The University of Southern Mississippi

Faculty Senate Meeting

April 23, 2003

Joseph Greene Rm. 116

7:00 p.m.


Members Absent: College of Education & Psychology: E. Lundin

1.0 Call to Order [7:15 p.m.]

2.0 President's Report: D. Cabana: Before this discussion begins I want to make a brief statement. Almost a year ago, upon assuming responsibilities as President of the Faculty Senate I had one goal, one priority for my brief time in office. I wanted to forge a working alliance with the administration, one that would prove mutually beneficial to students, faculty, staff, and administration. Such a collaborative effort, I thought, could only result in good things for this university. As a faculty member who was entering an eleventh year at USM, I was confident that I could use that experience to represent my colleagues in a way that would clearly state their hopes and aspirations, their desire for meaningful participation in university governance, and their wishes for a fruitful, cooperative working relationship with the administration.

Somewhat naively perhaps, I also thought that I could use 25 years of administrative experience in state government to help faculty better understand the awesome challenges of running a publicly funded institution as large as this university, especially at a time when severe budget cuts confront university
administrators at every turn. With all my heart, I honestly believed that with a lot of hard work, and a little luck thrown in, administration and faculty did not have to be consigned to working around the usual "us versus them" mentality that so often characterizes management-employee relationships. Unfortunately, what I have presided over is an ever-widening gulf between administration and faculty, for which I take much responsibility.

Much has happened during the past 10 months, from reorganization to new faculty activity reports. Lots of change, and consequently, considerable fear. Change is always unsettling because of the unknown. It goes without saying, of course, that change for the sake of change can be detrimental to the effectiveness of any organization. Conversely, neither does change have to be avoided simply because something has always been done a certain way. Ultimately, change is inevitable, especially when organizations come under new leadership. So, suffice it to say, the administrative positions that have been filled with many new faces, the deletion of some positions and creation of others, the restructuring of the university, and many other changes that have taken place should not really have surprised any of us. They are the natural occurrences that are the result of a new leadership team.

In just a few moments you will embark on a discussion that can have far-reaching, long-term implications for this university family. Students, faculty, staff, and administrators will all be profoundly affected by your discussion and deliberation this evening. I implore you to engage in this dialogue with conscience, wisdom, and fairness as your guideposts.

For the better part of a year now, I have worked with Dr. Thames and members of his cabinet. I think I can safely say that I have come to know him as well as, if not better than, a vast majority of the faculty. He has devoted all of his adult life to this university. I am convinced that he deeply cares, and wants to do good things for USM. He is forceful, strong, and passionate in his beliefs. He has an excellent relationship with key legislative leaders, who in turn have great confidence in him. He has solid support from the IHL Board of Trustees.

He is not an evil person, not the devil incarnate, as some have tried to portray him. He is not hesitant to tackle challenges. He is, like most of us, a complex man with many sides to him. He is an optimist who sees challenges, not problems. He is one who always sees the glass as half-full. He does, however, expect faculty, rather than simply identifying problems, to also be prepared to suggest solutions. When faculty talk "shared governance," Dr. Thames talks "shared accountability and responsibility."

Like all of us, he and the members of his cabinet are human beings, with the same flaws and blemishes that afflict all of us. Perhaps the differences are that their flaws, their imperfections become magnified, and they are there for all to see, because they live in a public fishbowl. I cannot begin to express to you the enormity of the job of President. As a Commissioner of Corrections for the state of Mississippi I served as Chief Executive Officer of an agency that employs 5000 people, incarcerates 21,000 inmates, and supervises another 20,000 probationers and parolees. It is an agency that consumes more than 260 million dollars a year in operating funds. Three years in a row I was required by the Governor to cut 10% from the operating budget. In excess of 500 positions went unfilled, employees were laid off, salaries were cut, promotions were non-existent, and people were fired to save money. I did not relish making such decisions but neither did I shrink from them; and if I appeared to make those decisions in a cold, calculating manner, it is because those terribly burdensome decisions are made not with the heart, but with detached objectivity.

Higher education is no different. Our universities have lost almost 100 million dollars in operating revenue the past four years; there have been no pay raises, our benefits, especially health care, have been significantly reduced. But Shelby Thames, Tim Hudson, and Jay Grimes did not create those problems. They inherited them, along with a sense of urgency that changes must be made, the university must adapt to changing times, striving to find new, innovative, bold approaches to confront these challenges. That has been the mandate from IHL. That mandate will continue for the foreseeable future.
Having said all of that, there are problems that confront this administration. They may be problems more of style, and less of substance. There must be a convincing demonstration on the part of the administration that they both value and will actively pursue collaborative efforts with faculty. Trust must be restored by all concerned. I am encouraged by what I believe have been very substantive discussions the past two days with both the President and the Provosts.

Now is not a time to slam the door on dialogue with the administration. In fact, it is imperative that we go the extra mile. In good conscience I can neither support a referendum vote by this body nor a similar vote by the faculty at large—not at this time. The issue of confidence votes ought to be a last resort, used only after every other conceivable attempt to resolve our differences has failed. In my opinion, Dr. Thames has committed no capital offenses. He has done nothing that is so grievous as to justify a confidence vote. I am absolutely convinced that such as action at this time can only erode even further the schism that has developed. I will not deny for one moment that some part of my opposition is selfishly motivated. I view such an action every bit as much a referendum on my leadership of the Senate as it is on the President's leadership of the university. I am saddened and disappointed that this debate has even become necessary. As I told you, the members of the Senate, in our last meeting no one had been more painfully aware this year than me of the frequent criticisms directed toward my performance in this job by my faculty colleagues.

Nevertheless, I think it futile and fruitless to engage in the blame game, with each side pointing fingers at the other. I have but 6 or 7 weeks remaining in office. I ask you, indeed plead with you, to let me have these final weeks to intensify my efforts to bring about reconciliation, to restore trust on both sides. I simply refuse to believe that it is too late to bridge the gulf. But there will be little, if any opportunity for success if I am to operate under the cloud of a faculty referendum. Having said that, if the Senate is convinced that this continuing effort would be pointless, then I am prepared to step aside as Senate President immediately, thereby allowing a new face, in the person of Dr. Henry, to get an early start on what will hopefully be a far more productive term than mine has been. I will vote against any resolution that proposes a referendum vote. But I will also do my job as Senate President, and do my dead level best to maximize the opportunity for you to debate, and vote, should that prove to be your course of action this evening.

3.0 Faculty Handbook Committee: D. Cabana: Last week I received a copy of an email sent by the provosts to J. Kolbo [chair] advising him that the handbook committee was dissolved. The explanation given was that the measure is in keeping with the wishes of FS by way of a handbook resolution passed during the last meeting. In response to actions of provosts, I responded that the resolution asked to put back on the committee the individuals who I asked to serve or, in lieu of that, to dissolve the committee until such time as there could be further discussion toward a resolution agreeable to both sides. I asked whether this was a dissolution until there could be discussion or whether it is dissolution. It is a dissolution. I explained to the FS in our last meeting that I take responsibility for this action having been taken. I want to refresh you on the series of steps that occurred. During the first or second meeting, there was question of faculty representation. If one did not include chairs as faculty, then there was not very broad faculty representation. S. Laughlin and I were on the committee. Without objection from J. Kolbo or the Provost, I appointed 2 faculty to serve. In our discussions, a particular concern had been raised that junior faculty have a voice. I asked a junior faculty member along with S. Oshrin. It occurred to me after the fact that I had screwed up. We had asked S. Hubble and M. Forster at beginning of term to serve in capacity, so I asked them to participate also. That was the straw that broke the camel's back. I take responsibility. The size got to where the administration decided to uninvite those 4 and get back to its original plans for size and representation. The provost and I this morning talked about how to resolve this concern. I think that reconstituting the committee as it was is out of the question. At this time the provost and I have agreed, in principle, that when a draft of the handbook is complete that hopefully the FS president will be able to designate 4-5 faculty members to review and comment, then to resubmit for further action. It's not what I or we wanted, but at this point in time it's the best deal we can hope for.
B. Scarborough: The resolution did not say to dissolve the committee; it says "discontinue" the activities of the committee until the membership can be mutually agreed to. That's not dissolution. Also, who is drafting the handbook? The faculty ought to be doing it, and anything short of that is unacceptable.

D. Cabana: My understanding is that it is being drafted by one of the staff attorneys.

J. Bethel: My understanding is that a new attorney was retained to write this handbook.

D. Cabana: A new attorney has been obtained, but I'm not sure that I would say that the attorney has been retained strictly to write the handbook.

J. Bethel: My understanding is that he'll be strictly the one to write it. He may have other duties.

D. Cabana: That may be correct.

M. Henry: When you presented the list, there only were 2 who had didn't have administration as their primary duties. That is why we were so supportive of you when you chose to submit additional names, and apparently the provost was at least temporarily supportive. There are few things before us that are more important than having faculty involved in drafting the faculty handbook. It's too important to turn over to attorneys [applause]. I, too, want to see healing, reaching out, and engaging take place. This faculty handbook was an opportunity to bring people back together. Also, the forward indicates a designated membership, including the president of FS. What happened to the committee designated in the forward? Is that to be disregarded? The tradition has been to start there and expand.

D. Cabana: I don't believe that the handbook committee is retrievable under any circumstances. I don't like that and agree with your comments, but that is the reality.

B. Taylor: How many know the history of the faculty handbook? I'm the one responsible for the current handbook. About 6 years ago I got a call from Vice-President Huffman and was asked, under the guidance of Lee Gore, to go to faculty and get everyone's opinion and come up with a document to recommend to the administration. We reached out to everyone, and we came up with a pretty good product. This was during the Lucas administration. During the next administration, there were unilateral changes that have messed up its symmetry. Colleges have gone about promotion and tenure in a totally different way. The rules of the game need to be very clear and simple, and everyone needs to follow them. An attorney has to direct the process to protect you and state of Mississippi. That's what due process is. My understanding is that we're involving an attorney on this, and then turning it over to faculty to review. This seems to me the way it was done before, so I can't see why anyone is upset. Where we went wrong on this is that since Huffman left office no one in the dome has been working directly with FS. The FS is to advise, and the person in the dome who coordinates it should present the handbook to the administration, and a supplement should be presented every year. The way I understand it is that this is the way that it's going now, but [the handbook] is a mess right now. No one has looked after business since the handbook came out. There have been massive unilateral changes. No one knows what to do. Let's put this into place from a legal perspective, then let's have faculty input.

B. Scarborough: Not the whole handbook, but the tenure and promotion guidelines were drafted in the early 1980s by committees within each college. There also was a university committee. I chaired the university committee and the Liberal Arts committee. We had meetings, public forums, incredible opportunity for input before we drafted anything. We reviewed rules and regulations from other schools. This was how it was done initially. This was under James Simms.

B. Taylor: The handbook we had when I got involved was a claimant attorney's dream come true.

J. Norton: It is naive to think that we can draft a handbook without an attorney. If we get to have a
say in the end, then what is wrong?

D. Cabana: I want you to understand that I have tried to represent the FS wishes. I have asked (on numerous occasions during the past 5 days and as recently as 10 o'clock this morning) to reconstitute this committee. I met with J. Kolbo on how we might reach accommodation with the administration. He's reaching for faculty involvement, too. I don't want to suggest that no effort is being made, but I'm not optimistic that the committee (as it was) will be reconstituted.

M. Henry: I've been involved in handbooks at other universities as well as here. We had faculty members involved, and some of those people are here tonight. We do need attorneys involved, but there is a difference between having an attorney acting in advisory capacity and having an attorney draft the handbook (if that is what is happening). Input on the front end is key.

J. Palmer: Based on the discussion, we can assume the handbook is a legal document. That makes it more important for faculty to have input, because when we sign a contract it’s not just for employment, but the handbook governs promotion and tenure. It would be much easier to get what we want on front end then to change it once its done.

D. Alford: The trust has deteriorated so much that hearing that a lawyer is constructing the handbook makes us wonder what real opportunity we would have to review it.

M. Miller: The FAR is our closest analogy. It's been done for us and now we're supposed to react to it. It's easier and more effective to have input at the front end than to figure out how to respond to it after the fact.

L. Mullican: I also worked on handbook with B. Taylor, and the previous handbook had been a disaster. A faculty handbook written by a lawyer will be an attempt to tighten down the screws on the faculty. That will be the whole point. There will be no wiggle room of any kind. Seeking tenure and promotion under such a document will be nearly impossible because we all are not the same. We need a handbook that takes our differences into account and that isn't intended to give the university power in the tenure and promotion process. This will not be a document that we will be able to change. It will come from a lawyer and be a done deal.

J. Palmer: I propose that we ask the president and provost to create a new faculty handbook committee properly represented by faculty and to work with the attorney to incorporate the changes that are needed in the handbook.

D. Alford: second

M. Henry: I would support such a motion. I do believe that the committee should be consistent with the forward of the current handbook. There should be a majority of faculty of the committee.

J. Palmer: Move to suspend rules; S. Hubble: second; Vote: passed

J. Palmer: I would accept the changes suggested by M. Henry.

D. Cabana: M. Henry and J. Palmer can work out the language of the resolution. Is FS willing to proceed with a vote based on the intent of the original motion?

D. Duhon: How does this differ from the previous resolution? Aren't we repeating what we've already said?

A. Miller: It's a response to an action.
M. Henry: We have to have to hope that something we do will change someone's mind. We can't stop trying to do that. This is an opportunity for that to happen.

R. Folse: I was hoping that the FS would create a committee and ask the provost for input before we write the handbook.

A. Kaul: During my term as FS president, we established a handbook taskforce. There were 8-12 members who spent the better part of the year working these issues. They made recommendations, but I don't know what happened to the recommendations. It has been consistent for FS to be involved in handbook matters. This has been going on for 3 years at least.

Vote: passed

3.0 Reorganization of the Faculty Senate: D. Cabana: We originally had decided to adhere to the constitution. I chose to put this item on the agenda for guidance from FS. Do we proceed as we are and concern ourselves with reorganization when FS comes back into session in the fall or do we make an effort to reconstitute before then?

J. Crockett: Continue on course.

J. Norton: You'll disenfranchise those who are changing colleges. I won't represent the one I left and won't get a vote in the one I'm in. The people who are left in the college which I was in formerly will have their ballots polluted by having people who are not in their faculty anymore on their ballots. I suggest we figure out an appropriate distribution and work it into our current election.

D. Alford: The reorganization takes place July 1. We don't meet in the summer.

J. Norton: Part of having elections now is to have a voice over the summer. This won't reflect the faculty that I or others work with in July.

B. Coates: It is my understanding that the Academic Council and Graduate Council are not reorganizing right now. So, what is the big deal?

D. Cabana: I'm not sure there is. I wanted to talk about this before we left for the summer to decide if it's something we might want to do.

M. Miller: [Reorganization] would be complicated from our perspective. Our new college of Business and Economic Development consists of parts of 4 different colleges. We've never had a single meeting as a faculty to get to know each other or discuss an equitable distribution.

J. Palmer: It's also a FS constitutional issue. We'll have a reapportionment next year according to the constitution, anyway. It's not an attempt to disenfranchise, but to maintain an organized transition.

J. Olmi: Point of clarification: this body will be responsible for its own reorganization. Is that correct? By our constitution, we conduct any reorganization.

J. Palmer: Yes, according to the constitution.

J. Olmi: I want to be clear about that: any reorganization comes from this body and nowhere else.
S Hubble: I don't think the smoke has cleared, and it would behoove us to wait until the new deans are in place and we see what further changes are coming. I don't feel that our faculty will be unrepresented under the current structure.

D. Beckett: We've already started voting. Speaking of disfranchising, what about those people already elected? There's no way to dispense with the awkwardness of this. We should stay with the present structure and deal with reorganization after it's happened.

J. Bethel: We could cancel the election and leave FS as it is until everything settles and then recreate a ballot.

D. Cabana: J. Olmi has stated the essence of what I was concerned about. FS is should do this itself and not leave it to any other entity. That's why it's on the agenda for discussion.

P. Butko: It is clearly unconstitutional to not proceed with elections. You are not disenfranchised. I represent my colleagues in my department, and it doesn't matter what college I'm in. Be patient. Elections will proceed under the new organization next year. The situation is not tragic.

J. Norton: There are people who do not agree with this and who feel disenfranchised. The next election would be spring 04. We won't be appropriately represented until July.

D. Duhon: We've already had this discussion and decided to follow the constitution.

4.0 Motion to Call for a Faculty-Wide Referendum Regarding a Confidence Vote: B. Scarborough: First, I'd like to respond to a couple of comments that D. Cabana made. I do recognize that change is inevitable, but the problem at the University in the past 10 months is not change, per se, but the process through which the change was effected. The method and the process is what we're most concerned about. The process is that change is made without any consultation with any of the affected parties, and certainly not with the faculty. You talk about dialog, and my question is, when did the dialog begin? I haven't seen much dialog between administration and faculty. I've seen only edicts issued by the administration. [D. Cabana] may have had some dialog, but not many other people have. You say that you're going to continue these efforts to reach an accommodation with the administration. My question would be what these efforts have yielded so far. I don't see much evidence of anything.

As far as the motion is concerned, on TV D. Cabana related that there have been no capital crimes so far. That may be true, but I have compiled a list of 20 grievances.

S. Hubble: Move to suspend the rules; second: S. Nielsen; vote: passed

B. Scarborough: There have been a number of decisions made by the administration that I think are very serious. Maybe they're not capital crimes, but in combination it seems that they rise to that status. The first was the reorganization, including the insulting treatment of the deans and the fact that nobody was consulted or knew that it was underway until it was announced. The decision to make economic development a 4th category for evaluation is one of the more outrageous things done, also without input. We've talked about the faculty handbook. The reorganization of the Center for Continuing and International Education was done without consultation with those involved, as was the School of Family and Consumer Science. Also, there was the FAR, faculty status for librarians, and others. Not on the list, because I heard it second hand, Ken Hayman was locked out of his office, then told to clean his office out while a policeman stood guard to insure that he didn't steal anything, and then he was transferred across 4th St.

It seems to me that there has been no effort on the part of the president or provosts to initiate
dialog with faculty, no attempt to consult faculty before decisions are made. Therefore, I'm asking not for FS to pass a no-confidence vote, but to give each faculty member an opportunity to vote confidence or no confidence in each one of the 3 top-level administrators. This will show the university community, community of Hattiesburg, the state, and the IHL Board what the sentiment is here. I have no idea how the vote will come out. Maybe it will be a vote of confidence. I'm not asking for a vote of no confidence, but there is great unrest on this campus, and I want to know what the figures show.

[text of motion:]

In response to the pervasive challenges to the cherished principles of shared governance and the persistent failure of the present Administration to include faculty in decisions involving the academic side of the University, we, the Faculty Senate of the University of Southern Mississippi, propose to hold a campus-wide faculty referendum on the performance of the presidential administration of Shelby F. Thames.

Said referendum, to be held no later than Thursday, May 1 on both the Hattiesburg and Gulf Park campuses will give faculty members the option of casting a vote of confidence or no confidence in each of the three senior administrators—President Shelby Thames, Provost Jay Grimes, and Provost Tim Hudson. The election will be closely monitored to insure that only fulltime faculty with continuing employment participate in the referendum. Results of the referendum will be communicated to members of the Board of Trustees of Institutions of Higher Learning and released to the media.

D. Alford: Move to go into executive session; second: J. Olmi

D. Cabana: There is a motion to go into executive session, because we are discussing what the chair defines as a personnel issue. It has been seconded.

D. Duhon: Are we sure that this is a personnel issue?

D. Cabana: I think it's an issue that has implications for personnel. It related to actions that could impact senior level administrators.

J. Olmi: Please clarify who would remain if we go into executive session.

D. Cabana: Everyone would be asked to vacate the room except faculty.

J. Hanberry: The FS constitution states that "all meetings shall be open." There is no provision in the constitution or bylaws for executive session. What you are proposing to discuss does not involve an employee of FS.

D. Duhon: I think that's technically correct. It's not technically a personnel issue since we're not employers. It probably would be a violation of the sunshine law.

M. Henry: Can we ask the gentleman to identify himself?

J. Hanberry: My name is Jack Hanberry.
M. Henry: Can you say more?

J. Hanberry: I am the Director of Resources and Risk Management.

M. Miller: Since we’re still on the record, and in case there are any questions, I had a phone call at 8:30 am Monday and it was Provost Hudson wanting me to account for comments that I made a couple months ago [in a FS meeting] about economic development. Apparently, this was on behalf of President Thames. So, anyone reading this in the future, it was a pleasure to be able to talk with him. We had a discussion on economic development, and he said that was unproductive to criticize economic development [as a 4th evaluation category] and that we should have a dialog. For the record, I agree whole-heartedly. We need to have a dialog on economic development, and I look forward to having some guidance on how we can do that.

Vote: passed

[In executive session, FS tabled the referendum motion. It instructed D. Alford and M. Henry to draft a resolution: 1) requesting facilitation between a committee of faculty and administrators, 2) enumerating the issues to be addressed during the facilitation process, and 3) calling for a moratorium on the implementation of related policies until facilitation can take place.]

D. Cabana: FS stands in recess until next Friday [approx. 10:00 pm].