillips, who was elected Vice Chair of OSU Faculty Council. Dr. Hallgren summarized actions at the September 13, 2005 OSU Faculty Council meeting. Results of the vote on the revised Policy Statement to Govern Appointments, Tenure, Promotions and Related Matters of the Faculty of Oklahoma State University indicated that 73% of the Stillwater faculty voted and 94% of the votes were in favor. No members of the OSU central administration were present at the September 13 OSU Faculty Council meeting per a directive from President Schmidly.

5. Old Business

a. P-Card Usage Letter to Dr. Bosserman: Steve Stone commented that the P-Card limit can be raised from \$2,500 to \$5,000 for designated cards upon proper request. Discussions are continuing on allowing airline ticket purchases via P-Card. Dan Tilley noted that international travel may be charged to a *university* (not individual) P-Card.

6. New Business

Due to the advancing hour, Council voted to change the order of the agenda and postpone election of new officers so that the administrators in attendance would not be further detained.

a. Questions for Vice President / Dean Whitson

Question #1 (note the order of questions was altered from that shown on the agenda)
Bolted/fixed seats in classrooms severely limit flexibility of instruction. Can anything be done?

Response: Dr. Miller responded. The general university gave CASNR control of 103 AGH, but did not provide an open-seating classroom. CASNR is trying to get general university classrooms to be configured with open seating, and there is some hope that this may occur in 106 AGH. The best present option is to ask if another department has a lab/classroom with open seating that might be shared. He noted there will be more large classrooms in the new classroom building when that is constructed.

Question #2

Discuss the proposed policy for lawsuits (received from Dr. Whitson via e-mail)

Response: Dr. Whitson handed out the proposed policy to those who did not have copies (included as **Appendix B** to these minutes) and discussed it at length. Some DASNR faculty have been approached regarding the poultry litter lawsuit. There are clear OSU policies if one is subpoenaed. However, there is no policy covering the situation where an attorney asks a faculty member to appear in court as a “voluntary” expert witness. This situation, whether or not it involves compensation, becomes a consultancy. Dr.

Whitson has no opposition to consulting per se, but OSU has no obligation to allow employees to use official time for legal consulting. Moreover, a faculty member who becomes a paid consultant for a law firm must not be perceived as officially representing OSU when testifying. Division faculty are asking for a policy, and there is flexibility for the Division to create such a policy. Dr. Whitson requested that AFC review the proposed policy as expeditiously as possible.

Question #3

Please discuss the status of the budget, salary programs, restoration of faculty positions, etc. This includes the issue of the January salary program being restricted to tenure-track faculty.

Response: Departments have been notified of new tenure-track positions. Those not covered in the Second Century Initiative may be proposed again during the next legislative session. Regarding the issue that non-tenure-track faculty were not eligible for the January salary program, Dr. Schmidly had emphasized that his priority was to restore, reward, and grow the tenure-track faculty at OSU. Moreover, there is not enough money from tuition to cover raises in January for employees beyond tenure-track faculty. Thus, the decision resulted from a combination of policy plus budget dollar limitations. Dr. Whitson intends to look at the status of non-tenure-track faculty in DASNR. Some appear to be performing long-term duties as though they had permanent positions, rather than being affiliated with a specific, limited grant and operating on the traditional “postdoctoral” model.

Question #4

Where do indirect cost funds go? Some percentage used to come back to PI's; has this been eliminated?

Response: Dr. Westerman responded. About a year ago, Dr. McKeever changed the distribution of F&A's. He designated 5% for support of three core facilities (protein; hybridoma; electron microscopy) and 5% to support multidisciplinary labs. After that, 45% would come back to DASNR and 45% would go to the general university. The policy for the OAES is unchanged; they take the 45% returned costs and give 75% of these dollars back to the department that generated the F&A's. Dr. Westerman noted that these returned F&A's are supposed to be used to improve infrastructure. Extension used to hold F&A's back, but now some are returned; those wanting details should contact Ross Love.

Question #5

Incentives for faculty are a continuing issue. What about a Colvin Center membership waiver, or tuition reduction for faculty dependents, or parking incentives?

Response: A Colvin Center membership waiver proposal would have to go through Dr. Bird's office. Tuition reduction for faculty dependents is a legislative issue. There is an expectation of some free parking in the future, but the lots will be remote and one will have to ride the bus. Dr. Whitson is open to suggestions. He cautioned that restricting incentives to tenure-track faculty could further alienate non-tenure-track faculty and staff.

b. Election of New Officers: Due to the late hour and attrition of meeting participants, it was decided to conduct the officer election by e-mail. Mike Kizer agreed to be a candidate for Secretary and Dwayne Cartmell agreed to be a candidate to continue as Vice Chair. Dr. Mulder will secure nominees for the other offices, and Dr. Kahn will assist as requested.

With no further business, the meeting was adjourned at 5:20 p.m.

Respectfully submitted,
Brian A. Kahn, Secretary, DASNR Faculty Council

Appendix A to DASNR Faculty Council Meeting Minutes, September 23, 2005

Text to be provided.

Appendix B to DASNR Faculty Council Meeting Minutes, September 23, 2005

Proposed Policy for Lawsuits

1. Current University policy indicates that OSU employees will be placed on administrative leave (with pay) in response to a subpoena from a court. This action does not provide time for a faculty member to assist the legal team in preparing for court action as a witness for either the prosecution or defense. A subpoena compels a witness to appear in court and respond to questions by both sides in the case. Thus, a faculty member could appear to discuss research findings or other related issues but a subpoena would not compel a witness to develop responses to legal questions that may be posed by attorneys on either side.
2. I cannot find policy that specifically covers the request by an attorney to appear in court as a “voluntary” expert witness. This request may include items such as the development of responses, reviewing testimony from the opposing side, providing deposition testimony, framing questions that may or may not be addressed by existing research, etc. Thus, the question is what policy should DASNR propose to OSU Administration in order to address this question? I propose the following:
 - a. An employee must request approval from his/her unit head, the appropriate Associate Director and the VP for Agriculture before agreeing to be a witness for either party of a lawsuit. This request will be made via the consulting form that is currently being used for outside consulting. The decision to approve this consulting request will depend upon the specifics of the request and whether or not the request is reasonable. For example, a request that required an excessive amount of time could result in grounds for disapproval. Our employees must not allow a consulting job to dominate their primary mission—teaching, research, or extension or some combination of these missions. Approval will be based on the facts surrounding the request.
 - b. Assuming that the request is considered to be “reasonable” in terms of time required and the nature of the request is in keeping with the employee’s expertise, the request **may be approved** but with a contingency that the approval will not include the employee’s use of official time from the OSU University System. This, in effect, requires that an employee of OSU speaks as an individual and not as an official spokesperson representing the views of OSU/DASNR. Thus, if the consulting request is approved, the employee must agree to take leave without pay, use annual leave or the non-employment months (if the employee is a less than a 12 month employee), or the request for outside employment will not be approved.
 - c. If the nature of the consulting changes, i.e., the time estimate for involvement increases, the nature of the original request for testimony changes or other significant changes from the original request changes, the approval for continuing outside employment may be terminated. Employees must acknowledge that continued approval for the request is contingent upon the work being based on the original requested specifics of the work.