

# Professional Concerns Committee Minutes for April 20, 2017

UC 135  
3:15 pm

**Members in Attendance:** K. McErlane, S. Alexander, Kirsten Schwarz, K. Ankem, K. Katkin, J. Farrar, S. Weiss, Cynthia Thomas (sub for G. Newell), L. Wermeling, Y. Kim, A. Watkins, B. Buckley, B. Mittal, S. Nordheim, M. Torres, A. Miller, K. Fuegen, J. Hammons, J. Gilbert, T. Bonner, B. Zembrodt, S. Finke, B. Puente-Baldoceda

**Members Not in Attendance:** D. Dreese, H. Ericksen, M. Carrell, K. Sander, S. Neely,

## 1. Call to Order, Adoption of Agenda.

Meeting was called to order and the agenda was adopted unanimously.

## 2. Approval of Minutes from PCC Meeting of April 6, 2017.

Under the discussion of research data management, the minutes were amended to include a comment made by S. Finke during the discussion of the proposed data management policy at the April 6 meeting. S. Finke stated that art work is not data. In response to the Provost's suggestion that art could be considered an artifact, S. Finke stated a photograph of completed art work could be considered an artifact for data storage purposes, but that the art work itself should never need to be stored or archived in the university. Minutes from April 6, 2017 were then approved as amended.

## 3. Chair's Report and Announcements

- At President Mearns's budget address, he stated that he will recommend a 3% pool for salary increases to the Board of Regents at their April 25 meeting. The President will recommend that 2.5% be used for merit increases and 0.5% be used to begin to address the most severe instances of internal salary inversion and compression.

## 4. New Business

- Voting Item: **Resolution on Presidential Search Process** (1 attachment)

The Presidential search committee includes four faculty members, including Faculty Senate President-Elect M. Zacate. The other three members are two untenured assistant professors and one tenured clinical law professor who works out of a legal services clinic in Cincinnati, rather than at NKU. The faculty played no role in choosing any of the other three members. The four faculty representatives were selected by the Chairman of the search committee upon the recommendation of the Provost, who did not solicit faculty input or hold an open process for faculty applicants. All members of the search committee (including the four faculty representatives) have signed non-

disclosure agreements that bar them from talking about the search with the faculty. In a stark departure from settled past practice, the search committee does not intend to bring finalists back to campus for open public meetings. At this point, the search committee contemplates that most faculty members will have no further opportunity to participate in the process. Instead, the general faculty will first hear the name of our new president when we read in the newspaper who has taken the job. The faculty will never know who the other finalists were. The objective of the search committee is to hire someone by the end of this summer, although the committee acknowledges the possibility that this will not happen.

This search committee attributed its unprecedented decision to hold a closed secret search to advice from the search consulting firm "Isaacson, Miller" that the University has retained. The stated reason for the closed secret search is that some excellent candidates would not apply for the NKU presidency if they were required to meet with NKU faculty and staff, because they would not want it to be known that they were applying for the job.

The search committee held two "public listening sessions" to solicit input from NKU faculty. At both listening sessions, discussion of the closed secret search process predominated over discussion of all other issues. At both sessions, every NKU faculty who spoke was opposed to the closed secret process. The sessions were attended by a handful of sitting chairs and associate deans. The same opinion was expressed by the chair and the associate dean who spoke during the faculty listening sessions.

The presidential search committee has held two business meetings to date. These meetings are governed by the Kentucky Open Meetings Act, and therefore are open to observation by the public. K. Katkin attended both meetings as an observer. At the meetings, search committee members Matthew Zacate (Faculty Senate President-Elect), Maureen Doyle (Computer Science Department Chair) and David Singleton (faculty representative) each questioned the decision to have a closed search. M. Zacate, in particular, asked how the decision to close the search process was made, and whether the search committee itself would be able to revisit the decision, and perhaps take a vote on the issue. Search Committee Chair Normand Desmarais stated that he and Board of Regents Chair Richard Boehne made the decision, based on the advice of the "Isaacson, Miller" consultants. Neither the Board of Regents nor the presidential search committee ever took a vote on his matter.

K. Katkin noted that President Geoffrey Mearns was hired at NKU via an open process in which he came to campus as one of three finalists and held open public meetings with faculty, staff, and students. Five years later, he was hired by Ball State via a closed secret process in which no faculty members ever heard his name before the day it was announced that he had accepted the job. When President Mearns came to NKU five years ago, he enjoyed a significant honeymoon period in which he was welcomed by all campus constituencies. At Ball State, in contrast, faculty and staff now are apprehensive about President Mearns because of the secrecy of the search. Faculty there want to know what he is running away from here. K. Katkin stated that based on the calls he and other NKU Faculty Senate leaders have received from Ball State faculty members and Muncie IN news reporters, it seems unlikely that President

Mearns will enjoy a honeymoon period there. The nature of the hiring process casts a long shadow over the beginning of a new president's tenure in office.

A benefit to an open search process is that it demonstrates that shared governance is important and that it matters what the faculty thinks. The principles involved are openness and transparency.

Although a number of NKU Regents are members of the presidential search committee, the faculty regent is not on the search committee. He was not part of the conversation about the type of process the search would utilize.

Search Committee Chairman Desmarais has stated that finalists at the end of the search process might possibly meet with groups of NKU faculty members who are not search committee members. However, this will happen only if all finalists ask to do so. If even one finalist chooses not to meet with groups of faculty members, then to ensure uniformity of process, none will be allowed to do so. K. Katkin expressed skepticism that all finalists will consent to open public meetings with faculty members.

Even if the three finalists do meet with faculty members on campus, the faculty members who participate in such meetings will be hand-picked by the search committee and will be required to sign non-disclosure agreements. Thus, there will be no opportunities for rank-and-file faculty members to apply to be included in any such meetings. Under the non-disclosure agreements, faculty members who actually participate in such meetings will not be allowed to discuss the meetings with their colleagues. K. Katkin said that this part of the process may benefit the consultants and candidates, but is not designed to provide the faculty with influence in the search.

K. Katkin noted that although the faculty is being excluded from meeting with candidates on ground of confidentiality, that the search committee has stated an intention to check off-list references for all finalists. K. Katkin opined that once off-list references are contacted, those references are not bound by any non-disclosure agreements and there are no guarantees of confidentiality. Thus, candidate confidentiality is being used as a justification for excluding the faculty from the search process, but is not being scrupulously protected otherwise.

The discussion then focused on what the Faculty Senate can do to protect the faculty's role in the presidential search process. Various PCC Members expressed views. One PCC Member stated that if the candidates see that we requested open forums and there are none, they should wonder why. Another stated that the Senate should address both the hastiness of the timing of the search and the closed secret process by which the search will take place. A third expressed doubt that the search committee or the regents would heed Senate's recommendations, but stated that our audience is the media. A fourth stated that the faculty may not have the power to influence the search committee, but we do have the power to affect the tone.

After additional discussion and deliberation and after several floor amendments were made and approved, the PCC unanimously voted to recommend that Faculty Senate approve the following recommendation:

## PRESIDENTIAL SEARCH PROCESS

### Draft Recommendation of the NKU Faculty

*Sections B & B.2 of the Statement of Collegial Governance at NKU state that “good faith consultation” with “the Faculty Senate and its committees” are “routine” in the selection of NKU’s President. In its capacity as the official representative body of the General Faculty of Northern Kentucky University and in the expectation that “faculty opinion in these matters should be strongly considered,” the Faculty Senate offers the following recommendations to the Presidential search committee and the NKU Board of Regents.*

*In order to promote transparency and accountability at Northern Kentucky University and;*

*to facilitate the success of the new president;*

*to foster positive relations between faculty and administration and promote mutual respect;*

*to observe written and established norms of shared governance at NKU;*

*to enable both the campus community and the presidential candidate to determine each other's suitability;*

*to ensure that the new president is qualified to be appointed to the faculty of a college within the university with a grant of tenure and to serve as chief academic officer of the institution and the faculty;*

*and to create a welcoming environment for the new President;*

*the General Faculty of Northern Kentucky University respectfully recommends that three or more Presidential search finalists be brought to campus for open public meetings with the faculty and other campus constituencies, during the academic year, and before any offer of employment is extended.*

A motion was made, seconded and all were in favor of the recommendation.

In addition, the AAUP Statement on Presidential Searches (Nov 3, 2015) was read and a motion was made to attach letter to the recommendation. The motion was seconded and all were in favor of attaching the letter.

A motion was made to include in the body of the recommendation the following language from the AAUP Statement: colleges and universities should resist call to closed searches. The motion was approved.

Motion to approve recommendation on presidential search process with three changes, seconded, all approved.

## 5. Old Business

- Voting Item: **Early Childhood Center** (1 attachment)

PCC Member J. Gilbert was asked to serve on the administrative committee that is reviewing proposals to operate the ECC. J. Gilbert stated that she is inclined to serve on the committee.

At its meeting of April 6, 2017, the PCC discussed the future of ECC with NKU VP Dan Nadler. At that meeting, a written draft recommendation guided the discussion. A motion was made to formally adopt the written draft recommendation that was discussed at the April 6 meeting, and to recommend that Faculty Senate formally adopt it. A Motion was made to adopt the recommendation, and seconded. All were in favor of adopting recommendation for early childhood center. The PCC recommendation was forwarded to Faculty Senate and appears at the end of these Minutes.

- Discussion Item: **Responsible Conduct of Research Training, Policy Proposal** (1 attachment)

The PCC discussed the administration's proposal for a new policy on the responsible conduct of research training. The provision mainly identifies certain faculty members as "Type 1, 2, or 3" faculty members and then specifies what research training a faculty member must receive based on falling within one of those categories. The PCC had no objections to those provisions of the policy.

The draft policy also creates a category of "Type 4" faculty members, which it defines essentially as all faculty members who are not "Type 1, 2, or 3" faculty members. The policy makes clear that no laws, regulations, contracts, or other external sources impose any obligations on "Type 4" faculty members to receive any kind of research training. Some PCC Members found it confusing to determine whether or not the policy proposal itself would nonetheless impose such an obligation on "Type 4" faculty members. A motion was made for PCC to recommend that all reference to Type 4 faculty members be deleted from the policy, and that the policy instead should simply state that training is available to all faculty members who wish to take it.

A motion was made for K. Katkin to submit this PCC recommendation to the administration via the policy web site. This motion was seconded and unanimously approved. The recommendation was subsequently submitted by K. Katkin to the administration via the policy web site. The recommendation, as submitted, appears at the end of these Minutes.

The meeting was adjourned at 5:10.

Respectfully submitted,

Belle Zembrodt

## MEMORANDUM

To: Dr. Samantha Langley, Vice Provost for Graduate Education, Research, & Outreach  
From: Professional Concerns Committee  
Re: Proposed Policy on “Responsible Conduct of Research Training”  
Cc: Provost Sue Ott Rowlands  
Date: April 21, 2017

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I serve as Chair of the Professional Concerns Committee (PCC) of the NKU Faculty Senate. On April 6, 2017 and April 20, 2017, the PCC discussed the proposed draft policy on “Responsible Conduct of Research Training.” Based on those discussions, the PCC voted unanimously to offer the following comments and suggestions on the draft policy.

### General Comments

The PCC agrees that NKU will benefit from having a policy that clarifies the responsibilities of particular NKU faculty members to receive various forms of training in the responsible conduct of research (RCR). The proposed draft policy provides good, clear definitions of Type 1 and Type 2 and Type 3 entities. It also provides good, clear statements of the responsibilities of such entities. The PCC has no objection to adoption of the portions of the draft policy that concern Type 1 or Type 2 or Type 3 entities.

The draft policy also provides a definition of Type 4 entities. This definition is vague, but seems to encompass all faculty members who are not Type 1 or Type 2 or Type 3 entities. The draft policy states that: “[i]t is recommended that all Type 4 faculty, students and others conducting research, scholarship, or creative activity complete online RCR training identified by NKU Office of Research, Grants, & Contracts.”

The PCC believes the purpose of the latter provision is to inform faculty members and students that online RCR training is available. The PCC agrees that online RCR training should be made available to NKU faculty members, students, and staff members who wish to take such training. However, the Level 4 training module provided by the Collaborative Institutional Training Initiative (“CITI Program”) appears not to be directly relevant to various forms of scholarly and creative activity (such as theater and dance, or literary analysis) engaged in by many NKU faculty members. Accordingly, the PCC recommends that the policy simply recite that online RCR training is available to NKU faculty members, students, and staff, without specifically admonishing all faculty members to take the training. The PCC hopes that the administration will promote online RCR training to the faculty by disseminating brief explanations of the content of the training modules and the value of the training. However, the

PCC ultimately believes that each faculty member is best positioned to decide individually whether the training would be worthwhile for her or him.

### Specific Comments

1. On Page One, Section II, the following definition should be deleted: “Type 4 – All other types of faculty, students and others conducting research, scholarship or creative activity.” Because the policy does not seek to impose any obligations on members of this group, there is no need for the policy to define this group.
2. On Page Three, Section VI, the following sentence should be deleted: “Type 4 – It is recommended that all Type 4 faculty, students and others conducting research, scholarship, or creative activity complete online RCR training identified by NKU Office of Research, Grants, & Contracts.” This sentence should be replaced with the following substitute sentence: “Online RCR training shall be made available to faculty members, students, and others identified by NKU Office of Research, Grants, & Contracts.”

### **CONCLUSION**

With the specific revisions set forth above, the PCC respectfully endorses the administration’s policy proposal on “Responsible Conduct of Research Training.”

The PCC is grateful for the opportunity to provide recommendations and suggestions and this proposal, and respectfully submits these comments.



## MEMORANDUM

To: Faculty Senate

From: PCC

Re: NKU Early Childhood Center — Discussion Item

Date: April 20, 2017

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The NKU Early Childhood Center (ECC) operates on-campus as “a direct extension of the campus atmosphere -- student-centered and quality driven.” ECC is a not-for-profit organization whose “sole purpose is to provide an excellent child care program and environment for NKU students, staff, faculty, alumni and community members.”

To its detriment, in recent years the NKU Early Childhood Center has operated under conditions of financial and existential uncertainty. As a result, the Center has seen high turnover in staff, delays in filling vacant positions, increased fees, increased student-teacher ratios, loss of NAEYC accreditation due to lack of permission to renew, reduced flexibility, changes to admission policies, and the threat of closure. In addition, the process through which some changes were made was not inclusive or transparent.

Recently, NKU announced that it is once again reevaluating the future of ECC. In principal part, the stated reason for this decision is that the “university has subsidized the operations of the Center over the past five years, but that may no longer be possible in the future.” Accordingly, in connection with the present reevaluation, NKU has issued an RFP to seek an external partner for the ECC. While users have been assured that changes would not affect spring 2017 or summer programming, the future of ECC remains uncertain.

The ongoing uncertainty surrounding the ECC undermines the value of providing on-campus child care and does not support the stated mission, goals, and strategic plan of NKU. Specifically, such tumult undermines student success. It thereby creates tension with NKU’s stated goal to “provide a supportive, student-centered educational environment that promotes academic success, global awareness, and timely graduation” as well as other stated goals to “recruit, retain, and develop outstanding faculty and staff” and “expand and maintain facilities to meet the growing needs of the campus.” In explaining its decision, NKU has framed its support of the ECC as a burden to the university, rather than as a benefit that promotes student success, faculty and staff excellence, and gender equity. This perspective is shortsighted and sends the message that supporting students, staff, and faculty who are parents is not a priority for NKU.

As NKU evaluates the future of the ECC, we request that the process be inclusive and transparent, directly involving stakeholders (including current and past ECC families) in the decision making process. Specifically, we request the:

- (1) continuation of a child care facility on-campus that serves, at least, faculty and staff members and NKU students;
- (2) maintenance of a high standard of quality (e.g. NAEYC accreditation or equivalent);
- (3) continuation of placement opportunities for early childhood education program teacher candidates for field work and course projects;
- (4) continuation of student employment opportunities; and
- (5) maintenance of subsidies for NKU students who use the facility.

We also encourage NKU to explore options that increase child care options on campus (*e.g.* by accepting students younger than one year of age). Moreover, in calculating the true cost to NKU of ECC's operation, the university should take account of (and seek to quantify) the corresponding and off-setting benefits that may accrue from staff and faculty retention and job satisfaction, as well as from student retention.

NKU's enthusiastic support of the ECC is an opportunity for NKU to demonstrate its commitment to student success, gender equity, and a more progressive work-family environment for faculty and staff.

## PRESIDENTIAL SEARCH PROCESS

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**[FACULTY SENATE DRAFT – NOT VOTED OR ADOPTED]**

## **COLLEGIAL GOVERNANCE AT NKU (excerpts)**

### **B. THE ROLE OF FACULTY BODIES IN THE COLLEGIAL SYSTEM:**

"Faculty bodies" are defined as the collective members with faculty rank of an academic unit (such as) Department and College faculties, the Senate and its committees, and department and college faculty committees. As participants in the collegial system of university governance, all faculty bodies are obligated to make decisions and/or recommendations for the good of the university.

#### **2. Activities fundamentally affecting academic programs:**

Good faith consultation with faculty bodies is routine in the following matters. Faculty opinion in these matters should be strongly considered.

-Selection of the President and Executive Officers

## **NKU FACULTY SENATE CONSTITUTION (excerpt)**

### **ARTICLE I. FUNCTIONS AND PURPOSES**

A. The Faculty Senate is the official representative body of the General Faculty of Northern Kentucky University.

B. The purposes of the Faculty Senate are to:

- 1) Provide a forum for the faculty to propose policy or to discuss all matters relating to the well being of the University.
- 2) Allow the faculty to participate effectively in the enactment of university policies.
- 3) Provide efficient channels for the faculty to meet its obligations in implementing policies adopted by the Faculty Senate.
- 4) Conduct studies deemed essential to the progress of the University.
- 5) Evaluate university policies, programs, and practices and recommend such improvements as seem warranted.



**November 3, 2015**

### **Statement on Presidential Searches**

In recent months at a number of colleges and universities across the country controversy has emerged over decisions by governing boards to conduct searches for new presidents or chancellors in secret, abandoning the previously standard practice of inviting a select group of finalists to visit the campus and meet publicly with faculty and other members of the campus community. The rationale for such secrecy is that open meetings discourage applications from highly qualified candidates, although no evidence has ever been offered to suggest that this is in fact the case.

AAUP policy statements make clear that such decisions to forgo public campus visits and public forums by finalists violate longstanding principles of shared governance. Shared governance helps ensure that universities and colleges serve the public interest. Serving this interest is why we have public universities and colleges and why we grant special tax status to nonprofit private universities and colleges.

As the Academic Senate at Sonoma State University has declared, "Forgoing announcing finalists' names publicly and scheduling official campus visits for them would be behavior more characteristic of a private corporation than a public university. Doing so would also mean a less transparent search process and less confidence in the outcome on the part of the university community and public. . . . Such visits give the university and public insight into finalists' knowledge of the campus and their ability to unify and lead the students, faculty, staff and administration. They also give finalists insight into the university community they aspire to lead."

Although governing boards have the legal responsibility for selection of a president, the process of selection is fundamental in determining which candidate has the most appropriate academic leadership and administrative skills needed to lead the institution. The 1966 Statement on Government of Colleges and Universities, formulated jointly by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges states:

Joint effort of a most critical kind must be taken when an institution chooses a new president. The selection of a chief administrative officer should follow upon a cooperative search by the governing board and the faculty, taking into consideration the opinions of others who are appropriately interested. The president should be equally qualified to serve both as the executive officer of the governing board and as the chief academic officer of the institution and the faculty. The president's dual role requires an ability to interpret to board and faculty the educational views and concepts of institutional government of the other. The president should have the confidence of the board and the faculty.

A 2013 report from the AAUP's Committee on College and University Governance entitled Confidentiality and Faculty Representation in Academic Governance declares:

Unless mandated to be open by state law, many such searches [for higher administrative officers] have an initial, confidential screening stage conducted by a search committee that includes faculty members. The next stage is normally one in which finalists are interviewed. At this point in the process, the names of finalists should be made public to the campus community so that the community at large, faculty committees, or at least selected faculty members have an opportunity to interview the finalists and forward their views to the search committee or to a consulting firm employed by the college or university.

The conclusion of the same document recommends:

Searches for presidents and other chief academic officers should have an open phase that allows individual faculty members as well as faculty bodies to review the credentials of finalists, ask questions, and share opinions before a final decision is made.

Finally, the AAUP website provides a Presidential Search Committee Checklist to guide institutions in the application of these policies. This emphasizes that

open visits are crucial in the success of the search process because they permit members of the campus community to participate in providing impressions, as well as to contribute to the candidate's understanding of the culture of the institution. In this final phase of the selection process, open visits present vitally important opportunities for both the campus community and the candidate to determine each other's suitability. This final step is extraordinarily useful to the search committee in making its final recommendation to the board.

The AAUP thus calls upon colleges and universities to resist calls for closed, secretive searches and reaffirm their commitment to transparency and active faculty engagement in the hiring of higher administrative officers. Faculty members should demand that their institutions observe established norms of shared governance by involving faculty representatives in all stages of the search process and by providing the entire faculty and other members of the campus community the opportunity to meet with search finalists in public on campus.