

Faculty Senate October 30th

In attendance: David Lund, David Rees, Virginia Stitt (proxy for Darin W. also), Rea Gubler, Tim Lewis (for Kathy Black), Doug Molash, Curt Bostick, Elise ?, Luciane Berg, Richard Eissingner, Eric Brown, Judy Higbee, Abe Harraf, Bill O'Neal (for Lynn White), Steve Barney, Marty Larkin (proxy for Steve Heath), Wayne D. Williams, Ty Redd, Deb Hill, Roy Johnson

Excused: Kathy Black, Darin Wadley

3:32 Call to order

David Rees: Motion to approve minutes. Virginia Stitt: seconds. David Lund: Corrections? Call to question.
1 abstention, 12 in favor. Passed

Officer's Report

David Lund (president): Copy of faculty senate rules of order that are to supplement Robert's rules of order that we use. We'd like to follow these amended rules of order to facilitate getting through, when we get to policies. We don't want to curtail good discussion, just to stop discussing the same thing repeatedly. We decided on some times here. Robert's rules of order allow 10 minutes per person to discuss. If we gave each senator 10 minutes to discuss each of 5 things, we'd be here 25 hours. Most organizations have set up an amended set of rules to curtail the time limit. Any discussion on that before I ask for a motion? Virginia will be in charge of trying to keep us on the timetable. This will force you to look ahead and think about what you want to say so you can state it concisely. Motion?

Doug Molash: Moves that we accept the amended rules. Judy Higbee seconds. X: Will these be revised rules or bylaws? David Lund: These will be an amendment to the bylaws, which we can do by the vote of the senate. As we finish the constitution we will go through the bylaws and amend those. Call to question. *In favor: 10, opposed 0, 4 abstain. Motion carries.*

David Rees: I met with the board of trustees. Reported on three items: statewide movement by all faculty senates to support the board of regents funding priorities, we are in favor; commented on work of senate, policies we are most vigorously pursuing; mentioned the constitution which was then being voted on, not sure about whether the constitution would be accepted. They asked specifically that I come back to the senate and thank you on behalf of them for the work we are doing, the workload we've borne in light of no faculty salary increases. They appreciate the work being done by the faculty.

Rea Gubler: Our campus 2 account \$1,658.00; checking \$923.00 because we paid for SUU scholarship; savings \$2,856.00; cd \$10,455.00. May need a decision regarding scholarship.

Provost Harraf: I want to thank everyone and congratulate everyone on a good accreditation visit. Everyone should have received the president's email that outlined six areas of recommendation. One issue was strategic planning, which we are working on. We need to do that soon and align it with the R312 that was approved by the regents. They were concerned with the speed of curriculum change that some depts. are doing and lack of communication with students due to inconsistency with curriculum change. Issue with catalogue, they knew we are changing, say there is inaccurate information in some departments. Fee schedule incomplete. As you know we'll have a brand new one this year; talked about appreciation of doing assessment, encouraged institution to fully implement assessment plan; took exception to one area--faculty evaluation and tenure policy, especially on tenured faculty evaluation, should be a systematic annual evaluation and we don't have it; talked about policies being discussed in senate. Last one SUU align it's resources with the missions of different depts. Five out of six areas we are in the middle of changing. Discouraging, 16 months of work and they took 7 minutes to tell us this. Good on student focus, beauty of campus, many other areas. They didn't ask for an inner report or another visit. They'll write this up and give us in two weeks and we have a month to rejoinder. Then we'll have a January meeting. They did visit with a number of faculty members and different areas, students, some faculty senate... it was a huge undertaking. The schedule they requested was 9 pages long. They met with the trustees, president's council, general education, library, anything you can think of and gave us 7 minutes feedback. Steve Barney: Asked for an explanation of the last recommendation. Abe Harraf: Concern that the resources, using it as a leverage for us that we can ask for resources to use to meet the mission of the institution. In light of admission change, we need to align the strategic plans and goals and budgets to meet the institutional needs better. Steve Barney: With other institutions? Abe Harraf: One other item I'll share with you. By job description I'm required to give a calendar to President for approval and have to coordinate with many different offices. This year, we looked at, at request of some faculty, the Maymester they call it and we incorporated that. We put together a Maymester that is a pre-summer master, 3 weeks. We got approval from the president's council and dean's council. I'm handing our procedural information about the Maymester. It's almost identical with other institutions. We haven't published this yet because we wanted to talk to the dean's council, president's council, and you guys. We think it will help students and study abroad programs and we put procedural things to make sure the students don't feel they have to take ten courses in three weeks. Procedure says they will take one course, because it will be very intense. Faculty pay will be the same as for any other course. Any questions? Robert: Will you post a pdf on your website? Abe Harraf: Yes I will. Tomorrow there will be a news release for students.

David Lund: A really critical item regarding the institutional review board, which has to do with all of us who do any kind of research. Bill O'Neal: I've been involved in some policy rewriting, and probably the most critical one is the one that involves human subjects. The one we have known is from 1994. I found some other examples of human subjects policies. I've submitted one to Lynn. I'm here to talk to you about some changes, essentially the membership is wrong; we need at least one more person, an outside person. When we deal with vulnerable subjects, we have to have a representative of that subject on the board (prisoners, disabled, children). Policy of the federal government, people involved in human subjects review must be trained in NIH guidelines, and those training

sessions must be recorded with NIH. The IRB itself must go thru a separate review. They must be trained yearly. We are not registered and could not accept any federal dollars from any federal agency that involves a project with human subject if we haven't registered with the federal government. In order to register, we have to have a policy that's in line with federal guidelines. We have at least one grant that's out there now. Various other procedural things about the IRB, essentially what's going to have to happen, is the deans will get a rewritten policy and you will get a rewritten copy. David Lund: If you'll send me an electronic copy, I'll send it to the senate. Bill O'Neal: We need to have a pretty expeditious look at this new policy and I ask you for a quick rubber stamp. If you have any questions ask me. David Lund: You put the policy together and we're going to have to basically go ahead and accept it in principle until it has the chance to go through proper channels and get itself finished. Bill O'Neal: The policy is 16 pages long. But it has to address each of the issues the NIH wants addressed. It has to look at full review, expeditious review, unforeseen events during the research, etc. David Lund: Is there anything about using our own students that deals with the academics that we have prime responsibility for, or is it to put us in line with government regulations? Bill O'Neal: It's to put us in line with government regulations. If it's a classroom survey, it may not involve research. Put it to the IRB if you have a question on that. David Lund: The only real issue for us is we have to find out if what we propose is okay with the internal board and everything else in that document is in line with federal regulations. If we can, we probably ought to approve the policy and if there are any changes we can deal with them later. I'm thinking as a senate, it might be in our best interests to do that.

David Reese: If you're going to mail this out, why don't we just bypass the AAC committee and just take a look at what Bill has done and vote formally next month? Richard Eissinger: What's your drop-dead date? Bill O'Neal: I think we've got 'til December. It's a 6-month turn around. If there's any other research going on involving human subjects, I can't think, at least it's one that's funded externally. David Lund: I would entertain a motion that we send that out, and ask the senators to look at it and I can ask for a return email vote to go ahead and approve that over the next couple of weeks unless something substantive comes up. David Rees: Can we presume that you'll be voting in favor of the policy unless you have a question or vote negative? Steve Barney: The concern I have, this is going to take a tremendous amount of resources on the university to come into compliance, are those resources available? I guess this is a question for the provost. Abe Harraf: You're absolutely right, Lynn does a wonderful job. We're trying to bring Bill's office to some support of that too. Finding a way that somehow we can create some release time, we can do no more than that, it's just not practical. Another avenue is hiring a full time staff. We also have to comply with animal rights policy and we have animal research going on in two departments.

David Lund: I'm sure we'll get the support for this. Steve Barney: If we're doing this to meet federal guidelines, then the consequence of not doing it is we won't have access to federal monies. If we are going after federal money, then we've got to do this. David Lund: I need a motion. X: As important as this is for everyone, I'm not comfortable with hurrying. I'm just saying let's wait. David Lund: Go ahead and send the policy to Robert and me. Robert Eves: So we move that to the head of the line. David Lund: We'll put it on our policy website, and I'll send an e mail to the faculty and have them send an e mail back to their senators and it'll be on our agenda next time. X: I'm not comfortable with the language here, and when you get it you should read it. I don't think we should be skimming over it for one grant that got put in six months ago.

Steve Barney: Would it be possible to have a plan for how we're going to budget for this and implement it? Abe Harraf: Naturally we have to look in to it. I don't know next year's budget. David Lund: Can we ask for a couple of ideas that seem to be something to be worked out? Abe Harraf: Sure, or you can even make a recommendation on adequate resources. Steve Barney: I was just looking for some ideas on how we might fund this. Abe Harraf: Pressure on the faculty teaching load for other faculty in the department. One or two release time. David Lund: We don't need a motion on this since it'll be going thru the regular channel. Please senators take the time to look at it and bring it up with your faculty, particularly those who will be involved with research in the near future. David Lund: Anything else to ask of Bill? Thanks Bill for your time. Let's move to the next item on the agenda. Robert, it's your turn.

Robert Eves: This is a flyer about how people feel about faculty evaluation. This is nothing more than a philosophy statement on how we'd like to proceed. A couple of highlights. This is a first step to creating a single evaluation process for all levels of evaluation (annual, tenure, third year, rank, post-tenure) all in one shot. We envision, you'll gather up your annual reviews and there it is.

David Rees: *I make a motion that we accept this as a philosophy statement for the academic affairs committee to continue their work.* Marty Larkin seconds. Steve Barney: I have one thing on number four, I think this needs to come from the faculty. Robert Eves: We'll consider that. Abe Harraf: I'm not comfortable with #2. Review alone is not going to cut it, it has to be reviewed or approved or something. For faculty protection, perhaps some mechanism that this plan is reviewed and approved at some administrative unit. Robert Eves: We'll take this into consideration. David Lund: We probably need a motion to amend that one piece. Robert Eves: We're just trying to get feedback at this point. David Lund: An overall philosophy that we'll accept and they will take feed back to tweak it. 17 in favor, 1 against. (I don't see how you can approve it without knowing what the evaluation system). Robert Eves: This is not a policy. Rea Gubler: We could explain what X is. X is the dilemma between the one that came to the committee from the dean's council and Tom Cunningham's noted document and we need to meld the two together.

Robert Eves: Faculty tenure. We've given you a summary of changes for each policy. You'll have to accept that I've included all those. The faculty senate approved a policy, went to dean's council who made some changes, primarily in format, and it came to us. What we tried to do was put the two policies together, but hold the line as to where we thought the faculty senate was on this. Faculty has primacy. We'd like to go thru this item by item. Robert Eves: 1A, We expanded the statement on possible dismissal of tenured faculty, and we changed this statement accordingly, but this was part of Ben's document that you already approved, we just put it back in. David Rees: Under last line, other possibilities such as a mutually agreeable reassignment or separation—how does that relate back to line 1A? You have not listed failure to pass yearly evaluations is a reason for dismissal. Robert Eves: It was the intent that post tenure review not be used as a means of dismissal. We're hoping the post tenure review will be used to constructively to help improve. David Rees: Okay.

David Lund: Any other discussion on 1A? Marty Larkin: moves we accept 1A as they've changed it. Ty Redd: seconds. *19 in favor, 1 abstention. Passes.*

Robert Eves: 1C, we decided to omit the consideration that any faculty member or administrator can petition faculty senate to consider revisions to the tenure policy. We felt that might be a little difficult to deal with. Would certainly take into consideration these things. David Lund: There is forth coming a policy on policies that would deal with this. Coming from Mike Richards office that will deal with this. Ty Redd: moves we accept it, Steve Barney seconds. David Lund: Calls the question. *19 in favor, 1 abstention. Passes.*

Robert Eves: 2, probationary period. We decided to add the statement about no retro active contracts allowed. There is a tendency of people to retroactively negotiate years. Policy clearly states it has to be on the contract. It is the dept chair and dean's responsibility to put it on the contract at time of appointment. Marty Larkin: Add at time of appointment. Robert Eves: Takes a vote by faculty senate. David Rees: Any word changes can be handed to them. Ty Redd moves we accept, Steve Barney: seconds. Marty Larkin: I believe part of this is some people are applying for tenure before they're supposed to. Current policy says it's upon hire. *Call the question: 19 in favor, 1 abstained.*

Robert Eves: A. We changed the title from retracting years given toward tenure to extending the probationary period; we felt that was more accurate. We changed extensions require approval prior to application deadlines to extensions normally require written approval prior to application deadlines, however extensions may be recommended at any level of the evaluation, to allow to apply for extension and improve your chances. Steve Barney: May be recommended by whom?

Robert Eves: Any one at any level of the committees. Marty Larkin: Can a dean or a chair deny someone's application to go forward?

Robert Eves: No one can turn back an application for tenure, it goes through the complete process. No one committee can stop its progress. That is a change from current campus practice. Abe Harraf: Suggestion for extending. That right now goes to board of trustees for approval. Robert Eves: Can recommend they apply for an extension, we can't grant the extension. Ty Redd: Moves we accept. Wayne Williams: seconds. David Rees: Who ultimately decides yea or nay? Robert Eves: Board of Trustees, but it's primarily based on the recommendations. Abe Harraf: How many times can they request an extension? Robert Eves: Must do it annually, don't think says how many times can request an extension.

Robert Eves: C. We've changed that to be more explicit, under already earned tenure or have earned in a nationally recognized discipline, one to clarify that point, our intent is that you earn tenure at some point in your career. Or, you obtain such stature in your field, we're willing to waive that. Trying to hold the line on 4-year minimum probationary period.

Steve Barney: Move to accept C. Virginia Stitt seconds. Ty Redd: I understand it's to attract people, but we shouldn't be attracting people with tenure. Tenure as a property right is restricted to that academic program for which the faculty member has appropriate etc. I think tenure is a property right of that dept and must be earned in that department. I think you need to earn tenure here. I think tenure not ought to be something we dangle in front of them because we don't have salaries. Steve Barney: It says may be waived, not will be waived. Ty Redd: Oh, but it will be waived. Abe Harraf: The exact language is the same as other universities. No other administrators can give that. And the locus of the tenure because of the liability issues is always at the program level, so if program is discontinued, then university is liable to keep that person hired. Ty Redd: My concern is that someone comes and he has tenure, but that institution is very different than SUU. Abe Harraf: But that's the search committee's decision. Ty Redd: It's going to go all the way up without much departmental input. David Rees: Call the question. *In favor 17, 1 opposed, 2 abstained. Motion passes.*

Robert Eves: E, we reinserted the language from Ben's document. Virginia Stitt: moves we accept. Marty Larkin: seconds. Steve Barney: I think it's dangerous to have tenure granted at a programmatic level. If administration wants to get rid of particular faculty, they encapsulate that faculty into that program and then eliminate that program. It has happened here. Abe Harraf: When you have more than one program, when you do tenure as part of a department, it is very difficult, because you can't give tenure for department but you can give for academic program. It's totally irrational to eliminate a program because you want to get rid of one person. Steve Barney: It did happen. Richard Eissinger: Don't we have situations where a person became tenured in one area and then moved to another department? Abe Harraf: It all goes back to the process, not at the administrative level. Roy Johnson: What is an academic program? Abe Harraf: Economics or marketing. Wayne Williams: Is there a risk here? If there's a risk, it has happened before, it can happen again, and we need to take that into consideration. Robert Eves: The argument is that maybe we ought to tenure to departments rather than programs. Judy Higbee: What would that mean, Tom Cunningham, for example, if you earned tenure prior to moving to business, what would that mean... X: Tom Cunningham tenured in the library. Robert Eves: It's just a formality. Abe Harraf: We have documentation approved by the faculty. Richard Eissinger: Wouldn't this have stopped in Tom in his tracks?

Robert Eves: No. You can tenure them in a program and if they move, you can go through the formality of accepting them in that program. Abe Harraf: We should not keep ourselves hostage to something that happened ten years ago. We have to look like any other institution. Steve Barney: Just because everyone else is jumping off a bridge doesn't make it right.

Robert Eves: One problem here. If you tie tenure to a department and that program is discontinued—I've been at an institution where I've seen this before. You've got a football coach who's tenured and is teaching mathematics, he isn't qualified to do so, but that was the department he was tenured to. X: There is some protection built in here because when it's given to programs rather than departments it's not just a formality that the person will get into the department, you can refuse to take that person. That protection outweighs the risk.

David Lund: *Call the motion, 16 in favor, 3 opposed, 1 abstain. Motion passes*

Robert Eves: 3 A1. In small departments where there are only one or two tenured members, we felt that was too general. A minimum of 1 tenured faculty member should serve at the department level to further restrain that. Marty Larkin: moves we accept it. Virginia Stitt: seconds. David Lund: Discussion? I have some reservations. Should it be further clarified that the person be tenure-track? What if I only

have one and the other two people are instructors? Robert Eves: The policy clearly states that the intent is to have tenured faculty from the department first, tenured faculty from other departments, and then and only then have no tenured faculty members. Roy Johnson: Isn't this reducing this from two to one. Marty Larkin: No. Robert Eves: We weren't sure it said that and we were making sure it said a minimum. The only problem with making it two is there are many departments that only have two. Rea Gubler: It's protecting the next level. Abe Harraf: Can't serve on successive committees requirement, I'm not sure how it will affect this. Robert Eves: I think we've addressed it in D3.

David Lund: Call the question, *19 in favor, 1 abstention. Motion passes.*

Ty Redd: I move we accept D3 as written. Marty Larkin: seconds. I have a problem with D3 with having any nontenured faculty member on an LRT committee. Should be tenured faculty that can give genuine opinions. Robert Eves: Notice that this is at the department level only. Marty Larkin: Does this allow non-tenured faculty to serve on an LRT committee? Robert Eves: Only as a last resort. David Lund: And D requires the documentation. *19 in favor, 0 opposed, 1 abstention. Motion passes.*

Robert Eves: 4. Ty Redd: Motion to accept 4 as written. Virginia Stitt: seconds. David Lund: call the question, *2 abstentions, 18 in favor. Motion Passes*

Robert Eves: There is one potential sticking point. 5A and B, in Provost Harraf's view, our current method which has review by chair, committee, dean is an up and down process. In our view, since tenure is primarily a faculty issue, we have changed the progression to department chair, committee, dean, committee, university committee. It is a normal flow upward.

Abe Harraf: You say primary--I agree, but not ultimate. Supervisory role of chair or dean is primarily to make sure the process is not violated. Robert Eves: Currently, chairs can't turn the application back but can have substantive input. Abe Harraf: Is this common practice in other institutions? Robert Eves: I don't know. Ty Redd: *Moves to accept.* Wayne Williams seconds. Marty Larkin: The copy I have didn't have the changes. Robert Eves: Here's part of the problem, you guys got the original from the provost's office and our changes and if you didn't distinguish those... Marty Larkin: (which copy has discussion). Those applications that are not approved by the committee or dept chair are advanced. My question is whether they are approved or not approved they advanced. Robert Eves: Everything is advanced with rationale. This is a change in policy from what is currently practiced. Rea Gubler: If at any time they're recommended to apply for extension, it can it be withdrawn? Ty Redd: Yes. You as an LRT can say no, but it still has to go forward. Robert Eves: We were at risk. David Lund: Calls the question. *19 in favor, 0 opposed, abstaining -1. Motion passes.*

Robert Eves: D. We inserted the statement that the provost gives also gives his rational for his action. Abe Harraf: To whom? Robert Eves: It's part of the form, part of the documentation. Abe Harraf: The concern was that when I put the rationale of yes or no, the concern was that I distribute to all levels before me. According to Mike that's not possible, because I report to higher level. Robert Eves: We'll need that from Mike. Abe Harraf: Once it becomes a legal issue, that document plays a big role. Robert Eves: If the provost goes against the majority of the process, then its distributed down the line. Abe Harraf: What about the president of the faculty senate. Robert Eves: I wouldn't be comfortable with it coming to the faculty senate. It should go to the people involved in the evaluation. David Lund: We need a motion before we can discuss further. Steve Barney: I move we accept the rest of the document. Ty Redd: Seconds. David Lund: Discussion? Ty Redd: I just want to do 7F. Service falls in to four categories, removed collegiality from all categories because it's not quantifiable. But I do believe that your ability to get along is an important issue. I think that's okay. Abe Harraf: I support that because tenure is (Ty Redd: A lifelong process), if faculty can't get the endorsement from faculty in own department I don't think you should get that person to stay with you. Richard Eissinger: This is part of the post tenure review. Ty Redd: Sorry. Robert Eves: I'm certain that collegiality is not part of this document either. It was purposely left out because you can't quantify. David Lund: Any other comments on the balance of this document? Marty Larkin: 7B, the dean will notify the faculty that post tenure, by 1st Tuesday in September, does the faculty member have to reply? Robert Eves: Yes. But not a time frame. David Rees: It seems to me that this whole policy has not addressed teaching or research. It's probably more appropriate to put collegiality somewhere else. This talks process and doesn't deal with criteria. Robert Eves: The criteria is actually in the PES that you're going to see. David Lund: Discussion? Call the question. *19 in favor, 1 abstaining. Motion passes.*

David Lund: I think we moved much more quickly through this. *Motion to move other agenda items to next meeting.* Eric Brown: seconds. *20 in favor. Motion passes.*

Steve Barney: The constitution was defeated, neck and neck race, only 93 out of 224 faculty members voted. There were some concerns raised in general. One main concern was that it subverts the authority of the trustees as the governing body, our intent was not that, our intent was to make recommendations as to what the faculty senate wants to do and recognizing full authority of the administration in the decisions that we make. I think we can make that verbiage very clear that we acknowledge those higher levels of authority without removing the power of the senate in faculty issues. What I want to do is reconvene the committee and bring on board some of the people who had concerns to help us with the verbiage. We also want to include Mike Carter to help with legal counsel. I don't think it will take that long to get that committee together and make those changes. Tim Lewis: We have changes like this to a constitution. The input really should be meaningful. I think when changes are proposed, whoever proposes them should have the burden of persuasion as to why those changes are necessary. Have them compare two documents, you're basically asking for no votes. David Lund: What we want to do is put the rationale next to the changes. We do need approval from the senate to reconvene the committee. Think we can do that before the break. Abe Harraf: I think it's a smart idea to have Mike Carter's approval. David Lund: *Motion to proceed by reconvening the committee and adding those people to the committee, to look at the concerns, and set it up so we can see where the changes were made and the rationale, and get the signatures again, and then let the committee bring it back to a vote of the faculty senate.* Wayne Williams: so moves. Deb Hill: seconds. *In favor 20, motion passes unanimously.* David Rees: Proposed amendments shall be voted upon by the senate, so we have to approve it right? Under ratification it requires 2/3 of the faculty. David Lund: More than 2/3rds. David Rees: But

we don't have to have 2/3. David Lund: That's true. Steve Barney: I'd just recommend that you take this back to your departments, and if they have concerns, forward them to me or one of the committee members.

Steve Barney: moves for executive session. All in favor.

Marty Larkin: moves we adjourn.