

Faculty Assembly Meeting
Tuesday, September 22, 2020, Via Zoom 3:00PM

I. Meeting called to order by Senate President Bill Lynch

President Lynch welcomed all attendees via Zoom. He told them how pleased the Board of Directors are with how quickly and how well the University, in particular the faculty, have adapted to learning on online and taking care of student needs in these extraordinary times. (Approximately 98 people in attendance).

II. Update from Administration (Pres. J. Schuster, VP N. Hellerud, J. Pyle and R. Meyer)

President Schuster thanked the Senate for inviting the administration to attend the meeting. He stated how proud he is of the Webster University community for the outstanding job that has been done on everyone's part.

President Schuster reported that the Fall semester began with decent main campus enrollment and that the faculty and deans have been extraordinary in working on course scheduling, keeping a safe and healthy environment and supporting everyone coming back to campus. He said there have only been two positive student cases of Covid-19 but they are both back in classes. He has received accolades from both students and parents for the manner which Webster is handling the Covid situation.

He stated that the deficit for Fiscal Year 2021 will be three times larger than this year and that we have lost \$2.5-3M due to single rooming during Covid-19.

VP Hellerud reported that Fall 2020 has started well with no large numbers of drops or withdrawals. She thanked the faculty for completing the Fall Starfish survey with the highest participation rate to date.

VP Hellerud said that students are feeling isolated due to living alone and online learning, but that Student Affairs and John Buck are taking good care of them. Student Affairs is looking into the possibility of having small group activities in the future. She stated that Spring 2021 schedules will be out in mid-October so that students can be ready to make their schedules in November. She said Academic Affairs has provided two student surveys to find out what things they require in order to participate in classes.

VP Hellerud commented on Webster University's ranking of 15 in U.S. News and World Report due to the increase in retention rate and a drop in the six-year graduation rate for undergraduates. She credits these changes to the decrease in credit hour requirement to graduate. She asks that faculty make sure their degree plans are up to date and that they counsel student to take 15 hours per semester.

John Pyle thanked the faculty for participating in the summer online recruiting efforts. He reported that the graduate student enrollment across campuses is down, particularly at the metro and military campuses. Overall enrollment is down approximately 3700 credit hours for Fall I worldwide.

Rick Meyer reported that between Fiscal Year 2018 to 2020, tuition and fees were down \$23.3M. He stated that Webster has cut everything possible and any future cost savings going forward could be painful for everyone. He reported an overall loss of \$3.5M in 2020 and predicts an overall loss of \$10M in 2021. Going from double to single occupancy in the dorms

is the biggest hit. Webster has put on hold the Sverdrup remodel project as well as the athletic facilities remodel for one year in order to get better cash flow for 2021.

President Schuster agreed to provide the Faculty Senate with a spreadsheet of the budgetary numbers for reference purposes.

President Lynch stated that the general plan for Webster University going forward to focus on admissions and enrollment and how to address the graduate losses at the military and metro sites.

III. Faculty Senate President Update

President Lynch began by thanking the Senate for their dedication to attending numerous meetings this summer to address ongoing issues. He stated the Board was excited about the US News and World Report ranking and getting the fall semester started.

President Lynch explained to the Assembly how the topic of Webster becoming an anti-racist university came to fruition for the 2020 Fall Faculty Institute. He explained there will be speakers who wish to have smaller breakout discussions so attendance will be limited. There will be a registration survey going out to all faculty, staff and contingent faculty and from those surveys, individuals will be picked to participate in the Institute. He explained that even though in a virtual format there are limitations to attendance. He said if there is overwhelming interest, the Senate will look for more opportunities to continue discussions concerning diversity and inclusion.

President Lynch explained that status faculty will not be 'on the hook' to attend this Institute since there are limitations on attendance. He would like to negotiate the current contracted obligation of attending the Institute with administration in the future.

IV. Corrective Action Policy (CAP) discussion by Prof. Chris Parr

President Lynch explains that the Corrective Action Policy (*Attachment A*) is a policy little known among faculty, but it is on the Human Resources website. It is six pages in length and is not utilized frequently. Besides the CAP, there exists the Grievance Policy in the University Handbook, but that is the process for faculty when sanctions may impact severance. There is also the University Grievance Policy.

Professor Parr proposes seven (7) revisions to the current CAP (*Attachment B*) on which he would like the Faculty Assembly to vote.

The Faculty Assembly unanimously approved a motion by C. Parr, seconded by T. Foley to take under discussion the revisions requested by C. Parr to the Corrective Action Policy.

Questions and discussion were undertaken by the Assembly. President Lynch stated that conversations and negotiation of the proposed seven revisions with Human Resources have already begun. When the Assembly convenes again in October, the purpose of the policy will be clearly stated and AAUP best practices will be referenced.

Chief of Human Resources Cheryl Fritz was present at the Assembly meeting and explained that the former Chief of Human Resources had begun the Corrective Action Plan. She said that the CAP should never commence until after conversation between an employee and their supervisor. She understands that it is a policy that has caused great concern, but she is open to looking at the recommended revisions and being a willing partner in negotiations.

Upon motion by C. Parr, seconded by M. Preuss, the Faculty Assembly, acknowledging the compelling need to resolve confusions and flaws in the Corrective Action Policy, instructs and empowers the Senate, or a subcommittee appointed by the Senate, to enter into discussions with Human Resources, the Administration, and in association with other employees of the University, taking these 7 revisions as the starting point to resolve all seven issues, plus conflicts with our Grievance and other established Policies, and other issues that may arise.

Until the Senate reports back to the Assembly that these improvements have been successfully made, the Assembly deems it advisable that all parties should refrain from using the current version of the Corrective Action Policy.

Upon motion by E. Goedereis, seconded by H. Mitchell, the Faculty Assembly adjourned at 4:07PM.

Corrective Action

Progressive corrective action is used for regular full-time and part-time employees who are not in their introductory/probationary period, and may include verbal warning, written warning, suspension, and ultimately discharge. It is expected that conversations occur before any warnings have been issued outlining the basic expectations, job performance duties, and other guidelines that need to be followed. Supervisors should refer to the Human Resources (HR) website for all policies <http://www.webster.edu/human-resources/policies/>.

The purpose of corrective action is to inform the employee of inadequacies in performance or instances of improper behavior, clarify what constitutes satisfactory performance or behavior, instruct the employee on what action must be taken to correct the performance or behavior problem, and notify the employee of what action will be taken in the future if the expectations are not met. It is our goal to give employees every opportunity to succeed.

There are several levels of corrective action, each progressively more serious, which may be used to correct employee performance and behavior. However, Webster University reserves the right to skip one or more steps depending upon the severity of the situation. ***In all cases, the department head and Human Resources should be consulted prior to taking any corrective action.*** These steps include:

Verbal Warning - An employee may be issued a verbal warning for a performance or behavior problem. Verbal warnings are typically issued during a private conference between the supervisor and the employee where the supervisor explains the problem and what the employee must do to return to satisfactory status. The supervisor should document the conversation by making notes on the attached Verbal Warning template. The employee should be informed that the conference is being conducted for the purpose of issuing a verbal warning. This ensures that the employee is aware that corrective action is taking place. The verbal warning may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed. A verbal warning template is attached to this policy.

Written Warning - Employees may be issued a written warning which contains the following information: a description of the specific problem or offense, the most recent incident and when it occurred, previous actions taken to correct the problem (if applicable), expectations and acceptable standards of performance, and warning that further unsatisfactory behavior or performance may result in further disciplinary action. Typically, the written warning is issued and discussed with the employee in private conference with the supervisor. A copy of the written warning should be given to the employee and a copy placed in the employee's official personnel record in Human Resources. The written warning may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed. A written warning template is attached to this policy.

Final Written Warning - A final written warning notice should be issued to the employee who has officially been advised repeatedly of the nature of their performance or behavior misconduct. This warning will serve as a notification that any future violations may result in termination.

Suspension - If warranted, employees may be suspended without pay for incidents that are serious enough to warrant summary suspension, or after less severe disciplinary actions have been taken. This suspension without pay will be in accordance with Federal, State, and local wage-and-hour laws. The

duration of the suspension should be commensurate with the offense (usually 1 to 3 days), and will be determined jointly by the employee's supervisor and Human Resources. Typically, the employee will be informed of the suspension in private conference with their supervisor and Human Resources. The employee is given a letter detailing the basis for the action which specifies: the length of the suspension (beginning and ending dates); a description of the specific problem or offense; the most recent incident and when it occurred; previous actions taken to correct the problem, if applicable; expectations and acceptable standards of performance; and a warning that further unsatisfactory behavior or performance may result in further corrective action, up to and including discharge. The suspension letter may also specify a review period, if appropriate, in which the employee's behavior or performance will be reviewed.

Discharge - Employees may be discharged for incidents that are serious enough to warrant summary discharge, or after less severe disciplinary actions have been taken. It is advisable to discharge an employee in private conference with their supervisor, Human Resources and other appropriate levels of supervision. During this conference, the employee is usually given a letter or a memorandum clearly stating the effective date of discharge.

When allegations are serious enough to merit immediate discharge, it may be advisable to suspend an employee, pending investigation. This suspension is for the purpose of investigating the problem and conferring with appropriate officials regarding the decision to discharge, and should be so communicated to the employee. If the investigation does not result in further action being taken, the suspension will be with pay.

Reasons for immediate discharge include, but are not limited to:

- Theft;
- Intoxication on the job;
- Violence or threat of violence;
- Conviction of a felony;
- Negligent, careless or intentional conduct that results in damage or the risk of damage to property or individuals;
- Falsifying time cards
- Falsification of Employment Application or other necessary data requested during the employment process
- Falsification, alteration or improper handling of University-related records
- Disclosure or misuse of confidential information, including government-mandated regulations that outline the treatment of confidential information
- Behavior/language of a threatening, abusive or inappropriate nature
- Any other conduct that reflects poorly on Webster University and could result in severe negative implications on the University's reputation, standing, rating, etc.

Date Revised: 3/7/18

VERBAL WARNING

EMPLOYEE NAME: _____ DATE: _____

DEPARTMENT: _____

The purpose of this verbal warning is to memorialize our conversation regarding deficiencies in your conduct and/or performance. The intent is to bring these issues to your attention and help you to take remedial steps toward correcting them. Failure to do so may result in further corrective action.

REASON FOR WARNING:

CORRECTIVE ACTION REQUIRED:

Supervisor: _____ Date: _____

A copy of this document will be retained in your permanent file.

WRITTEN WARNING

EMPLOYEE NAME: _____ DATE: _____

DEPARTMENT: _____

The purpose of this written warning is to bring your attention to ongoing deficiencies in your conduct or performance. On _____, you were counseled regarding_____. Unfortunately, you have not made sufficient progress in addressing these issues, necessitating this written warning.

REASON FOR WARNING:

CORRECTIVE ACTION REQUIRED:

My supervisor has discussed the above with me. I understand the contents and acknowledge and understand the corrective action required. I also acknowledge and understand the potential consequences of noncompliance.

Signatures:

Employee: _____ Date: _____

Supervisor: _____ Date: _____

FINAL WRITTEN WARNING

EMPLOYEE NAME: _____ DATE: _____

DEPARTMENT: _____

The purpose of this written warning is to once again bring to your attention ongoing deficiencies in your conduct and/or performance. On _____ and _____, you were counseled regarding _____. Unfortunately, you have not made sufficient progress in addressing these issues, necessitating this final written warning. Failure to make immediate and sustained improvement will result in further corrective action, up to and including termination.

REASON FOR WARNING:

CORRECTIVE ACTION REQUIRED:

My supervisor has discussed the above with me. I understand the contents and acknowledge and understand the corrective action required. I also acknowledge and understand the potential consequences of noncompliance.

Signatures:

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Division/Dept. Manager _____ Date: _____

A copy of this document will be retained in your permanent file.

SUSPENSION/DISCHARGE

EMPLOYEE NAME: _____ DATE: _____

DEPARTMENT: _____

The purpose of this written warning is to bring your attention to ongoing deficiencies in your conduct or performance. On multiple occasions, you were counseled regarding _____, but despite numerous opportunities to correct these deficiencies, you have failed to do so. As a result, it has been determined that you will be:

- Suspended _____ Working Day(s) from _____ Through _____
- Discharge effective _____

Remarks: Explain reasons for suspension or discharge, including specific details of incident or violation; include prior warning(s).

My supervisor has discussed the above with me. I understand the contents and acknowledge and understand the corrective action required.

Signatures:

Employee: _____ Date: _____

Supervisor: _____ Date: _____

Division/Dept. Manager _____ Date: _____

Faculty Assembly #1, September 22 MMXX

Regarding the CORRECTIVE ACTION POLICY

- The CAP can be viewed here: http://www.webster.edu/humanresources/policies/general.html#corrective_action_policy
- The Grievance Policy can be viewed here: http://www.webster.edu/documents/human-resources/forms/policies/grievance_policy_proc_final.pdf

The 7 REVISIONS being sought:

- 1 - Any allegations against an employee MUST be able to be answered by the employee as to their version of events – the allegations of an accuser (esp. when they are a superior) cannot be the only version of events that HR takes into account. (In lay terms, due process matters!)
→ That is not in the Policy – yet!
- 2 - Any employee should have an advocate or second-set-of-ears-and-eyes with them at any hearing, so the employee doesn't face 2 administrators (HR, plus superior/administrator) on their own, without support. → That is also not in the Policy – yet!
- 3 - Progressive Disciplinary Policies like this are typically explained and implemented by HR, whereas our Policy currently leaves that to the supervisor – who for obvious reasons may not care to explain it well, or fairly. As the 'honest broker' when allegations are made, HR needs to be obligated to run this Policy.
- 4 - Since the purpose of a *Progressive* Disciplinary Policy is to have levels or steps of *increasing* seriousness, the Policy must state when such steps may be omitted, and WHY. It can't just be left to HR or administrators to decide they can jump straight to the most serious levels, on a whim or out of enmity.
- 5 - The timeframe in which complaints and consequences are related to each other must be clarified in the Policy. [Do infringements several years apart trigger the more serious responses, or should they occur reasonably close together? Does some period of time elapsing thus separate one allegation – or consequence – from another? (This issue may have different answers depending on the complaints: issues relating to addiction might be treated differently from, say, perceived idiosyncrasies complained about in classes years apart from each other.)) – This issue really concerned the *lawyers* I consulted.
- 6 - The CAP must include some mechanism for a fourth party (not HR, the allegor, or the accused) to adjudicate concerns about whether it is being applied in given cases appropriately, and fairly. This could be assigned to the University Ombud, were we to have one.
→ But that is also not in the Policy – yet!
- 7 - It is absolutely NOT APPROPRIATE for the CAP to be used to suppress dissent, disagreements, and disputations that are the very lifeblood of University work and thinking. To represent objections to procedures or actions as some kind of behavioral problem, or a "pattern of behavior" that needs counseling, is absolutely inimical to Academic life – and the CAP must include wording that protects employees who dissent in campus contexts.