**Faculty Senate Minutes**

February 21, 2017

CB 511, 3:00-5:00 pm

***Present***: Kim Abunuwara, Christa Albrecht-Crane, Huda Al-Ghaib, Anne Arendt, Brian Barthel, Mark Borchelt, Mark Bracken, Bret Breton, Kat Brown, Josh Cieslewicz, Alan Clarke, David Connelly, Ken Crook, Debora Escalante, John Fischer, Sara Flood, Doug Gardner, Lindsey Gerber, Darrell Green, Jia He, Matthew Holland, Robert Jorgensen, Lydia Kerr, Ryan Leick, Dianne McAdams-Jones, Duane Miller, Shalece Nuttall (PACE), Jeff O’Flynn, Jeff Olson, Hong Pang, Jeff Peterson, Jim Pettersson, Karen Preston, Arianna Reilly, Denise Richards, Robert Robbins, Anthony Romrell, Sheri Rysdam, Leo Schlosnagle, Makenzie Selland, Tyler Standifird, Craig Thulin, Sean Tolman, Marcus Vincent, Robert Warcup, Paul Weber, Stephen Whyte, Alex Yuan

***Excused or Absent***: Steve Allred, Howard Bezzant, Dean Bohl, Karen Cushing, Courtney Davis, Steve Fellows, Laurie Harrop-Purser, Gary Mercado, Anthony Morris (Library), Stuart Stein

***Guests:***

Call to order – 3:00 p.m.

PRESIDENT HOLLAND

* Keynote Speaker on the political thought of Thomas Jefferson. Dan Fairbanks was to sculpt, but fell ill.
* Dan Fairbanks is the 2017 Mendel Medal Recipient. Mendel was one of the great founders of old genetics discipline. This is the oldest and most venerable medal. Congratulations!
* Had successful Cyber Security Panel. UVU is right in the mix.
* State of University was held on February 7, 2017. Shared where UVU is moving towards in the future.
* Congratulations to the Woodbury School of Business. They received their accreditation extension.
* UCUR was held at UVU this year. Had about 500 attendees. Terrific showing from UVU, which demonstrates our engaged learning model.
* Statistics on impact of graduates. UVU students are placing in terms of employment consistently higher than the USHE average. Students are competing with the best across the state and this attributes to what faculty is doing. Data shows UVU has the highest percentage of students staying in the state of Utah and contributing to the economy. For every dollar invested at UVU, eight dollars is generated and put back into the economy.
* Legislative Session
	+ The Legislature begins each session over the last few years by asking departments and divisions to do a 2% budget cut and show what we would do. In the past, Higher Education has not participated. UVU did a comprehensive review and determined we would not need to cut positions, but institute a hiring freeze, recapture positions that have not been filled, so we could do this without any loss. Based on this, we have made that 2% restoration our top priority.
	+ We are asking for a 3% Compensation Merit-based increase. Reality is a 1% compensation adjustment, but not at the end of the session. Still an ongoing battle on how we would pay for that increase. Original proposal to cover the compensation is some of the funds would come from state level and some from the institution level. Institution would have to pay the percentage equal to the percentage of tax funds. We think this is unfair for places such as UVU. We are proposing the 75/25 split where the state pays 75% and institution covers 25%. As of today, it appears we are holding on the 75/25 split.
	+ There was a major move to rank growth lower on the list. Have worked hard to keep growth at top after compensation to the tune of $1M. Market Demand follows with $2.4M, while Performance-based funding stays at $1.4M. Revenues have come in and show an excess of $88M. 2% comes out of existing revenues.
	+ Did pitch the Woodbury Business School building and did not receive a single question. Not our turn.
	+ Still working on the Pedestrian Bridge and it appears we are creating some conversation and the matter is resonating with many individuals.
	+ HB 334 – Academic Freedom Protection Act – Cameron Martin noted that USHE as a system is fighting this bill. Prefer to define based on Federal, State, and Regent Policy and laws as they are currently constituted. Therefore, there is no need for the bill. Noted that cause of action is problematic. As a system, working to defeat this bill. Clarke responded that cause of action hinges on academic expression being violated and defines academic expression in such a way without consistency. Bracken asked Clarke to send a link for the bill to send to Faculty Senate. Martin asked that all concerns be emailed to their representatives in their own words. Include “Constituent” in subject line, then include name, phone address, and your concerns. Holland reiterated that the system feels the current statutes and policies are sufficient. Martin noted that the public hearing has not been held on this. Contact his office for the date and time of the hearing. Abunuwara shared that if you text zip code to 520-200-2223 you will receive a message back on your legislative representatives. Can view bill updates through <https://higheredutah.org/> or <http://www.uvu.edu/universityrelations/legislative/index.html>.
	+ As UVU becomes more regional, out-of-state students seem to have complications with financial aid and process complicated. Any move to streamline processes? Holland reported that Student Affairs have done a comprehensive review and have a plan to address this and other issues.

SVPAA

* Legislative session will be ending soon and moving into final stages of the PBA process. Academic Affairs Council will be meeting on March 3 to review all requests submitted last fall along with a few new submissions. Would like faculty to review all the requests on the PBA website at <http://www.uvu.edu/pba/current.html> and send any comments to Academic Affairs or Mark Bracken. UVU has open process and we would like feedback. Senators need to encourage their faculty to provide feedback. Consider adding a comment section to the PBA Request Form.

POLICY

* Policy 601 – *Classroom Management* and Policy 607 – *Course and Lab Fees* will be going to Board of Trustees for review and approval on February 23, 2017. All comments submitted have been addressed.

PERSONNEL & ELECTIONS

* New President will be Craig Thulin and Vice President, Jon Anderson. An email with full results was sent out to all faculty.

ACTION ITEMS

POLICY 161 – FREEDOM OF SPEECH

* Comment 1 – No discussion
* Comment 2 – No discussion
* Comment 10 – Abunuwara asked if there is word missing. Albrecht-Crane shared there is not.
* Comment 4 – Peterson wanted to make sure we wanted a section that makes it clear about “hate” speech and protected speech. Clemes will clarify that unless the “hate” speech rises to the level of a hostile environment it is protected. Hostile Environment is defined within Title IX or Title VII.
* Thulin commented that we are entering an era of flipped classrooms and trying to be more efficient holding discussion outside of actual meeting such as the expectation of our students. If Faculty Senate is going to have a meaningful input into policy, we need to be sure reviewing polices ahead of discussion.
* Section 4.22g addresses “material disruption.” Clemes will clarify. This phrase comes from case law.
* Olson confirmed that UVU needs to make it clear on terms like “obscenity” that we are referring to the legal definition of the term.
* Section 4.11.2.1 – Concern that this item does not reference policy and would like to see consistency. Clemes will follow up.
* **MOTION** – Jeff Peterson moved to accept the comments as presently documented and forward to the sponsor. Motion seconded. All in favor? Abstained – 1. Motion Passed.

POLICY 544 – SCHEDULING PEACEFUL ASSEMBLIES

* Policy is for deletion. No discussion.
* **MOTION** – Craig Thulin moved to approve the policy for deletion with no comments. Motion seconded. All in favor? Motion passed.

FIRST READINGS

POLICY 606 – ADOPTION OF COURSE MATERIALS AND TEXTBOOKS

* Comments have been grouped together, but not summarized.
* Albrecht-Crane noted that the policy states in two places that all course materials have to reviewed by committees and approved. Feels this is unacceptable, as faculty should have the capability to determine what textbook and course materials they use. Nursing does have a committee that reviews and approves. Clarke responded that what works for one department does not work for another department. Parry expressed concern that some of the individuals approving the textbooks might not have the proper credentials to make that determination. Brown reported that the policy was written by a faculty committee and would like to see faculty explained their perspective.
* Comment was made that at least every three years we need to review or change the textbook to be sure up-to-date. Jorgensen noted on the technology side this is true, but need to allow for information that might just become available to share in class and would not be allowed to based on this policy. Leick noted that if you are requiring students to purchase course materials, these are what need to be approved. Clarke noted that this can be difficult to manage to be sure student needs are being met while at the same time not committing illegal actions. Olson noted this has become a larger problem due to publication on demand which means publishers collaborate with faculty member to create online materials, the student can only access by purchasing access, and if they don’t pay the price the student cannot get into the course, and the faculty member and publisher split the revenue.
* Digital Media changes their course materials every semester to be sure up-to-date. Recommend splitting into faculty should be able to choose what they need to when they can and (from when) is a direct conflict of interest.
* Arendt shared that current policy states that there should be a department review committee for all textbooks. We can push back on the proposed policy, but this is already in place.
* Recommendation that the language of the policy should deal with cases such as conflict of interest or a course that has large/multiple sections and when they are taught by adjuncts. Do not need a policy that creates undue hardship for items that are benign.
* Section 5.2.3 – Rysdam expressed concern about not being able to accept royalties off of their own textbook if approved by the committee. Another comment was made in support of faculty receiving royalties for recognition of the work they have done.
* Robbins noted as experts in the field and part of our responsibility at UVU is scholarship that could involve writing or reviewing course materials. Some materials are very limited on subjects and the use of self-authored materials is necessary. Requested that his royalties be given to the Foundation and be used specifically for the Biology labs, which was not happening.
* Arendt expressed concern about the way the policy is written now there is no incentive for her to undertake a project to produce or author a textbook. While there are abuses, there are individuals trying to do the right thing all around and should not be shut down.
* Clarification was made that royalties cannot be collected from UVU students if their course materials are utilized. It does not prevent them from collecting royalties outside the institution. Arendt would like to know how can she track the number of students at UVU using her book. This will need to be addressed separately. She also noted that originally, they wanted to have their department review and were told no and now it is the reverse.
* Senator wanted to know what specific problems this policy was to address. Olson responded the University is trying to address policies that are not only old, but policies that do not represent the structure of the university today. We also want to be sure the course material is truly appropriate, but to address the conflict of interest issues as well.

POLICY 633 – ANNUAL FACULTY REVIEWS

* Brown prefaced that numerous faculty have reviewed this policy over the last seven years to the tune of about 5% of full-time faculty. Policy came about for accountability to feed into the RTP process. Our Shared Governance Committee has also reviewed it.
* Richards stated that her original comment #7 was not included in the summary of comments. She states that the policy does not state anywhere that an evidence-based review needs to occur. Also feels there is no definition for “exceeds,” “meets,” or “does not meet.” Leick noted that this is included in 4a as it pertains to departmental criteria. Richards wants to see clarification on the terms and what evidence-based means. Will make it a separate comment 4e.
* Comment was made that Section 4.3 state clearly the ”department and/or “school/college shall provide written criteria and procedures that outline expectations.” Individual feels this states what an individual is supposed to adhere to.
* Clarke recommended that “criteria” be restated to read “criteria should be evidence-based” and set up the evidence-based criteria that they are flexible.
* Cieslewicz inquired about who creates the departmental criteria. Need to make sure minority faculty voices in the department have input. Leick responded that part of the Annual Review is that a faculty member will have an annual plan in place outlining their goals for the year that will be reviewed at the end of the year. Clarke expressed concern that the annual plans could be subjective.
* Albrecht-Crane advocates for creating two separate sections in the policy, one for pre-tenure faculty annual reviews and one for post-tenure annual reviews. This is based on Section 4.8. Tenure is actually the process by which we measure whether or not a faculty member has “earned” the right to stay on at the university. After tenure is achieved, she feels it is actually not for improvement, but maintenance. A lot of resistance to this policy has been this point. Avoid language of improvement in section after post-tenure. Brown responded that in all the conversations with the committee it was never an issue with constant improvement in performance. The improvement was only for those who had not met their goals. Like the vision for the two because actually are addressing two sets of criteria: one for pre-tenure is simply the normal tenure criteria. This would be the annual review criteria prior to achieving tenure. The post-tenure actually consists of two types of criteria, one for rank (which could include improvements) and one for post-tenure (maintenance). She also commented that administration never proposed a condition that all areas had to show improvement every year.
* Connelly referred to Section 4.3 and that there is 1) concern over the development of the criteria and 2) the approval process referring back to potential misalignments in departments. Approval process would then go to an individual/body that sits above the factions of the department. Then you would have a place for appeal.
* McAdams-Jones expressed concern about the word “maintain” in regards to advancing for rank. Clarke noted that criteria do have to be different not just to maintain, but criteria need to reflect changes as a scholar and teacher.
* Richards expressed the strength to any policy is how easy is it to interpret.
* Vincent referred to the department chair policy (644.4.1) as an advocate for faculty. However, it does not state whether as an advocate or adversary. Needs to be a clear definition. Would also like to see comments at every step of the policy.
* Olson shared that 5% of faculty have worked on this policy for the last seven years and are ready to move forward. Hope is that we can turn comments into concrete precise suggestions to move the policy forward. Brown expressed thanks for the discussion as new ideas allow for better vetting.

Meeting adjourned at 5:00 p.m.