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Faculty Senate Minutes

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1-16-2020

### **Faculty Senate Minutes, Academic Year 2019-2020, January 16, 2020**

Faculty Senate

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**Governors State University Faculty Senate  
January 16, 2020, 1:00-3:00PM, Hall of Honors  
Minutes**

**Senators in Attendance:**

X	R. Muhammad (AL/CAS)*	X	K. Morris (CAS)*	X	S. Cervantes (COE)
X	A Vujaklija (AL/COE)*	X	T. Gsell (CAS)	X	M. Cummings (COE)
X	D. Golland (AL/CAS)*	X	C. White (CAS)	X	C. Tymkow (CHHS)*
X	K. Boland-Prom* (AL/CHHS)	X	C. Vanderpool (COB)*	X	M. Zell (CHHS)*
X	S. Wagner (AL/COB)	X	A. Keane (COB)*	X	G. Grumbach (CHHS)
X	J. Goode (CAS)*	X	W. Kresse (COB)*	X	S. Spencer (CHHS)*
X	C. Tweddle (CAS)	X	J. Klomes (COE)	X	L. Geller (UL)*
X	D. Cortese (CAS)		S. Patrick (COE)	X	S. Comer (Unit B/CHHS)
X	P. Guimond (CAS)	X	A. Cipra (COE)	X	B. Winicki (Emeritus)

\* 2018-19 Faculty Senate Executive Committee, Standing Committee Chairs

*Others Present:* B. Almassi; P. Blobaum; L Brown-Simon; N. Burley; N. Coffey; J. Cox; C. Didion; S. Estep; A. Evans; C. Ferran; B. Francisque; L. Fuller; S. Gaffney; A. Gray; V. Gregory; D. Green; L. Gross; S. Hyzny; J. Johns Maloney; C. Johnson; L. Johnson; K. Keaton; S. Kumar; B. Lewis; J. McAuley-Davis; J. McGee; C. Pustz; M. Rothenberg; K. Russell; P. Santoro; C. Schrage; D. Sellers; A. Shahid; J. Spencer; E. Sterner; A. Szczepanik-Sanchez; J. Taylor; G. Thomas; A. Thompson; M. Tyler; L. Van Moody; J. Vignone; E. Walsh; P. West; L. White; K. Wingfield; J. Zhao; *and others.*

I. Call to Order and Approval of Agenda. Golland called the meeting to order at 1:06 p.m. Golland recognized Trustee L. Van Moody and Student Senate President K. Russell. Motion made to approve agenda. No objections. Motion carries.

II. Public Comment.

*Dr. S. Estep:*

Dr. Estep stated that this was a sad day for GSU. She asserted that the president should be held accountable for the mismanagement found by the OEIG. She stated that she had heard that another OEIG case is currently being investigated. Dr. Estep opined that this matter is not going to go away and recommended that the Faculty Senate take seriously the consideration of confidence in the president. She reported that the union is pursuing criminal action. She asserted that students

should be the angriest constituency because of the tuition and fee raises that took place. She also averred that the largest payment discussed in the OEIG report went to the president's friend.

*Dr. J. Klomes:*

Dr. Klomes asserted that the president has said that ethics is important. She was embarrassed by OEIG report and by questions from family and friends over the winter holidays. She asserts that we must continue to ring the bell about GSU's quality, which is a team effort. Dr. Klomes recommends keeping mobilized and that we, as faculty senators, let people know the behavior set forth in the OEIG report is wrong and unethical.

*Mr. S. Hysny:*

Mr. Hysny said that government is holding top leaders accountable for activities in Illinois. He asserted that we should remove leaders for unethical behavior if they are not willing to step down.

*Mr. A. Shahid:*

Mr. Shahid said he held a robotics competition at GSU. He thanked GSU for providing an area in which this competition could be held. However, he was embarrassed that a parent asked him if the president was still here during the competition.

*Dr. G. Thomas:*

Dr. Thomas stated that this topic came up at her college meeting. She asserted that if a faculty member committed an ethical violation like this, they would be out. She raised the example of the Astros baseball team in which the wrongdoers had immediate action taken against them. She argued that further action needs to be taken at GSU to deal with the results of the OEIG report. Changing policy is not enough.

*Professor P. Blobaum:*

Professor Blobaum stated that he is a former Faculty Senate President. He served on the search committee that brought the president to GSU. He wants to seek the accountability of administrators and Board of Trustees. He recalled a no confidence vote taken 10 years ago, but was swept under the rug and no notice of it was taken. He asserted that this is not the first voice of concern over governance of the university. He asked the Faculty Senate to hold the administration and the Board accountable.

*Dr. S. Kumar:*

Dr. Kumar stated that he has been at GSU for 30 years. He raised concerns about something called "special projects." He asserted that the president took advantage of special projects. Dr. Kumar compared the requirement that faculty submit reports during and about their sabbaticals to the requirement that GSU needs to require that reports be submitted about special projects. He asserted that we need to let BOT know that special projects need oversight and must be worth the money. He recalled that there were times when salaries were paid to two presidents, three provosts, and extra deans at the same time while he has been at GSU because administration can take advantage of special projects.

*Dr. C. Ferran:*

Dr. Ferran stated that ethics and leadership are taught here at GSU. He asserted that a leader must hire personnel to whom to delegate authority. The leader assumes the triumphs of their personnel. A leader must also assume responsibility for their personnel's failures. He argued that if the leader does not accept responsibility middle management will not assume responsibility. He queried. "What will students think?" Dr. Ferran asserted that it will be an uphill battle for our present leader to go to Springfield and to private companies to ask for support for GSU. Raising funds will be more difficult than necessary with the current president as our leader. He recognized that this is a difficult decision for the Faculty Senate.

*Dr. S. Cervantes:*

Dr. Cervantes praised her colleagues for their statements and for taking on this issue. She opined that two issues need to be discussed before a vote of no confidence – accountability and transparency. While the president is slated to not renew her contract because BOT asked her not to when they learned of the OEIG report, but the BOT did not share this. Was this for avoidance of scandal? Dr. Cervantes argued that it would be a greater scandal if the BOT does not take action with regard to the Faculty Senate's vote if it is no confidence.

*Dr. K. Boland-Prom:*

Dr. Boland-Prom asked who is protecting GSU's reputation. She asserted that we do not tolerate an unethical environment at GSU or unethical behavior by our students and faculty. She asked who is protecting the value of students' degrees. She argued that we need to protect our reputation and our students' futures by saying no to unethical behavior by the president. Dr. Boland-Prom also stated that the president's retirement party should be paid for with personal funds, not GSU funds.

*Dr. S. Wagner:*

Dr. Wagner stated that his reaction to this situation is that it feels like a punch in the gut. He found it discouraging and embarrassing to deal with this and how it is unfolding at GSU. He argued that it is about accountability. He recommended that everyone read the OEIG report fully. Dr. Wagner asserted that the previous BOT had the OEIG's report since February and hired a law firm for crisis management, which meant more money spent on this. He stated that the new BOT had the OEIG report since August. He declared that the current BOT responded to the OEIG report in an email that contained almost all of the information in the OEIG report except for the finding that the president was held to be specifically responsible. Dr. Wagner asserted that the BOT is responsible for the president to be held accountable as set forth in their bylaws. However, the BOT said GSU is responsible. He contended that the integrity of the institution is at stake. He stated that we need to know about how to handle a crisis, not shuffle it under the rug.

### III. Action Items

- A. Approval of November Minutes. The draft November Minutes were moved and seconded by the Executive Committee. Correction recommended by Winicki on page 1 in first bullet point to change "JLC" to "HLC." Motion carries as amended.
- B. Nomination of SURSMAC Representative. The nomination of Professor Brian McKenna as SURSMAC Representative was moved and seconded by the Executive Committee.

Motion carries. The Faculty Senate nominates Brian McKenna for appointment by the university president to serve as GSU Faculty SURSMAC representative.

IV. Consideration of Confidence in the University President. Golland addressed the Faculty Senate about why this consideration of confidence is necessary and what the consideration of confidence means in this situation. His comments are restated verbatim below:

We have next on our agenda an item of the utmost seriousness and importance: a consideration of confidence in the university president. It is a truly rare and sad occasion for us to consider this. Weighing our responsibility to all stakeholders, we will consider this action with the sobriety, deliberation, and responsibility required of a matter of such import to our university community.

A consideration of confidence by the faculty senate is one of the oldest aspects of shared governance in the canon of academia. The faculty and their senate are the intellectual center of the academic enterprise, the permanent stewards of the institution. Our administrators are appointed by the Board of Trustees to implement policies developed through shared governance and contractual negotiation. The full confidence of the faculty in their leadership is assumed. A fair and careful consideration of confidence, and a vote in which the faculty senate expresses no confidence or diminished confidence, occurs only when an administrator or other authority is found to have breached the trust which we place in them.

Let us speak on what a consideration of confidence is not.

A consideration of confidence is not based on personal animus. It is not and cannot be, and the votes cast today cannot and will not be, based on any personal feelings, positive or negative, towards an individual administrator or other authority.

A consideration of confidence is not based on policy differences. Members of the faculty and their elected senators often disagree with one another, and certainly have disagreements with administrators, on matters of university policy. Such disagreements are an everyday part of the intellectual and academic enterprise we call a university. A consideration of confidence may only occur when a serious breach of policy, law, integrity, or ethics has occurred.

Finally, a consideration of confidence is not contract negotiation by other means. The members of the faculty senate must never put their own personal and financial interests ahead of those of the university. To this end, it is important to distinguish between a faculty union and a faculty senate. The faculty union collectively represents our interests as individual employees, focusing on working conditions and compensation; whereas the faculty senate represents the interests of the university from the perspective of its faculty, focusing on policy, curriculum, and shared governance. To that end, although most members of the senate are also members of the union, we leave our personal interests at the door, and engage in constructive debate, deliberation, and voting as our conscience

dictates what is best for the university—even if the interests of the university are contrary to our personal interests.

So, what is a consideration of confidence? A consideration of confidence is an expression by the faculty, in this case through their elected senate, that an individual administrator or other authority may have engaged in a major breach of policy, law, integrity, and/or ethics, or otherwise significantly endangered and threatened the well-being and success of the university. A subsequent vote of no confidence expresses the opinion that the charges are founded, and that the administrator or authority should immediately resign or be terminated from his or her post.

Based on a careful reading of the Office of the Executive Inspector General's report on the investigation of Case #17-01703, and subsequent articles in the press, the executive committee of the senate has found sufficient evidence that Dr. Elaine P. Maimon, in her official capacity as President of Governors State University, has engaged in a major breach of policy, law, integrity, and/or ethics, or has otherwise significantly endangered and threatened the well-being and success of the university. We have therefore placed on today's agenda a consideration of confidence in the university president.

We will observe the following order of business. First, Dr. Bill Kresse, Senate parliamentarian, speaking on behalf of the Executive Committee, will offer the argument for no confidence. At that point, if she or a designee is present, President Maimon will offer an argument asking us to retain full confidence. Each will then have the opportunity for a brief rebuttal.

There will be no questions or interruptions during the presentations or the rebuttals. Senators will have the opportunity to question the presenters during Executive Session, which will immediately follow the arguments.

The senate will go into executive session for up to 40 minutes, at which point we will ask that all guests clear the room. After we come back into open session, we will vote, in public, by secret ballot. The ballot has two options: "confidence" and "no confidence." The parliamentarian will collect the ballots and will then read them aloud, one at a time, to be recorded by the secretary, and I will immediately announce the result.

- The Argument for *No Confidence* (Kresse): Kresse asserted that making this argument is a difficult task, but that he felt compelled to do so after being asked by the Faculty Senate's executive board and officers to make this argument. Kresse read the no confidence resolution out loud in its entirety. He discussed in detail the OEIG report. He asserted that the president was interviewed by the OEIG on numerous matters about which she stated that she did not know and/or she had delegated these matters to other administrators. Kresse explained that the OEIG report stated that in interviews with those administrators, they told the OEIG that they were unaware of the delegation. Kresse concluded his remarks by stating that the OEIG determined that allegations against the president were founded.
- The Argument for *Confidence*: President Maimon did not attend. No designee for the president stepped forward when invited to do so.

- Rebuttal for *No Confidence* (Kresse): Kresse set forth the timeline for the OEIG's investigation. He discussed the article in the Chicago Tribune that gave GSU's stakeholders notice of the OEIG report and findings. He asserted that under the president \$1.6 million was squandered and that this was covered up. He averred that GSU doing nothing sends a signal and that we, as the Faculty Senate, must account to our stakeholders.
- V. Closed Session. Motion to move to closed session. Moved and seconded. Motion carries by roll call vote (passes unanimously). Closed session begins at 1:53 p.m. Motion to adjourn closed session. Moved and seconded. Motion carries without objection. Closed session ends at 2:32 p.m.
- VI. Action Item.
- Golland explained that ballots allowing a vote for confidence or no confidence would be distributed to senators, and that a 2/3 vote is required for no confidence. A 2/3 vote in this type of matter is traditional and based on Roberts Rules and practice. Discussion held on whether 2/3 vote is required. Rules that a motion to challenge the 2/3 vote passage is out of order until after the vote has been made.
  - Golland explained that ballots would be distributed to senators by Parliamentarian. After voting, ballots would be collected individually by Parliamentarian and placed in a closed box.
  - Point of Order raised. Why is the motion to challenge the 2/3 voting not allowed? Kresse stated that this is a moot point until the votes have been made. Just prior to results being announced, a motion can be made.
- C. Resolution 2019-20 #03 Regarding the Continuing Confidence of the Faculty in the Leadership of President Elaine P. Maimon (see attachment hereto). Ballot vote held and ballots collected.
- Motion made appealing the decision of the Chair to have a 2/3 vote and that balloting be done by majority vote. Second. Discussion held on motion. Motion and second withdrawn.
  - Ballots counted out loud by Parliamentarian. Record of votes taken by Secretary. Vote count is 1 for confidence, 25 for no confidence. Resolution passes.
- VII. Adjournment. Golland adjourned the meeting at 3:03 p.m.