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March 13, 1989 Meeting Minutes

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MINUTES
SHAWNEE STATE UNIVERSITY
BOARD OF TRUSTEES MEETING
MARCH 13, 1989

The meeting was called to order by Chairman Carson.

Roll Call

Members Present: Mr. Ferguson, Mr. Piatt, Mr. Reinhardt, Mr. Thompson, Mr. Winters, Dr. Carson, Mr. Kaplan, Mr. Allemeier, Ms. Odle.

Members Absent: Ms. Riffe, Mr. Hyland

Introduction of Student Trustees

Dr. Carson welcomed new student board members, Craig Allemeier and Joyce Odle. Appointed by Governor Richard Celeste in February, Mr. Allemeier will serve through June 30, 1989 and Ms. Odle will serve until June 30, 1990.

Approval of Minutes

Mr. Thompson moved and Mr. Reinhardt seconded a motion to approve the minutes of the February 20, 1989 meeting.

Ayes: Mr. Ferguson, Mr. Piatt, Mr. Reinhardt, Mr. Thompson, Mr. Winters, Dr. Carson, Mr. Kaplan.

Nays: None

Approval of March 13 Agenda

Mr. Piatt moved and Mr. Kaplan seconded a motion to approve the March 13 agenda.

Ayes: Mr. Ferguson, Mr. Piatt, Mr. Reinhardt, Mr. Thompson, Mr. Winters, Dr. Carson, Mr. Kaplan.

Nays: None

President's Report

Dr. Horr reported the Presidential Search Committee has interviewed eight semi-finalists. The committee recommends four individuals to be brought on campus for interviewing beginning in early April.

Dr. Horr reported that the supplemental budget request has been restored. However, lobbying is still necessary, because the Senate still has the option to change budget items.

Committee Reports

Educational Policies. Mr. Kaplan stated the committee had reviewed the Development Foundation strategy.

Building and Grounds. Mr. Piatt stated the Spartan Stadium had been discussed. The Building and Grounds Committee informed the Board that the University is not interested in purchasing the stadium.

Mr. Piatt also said the committee did not recommend hiring ServiceMaster at this time.

Finance. Mr. Winters congratulated Dr. Horr and Student Government President Dave Nelson for their representation before Finance Committee of the House of Representatives and reviewed the possibility of a tuition increase in next year's budget.

Reciprocity. Mr. Kaplan informed the Board that the committee will be making contacts with KY State Government and Ohio Board of Regents to see where they might begin.

University Communications. No report.

New Business

Mr. Ferguson moved and Mr. Kaplan seconded a motion to approve Resolution 09-89, Drug Free Workplace Policy.

Ayes: Mr. Ferguson, Mr. Piatt, Mr. Reinhardt, Mr. Thompson, Mr. Winters, Dr. Carson, Mr. Kaplan.

Nays: None

Mr. Kaplan moved and Mr. Winters seconded a motion to approve Resolution 10-89, Leave of Absence.

Ayes: Mr. Ferguson, Mr. Piatt, Mr. Reinhardt, Mr. Thompson, Mr. Winters, Dr. Carson, Mr. Kaplan.

Nays: None

Mr. Thompson moved and Mr. Kaplan seconded a motion to approve Resolution 11-89, Commendation of the Men's and Women's Basketball Teams.

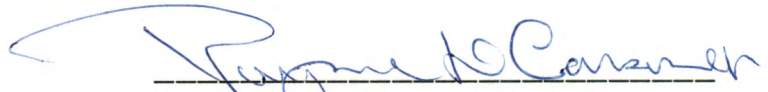
Ayes: Mr. Ferguson, Mr. Piatt, Mr. Reinhardt, Mr. Thompson, Mr. Winters, Dr. Carson, Mr. Kaplan.

Nays: None

Dr. Sharon Biddle addressed the Board regarding her employment contract. (Information regarding this issue is attached.)

Adjournment

Mr. Ferguson moved and Mr. Winters seconded the motion that the meeting be adjourned. The meeting was adjourned by acclamation.


Chairman, Board of Trustees


Secretary, Board of Trustees

AGENDA
SHAWNEE STATE UNIVERSITY
MARCH 13, 1989
7:30 P.M.

- A. Call to Order
- B. Roll Call
- C. Approval of February 20, 1989 Board Minutes
- D. Approval of Agenda
- E. President's Report
- F. Committee Reports
- G. New Business
 - Resolution 09-89, Approval of the Drug-Free Workplace Policy
 - Resolution 10-89, Leave of Absence
 - Resolution 11-89, Commendation of the Men's and Women's Basketball Teams
- H. Other Business
- I. Adjournment

RESOLUTION 09-89

All present and prospective federal grant recipients are required by new legislation to adopt a policy requiring a drug-free workplace and providing a drug-free awareness program for employees and recipients of federal funds. Shawnee State University currently receives federal funds through the Department of Education for two Title III grants and for student financial aid, and will continue to pursue federal grants funding in the future.

THEREFORE, be it resolved that the Board of Trustees accepts the attached policy on the drug-free workplace and drug-free awareness educational programs for employees.



AREA:

POLICY NO.:

PAGE NO.:

1 OF 1

EFFECTIVE DATE:

RECOMMENDED BY:

Koral C. Carter

SUBJECT:

DRUG-FREE WORKPLACE

APPROVED BY:

Catherine H. Horvath

It is the policy of Shawnee State University to maintain a drug-free workplace in compliance with federal regulations. The following policy provisions shall apply:

- I. The University is committed to maintaining a workplace free of illegal drugs. Recognizing that illegal drug use poses health and safety hazards to employees and to the community at large, the university prohibits the possession or use of illegal drugs on all university property and at other locations where employees are conducting university business.
- II. Employees manufacturing, distributing, dispensing, possessing or using illegal drugs on university property and at other locations during the conduct of university business are subject to dismissal.
- III. The university will establish and maintain a drug-free awareness program including the following topics of concern:
 - A. Health and safety concerns from drug abuse.
 - B. University policy regarding illegal drug use.
 - C. Availability of approved drug counseling and rehabilitation services.
 - D. Penalties that may be imposed upon employees for drug-abuse violations.
- IV. In compliance with the Drug-Free Workplace Act of 1988, employees engaged in work under a federal grant or contract may be subject to additional requirements to ensure a drug-free workplace.
- V. In accordance with federal regulations, the violation of this policy could result in the suspension, termination or debarment of the individual or the institution from federal grants and/or contracts.

RESOLUTION 10-89

The Interim President recommends the following faculty member for leave of absence with pay for faculty development purposes.

David Todt - a three quarter leave of absence with pay. A plan of study and goal statement have been submitted, cost projections have been made, and the budget will be loaded accordingly.

RESOLUTION 11-89

WHEREAS, both the men's and women's basketball teams finished the basketball season with excellent records. The men's final record was 21 and 13 with a fourth place finish in NAIA District 22. The women's final record was 23 and 7 with a fourth place finish in District 22 also. Both of these sports programs represented Shawnee State University in a manner that fosters pride, is representative of dedication to achievement, and exhibits qualities which are in keeping with the expectations of the university community.

WHEREAS, all of the above achievements have been under the direction of Mr. Harry Weinbrecht and the superb coaching of Mrs. Robin Hagen-Smith and Mr. James Arnzen, as well as their assistant coaches.

NOW THEREFORE, be it resolved that the Board of Trustees of Shawnee State University commends the staff and the student athletes for an outstanding season and wishes them much success in the classroom and on the playing floor.

RESOLUTION 12-89

The University calendar has been prepared and reviewed by all affected parties and is recommended for approval by the Interim

President:

Now therefore be it resolved that the official calendar for academic year 1989-90 be adopted as presented.

TO: Board of Trustee Members
FROM: Sharon Biddle, Ph.D., Executive Assistant to the President for
Governmental and Internal Affairs
SUBJECT: EMPLOYMENT CONTRACT
DATE: March 13, 1989

Thank you for the opportunity to talk to you tonight regarding your decision not to reemploy me at the University. Frankly, I would have preferred a hearing prior to your decision rather than after the fact, but at least you have granted me this time which I appreciate. Sometimes a person acts because it will make a difference and sometimes a person does so because it simply is right to do. My talking to you tonight fits in the latter category.

You can imagine that Cay's telling me on December 23 that my contract would not be renewed was not a terrific Christmas present. I have served this University loyally for two years. And my loyalty has transcended any one individual. Certainly you have the right to dismiss employees. But as a public employer, is it ethically sound to dismiss employees without cause or due process? In my opinion, that seems to contradict the core of public values and labor law.

Regarding my case, no one--you, Bob, nor Cay--ever communicated to me a negative evaluation or gave me the opportunity to correct performance problems. Because most terminations in public institutions are based on cause and due process, terminated employees appropriately leave with a "cloud over their heads."

In my instance, however, cause for termination does not exist and I, therefore, intend to resist the negative association inherent in other more typical dismissals. My record at Shawnee State has been a good one. That's the first point I intend to establish tonight. And this being the

case, secondly, I'd like assurances that this employment matter which you initiated will not result in professional damage to me.

First, I'll reiterate that my professional record has been a good one. I came to Shawnee State two years ago with sixteen years experience in higher education and a doctorate from Ohio State in a program that ranked third in the nation at that time. When I came here, I took on a newly created position and assumed responsibilities in two of this region's most volatile areas--labor relations and legislative affairs.

Filling a newly created senior level position is difficult in the best of times. People are often suspicious and reluctant to accept a "new house" and a "new kid on the block." Filling a newly created position in the worst of times at Shawnee State, while interfacing with people unfamiliar with the requirements of my responsibilities, made the job particularly complicated. For example, A. L. had no background or experience in labor relations, contract administration, or legislative affairs. And the other administrators had no four-year university experience. I don't think they realize how significantly this limited perspective has influenced their judgment.

It became clear that administrators didn't seem to understand standard responsibilities assigned to me. For example, they seemed offended that my contract administration responsibilities necessitated ensuring that the University (they) complied with the contract as well as the union. They did not understand that the affirmative action function assigned to me necessitated, for example, my inquiring into the resignation of Melanie Valentine, our only black administrator then, and my raising questions regarding Orville Ferguson, Jr.'s employment. A. L. and Dick perceived my involvement in these areas as meddling, and the

President subsequently reduced my role in both contract administration and affirmative action matters. Doing my job may have been perceived as meddling or being difficult, but at least I did my job. Undoubtedly the administrators remain confident in their judgment, however.

In addition to the challenge of filling a newly created position, I worked in labor relations for a President with five strikes in his background as well as a precedent setting Supreme Court case on fair share fees. As employer, you were in a position to know this before employing him. As prospective employee, I was not in a position to know this before taking the job as his assistant. Perhaps your decision not to mine set the tone for contract negotiations and labor relations. Every major decision in negotiations was either initiated, previewed, modified or approved in advance by the President or the university's attorney who was the university's spokesperson in bargaining.

During negotiations, much of the work was mine but none of the major decisions were. After negotiations, I spent considerable time on damage control, building from ashes toward a credible relationship with university unions, including CWA, and developing a network of assistance with local labor. Now at the end of these efforts, local labor as represented by Ralph Cole, for example, has communicated appreciation and acceptance of me, and SEA has been disinclined to participate in efforts to terminate me. Similarly CWA has indicated willingness to accept me. To move from the resentment of a strike to a general acceptance by the labor community is not a labor relations failure. On the contrary.

In the area of legislative affairs, I have worked hard to keep legislators informed of university progress with attention given to

Senator Snyder and particular attention given to the Speaker's Office. I have heard only positive reviews of my legislative work in Columbus.

Regarding other responsibilities, the faculty recruitment system which I developed was implemented successfully by Dr. Ewigleben, search committees and myself the first year and has continued to be implemented successfully by the Provost and his committees thereafter.

Also many lesser tasks were assigned and completed successfully in order to establish Shawnee State's posture as a credible emerging four-year university. Chief administrators at the Board of Regents and Inter-University Council speak positively about my work. In addition, Harold Lyon has been supportive of my work with him and others on the riverfront development project. In general community matters, I've retained an appropriately low profile, working in my church, assisting individuals in need, and contributing thousands of dollars to this community.

In my opinion, all of these experiences constitute a case for responsible performance not cause for termination. The facts of my two years' work at Shawnee State suggest that overall I have undertaken arduous challenges successfully and have worked with personal integrity. I resist strongly giving a few people the convenience of reinterpreting these experiences to my professional detriment.

I am grateful for many of the experiences I've had at Shawnee State. I was allowed to "carry the water" and assist with some of the most difficult work here at one of the most complicated times in the institution's development. And I'm grateful to have worked with Dr. Ewigleben. Unfortunately, as one of you put it, I had to play the role of "cannon fodder." But the fact that this cannon fodder survived the ire of labor and Speaker Riffe, with a 10 per cent probability of being able to do

so, should enhance not detract from my record. After all, surviving gun fire on the front lines is more of a challenge than surviving that war at a desk job. I should make it clear parenthetically that in response to direct inquiry, the Speaker and the unions said that they did not initiate or encourage action to terminate me.

The force behind your action remains unclear. Regardless, however, you and I are now in an uncomfortable position. You have initiated action against retaining me at the University. That does not help me professionally. You have taken this action without cause--that does not help you professionally. Since I'm trusting that your decision is not intended to result in professional damage to me, the question for both of us is: how do we work through this matter so as not to embarrass you or professionally damage me?

I am resigned to finding at least a comparable position elsewhere. I have no ill will toward the University nor do I want "a pound of flesh." I am insistent on just one thing, and that is the aggressive avoidance of professional damage.

The critical questions remaining are:

1. Will you assist me in encouraging a prospective employer to hire me?
2. What will you say to a prospective employer who asks you why I am leaving Shawnee State?
3. Will you instruct your senior level administrators to respond similarly?

I'll appreciate your helpful responses.