**Faculty Senate Minutes**

March 14, 2023

Via Microsoft Teams, 3:00-5:00 pm

***Present***: Anthony Ciccone, Alex Yuan, Armen Ilikchyan, Ashley Nadeau, Ben Moulton, Brandon Ro, Bryan Sansom, Christ Witt, Christopher Goslin, David Frame, Dianne McAdams-Jones, Donna Fairbanks, Doug Czajka, Dustin Shipp, Eric J. Russell, Gareth Fry, Hilary Hungerford, Jennifer Shubert, Jeremy Knee, Jim Price, Jim Sutton, John Jarvis, Jon Anderson, Jonathan Allred, Justin Schellenburg, Kathleen Young, Kyle Kamaiopili, Laura Ricaldi, Laurie Toro, Leo Schlosnagle, Michaela Giesenkirchen Sawyer, Mike Smidt, Ming Yu, Natalie Monson, Nate Jeppson, Nicole Gearing, Nizhone Meza, Peter Sproul, Raiden Gaul, Rich Paustenbaugh, Sayeed Sajal, Scott Lewis, Skyler Simmons, Trevor Morris, Waseem Sheikh, Wioleta Fedeczko

Excused or Absent:

Guests: Jacob Sybrowsky, Joe Belnap, Ransom Cundick

Call to order by President Hilary Hungerford: 3:00 p.m.

Approval of Minutes: Minutes stand approved

**FACULTY SENATE PRESIDENT**

* Next Senate President Tuminez will be here. She will give us updates and then we will have a lot of time for questions with her. Come prepared with questions.
* I want to make sure you saw my email about the AI pre-conference. There will be hands on sessions where you can play around with things. There will be lots of learning experiences.
* If you have replacements, bring them to the last Senate meeting. Each department has a different process for electing senators. The ideal time for this to be complete would be by April 25th.

**FACULTY MERIT PAY**

* Hilary Hungerford: This has been a long process and we are close to having a new process in place.
* Jon Anderson: We spent way too much work getting this done but I’m glad we are spending time on it. This is our stage one draft. Since Senate is one of the sponsors, we want to bring it here first. We really want to get it into stage two because the end goal is to get it approved in Fall 2023 so it can go into effect and be policy that could start the next year. If we don’t, we will miss our chance. There is an urgency to this. I’ve taken this to P&C, Provost Vaught and President Tuminez and they gave us permission to start moving it towards stage two.
* “Unit” is college or school that is in charge of merit.
* This builds off the annual review so you aren’t doing two-to-four different applications.
* The Unit Merit Committee is the group that create and revises the unit merit criteria.
* Minimum qualifications: You must be contracted to a department., teach at least one-half load, receive at least “meets expectations” in all applicable categories and be in good standing (completed all compliance trainings)
* Funding is distributed proportionally based on the annual calculation of the number of full-time faculty per college or school.
* Funding is distributed at the unit level based on points earned by each faculty member in the unit.
* The more people that earn it, the more the pool is diluted per point.
* Jacob Sybrowsky: There is flexibility but given the fact that this draws from annual reviews, there should be some distribution here that won’t make it completely equal.
* Jon: We are looking at it being very similar to the way the RTP process is approved. We are reducing a lot of extra work.
* Raiden Gaul: One thing I really like about this is the idea there isn’t a bunch of paperwork involved and that it involves base pay.
* Jon: We’ve talked about due process and the ability for the faculty member to go and defend why they deserve merit pay if it’s not there. The timeline is long, so if you complete the annual review policy, it won’t be until March 21st of the following year. You won’t know what your points are until then and you won’t get your merit until July 1st, a full year after you earned it. The only way this can change is if the annual review process changes. This could be a potential problem. The other thing we have received pushback on is that when equity decisions are being made, merit is not part of that.
* Donna Fairbanks: The fact you say that the faculty reviews serve as the primary indicator for pay puts an unprecedented role on department chairs who have never had that role or responsibility. This will put an additional pressure on female department chairs.
  + Jon: Part of this is why we have the criteria that has to be approved. By trying to make it somewhat objective, we are trying to defray that so the chairs will feel like they have the backing of that document and administrators up to the Provost.
  + Raiden: How could that be deflected?
  + Donna: I feel like it shouldn’t be primarily on the shoulders of the chairs because now you are talking about salary. None of the chairs will want that additional pressure. Maybe there can be guidelines about the conversations surrounding merit pay.
  + Raiden: Who else can do it if it’s not the chair?
  + Donna: I like the idea of this unit committee, such as the RTP committee. Maybe there will be a process that will be a little bit messier. Maybe more players at action might be a way.
  + Jon: Which is why we have a college level committee though that doesn’t address all of this. I think there is value to having conversation points.
  + Donna It might be helpful to have people on your committee who are former department chairs. People need to consider if we really want to do this to the chairs?
  + Jon: There will be problems with any system we set up, but we are trying to find ones that will work as well as they could to spread that a little bit
* Raiden: This really puts a bite into performance. To me, your tenure decision is a lot more meaningful than merit pay. Your performance should be tied to something that is meaningful.
* Jon: I know there are concerns if you get a chair that hates you. There will be all sorts of intricacies with this.
* Gareth Fry: It seems like in principle there is something a bit wonky here because you can perform well all year, but your merit depends on how other people do. I think this might actually put more pressure on chairs as well to balance it out and make it fair because they know everyone is in this together.
* Jon: I agree, but the problem is we had to come up with something.
* Jacob: I see where you are coming from, but one thing to consider with this system, if you look at it from a year-to-year perspective, it is wonky. If you look at it as a multi-year, it will balance out. Over time, you will have some reversion to the mean. There will be more equity than you might find in a single year.
* Jon: The point is your criteria should make it clear what you are doing to separate the “sometimes exceeds” from the “meets expectations”. We felt this was better than a universal model.
* John Jarvis: Can you re-state how the unit get its share of the fund?
  + Jon: There’s a total amount that’s decided and right now it’s either $250,00 or $350,00. It will be based on the number in the department.
  + Jacob: It’s the total pot divided by the total number of eligible faculty on campus times the number of eligible faculty in your department.
* Wioleta: If a faculty member doesn’t get merit pay, we have an appeal. I think this should be connected to the annual review appeals.
  + Jon: They don’t do the same thing about they are closely connected. This is definitely something worth looking at.
* David Frame: Is there anything in place in a situation when we might now be able to get our criteria approved?
  + Jon: We are still getting this ironed out. I have a note to make sure to work through it.
* Jane Loftus: I agree with Gareth regarding the subjectivity of it. We mentioned this in committee that we are fighting over a small amount of money and it could cause contention within the faculty. Are there any other concerns from Administration?
  + Jon: They gave us permission to move it to stage two and then they will weigh in. President Tuminez basically said to take it to Senate and get it to stage two.
* Jim Price: I think this is an amazing document. I think you have done a couple of things to help mitigate the motivation for people to argue: #1, you’ve distributed the criteria across a wide way of factors. #2, the difference between the zero and maximum is about $60 a month. It’s not that valuable unless it’s in its cumulative form. I think Business has a much higher pay. If the merits are distributed equally among faculty, it becomes much less significant to those who make more.
* Raiden: Some of the concerns that are raised are fundamental no matter which program you use.
* Jon: This is going to require a cultural change of the way chairs interact with faculty at UVU. There is no way around it. This is going to be a bumpy ride, but I believe it’s worth pursuing. This isn’t intended to be voted on right now. We want you to take it to your departments. The goal is to get this into stage two in fall.

**POLICY**

* Policy 607 Coursed based fees
  + Peter Sproul: I made about seven comments. I represent culinary arts and course fees are huge to us. 4.2.1: This should specify to include “maintenance” and “repair or replacement”. In the policy, this verbiage is no longer there. We have always used our course fees to do this. Just keep in mind we aren’t talking about printing fees or ink fees. Our students pay $1,500 a semester in course fees. If an arbitrary committee were to come and tell us they are dropping our course fees, that would dramatically change how we teach. In my opinion, all CTE programs should be represented on this committee.
  + Hilary: The three faculty members are recommended by Senate, so we can make it a point to have at least one CTE on the committee. Programs that we know have more course fees should definitely be represented on this committee.
  + Laura Ricaldi: I’m on the review committee and we don’t make decisions without the input from each of the people that are submitting the forms for the course review. Usually what happens is it’s justified in some way. We don’t cut course fees.
  + Peter: The policy stipulates it can be done. Fees need to be assessed on the departmental and college level.
  + Nicole Gearing: I’m also on the committee. For 5.2.2, we need to make it more specific what we want in the rational justification, that might help the hearing process. We are looking for how much it helps. Part of the reasoning is we want to make sure we are good stewards of students’ money.
  + David Frame: I just want to make sure we don’t have to submit quotes for everything. It would help if we had something in Excel with columns.
    - Nicole: Laura said she would come up with something like this for next year.
  + Skyler Simmons: We have time before it this ends in stage two to discuss it for two more Senate meetings. You can review it and bring it to your departments. We aren’t as time crunched.
* Policy 114:
  + Ransom Cundick: I’m in the Office of General Counsel and a non-lawyer. The conflict-of-interest process has changed a lot. Please reach out to me if you have any questions. We are now in a new cycle for the conflict-of-interest form. We wanted to look at Policy 114 to see if there is anything we can do to make it easier. The first piece is that part-time employees are no longer required to fill out the conflict-of-interest disclosure. They can still be asked by their supervisor if there is a concern about a potential conflict, we just don’t want to destroy your inboxes with this. Adjuncts already have outside jobs and we are the side gig. It’s really just efficiency.
* Peter: Who comes up with the questions on these forms?
* Ransom: We’ve gotten input, but it’s not an official committee. The whole purpose of the conflict-of-interest is preventive in nature; it doesn’t mean you have conflict, it’s more of a protection. It comes down to if can you still perform your UVU obligations.
* Hilary: The key is you just have to report those things; no one is saying you can’t do them.
* Ransom: I hope we can change that dialogue around it.
* Ransom: Policy 114 had a weird appeals section and a violation section that we gutted because it didn’t make since for it to be its own thing. We also clarified OSP. It’s always been required, now it’s just in policy.
* Policy 446 Privacy and Disclosure
* Joe Belnap: We made quite a few modifications. Basically, instead of the three lines saying monitoring will happen and notifications, we have when we are allowed to as what the process will refer to. It will have to go through PNC or OGC for monitoring to happen. It has to go through a process or the right channels or it won’t happen. We better explained this. What we’ll do is refer to the processes that PNC or OGC have so it can be looked up there. I met with Eric Humphrey today about the students and he said he would rather make adjustments to the FERPA policy for them. He will state that if a student is also an employee, then the employee with override the student one. We will refer to that, but not include it in this policy. The other thing I want to point out is we are waiting on General Counsel to approve some definitions so that everything in every policy is consistent. We are expecting to go forward with this. The current policy states there will not be any notification and we will do it where we need to do it.
* Hilary: We are now working on compromises where people will be notified. I expressed that the Senate feels strongly about the right to privacy. Ultimately, we are public employees and anything we do with our emails are subject to review. Just use your personal email for non-UVU business.

**NON-POLICY**

* Hilary: I’m putting in the chat the link to the Qualtrics survey I sent out. We won’t do anything with it right now but come prepared next Senate. We talked last time about adding chairs to the Faculty Senate Awards. That’s also in the survey. People outside of Senate can do the survey, but only senators can vote. The discussion from last Senate is chairs don’t really get any recognition and we should find some way to do so.
* There’s a new required statement for those who use Proctorio in their classes.
  + Jeremy Knee: There was a federal court case earlier this year that had to do with testing software that has a momentary scan of the student’s environment to make sure you aren’t surrounded by people to help you with the test. The court ruled it violated the rights of the student because there wasn’t an advanced notice that it would happen. We recommend that the Senate would maybe self-impose a requirement for faculty to put something in their syllabi that states they will be using the scanning feature. If there is an option and an advanced notice, then we are golden.
  + Laura Ricaldi: If we don’t require the scan but have it record the face of the student, are we still required to say something about privacy?
* Jeremy: If you can see behind them, I would error on the safe side and give notice.
* Hilary: There is a question in the chat about online classes in Teams?
* Jeremy: I think at this point folks know what Teams is. What is troublesome in the other case, the student had no idea that this was a component of it.
  + Natalie Monson: When we first went online, we were told we can’t require students to leave their cameras on. We need to address this better.
  + Sandie: The latest research shows you give students an option. But if you inform them ahead of time, that is appropriate.
* Hilary: Are we ready to vote on this statement? It would only be required if you are using the feature.
* Jeremy: I’m strongly recommending that you include this statement.
* Raiden: It’s worth a statement in the syllabus if you ask me.
* Bryan Sansom: Motion to make this in an applicable vote today to be a required syllabus statement.
* David Frame: I second the motion.
* Hilary: What about faculty who use Proctorio but not the camera feature?
* Jeremy: I don’t think you need it but if you change your mind mid-semester, you may regret not having it in your syllabus upfront.
* John Jarvis: I think you should just add “may” conduct a brief scan.
* Jon Anderson: We need to have something about the webcam too.
* Hilary: I will meet with Jeremy and Nicole to refine the statement, then bring it back to next Senate to vote on it.
* Bryan: The motion is withdrawn.
* Eric Russell: Are we going to continue to use Teams in our Senate meetings?
  + Hilary: That will be decided at the final Senate meeting by the new senators.
  + Wioleta Fedeczko: I’ve received many requests. I prefer either one way or the other and then have a vote. That’s why I would like to wait until the last meeting and have the new senators vote on this.
* Sandie: I want to leave us with a question to think about: How are we going to continue to handle historic information in Faculty Senate as we have changes and new people coming in?
  + Hilary: That’s why we changed our election times to have some overlap in this. Hopefully that will alleviate things going forward.
* Michaela Giesenkirchen Sawyer: I was just wondering if the recording of the sessions has become available to everyone now?
  + Hilary: I will double check on this.

Meeting Adjourned: 5:00 pm