

Administrative/Professional Council Meeting
September 19, 2002
1:30 p.m.
Prairie Room I, Bone Student Center

Present: Mike Baum, Elaine Graybill, Paul Jarvis, Larry Jobe, Betty Kinser, Steve Klay, Gail Lamb, Jeff Lopez, Mindy Mangialardi, Chika Nnamani, Sharon Stanford

Absent: Deb Gentry, Rob Flot

Guests: Derek Story, Sally Pyne, Jan Bremner

Note: The original date of the September Council meeting was changed, due to a conflict with the State of the University address.

Approval of minutes

It was noted that it was incorrectly recorded that the Parking Committee report was delivered by Paul Jarvis. The report was actually provided by Larry Jobe. The Council approved the minutes of the August 22, 2002 meeting, with the correction, as noted. Moved and seconded by Lamb and Mangialardi.

Chair's Remarks - Nnamani

Nnamani first reported that Carolyn Bartlett's term as the Chair of the Grievance Committee has expired. He has confirmed that she would be interested in continuing in that role, given the Council's approval. It was moved and seconded by Kinser and Graybill that she be appointed to another term, and approved by the Council.

Nnamani requested feedback from the Council regarding the survey on Administrative/Professional Recruitment and Retention, of which a draft had been previously distributed. There was some discussion among Council members, which reflected general acceptance. Nnamani indicated any further comments should be directed to Sharon Stanford in the Provost's office.

Nnamani then referred to the draft of the Consensual Relationship Policy that had been distributed at the last Council meeting with a request for feedback. He reported that there had been no dissenting feedback received to date, but that comments might still be considered, via Sharon Stanford.

Nnamani also commented on the impending merger of the Human Resources and Academic Personnel departments. Effective October 1, this change will not effect the classification of any employees, nor are there any plans, at the moment, to make any physical moves of office personnel. It is hoped that this will provide more seamless service to employees. A transition team has been assembled to facilitate the merger, and a

search for a new Assistant Vice-President with oversight of this area will take place in the future.

In closing his remarks, Nnamani presented Certificates of Appreciation to Jan Bremner and Sally Pyne in recognition of their service to the A/P Council. Pyne completed her term on the Council in July. Bremner is retiring from the University and thus, vacating her position on the Council. Kristin Harding has been appointed to serve out the remainder of Bremner's term.

Liaison Remarks - Stanford

No report.

Committee Reports

President's Campus Communication Committee - Nnamani

The Campus Communication Committee (CCC) has not met since the last A/P Council meeting. Nnamani announced that he, as Chair, has distributed to the committee a list of proposed topics for the business meetings that traditionally take place prior to each Board of Trustees meeting.

Illinois Foundation Board - Rives

No report. The Foundation Board has not met since the last A/P Council meeting.

Parking Committee - Jarvis/Jobe

No report. The Parking Committee has not met.

Academic Senate - Baum

Baum has provided a report of the Academic Senate meeting to Council members via E-mail:

September 11, 2002

The Senate had a light agenda tonight because a Faculty Caucus was called to follow the Senate meeting. The agenda listed for that meeting was:

- Faculty Caucus Mission Statement
- Capital Campaign Statement
- Budgeting to Protect and Enhance Academic Mission

The Chair, Lane Crothers congratulated the students on developing the 911 commemoration that took place on the Quad over the noon hour and commended Dr. Boschini for again including the Chair of the Senate in campus meetings with the staff of the IBHE.

SGA President Bathauer noted the success of the 911 commemoration and indicated that SGA would be focusing on finding students to serve on the NCA accrediting committee and on Homecoming plans.

The only administrator present was Provost Bowman who reported that funding had been finalized for the Schroeder relocation while the building is renovated. He also expressed concern that the campus would be very short of classroom space during while the renovation is in progress. He stated that they are trying to find/allocate all possible classroom space rather than have to significantly expand evening classes or go to Saturday classes or rent temporary classroom space. Finally, he agreed with Chair Crothers's assessment that Illinois State will be very lucky to see a zero base funding from the state and that we are not likely to see recommendations for any money for salary enhancements/raises. He stated that Dr. Boschini and the other Vice-presidents are committed to attempting to do something internally, if they can.

The various committee chairs then reported on work begun.

Finally Steve Adams gave a presentation on enrollment during which he repeated many of the statements presented at the last meeting, as well as provided actual census figures. Questions from Senators focused largely on getting more qualified minority students to come to Illinois State and what faculty, students and staff might do to assist in that endeavor.

Elections - Lopez

Lopez reported that names have been submitted to Council Chair Nnamani to make appointments, filling the vacant positions on the Council (replacing Jan Bremner) and the Grievance Committee (replacing Sharron Evans). Kristin Harding has accepted the Council position and Nnamani is still waiting on an answer for the Grievance position. UPDATE: Lynn Ramsey has accepted the Grievance Committee position.

Bremner reminded the Council that new election committee representatives need to be selected from the Council.

University Sick Leave Bank - Lopez

Lopez reported that there have been no new appeals this past month. He also shared that he is still investigating the possibility of increasing the number of opportunities employees have to make donations to the bank.

University Web Planning and Advisory Committee - Baum

Baum provided a brief history on the purpose of this committee, and reported on the following issues:

- The I-portal project seems to be going well with the freshman class pilot group. The senior class is the next projected group to be added.
- The E-Commerce project is progressing, with the goal of eventually having only one E-Commerce site for the University.
- The committee has also been working on the University's ADA compliance.

Old Business

- Training for A/P staff
 - Partnering with Human Resources to develop a list of topical areas that may be of benefit to A/P Staff members
- Taking a leadership role in the University Family Campaign
- Develop strategic objectives for the A/P Council within the context of the shared governance questions on the ISU Campus
- How can A/P Council and A/P staff help achieve the objectives and priorities enunciated in Educating Illinois
- Processes & procedures that impact A/P staff status
 - Investigating the processes used in our identified aspiring schools
- Developing an effective orientation and transition for newly recruited A/P staff members
- Does the A/P Council need a yearly retreat

New Business

- A/P Retention Survey: Jan Bremner reported on work that she and Sally Pyne had done to investigate the A/P Non-reappointment process. She distributed the following materials which summarized their findings, and included their recommendations to the Council:

Report of Sub-Committee to Review the AP Non-reappointment Process

In the summer of 2002 the AP Council established a sub-committee to review the processes being used to communicate non-reappointment with A.P staff. The greatest

concern was that while AP staff was receiving timely notice of non-reappointment under university policy, they were given no explanation for the decision/action. The Council wanted to know when an explanation is required versus "nice to have". The sub-committee was charged to define terminations for "cause" and "not for cause", identify the implications of each action, and make recommendations for improving the process where possible. The hope was that the process could be made more constructive for the staff member who is not being reappointed.

Definitions of Termination for Cause and Termination for No Cause

An employment contract can be terminated for cause when the employee does something egregious towards the employer such as theft, violence, etc. If an employee is removed from employment during a contract term, the removal must be for cause. An employment contract can be non-renewed for cause or for no cause. "No cause" means just what it implies -- there is no specific reason, or cause, that is motivating the action.

Implications of "Cause" and "No Cause" Non-Reappointment

Two attorneys were consulted to discuss the implications of non-reappointment for cause and non-reappointment for no cause. Basically, if the non-reappointment is for cause the employee has certain rights of appeal. If the non-reappointment is for no cause, the employee has no recourse. If an explanation is provided for non-reappointment that has any tie to success in the position such as performance deficiencies, the action can become grounds for review (administrative procedures) or legal action.

The legal counsel we received was that it is in the best interests of the University to take the position that the non-reappointment is for no cause and communicate that it is simply a non-renewal of the contract.

A contract that is annually renewable protects the employee for 1 year (except for cause). There is no promise or assurance that the contract will be renewed at the end of its term. To compensate for this annual renewal, there is normally a lengthy advance notice established. (see University Policy)

The committee contacted other public institutions in the State of Illinois. Of **five** institutions contacted, only one requires that a general reason for the non-renewal be given to the AP employee. The template used by Southern Illinois University at Carbondale is attached. It has three options to complete the sentence: "This action is being taken because _____". The choices are:

1. The position will be eliminated upon completion of your term contract.
2. Based on past work experiences, I have determined that you are not the most suitable person for this particular position.

3. Despite repeated attempts to improve your performance, your work does not meet sufficient expectations to warrant a continuing appointment.

While this seems to be acceptable at SIU, the University General Counsel at Illinois State advises against the use of anything similar to this. The General Counsel summarized the conflict by saying, "I know it seems inhumane but if we give performance reasons for the non-reappointment, it can become an administrative nightmare and grounds for legal action against the university."

The committee also researched other possibilities for categorizing the University AP employees. Since most AP positions are filled on a continuous basis, we wondered if a contract relationship was actually necessary. We questioned legal counsel about other options.

An employer must have some structured employment relationship with its employees. The possibilities discussed along with a contract relationship were:

Tenure: After a certain period of annually renewable contracts, the employee cannot suffer termination or non-reappointment except for cause.

At-Will-Employment: The employee can be terminated at any time for any reason and no explanation of the action is required.

Personnel System: A system is created that normally includes a definition of grounds for discharge. Therefore all terminations are based on cause and a review mechanism is required. An example of such a personnel system is the State Universities Civil Service System.

Recommendations

1. Leave the current system in place. From an administrative perspective it is the best for the University and it provides sufficient protection to the AP staff. Basically, this system works. For the small number of cases that require non-reappointment without explanation, other processes can be strengthened to make a bad situation a little better.

2. Encourage coaching and counseling but if performance does not improve, the contract is simply "not renewed." There would be no explanation provided. Training would be critical for leaders so that there is never a tie made between performance improvement and the non-reappointment. In coaching and counseling, leaders must not use non-reappointment as a threat - "either improve or your contract won't be renewed."

3. A flyer or handbook for AP staff should be designed and distributed that explains their rights and clarifies that their contract is renewable on an annual basis. This document could also include that the AP employee should expect no explanation for a non-reappointment.

4. Further consideration should be given to creating multi-year contracts for some AP positions. There are a number of implications for this concept, both good and bad. The study was beyond the scope of this committee but should be explored.

Submitted by Janet Bremner and Sally Pyne; A/P Council 9/19/02

Adjournment

The Council adjourned at 3:10 p.m. Moved and seconded by Lopez and Kinser.

Respectfully submitted,
Steven Klay, Secretary

Future 2002 meetings:

October 24 Spotlight Room

November 14 Spotlight Room

December 12 Spotlight Room

Future 2003 meetings:

January 23 Spotlight Room

February 27 Spotlight Room

March 27 Spotlight Room

April 24 Spotlight Room

May 22 Spotlight Room

June 26 TBA