

Faculty Senate Minutes

March 28, 2013

4:00 p.m. Charles Hunter Room, Hunter Conference Center

Senators in Attendance: Steve Barney, Julie Taylor, Nichole Wangsgard, Janet Seegmiller, Steve Irving, Sarah Duffin, Wayne Roberts, Emmett Steed, Jeff Barnes, Griffon Edwards, Artis Grady, Helen Boswell, Connie Nyman, Kim Weaver, Michelle Orihel (also proxy for Randle Hart and Shobha Gurung), Rachel Kirk (also proxy for Randy Allen), Kyle Bishop, David Shwalb, Christine Frezza, Keith Bradshaw (proxy for Lynn Vartan), Brian Ludlow (proxy for Jim McCoy), Jeremias Paul and Andrew Marvick.

1. Steve Barney: Call to order at 4:03 p.m. Motion to approve the minutes of February 28th by Rachel Kirk; seconded by Christine Frezza and Selwyn Layton. Minutes approved with one abstention.
2. Provost Brad Cook is out of town and asked to be excused from the meeting.
3. Recognition of guests: Andrea Stiefvater, director, English as a Second Language Program; Tom McFarlane, director, IT, and Mark Atkinson, dean of Graduate Studies & SCPS, and Michael Carter, Assistant Attorney General/Legal Counsel.

A. Andrea Stiefvater explained changes and initiatives in the English as a Second Language program. Since her arrival on campus three months ago, a “bridge program” has been developed for students who are taking two ESL classes and two SUU classes. The transition for some students was “rocky” and they are working on a program to make the transition easier for students and for the university. The “bridge program” will have two tracks, a developmental track and a full academic track. Placement testing will be done before students enter the “bridge program” and first classes will be required English composition and math classes. The program will offer support for students and faculty of those classes. ESL has shifted to a new curriculum with more contact hours and longer terms. Classes meet more days per week. Levels of learning outcomes have been raised. ESL is an intensive program, but it is also an academic support program where students taking SUU classes can get help as needed. ESL is a resource for SUU faculty, but they do not offer tutoring to matriculated students although the Writing Center can help with writing assignments.

b. Tom McFarlane was asked to address email privacy and confidentiality. He referred to SUU Policy 5.58, which explains the operation and governance of our E-mail system. This policy was updated a year ago and reflects a recent change in the email system from the University offering its own system to use of a cloud-based system, Google Mail. Under 5.58, Sec. C.1, Monitoring, emails of student, faculty and staff are not routinely monitored. Consistent with US court legal opinion in the sector of private and public non-commercial entities, when an organization pays for and provides an email system, it retains the rights to look at the contents of mail or other systems if needed. Routinely the University does not monitor those systems. It reserves the right to do so, but does not have a constant responsibility to look at the systems. If there were a legal necessity, it would go through the normal governance process which would be to the President’s Council. If there was a legal requirement verified with that Council, his office would request Google to send mails and they would be protected from inappropriate viewing. The greatest risk to our privacy is our passwords, as compromised passwords are the greatest weakness. As an institution, we have as good or better security than others. Mike Carter commented that we are a public school; ours are not private accounts. If materials are downloaded illegally, a website may contact University and give an IP address. A student can be asked to stop downloading, but IT does not have ability nor capacity to access browsing habits of students and other users.

c. Mark Atkinson brought a proposal for improving graduate courses through training for faculty teaching online to our January meeting. He deferred to senate members to comment. Business faculty indicated their faculty didn't see new material in the certification course and were opposed to re-certifying. Mark said the objective is to improve quality of teaching by training faculty in online learning. He can see the courses and they are not all are quality; faculty need to understand the different principles of teaching online. Quality instruction is not just a matter of uploading content. Comments were that the need for certification was not accepted, that a process of assessment might be more acceptable, that establishment of a vision of SUU online standards and individual course reviews might improve the courses. Mark replied that they are implementing a voluntary program fall semester that reviews courses. Mark indicated that this is not just about online education, it is a major social/cultural shift and education is trying to keep up. A suggestion was made to refer this discussion to the Faculty Distance Education Committee. There is a list of members on the FS website.

d. Julie Taylor's committee on Due Process (Policy 6.22) made modifications to include all faculty under the policy. Modifications were made to a version that was not current and it will come back to the committee. Mike Carter, University attorney general, was invited to discuss the application of due process to all faculty. He explained that due process ordinarily applies where someone has a property interest and the only members of the faculty who are so identified as having property interest are tenured faculty. The interest conveyed by the tenure document involves the expectation of continued employment. To define due process to apply to someone who does not have that interest is expansive of the doctrine and is incongruous with the underlying definition. Fairness is found in the tenure process.

Steve Barney explained that the recommendations suggested by the committee would apply where there is a complaint against a faculty member by a student or member of the community to require fairness in the review process. Maybe it isn't due process. Are there recommendations by the committee that would prohibit that process from being considered?

Michael responded that those kinds of complaints are covered under other policies. Those procedures are provided for in certain context, such as grade appeals and sexual harassment.

Steven asked if there are specific things this committee has done to this policy that makes it incompatible. Michael said Policy 6.22 has always been used to address grievances that tenured faculty have with each other or the administration.

Question asked that if we want to address tenure-track and other faculty, does it have to be another policy? Michael answered that it would, but he doesn't see the need for another policy because they are already covered. Question as to if there are other institutions or universities where due process is afforded to tenure-track faculty and answer was that those that afford due process operate in the context of a unionized environment through the process of collective bargaining.

Steven Barney concluded that 1) we should recognize the importance of maintaining the integrity of tenure and 2) we need to take a look at the other policies that serve as protection to non-tenure-track and non-tenured faculty and make sure they provide some sort of oversight and fairness to those faculty. Kyle Bishop asked if there was a way to change these one-year contracts

to three-year or five-year contracts. Steve Barney reiterated that one of the reasons we looked at 6.22 was to provide additional oversight where there was a complaint against faculty. That could be as simple as having the administrator of record consult with the chair of the Faculty Review Committee or the Faculty Senate president. We are not changing labor laws, but desire to increase the input into decisions made about non-tenure track or non-tenured faculty. Julie said they were working on a revised definition of faculty. Steve has discussed this with the Provost and believes that he is concerned as well and the issue will not die. Emmett suggested we use the expertise of Gerry Calvasina who is an expert in labor law. Question was asked if we might need to create a parallel policy to 6.22 which applies to tenured faculty. Connie Nyman asked if this policy has gone through the Academic Affairs Committee. Reply is that the revisions have not. How do we find out who is on the Academic Affairs Committee? Reply is that it's on the Faculty Senate website. Katy Herbold is the chair of that committee.

4. Vice President Report:

Julie Taylor attended Board of Trustees meeting on March 22nd. The Trustees approved the Student Fee increase. Rabbi Shmuley Boteach will speak at Commencement and receive an honorary degree. Billy Casper will also receive an honorary degree. Board of Trustee's Awards will go to David Berri for the faculty award and Eric Houle for the staff award. Accolades given to two employees who are taking early retirement, Ben Davidson in P.E. & Human Performance and David Tanner with Facilities. She has a list of those receiving rank and tenure, which includes senators Nichole Wangsgard, Kyle Bishop, and Mark DeBeliso who all received tenure and rank advancement.

8. President's Report:

Senate Elections: Steve reminded senators that elections for next year's Senate should take place soon and new senators should attend the April Senate meeting. We are still in need of candidates for president-elect. They must be tenured and have served or are serving on the Faculty Senate.

Dean's Council: In Policy 6.27 on Graduate Faculty Workload, through arbitration the decision was made to leave "may" in the statement "Faculty **may** receive up to one quarter of their time reassigned who are teaching graduate classes," but added "in consultation with the Department Chair of the department where they are teaching classes." It's not a unilateral decision by the deans, but in consultations with department chairs.

BA/BS Recommendation Discussed in Deans Council and will be discussed again. Our proposal was recognized by Deans and Steve is working on getting it approved with an implementation team to work on this plan after approval. They do not want it to be prohibitive for students in their programs. Implementation team will decide how to phase it in.

Engaged EDGE Recommendation: This has also been discussed by Deans Council. First part of the proposal is to give faculty workload credit for supervising EDGE projects by having students sign up for their sections of 3935 and 4935. That will be considered next Monday. Second part is finding faculty who want to be EDGE Fellows and redesign their workload by course load or service or scholarly reduction for period of time they're working for the EDGE Centers. This was supported by Deans, but they want to see it more broadly applied in the different disciplines. A committee made up of Jim McDonald, Shauna Medini and Steve Barney are designing a policy which will also propose some broad scale adjustments to Policy 6.1 to come up with flexible faculty workloads. This will help balance our workload with all the extra things we're doing. Question about if there are course reductions, will there be funding available to replace the teaching reduction? Who is going to cover

the other courses? Steve Barney said the Provost encouraged them to work out the recommendations and then they'll work on having budget to cover it. Concern expressed not just that there is funding for someone to teach, but that there will be consideration given to having qualified faculty to teach. Input must come from administrators and faculty as the discussion continues.

9. Treasurer's Report from Sarah Duffin:

In Faculty Senate Gifts Account: \$11,652.31

General operating faculty account: \$1,576.67

Steve indicated that these funds may yet be used.

10. Old Business skipped because the President has had feedback on Merit Pay and Salary Compression.

11. New Business

a. **Online graduate teaching** training was discussed earlier.

b. **Policy 6.1** has discrepancies within the policy regarding scholarship for non-tenure track (NTT) faculty. We need to make it consistent and senators need to discuss this with their faculty. The intention of Academic Affairs in writing the policy was to let the department decide. Now, there are three options: 1) No scholarly expectations; 2) Department may decide if its non-tenure track faculty should have scholarly expectations; 3) Open the decision up to department **or** the school.

Comments were that it should not be a school/college decision unless it is an accreditation requirement. Requiring scholarship or not should be in a contractual agreement. English faculty said that if scholarly activity is required of NTT, then it shouldn't be required for standard evaluation, just exceptional. Can we develop a type of non-tenure track line that has a 4/4/ load and a research expectation, so that we avoid the 5/5 load which is unrealistic? The option on the table now is a determination as to whether there is no expectation of scholarly research or if it is to be determined by the department or the college. Think about it for a week and then send comments to Steve who will ask the Academic Affairs Committee to draft a statement from our comments. There are no NTT faculty on Senate to express their wishes and they need to be treated more equitably.

c. **Academic Affairs Committee:** Steve reported that in the past the Academic Affairs Committee was more active because there was a member of the Senate on the committee who served as a distinct bridge between the Senate and the committee. Now, there is no bridge and discussion passes informally between the FS president and the committee chair. The solution suggested by the Executive Committee is to add a statement to the By-Laws' description of the committee:

A. **ACADEMIC AFFAIRS COMMITTEE:** Members serve a 3 year term. One member from each academic college will serve on this committee and one at-large member. **The immediate Past President of the Faculty Senate will attend Faculty Senate meetings and serve as a non-voting consulting member to this committee.**

This is proposed as a change to the By-Laws. Per our policy it is presented this month and will be voted on next month. Steve discussed this with committee chair Katy Herbold and she and the committee thought it was a good idea. Discussion: Wouldn't it be easier to have a member of the Academic Affairs Committee serve on the senate? Will this make it even harder to get someone to run for FS president because he/she will serve for three-years? Doesn't Senate staff every single

committee? No, members of the AAC are appointed by their deans. The president-elect works with the dean to appoint those people.

d. Elimination of Faculty Development and Evaluation Committee. Julie Taylor explained that a committee was organized on faculty development and evaluation when we were revising our evaluation processes. You have the committee's charge on the paper before you. Since then we have a Center for Excellence for Teaching and Learning which covers faculty development and evaluation is covered by Policy 6.1 and that is handled at departmental level. Charge for this committee is now defunct and we are proposing to eliminate it. This will be action item next month.

e. Parking Fees. Question raised by Kyle Bishop about why the Faculty Senate has no say in the parking payment plan for next year. His faculty is considering parking illegally while others are willing to pay for parking permit IF faculty lots are once again reserved for faculty only. Faculty are more upset by students with SUU plates parking in faculty lots than by having to pay a fee. Can we work some kind of compromise?

Comment was made that we are going to have a complicated system where no one is going to be using our parking lots. Steve reported this issue caused more discussion and ire in the budget realignment process. For the last ten years, parking services have been subsidized by E&G (academic) dollars up to about \$200,000/year. The Parking Services Office was organized to collect parking fees and fines. It covers their wages, but E&G is still paying for parking maintenance and leasing of parking lots. To offset those E&G dollars, the only way costs can be paid and not out of the academic budget, is the fees. Essentially this is an optional salary reduction of \$30/year, but we don't have to buy a permit. Other options include parking in the free lots. Parking fees will go directly to facilities management to pay for paving, striping and maintenance of the lots. The suggestion to give us back our faculty lots should go to the Parking Committee which has faculty representation. Steve encouraged senators to forward ideas to that committee which is considering policies now. Fees are established, but other decisions remain to be made.

Motion for Executive Session by Jeff Barnes and Selwyn Layton. Adjourned at 5:40 pm.