March 17, 2014

MEMORANDUM

TO:      Dr. Margaret Crowder, Chair, University Senate
FROM:    Gary A. Ransdell
SUBJECT: Faculty Handbook

I have received the Resolution seeking the Board review and approval of the WKU Faculty Handbook. This proposal suggests a significant change of direction.

The previous Provost presented specific and limited revisions of the Handbook to the Board for its approval, and likely without considering the consequences of such an action. To my knowledge, the Board not been asked to actually review the Handbook, in its entirety, as called for in your Resolution.

It would be prudent to consider relevant policy at Western Kentucky University and best practices on the issue.

Among other things, the Board is charged with:

- "(T)he principal responsibility of establishing the policies of the University, and the President, officers, faculty, and employees of the University implement and carry out such policies. (Preamble – Bylaws)
- Exercis(ing) authority over and control of appointments, qualifications, salaries and compensation payable out of the State Treasury or otherwise, promotions, and official relations with all employees (1.1.G – Bylaws).

Given that the Board has authority to establish policies and make decisions about a range of university issues involving the faculty (including employment, promotion, salaries, and the like), it follows that the Board would have authority to approve the criteria established by the Faculty Handbook in making those decisions.

A number of Kentucky universities and universities in other states submit their handbooks to their governing boards. Provost Emslie provided me with the following information in this regard:
1. **University of Kentucky**: Board of Trustees reviews all new student, faculty, and employee policies through its committee structure: http://www.uky.edu/regs/files/gr/gr2.pdf

Officials at UK indicated the *Faculty Handbook* is a compilation of University policies and procedures, abstracted from UK’s *Governing Regulations, Administrative Regulations* and *University Senate Rules*.

2. **University of Louisville**: UL's Redbook, Chapter 7, includes mandates that all three handbooks (student, staff, faculty) must be approved annually through their Board of Trustees: http://louisville.edu/provost/redbook/chap7.html

The Redbook also provides in 7.2.4 (Faculty Personnel Policies) that, “This chapter is to be revised by the Board of Trustees on the recommendation of the President after formal consultation with and recommendations from the Faculty Senate. The Faculty Senate may take the initiative in making recommendations for proposed revisions."

3. **Murray State University**: Board of Regents bylaws require annual approval of all handbooks by the Board, and the website includes the policy manual links for all three handbooks (student, staff, faculty): http://www.murraystate.edu/HeaderMenu/Administration/BoardOfRegents.aspx

Section 1.7.4 of the MSU Faculty Handbook at http://www.murraystate.edu/Libraries/Faculty_Senate/Faculty_Handbook.sflb.aspx states:

“The Faculty Senate will once again vote to recommend approval or disapproval of the proposal and forward its recommendation in writing to the Provost/ Vice President for Academic Affairs, who will accept or reject the recommendation, or modify the proposal. If the Provost/ Vice President for Academic Affairs rejects the recommendation of the Faculty Senate or chooses to modify the proposal, he/she will explain promptly his/her decision to the Faculty Senate in writing."

4. **Morehead State University**: Faculty Handbook states, “Upon the recommendation of the president, the board of Regents approves the budget; the employment, promotion, and release of all University personnel; and the general policies for the operation of the University.” http://www2.moreheadstate.edu/daa/fachandbook/index.aspx?id=328

In Section 6.2 of the "Administrative Regulations" at http://www2.moreheadstate.edu/daa/fachandbook/index.aspx?id=332 it states

“The President or Vice President should seek input as appropriate from the Faculty Senate, Staff Congress, Student Government Association, Academic Council, University Standing Committees, etc. Comments from all those consulted will be used to draft a final version."
5. Eastern Kentucky University: Board of Regents requires review of all policies of the University.


"The Provost's Council is the major advisory body to the Provost for the development, review, and recommendation of policies and procedures in the area of Academic Affairs. The Council also advises the Provost on other matters affecting Academic Affairs as needed or as requested by the Provost. The Council membership is comprised of academic and other University leadership, all of whom are appointed by the Provost. The Provost chairs the Council."

Having studied these practices, it seems to me that the Provost (or Chief Academic Officer) is more engaged in the preparation of the Handbook on these campuses than is the case at WKU. The President is also more engaged on some campuses.

I have given this considerable thought and offer six caveats which I believe the Senate should consider:

1. Before I recommend items to the Board for action/approval by the Board, I must be familiar with, understand, and concur with the document I am recommending; and, as such, it is incumbent upon me to study the Handbook. It follows that if there are parts of the Handbook with which I do not agree I have the authority to either edit it or return it to the Senate for edits before taking it to the Board.

2. I will need to be assured by SACS/COC that this is an appropriate action on my part, and not a violation of faculty independence from Board oversight (not knowing what other institutions have done in this regard).

3. The Board may determine that an ad hoc Board committee be appointed to review the Handbook. This may result in revisions to the document which may or may not be sent back to the Senate before final action is approved.

4. If the Board approves the document, then any and all future edits to the document will also require Board review and approval. Any changes which the faculty or the Senate may wish to enact must first come before the Board of Regents. The Board cannot be unaware of proposed changes to a document it has approved as policy.

5. If a faculty member or department head violates a provision in the Handbook, then that violation rises to a more serious level if the Board has approved the Handbook. It becomes a violation of Board policy—not just faculty or departmental policy—and must be reported to the Board.
6. It has been suggested that the Board does not have "line-item authority" over documents or policies submitted to it for approval. This is not the case. The Board has the authority to question or change any document it receives and is asked to approve. It typically does not do so, but it has the authority to do so.

I personally believe this is an arduous, unnecessary, and imprudent course of action. Given the above caveats, however, I will take it to the Board if this remains your desire. It will take considerable time for this process to unfold. My first step will be to study the Handbook, and when editing is final, begin the appropriate Board process. My hunch is you will likely want to make edits to the Handbook before this version gets final approval.

For 17 years, I have trusted the faculty to properly govern its rightful domain. I would prefer not to be so personally engaged nor have the Board so directly engaged as approval of the Faculty Handbook would require. The choice is yours. Unless I hear back from you to the contrary, I will accept the Resolution as stated, look for a copy of the new Handbook, and initiate the aforementioned process.

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xc: Mr. David Porter, Chair, Board of Regents
    Ms. Julia McDonald