**Faculty Senate Minutes**

October 13, 2015

LC 243, 3:00-5:00 pm

***Present***: Kim Abunuwara, Christa Albrecht-Crane, Steve Allred, Anne Arendt, Brian Barthel, Nicholas Ball, Howard Bezzant, Debanjan Bhattacharjee, Dean Bohl, Mark Bracken, Clayton Brown, Josh Cieslewicz, Alan Clarke, David Connelly, Rob Cousins, Ken Crook, Karen Cushing, Courtney Davis, Debora Escalante, Dustin Fife (Library), Doug Gardner, Lindsey Gerber, Laurie Harrop-Purser, Sherry Harward (PACE), Matthew Holland, Ellis Jensen, Robert Jorgensen, Lydia Kerr, Dianne McAdams-Jones, Duane Miller, David Morin, Tyler Nelson, CheolHwan Oh, Jeff Olson, Jeff Peterson, Karen Preston, Robert Robbins, Matt Robins (UVUSA), Anthony Romrell, Sheri Rysdam, Makenzie Selland, Cyrill Slezak, Stuart Stein, Allison Swenson, Craig Thulin, Sean Tolman, Violeta Vasilevska, Alex Yuan

***Excused or Absent***: Mark Borchelt, Joel Bradford, Kat Brown, Barry Hallsted, Ron Hammond, John Hunt, Ryan Leick, Gary Mercado, Jim Pettersson, Jim Price

***Guests:*** Karen Clemes, Melissa Frost, Alexis Palmer, Jim Bailey, Cara O’Sullivan, Jennifer Gallagher

Call to order – 3:06 p.m.

Approval of Minutes from September 29, 2015. Minutes approved.

PRESIDENT

* Headlines – UVU largest institution in State with 33,000+. Excitement is that we are ready for the growth. Estimate over 40K by 2020. Compared to 2011, we are much stronger to handle that growth. Per student funding model increased to $4500. Most of acute equity funds went into Academic Affairs. Faculty headcount grew from 476 (2009) to 650 (2015). Staff to faculty ratio is 1.4. Student to Faculty ratio is 38.8. 56% of instruction is taught by FT faculty reaching our goal to obtain university status.
* UVU will need to use technology and be creative with scheduling to manage growth, but we will also need bricks and mortar. The Arts is a mark of what it means to be a true university. UVU’s top priority is a new Arts Building. Have raised $17M, but need $20M to come to the table. Encourage everyone to express the importance of this building. Part of fundraising success has come from outside Utah County. Building Board has the UVU Arts building ranked #1 with Board of Regents ranking it as #2.
* USHE Priorities
  + Compensation – USHE seeking 3% with understanding that it is performance-based with 7.6% for health premiums. What this means is that it will not be an across the board salary increase.
  + Access & Affordability – Crucial that UVU gets this line funded. If not, will have to do what we do with existing resources while increasing growth.
  + Market Demand Programs
  + Performance funding
    - Completion – 25%, set to get 100%
    - Underserved Students – 15%, set to get 100%
    - Market Demand – 10%, set to get 100%
    - Graduation Efficiency – 50%, set to get 70.56%. Challenge is the measuring stick they use is based on IPEDS. As of today the calculation would be based on about 1200 students and their completion rates are not good.
  + Statewide Programs

SVPAA

* Expressed thanks for Faculty Senate’s active participation in the Academic Master Planning sessions. Have compiled all the comments and are working on coding in Nvivo. Will provide information once completed.
* Starting processes for RTP evaluations. Faculty play primary role in making sure the faculty put in the classrooms are qualified and committed to fulfilling the mission of the university and helping students toward life-long learning and completion.

PACE

* New Facebook page. Will be posting events and information as a social tool.
* Encouraged everyone to look for examples of employees supporting students and use Wolverine Sightings. All nominees receive a gift card and are put into a drawing for the monthly certificate.

ACTION ITEMS

David Connelly reviewed points of order and defined the process.

* Policy 547 – *Priority of Service for Veterans*. **MOTION** - Bezzant motioned for 4.3 and 4.4.2 to contain language to explicitly indicate they are “meeting program qualifications.” Clarke proposed an amendment that approved veterans “meet all prerequisites.” Bezzant accepted the amendment. Clarke motioned to pass the policy with the amendment. Arendt seconded. 4.3 will now read “The University provides priority registration for eligible veterans and eligible spouses in qualifying programs for veterans and spouses who meet all prerequisites.” Another friendly amendment to the motion for more clarity should read “who meet all program and course requirements.” Bezzant accepted the amendment. All in favor? Motion passed.
* Policy 162 – *Sexual Misconduct*
  + Albrecht-Crane reported that English supports the policy but are recommending several changes.
    - 5.10.2 – Recommend a change to read “…written request one or more”
    - 5.10.2 – Recommends that grounds for review be extended beyond the four very limited reasons. Clemes responded that these are the standard of review to get into the appeals panel. They do allow leeway and panelists are instructed to err on the side of taking the appeal.
    - 5.10.7 – How are the pool of individuals selected, trained, and by whom? How often cycled? Will administrative staff be selected for this pool? Who selects the three members from the pool for the review panel? Does the accused have any input in the selection of the review panel? Would like more faculty representation. Recommend that accused faculty have an option to choose a representative from their department or college as one of the three panelists to hear their case. Clemes noted the policy does discuss the trained panel and that panel members aren’t biased or could impede their ability to be unbiased. Panel members for faculty will be recommended by the SVPAA and approved by the Faculty Senate President. Staff is approved by PACE and student by UVUSA. Due to the training and commitment level, these members will serve for a 2-3 year period with student’s serving for 1 year. Will add the 2-3 year term limit. Albrecht-Crane expressed concern about the transparency in the selection of faculty for the panel. Clemes responded that due to the sensitive nature of the issues, tried to address in a fair way with the selection process. They plan to consider all aspects of the individuals during the selection process. Clemes also addressed the 3 member vs 5 member panel and the fact that they are trying to keep matters confidential. Title IX coordinator will select panel members to be sure meeting OCR compliance. **MOTION** - Bezzant motioned to limit additional comments on 5.10.7 to four more minutes. Morin seconded. All in favor? 3 Opposed. 5 Abstained. Motion passed.
    - 5.10.7 – Arendt recommended to change language to read “…shall be approved by the Faculty Senate Executive Committee.” Also include the term limits to be staggered three year terms.
  + English Department felt that not enough faculty were involved in the drafting of the policy and would like more faculty involved as move forward. Clemes noted that there were several faculty members on the drafting committee – Tom Henry and Todd Peterson. Clemes reported that the Title IX coordinator is charged by statute to be sure processes and compliance is met. Title IX does not make any decisions. Counsel gets involved only as needed. The Appeals Board decides whether or not to hear the appeal and grant the appeal. Frost noted that the law requires neutrality.
  + 5.3.9 – Presented Case Scenario – Would like more specific language included regarding course materials dealing with human sexuality. Clemes referred to Section 3.9 which deals with Hostile Environment which talks about all the things the investigator will take into account. Will consider course content. Frost provided clarification for the case scenario presented. Connelly noted that course content concerns fall under Policy 609. Clarke expressed concern about the preponderance of the evidence. The appeal is to a panel that is to determine if the investigator followed the rules. If the rules were followed, the punishment isn’t disproportionate, no new evidence, you are cooked. No hearing at any stage ever and can be terminated as a tenured professor based upon that. AAUP guidelines have a solution for this and don’t deny a hearing as this policy does. AAUP refers one to the “Dismissal Policy” and the rules when it comes to sexual harassment which gives a faculty member a right to a hearing, right to cross examination and so forth. Problem with existing policy is you never get a hearing. AAUP resolution of that problem allows the committee to decide whether or not a witness should or shouldn’t appear and allows questions in writing for the hearing.
  + 5.8.10 - Incapacitation portion is also problematic. Provides no due process. If termination or dismissal is going to be the issue, Clarke would like to follow in this case only to follow AAUP for a hearing. Submit to Bracken comments. Clemes reiterated this is not a criminal proceeding. OCR requires a preponderance of the evidence. Due process does not require a hearing. She shared that this process does provide for due process and urges faculty to read the OCR letter.
  + Abunuwara and Clarke recommended holding an additional meeting to address some of the specific concerns prior to the next senate meeting.
  + Clemes clarified that Department of Education Office of Civil Rights states if we don’t comply with Title IX, we could lose our federal funding. Clarke noted the preponderance of evidence is understood, but that doesn’t mean we can’t modify the procedures.
  + **MOTION** - Bezzant motioned to table the discussion. Abunuwara seconded. All in favor? Motion passed.
* Policy 155 – *Sexual Harassment and Consensual Relationships and Grievance*
  + This policy was suspended when Policy 162 was put into temporary emergency status. **MOTION** - Escalante motioned to accept the deletion of the policy. Bezzant seconded. All in favor? 3 – Abstentions. Motion passed.
* Policy 655 – *Graduate Faculty*
  + USHE indicated that UVU needed to have an Office Graduate Studies and have a Graduate Council in order to move forward. Approved a temporary emergency policy for the Graduate Council during the summer. This policy deals with qualifications for the Graduate Council and for Graduate Faculty to teach in graduate programs. Reviewed policies in the state in the development of the current policies.
  + Clarke expressed concern around the research component in determining graduate faculty was vague. Feels the research component needs to be stronger for the Associate Faculty member. Also concerned about the Professional faculty member qualifications. Albrecht-Crane expressed concern over the qualifications for graduate faculty and the differentiation. Bailey noted that under 5.4.1 it does allow the college to set the research expectations.
  + Bezzant noted that our accreditation drives part of our qualifications and would like the policy to remain as is. Bracken will forward emails to Faculty Senate.
  + Jorgensen noted that under the policy that tenure track faculty would not be able to teach. Arendt referred to Board of Regent Policy R312 as it pertains to the undergraduate level. Clarke noted we need to set a presumptive level and a process to allow individuals to teach.
  + Bracken recommended sending comments with proposed language for the next discussion.
  + 5.3 – Graduate Council members were nominated for the first time since we did not have a graduate faculty to populate. Connelly will submit language for clarification.
  + Jorgensen referenced the narrative on page 11 regarding “extraordinary circumstances” clause and noted this is problematic.
  + Need to be sure our processes conform to USHE policy and crafting language to address specific areas.
  + Send proposed language to Bracken.
* Policy 407 – *Clery Act: Campus Safety and Security*
  + Cleary Act passed in 1990 and contains specific requirements for campus security. The policy tracks those requirements. Elements of policy: 1) encouragement of reporting, 2) annual security report, 3) education and training, and 4) timely warnings and emergency notifications.
* Policy 524 – *Graduate Program Credit and Graduation Requirements*
  + Policy has been revised to deal with graduate and certificate program requirements.

Committee Reports

* Special Assignments
  + Canvas Access Proposal – Arendt provided an overview of the proposal about Department Chair level access to any university supported course within their department with evidence or justification. Needs more clarification. Please review in preparation for next senate meeting.
  + Consider Banner access in emergency circumstances.
  + Concern over rogue chairs.
  + **MOTION** - Bezzant motioned to extend discussion for 5 minutes. Robbins seconded. 7 Abstained. Motion passed.
* Large Classroom Resolution
  + Davis reviewed previous resolution. The Ad Hoc committee developed a proposal to address Academic Affairs distribution of funds directly to large sections as opposed to the deans. Olson asked senators to discuss this matter with their department chairs as the funds were provided to the departments.
  + Discuss next senate.
  + Send electronic copy.

Meeting adjourned at 5:07 p.m.