

WAYNE STATE UNIVERSITY – ACADEMIC SENATE

Official Proceedings

May 12, 2010

Members Present: Phyllis I. Vroom, Acting Provost and Senior Vice President for Academic Affairs; Seymour J. Wolfson, President, Academic Senate; Basim Asmar; Tyrone Austin; Ivan Avrutsky; Ramona Benkert; Veronica Bielat; Kingsley Browne; Deborah Charbonneau; David Cinabro; Alfred Cobbs; William Crossland; Donald DeGracia; Cheryl Dove; Karen Feathers; Maria Ferreira; Frederick Florkowski; Andre Furtado; Patricia Jarosz; Barbara Jones; Rita Kumar; Liza Lagman-Sperl; Janine Lanza; Rodger MacArthur; Brian Madigan; James Martin; Lisa Maruca; Tej Mattoo; Michael McIntyre; James Moseley; Prahlad Parajuli; Charles Parrish; Frederic Pearson; Elizabeth Puscheck; Susil Putatunda; T. R. Reddy; Robert Reynolds; Louis Romano; Michele Ronnick; Alvin Saperstein; Mary Sengstock; Bo Shen; Assia Shisheva; Antoinette Somers; Timothy Stemmler; David Thomas; Harley Tse; Anca Vlasopolos; Jianjun Wang; Judith Whittum-Hudson; Derek Wildman; Jeffrey Withey; James Woodyard; Russell Yamazaki; Earnestine Young

Members Absent with Notice: Joseph Artiss; Victoria Dallas; Judy Field; Judith Fouladbakhsh; Winston Koo; Jerry Ku; Boris Morudkhovich; Sean Peters; Brad Roth; Linea Rydstedt; Nabil Sarhan; Naida Simon; William Volz

Members Absent: Agnes Acsadi; Terrence Allen; William Brusilow; Christopher Collins; Doreen Head; Michael Horn; David Kessel; Thomas Killion; Jason Mateika; Regina Parnell; Aleksandar Popadic; Daniel Rappolee; Arun Wakade; Barrett Watten

Others Present: Mark Ankenbauer, Associate Vice President for Human Resources; Johnnie Blunt, Academic Senate Office; Daisy Cordero, Student Financial Aid; Libera Diaz, Student Financial Aid; Michelle Fecteau, Executive Director, WSU Chapter of the AAUP-AFT; Mildred Fuller, Human Resources; Gloria Heppner, Associate Vice President for Research; Harvey Hollins, Vice President for Government and Community Affairs; Alan Jacobson, Budget, Planning and Analysis; Vanessa Reynolds, Admissions; Jay Noren, President; Kelley Skillin, Office of the Provost; Adanna Smith, Admissions; Angela Wisniewski, Academic Senate Office

CALL TO ORDER: This regularly scheduled meeting of the Academic Senate was called to order by Acting Provost Vroom at 1:35 p.m.

I. OPEN FORUM WITH PRESIDENT NOREN

President Noren said that, while in the past, he has sent requests for nominations for committees and task forces to the Senate President and copied the full Senate, he would henceforth, at the request of Mr.

Wolfson, send the communications to the Senate President who will forward them to the full Senate.

In response to a question about the timeline for the hiring of a new Provost, the President said that he would meet with the Search Committee on May 13, and afterwards he would consult with the search firm. President Noren would like to make an offer as soon as possible. He encouraged people to send him their feedback on the candidates through the website for the search.

President Noren announced that the target date for the Board of Governors to act on tuition for the 2010-2011 academic year is their June 23 meeting. Special meetings of the Board's Budget and Finance Committee are being held and the administration will continue to consult with the Policy Committee about the budget. The Deans will meet with the Policy Committee to give their perspective on their units' budgets.

Mr. Woodyard asked what tuition increase the administration would advocate. President Noren said that has not been determined; discussions continue. He would like to have enough revenue for potential growth, namely for full-time tenure-track faculty, but that will depend on the state appropriation and the Board's decision on tuition.

The President was asked about the status of the multi-disciplinary biomedical research building. He said the building is the University's top priority in the Capital Outlay Budget Request. The Michigan legislature is expected to fund \$250 million in capital projects. Wayne State's request is for \$60 million for the first stage of the building. Funding also will depend on the University's having other partners. One of the potential partners is the Henry Ford Health System, whose board will decide in June or July whether they will partner with the University on the building.

President Noren left the meeting.

I. APPROVAL OF THE PROCEEDINGS OF THE ACADEMIC SENATE

April 7, 2010

It was MOVED and SECONDED to APPROVE the Proceedings of the Academic Senate meeting of April 7, 2010. PASSED.

II. REPORT FROM THE SENATE PRESIDENT

A. Report and Announcements

Mr. Wolfson noted that William Crossland, who has served as Chair of the Faculty Affairs Committee for several years, Russell Yamazaki, who has served on the Policy Committee and has chaired the Research Committee, and Judy Field, who has chaired the Facilities, Support Services and Technology Committee, are retiring. He thanked them for their service and extended best wishes for an enjoyable retirement.

Mr. Wolfson reported that the Policy Committee is preparing its recommendation on the candidates for the position of Provost and will submit it to President Noren.

B. Proceedings of the Policy Committee

The Academic Senate received the Proceedings of the Policy Committee meetings of March 29, 2010, April 5, 2010, April 12, 2010, April 19, 2010, and April 26, 2010. They are attached to these Senate Proceedings as Appendix A.

April 5, 2010

Mr. McIntyre asked if the draft of the policy on scientific misconduct, mentioned in item 2 of the April 5 Proceedings, had been circulated more widely than the Policy Committee. Other people might have broader technical knowledge about the issue than members of the Policy Committee. Mr. Wolfson said that the Research Committee also had commented on the draft. Policy Committee had suggested some changes to Vice President Ratner. She incorporated the changes and at its meeting of May 3 the Policy Committee found the document acceptable. Mr. McIntyre asked if the drafted policy could be more widely distributed and Mr. Wolfson agreed to distribute it to the full Senate.

IV. COMMITTEE REPORTS

A. University Support of Research

Mr. Cinabro, the Chair of the Research Committee, said that the major work of the Committee for the year was looking at how the University supports research. This is a follow-up report in response to last year's Research Committee report about the decline in the University's national research ranking. One of the main reasons that Wayne State's research ranking dropped was that WSU's internal support of research was not keeping pace

with its peer institutions. The Committee thought it was important to learn the main ways in which the University supported research.

The Committee members interviewed President Noren, Vice President Ratner, Provost Barrett, four Deans, five Associate Deans, and ten department chairs and heads of centers and institutes. Mr. Cinabro reported on the findings.

The Committee found that the recruitment and retention of faculty were the most important things being done to support research. High performing faculty increase the institution's research standing faster than almost anything that could be done. A University-wide research incentive program is necessary. A presidential committee is looking at possible research incentives. The University does not have adequate technical support for research. It is hard to determine if money spent on research is effective because many programs that support research do not have metrics to evaluate their effectiveness.

A broader view of the relation between research and scholarship is needed. They are intertwined. Research should not come at the expense of teaching and other forms of scholarship. Programs that support research should be more flexible. Often they are narrowly targeted to limit their costs but if they were more applicable, they would have more impact. Research priorities do not get much attention from the service units in the University. The University needs to re-think how collaborative activity is promoted.

Administrators at all levels identified recruitment and retention of faculty as the most important way in which they support research. However, the budgets at the college and department levels do not have a line item for recruitment and retention. At the department level, most of the support comes from the indirect cost return funds. If changes are made in the distribution of ICR funds, research is affected.

An incentive program is needed to retain high performing researchers because the merit pay pool is very small. Associate Vice President for Research Joseph Dunbar, the administrative liaison to the Research Committee, chairs the President's Committee on Research Incentives. He reported some provisions of the preliminary plans proposed by the Committee: (1) tuition support for graduate students who are supported with external funding; (2) incentives for researchers who outperform the unit average; (3) flexible incentives, such as a salary increase, teaching relief, etc., that the

principal investigator would negotiate with the head of his/her unit. The Research Committee will see the final report of the President's Committee and will offer its suggestions.

Technical support for researchers has been reduced as the budget has become tighter over the past decade. Research cores in the Medical School have not been performing adequately so researchers have the work done outside the University, incurring extra expense. There is little technical support on the main campus resulting in extra expenses and delays, as well.

Data need to be captured to determine if spending or effort on research is paying off. The Research Division is trying to put in place a report system to capture data on the effectiveness of researchers and how their incentives are being used. Any program to incentivize research should have a metric to evaluate its effectiveness. The Research Committee compared Wayne State's research administration with its research peers, i.e., other institutions that are near WSU's research ranking. Wayne State's spending on research administration was near the average or slightly below compared with those peers.

Mr. Cinabro addressed the question of research versus scholarship. Research is not only about external funding. Administrators and faculty should think of ways to encourage research in the social sciences and humanities as these enhance the reputation of the University. Research and academics are interdependent especially for the highest performing researchers.

The Research Committee found the current research support programs to be limited and narrow in their impact. There is little internal support for radical transformational research, which is difficult to fund externally at the earliest stage. There is no program to provide seed money for what might be considered "a crazy idea" that would not be funded externally but that might prove to be worthwhile.

Research priorities are often neglected by Accounting, Facilities, and Purchasing. The Committee heard many stories about problems with getting laboratories set up for new faculty. Facilities, Planning and Management recently made the set up of labs a priority. Sponsored Program Administration improved greatly when resources and attention were given to it. More needs to be done, but the improvement is appreciated.

Internal communication about research activity needs to be improved. Many researchers are not aware of the activities of their colleagues outside their own departments. All centers and institutes, many of which promote research, should be thoroughly reviewed. Department Chairs commented that they did not know the purpose of centers and their activities. The Research Committee thought improving both internal and external communication about research would be an excellent topic for the Committee to cover next year.

The Research Committee's report was shared with the Division of Research, which supported the recommendations. The Committee will prepare a written report during the summer.

Mr. Cinabro took questions from the floor.

Mr. McIntyre said that while the quality of the centers and institutes is mixed, some have done outstanding work. Mr. Cinabro agreed with Mr. McIntyre. The Research Committee believed that all the centers should be reviewed to understand why those that are performing well are successful. The purpose of some centers is to incentivize research and they should have metrics to determine if they are meeting their goals.

Mr. McIntyre agreed that research and teaching have a synergy, but thought the link between research and undergraduate teaching was not as strong as that between research and graduate education. Although Mr. Cinabro thought that was true overall in undergraduate education, in some fields the research experience is vital for undergraduates and keeps them engaged in difficult programs.

Ms. Shisheva asked how the Committee determined that Wayne State's spending to support the research administration was average or below average when compared with its research peers. Mr. Cinabro said that because WSU is ranked about 50 by the National Science Foundation, the Committee looked at the public universities ranked between 40 and 60. They compared the amount of money those institutions spent on their operations that were similar to WSU'S Division of Research.

Mr. Romano asked if the Committee had received a budget detailing the expenditures of the Office of the Vice President for Research (OVPR). Mr. Cinabro said that the Committee did not receive a detailed budget, but received a breakdown of the personnel. To know if the OVPR is spending enough money on administration or if the proper

percentage is being spent on the centers or on the cores, Mr. Romano believed one needed to know the total budget. Mr. Cinabro said the Research Committee requested and received the overall budget for the Division of Research, but not a detailed breakdown.

Mr. Parrish suggested that the action of Deans' Offices in taking ICR funds from departments needed to be looked at. Mr. Cinabro said that while the Committee did not specifically address that problem, it made the point that if the administration is messing with those funds, they are messing with the major source of research support. Mr. Parrish urged the Committee to be more direct in its statement.

Ms. Vlasopolos thanked the Research Committee for recognizing that faculty in the humanities and the social sciences also do research that enhances the value of the University and they do it without any incentives. She noted that the budget for research in the humanities and the social sciences was being cut drastically. One million dollars of the Libraries' \$8 million budget is being cut. The Libraries are the resources, the laboratory, for the humanities and the social sciences.

Ms. Sengstock also appreciated acknowledgement of the research aspects of the social sciences and the humanities. She believed a broader discussion about how to support the research for which there is little or no external funding was needed. The report, Ms. Sengstock said, made a distinction between scholarship and research; that is an artificial distinction. Scholarship is research. The difference is externally funded research versus research for which there is little or no funding available. Mr. Cinabro said that it was the intent of the Research Committee to make the point that scholarship is research.

Mr. Wolfson noted that after the Research Committee forwarded its report to Vice President Ratner, the Vice President sent the report to the Board of Governors. A member of the Board thanked the Vice President for the wonderful report. Mr. Wolfson wanted to ensure that Mr. Cinabro and the Research Committee received the recognition.

A member asked Mr. Cinabro to clarify how the Committee defined "technical support." He replied that on the main campus it might be an engineer who could help design a part needed for a research proposal. It did not mean someone to manage the grant.

Mr. Woodyard was concerned about the sources of funding for the proposals such as providing tuition for externally supported graduate students and incentives for researchers. The percentage of the University's budget going to the schools and colleges has decreased over the last ten years from approximately 42% to 36%. There have been occasions where the central administration tried to recapture ICR funds from faculty, departments, and colleges for other uses. He cautioned against including ICR funds in the discussion about support of research because it centralizes the decisions for the use of the money and removes it from the principal investigators. Mr. Cinabro noted that the plan developed by the President's Committee is preliminary. He too is skeptical about the funding source to cover graduate students' tuition.

Dr. Vroom thanked Mr. Cinabro for his report.

V. MATTERS SUBMITTED BY THE POLICY COMMITTEE

A. The Family and Medical Leave Act

1. Human Resources

Mark Ankenbauer, Associate Vice President for Human Resources, and Mildred Fuller, Associate Director of HR Consulting, presented the changes the University is making in the administration of the Family and Medical Leave Act (FMLA). Mr. Ankenbauer said that the changes would make the process more efficient. He introduced Ms. Fuller.

Ms. Fuller explained that contracting with a third party to administer FMLA would greatly improve the service provided to University employees and their families. Transfer to the third party administrator, FMLASource, was tentatively scheduled for May 30. The University contracted with FMLASource because of the volume of the FMLA cases. Human Resources manages approximately 600 FMLA cases and it does not have personnel with the necessary skills to effectively administer FMLA and provide employees with the needed services.

Ms. Fuller said that FMLASource is experienced in handling FMLA cases and it has the medical expertise to evaluate the claims and to manage the cases. They have attorneys who are experienced in the law related to FMLA. They have human resources personnel and health care providers to obtain the necessary information to evaluate the claims efficiently without having to get additional information from the employees, which can be very inconvenient for the employee. FMLASource is located in Chicago. It has been in business since

1984 and has administered FMLA for other companies for the past eight years. The FMLA law is complex and is changed often. With FMLASource the University will remain compliant with the law.

When an employee requests the certification form, the individual's school, college, or division will receive notification that the employee has made a request rather than being notified after the physician has completed the form and returned it for processing. The unit head will be able to plan for a replacement sooner. Using a third party will alleviate employees' concerns about privacy because they will request information directly from and will submit information directly to FMLASource.

Employees have options in how they contact FMLASource. They will have a single source from which to get information that applies to their specific situation. Employees will be able to file their claims and will be able to check the status of their claims on line 24 hours a day, 7 days a week. An FMLA professional will be available to provide telephone service from 8:00 a.m. to 9:00 p.m. Monday through Friday. Employees will receive the certification form within 48 hours of their request and they will receive the decision on their claim within five business days of FMLASource's receiving a completed certification unless there are extenuating circumstances.

WSU's Human Resources Office will send a series of e-mails to all employees and distribute brochures. There will be information on Pipeline and on the HR website and information will be posted on bulletin boards for individuals who may not use computers. Human Resources will train HR professionals, supervisors, business managers, and union officials. Ms. Fuller reviewed the process that employees would follow in submitting a claim.

Ms. Fuller and Mr. Ankenbauer took questions from the floor.

Mr. MacArthur asked why Human Resources had sought a third party to handle the FMLA claims. Ms. Fuller said that Human Resources was not providing adequate service in a timely and efficient manner because it did not have the necessary internal resources.

Ms. Sengstock admitted that she is suspicious of outsourcing and asked if providing "excellent customer service" meant that the employee's claim is denied more quickly and efficiently than in the past. Ms. Fuller replied that the intent is not to deny claims but to respond more quickly to

employees and to approve the claims of the employees who have met the requirements of the federal regulations to receive FMLA.

Ms. Vlasopolos asked how much FMLASource was charging the University and where the University would get the money to pay for the service. Since Human Resources will be training employees about FMLASource, she asked why the University's HR employees were not trained to provide the services so the process would not have to be outsourced. She was skeptical that a website managed by a business could ensure privacy when the University has no control over their business practices.

Mr. Ankenbauer said that the University would pay FMLASource a little over \$100,000 a year. The University's Human Resources office does not have the skills needed. They need case managers and a physician on staff to work with providers to obtain information. It would cost Human Resources a lot more to hire in-house people than to contract for the service. Medical providers are more inclined to talk with a peer. In response to Ms. Vlasopolos's concerns about privacy, Mr. Ankenbauer said that there are securities through-out the system. Ms. Fuller said that the employee's medical information is not available on line except for the physician at FMLASource.

Mr. Reynolds asked if Human Resources had considered Michigan firms. Mr. Ankenbauer said that his office sought bids through the RFP process. They looked at many companies. FMLASource provides the best value for the money. In response to a question about oversight, Ms. Fuller said that Human Resources would have weekly meetings with the HR professionals as the process is transferred to FMLASource. WSU's HR office will be in constant contact to ensure that the process works well.

2. Michelle Fecteau, AAUP-AFT

Michelle Fecteau, the Executive Director of the AAUP-AFT, was invited to speak about the coordination of benefits between FMLA and the Agreement between the University and the AAUP-AFT. Ms. Fecteau said that benefits in the contract are more generous than FMLA. Bargaining unit members may apply for FMLA or they may use the benefits available through the contract. The contract does not require faculty and academic staff to contact FMLASource and submit a certification form. To qualify for FMLA, a person must work 1250 hours per year. The contract provides short-term disability for people who work 50% or more.

There is generous long-term disability coverage in the contract, as well.

Ms. Fecteau has been concerned that some administrators are pushing people represented by the AAUP-AFT to use FMLA rather than the contract. It appeared that the administrators were using FMLA to deal with disciplinary issues. That is not the purpose of the law. Leaves of absence for illness according to the contract are mostly based on the honor system. There are requirements to prove that the individual is able to return to work.

Ms. Fecteau and the lawyers for the WSU Chapter of the AAUP-AFT reviewed the law and submitted their report to Human Resources and to the Provost's Office. The policy was improved. In addition, Ms. Fecteau had objected to a requirement that the individual sign a waiver giving WSU's Human Resource Office and FMLASource access to the individual's medical records related to the condition for which the person was requesting FMLA. The law does not require that. A completed medical certification form is required and Wayne State and FMLASource have no need for the individual's medical records. One of the new regulations allows them to call a health care provider to authenticate and clarify information on the form.

The FMLA law gives all persons employed in the public sector and persons working for private sector employers with 50 or more people on the payroll the right to take up to 12 weeks of unpaid leave. The employee may use vacation days, sick days, or personal days. They can break the time into 60 days or 450 hours taken in one-hour increments. The unpaid leave under FMLA is for the individual's personal illness or the illness of a child or parent.

The law states that if there is a collective bargaining agreement between the employer and employees that provides better benefits than the law, the employer must honor the contract. The employer cannot implement FMLA to reduce employees' benefits. The AAUP-AFT contract gives faculty and academic staff six months of full-time leave. Under the contract, an individual does not have to file a medical certification form; the medical leave is accessed more informally. The AAUP-AFT contract defines family more broadly than does FMLA.

Under labor law, leaves are mandatory subjects of collective bargaining. Under the Public Employment Relations Act the benefits cannot be changed unilaterally; they are subject to negotiation.

Ms. Fecteau said that there are times when individuals may want to use FMLA, such as for paternity leave. The AAUP-AFT contract does not provide for paternity leave. It provides for parental leave at the discretion of the department chair or administrator. Under FMLA the father of a child, whether or not he is married, is entitled to twelve weeks of paternity leave during the first year of the child's life.

There are serious liability issues for the employer under FMLA. Administrators can be held personally liable if they violate the law. In some cases, the aggrieved party can be compensated for damages going back two or three years and lawyers can recoup 100% of their legal fees if they win the case.

An employee may want to use FMLA when caring for a family member. The contract provides time off for five consecutive working days, but if the individual needed more time, under FMLA they are entitled to take up to twelve weeks off. FMLA might be used if a doctor advises an individual to reduce his or her workload. FMLA, which covers twelve weeks, can be extended to 24 weeks if the person works half time. The contract allows for the reduced load, but the administration has a lot of discretion. Under FMLA, if it is medically necessary, the individual is entitled to the reduced load.

Ms. Fecteau does not think FMLASource is knowledgeable about the provisions of the AAUP-AFT contract regarding medical leaves or the provisions in the contracts of the other unions on campus. She is concerned that FMLASource might justify its expenses by trying to reduce absenteeism and the costs associated with absenteeism. She is concerned that the members of some of the unions on campus who do not rely on the Internet and do not use computers much will be denied benefits when applying for FMLA. She is concerned that third party groups such as FMLASource do not understand labor law. It is her understanding that FMLASource is relying on the University for guidance on labor law.

Another concern is the 16-day period in which individuals have to turn in the form. If an individual downloads the form from the Internet, there is no problem. But if FMLASource mails it to the individual, they count the days from the time the person requested the form. Ms. Fuller has said that people will be given sufficient time to return the form, and if there are extenuating circumstances, they will have additional time. Ms. Fecteau is also concerned about privacy in contracting with FMLASource.

Ms. Fecteau took questions from the floor.

A member asked why, when an employee has sick time available for use, the University insists they use FMLA. Ms. Fecteau said that FMLA was intended as an entitlement for people who did not have the benefit of sick time on their job. FMLA enables them to balance their job and their personal life when they or a spouse, or a child, or a parent are seriously ill. In the case of the faculty and academic staff, Ms. Fecteau had the impression that the University has more control over the absences because certification is required and the employer can contact the health care provider. Since an employee is guaranteed 12 weeks of FMLA leave in a 12-month period, if an employee used the time for their own illness, they would not be guaranteed a leave if they needed to care for a family member during the same year. Some employers believe forcing employees to use FMLA will reduce the number of absences in a year.

Ms. Fuller said that if an employee is absent in excess of three days due to illness, the University is legally required to send the certification form to the employee. It is the employee's decision whether he or she completes the form and files for FMLA. Ms. Fecteau said that if the employer suspects that an absence may be eligible for FMLA they are to notify the employee, but the employee does not have to respond.

There is information about FMLA on the AAUP-AFT website.

VI. REPORT FROM THE CHAIR

Acting Provost Vroom left the meeting to attend to other University business. Mr. Romano, the Vice Chair, assumed the Chair.

He reminded those members who attended the forums for the candidates for Provost to submit their comments to President Noren via the website.

Mr. Romano noted that Dr. Vroom had reported to the Policy Committee that enrollment for the fall 2009 term was up slightly.

The tuition subcommittee of the Senate Budget Committee is trying to develop a proposal that would tie tuition increases over a base amount to the hiring of faculty, particularly in undergraduate programs that have had large enrollment increases.

VII. NEW BUSINESS

There was no new business.

ADJOURNMENT: The meeting adjourned at 3:16 p.m.

Respectfully submitted,

Seymour J. Wolfson
President, Academic Senate