**Faculty Senate Minutes**

April 11, 2017

CB 511, 3:00-5:00 pm

***Present***: Kim Abunuwara, Christa Albrecht-Crane, Steve Allred, Brian Barthel, Howard Bezzant, Mark Borchelt, Mark Bracken, Bret Breton, Kat Brown, Josh Cieslewicz, Alan Clarke, David Connelly, Logan Cottle (UVUSA), Ken Crook, Karen Cushing, Courtney Davis, Debora Escalante, Sara Flood, Doug Gardner, Darrell Green, Laurie Harrop-Purser, Jia He, Ryan Leick, Dianne McAdams-Jones, Duane Miller, Anthony Morris (Library), Jeff Olson, Hong Pang, Alan Parry, 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, Robert Warcup, Alex Yuan

***Excused or Absent***: Huda Al-Ghaib, Anne Arendt, Dean Bohl, Steve Fellows, Lindsey Gerber, Matthew Holland, Robert Jorgensen, Lydia Kerr, Gary Mercado, Shalece Nuttall (PACE), Jeff O’Flynn, Stuart Stein, Paul Weber, Stephen Whyte

***Guests:*** Linda Makin, Jeff Johnson, Karen Clemes, Sam Winterton, Baldomero Lago, Scott Wood

Call to order – 3:05 p.m.

REMINDER – Bracken asked all outgoing senators to invite the incoming senators to attend next week’s meeting so they are present to elect committee chairs and ratify the Bylaws.

Approval of Minutes from April 4, 2017. Minutes approved.

AVPAA

* Policy 633 – *Annual Faculty Review* – Brown reported that comments have all been collected and noted that almost all comments have been accepted exactly as presented. Should be going to President’s Council on April 20. Stage 3 comment period will be shortened. Will send out an email to inform faculty when it has moved into Stage 3.
* Bracken also shared that a review of all policies Faculty Senate has addressed in recent weeks will take place next week so you know the time comment periods.

ANNUAL REVIEWS

* Connelly reminded senators that all faculty members need to make sure they have completed an annual review this year. Be sure to sit down and discuss what you have accomplished this past year and create plans for the upcoming year and both agreed to the review.
* **MOTION** – Sean Tolman moved to empower the President to contact department chairs to conduct the annual reviews. Motion withdrawn. Senators agreed to take the information back to their departments.

ACCREDITATION UPDATE

* Overview
  + Accreditation is a recognition of the entire University, affects our eligibility to receive financial aid, and provides ease of transferring credit.
  + Year 7 is a comprehensive review of the Self-Study Report. Will distribute the report to various entities across campus to review and comment before finalizing. Report due to NWCCU in August.
  + On-site evaluation is scheduled for October. Don’t have a specific date yet.
  + Commission will take action in January 2018.
  + Year 1 Report will be due in October 2018.
* What keeps AQA up at night in regards to faculty?
  + Program Learning Outcomes
    - Eligibility Requirement 22 – Institution identifies and publishes the expected learning outcomes for its degrees and certificate programs and regular and ongoing assessment to validate student achievement of these learning outcomes. This is an eligibility requirement which means if we are not in compliance with this, then we are not compliant with the NWCCU Standards for accreditation. They would be obligated to put us on warning or on probation. We would have two years to remedy.
  + Faculty Assessment Responsibility
    - Standard 2.C.5 – Faculty with teaching responsibilities take collective responsibility for fostering and assessing student achievement of clearly identified learning outcomes.
    - Standard 4.A.2 – Faculty have a primary role in the evaluation of educational programs and services.
    - Standard 4.A.3 – Faculty with teaching responsibilities are responsible for evaluating student achievement of clearly identified learning outcomes.
      * Second most commonly cited standard in evaluations. Because this is a standard rather than an eligibility requirement, we have some leeway. We expect to the evaluators to come expecting to see rigorous and robust programs.
      * IE and AQA has put together a website for program learning outcomes. Will not be a robust approach and not widely distributed across campus. Will meet bear minimum requirements of eligibility for Requirement 22.
      * Asking departments to include their program learning outcomes on their own websites. This helps us demonstrate that we are taking responsibility for these and substantively complying. Especially important as some faculty will be talking with some of the accreditors. Faculty should be expected to show what the learning outcomes are.
      * McAdams-Jones concerned just now hearing this information. Makin shared that several presentations have taken place over the years including to Faculty Senate last fall. The intense message from NWCCU was just given a month ago. She also noted that the “stop gap” solution is only a temporary fix, but departments need to take ownership.
      * 40 programs do not have learning outcomes. List was provided to Deans this morning. If departments have program learning outcomes, they need to be sent to AQA asap.
  + Johnson will send presentation to Cushing for distribution to Senate.
* NWCCU does not put emphasis on specialized accreditations as they are looking at the institution as a whole.
* Standard 2.B.6 - Post-Tenure Review – All faculty are evaluated in a regular, systematic, substantive, and collegial manner at least once within every five-year period of service. Faculty need to complete annual reviews to show progress.

UNIVERSITY ANNUAL REVIEW PERFORMANCE TEMPLATE

* Link to the proposed template was included with the agenda. Committee reviewed several templates and tried to make it as simple as possible with the thought that departments could add upon. Once approved, the template will be standardized across campus.
* Albrecht-Crane expressed concern for the section on teaching and that the form implies tenured faculty will be evaluated on teaching. Connelly noted that depending on the box selected for the evaluation, it may not be pertinent. Any comments send directly to Anne Arendt.

POLICY 637 – *Faculty Tenure* (Limited Scope)

* Section 5.7.9.3 – If a problem or deficiency found in the tenure portfolio is potentially rectifiable or was not adequately considered, the candidate will be given an opportunity to address such problem or deficiency. Faculty Senate would like applicants have 10 calendar days to address. Clarke expressed concern that some entities might not respond in a specific timeframe so need a mechanism that says 10 days or allow for an extension for cause. Proposal was to change to “reasonably extended” for response time. Bracken reminded Senate that we are bound for time to meet the Board of Trustee deadlines. McAdams-Jones responded that if not given appropriate extension, then not being fair to the applicant.
* Section 5.7.9.2 – Albrecht-Crane expressed concern about a faculty member receiving one no vote and support from all other reviewers, would be deemed problematic is not right. Clarke expressed that want faculty to assess the problem, not the SVPAA’s office. Pettersson noted that, in general, one negative vote does not automatically mean the file becomes problematic unless there is something substantial at another level. Connelly noted that the letter from the RTP should contain information which lead to a negative vote. If they cannot produce the evidence to support a negative vote, then RTP failed to do job. Need to fix wording to maintain consistency in determining if portfolio is problematic. Peterson noted that maybe the term “problematic” needs clarifying.
* Section 5.7.9.3 - Discussion about the investigative review in regards to problematic files.
* **MOTION** – Alan Clarke moved to make Sections 5.7.9.1 and 5.7.9.2 consistent with the terms “may be” deemed problematic with the intent that it be discretionary on the committee to decide what files are problematic. Sean Tolman would like to amend Clarke’s motion to accept all the other changes proposed today and comments and move the policy forward. Craig Thulin seconded. All in favor? 33. 0 Opposed. 0 Abstained. Motion passed.

POLICY 606 – *ADOPTION OF COURSE MATERIALS AND TEXTBOOKS*

* Leick made presentation consolidating all the comments and recommending changes to sections of the policy.
  + Proposed changing title of policy to “Course Material Approvals”
  + Section 4.1.1 – Replace “instructional” with “course.” Replace “is balanced by” with “should include.”
  + Section 4.1.2 – Delete
  + Section 4.1.3 – Strike phrase “or allow…nature of the course.” Append “Course materials required across all sections of a single course must be approved through the review process.” at end of 4.1.3.
    - Robbins asked if a department recommends all sections use the same text, does this preclude individual instructors from picking their own different text. Leick noted that if the department as a whole decides to use one text, they could do this.
  + Section 4.2 – Rename to “Course Materials from which an Employee Gains Financially”
    - Conflict of Interest is to be addressed separately.
    - Bezzant recommended that in section where employees can gain financially, need to not only list the employee, but the employee or their designee as it’s very easy to create a shell corporation.
    - Clarke recommended that consider the term “material conflict” where there is a material pecuniary interest.
  + Section 4.2.4 – Replace “Faculty and employees, whether part-time or full-time,” with “Employees.” Strike “by faculty (whether refereed or peer-reviewed).” Insert “from which an employee gains financially” following “Course materials authored or compiled” on line 54. Replace “such authored or compiled course materials” with “course materials authored or compiled from which an employee gains financially.”
  + Section 4.2.5 – Strike “UVU faculty-authored or faculty-compiled course materials must be competitive in both price and quality with comparable course materials.” Replace “UVU faculty-authored or faculty-compile course materials” with “All course materials” on lines 59-60. Strike “author or compiler” on line 61. Move to end of Section 4.1
    - Trying to address issue of employees gaining financially from course materials. Decided to leave it to the committee to determine. Do need to comply with copyright laws.
  + 4.3 - Delete section 4.3.
  + 5.1 – Replace “Approval of All course materials” with “Course Material Approval process.”
  + 5.1.1 - Insert “or adopt more stringent practices” after “requirement for course material approvals” and replace “departmental practices” with “departments” on line 70. Strike “More stringent practices may be required by a department in consideration of the number of faculty, number of sections being offered, and the frequency with which course content must change to meet the 3 needs of students and advances in the discipline.”
    - Departments have the ability to approve course materials.
  + 5.1.2 – Replace 5.1.2 with “Course materials that approvals must be approved through the curriculum approval process outlined in UVU Policy 605.”
    - Clarke opposed the word “must” be approved. Leick clarified that this is only for those items needing approval. Thulin recommended changing the wording to “course materials that require approval”
  + 5.1.3 – Delete 5.1.3
    - Would like to see this as a best practice or guideline.
  + 5.1.4 – Replace “specific course” and “class” with “section” on lines 92 and 93. Strike “that have been approved through the procedures outlined in this policy.”
    - Department Chair should have ability to select course materials when an instructor has not been assigned at the time registration begins.
  + 5.1.5 – Delete 5.1.5. Required and optional course materials are recorded in the syllabus for each section. The conflict of interest form is required under a separate policy.
    - Olson noted the Federal Government wants students to be able to obtain their materials anywhere they are available. They require every university to provide a list of course materials as soon as reasonable so students can obtain them from any source. Bracken noted that departments should be keeping a repository of syllabi. Inquired about where students can view the syllabi a few weeks prior to the start of the semester.
  + 5.1.6 – Strike “written.” Replace “faculty-authored course material approvals” with “any course material approvals” on lines 99-100. Committee actually broaden the scope.
  + 5.2-5.5 – Delete all these sections. All course material approvals will go through the curriculum approval process and curriculum committees. Section 5.5 is not relevant to course material approvals.
  + Green asked for correlation of academic freedom and the policy regarding departments choosing the text. Olson noted that faculty as a collective body can exercise their academic freedom that becomes binding on other members of faculty. They point out that it should be the faculty as a whole or elected representatives on the committee that makes the decision.
  + Clarke would like to define a material conflict in such a way that you pick up real conflicts of pecuniary interests and exclude designee where not getting actual financial benefits.
* **MOTION** –McAdams-Jones moved to go forward with the policy with understanding that the comments regarding the legality of textbooks and copyrights be vetted and approve comments to the policy. Bob Robbins seconded. All in favor? 29. 0 Opposed. 0 Abstained.

POLICY 165 – *SEXUAL MISCONDUCT*/162 – *DISCRIMINATION, HARASSMENT, AND AFFIRMATIVE ACTION*

* 165.5.8.9 – Clarke interprets this to mean the investigator can withhold information as it states “what is reasonably necessary,” means the investigator at his or her discretion, withhold information such that the alleged perpetrator and his or her counsel may not know all the facts. Then when get to the hearing, only get a hearing if new evidence, if procedures were not followed, sanction was too sharp. Clemes reported that this is not the case. The investigation is looking at all the facts and not turning over the entire file and OCR has stated cannot do that. She provided a brief overview of the procedures of the investigation. Clarke feels the investigator should not be able to withhold information at their discretion.
* 165.5.8.9 – Green noted that the individual choosing the information that would be thorough and fair does not always happen. Clemes responded that this is not a criminal proceeding, so discretion is maintained.
* Comment - Clarke recommended that UVU adopt the AAUP guidelines for sexual harassment proceeding hearings.
* Comment - Bezzant recommended considering more wording to protect young people. Shared a Valentine’s Day distribution that he feels was inappropriate and exposes children to something unnecessary and violates the Sexual Harassment policy. Would like to see increased protection for minors in the policy. Check Policy 115 – *Minors on Campus* to see if there are protections for minors that cover this situation, if not, include.
* **MOTION** – Sean Tolman moved to accept both comments and approve the policies to move forward. Craig Thulin seconded. All in favor? 25. 1 Opposed. 3 Abstained. Motion passed.

**MOTION** – Craig Thulin moved to reorder agenda to hear Policy 107 first. All in favor? 1 abstained. Motion passed.

POLICY 107 – *INTERNAL INVESTIGATIONS*

* Deals with internal investigations. Written back in 1992. The university has changed since that time and have new policies. Current practice is not consistent with this policy, so we are recommending the deletion of the policy.

**MOTION** – Reorder agenda to move this policy to an action item. All in favor? Motion passed.

**MOTION** – Christa Albrecht-Crane moved to delete the policy. Bob Robbins seconded. All in favor? 27. 0 Opposed. 3 Abstained. Motion passed.

POLICY 251 – *TRAVELING ON UNIVERSITY BUSINESS* / 252 – *INTERNATIONAL TRAVEL FOR FACULTY, STUDENTS, AND STAFF*

* Both policies have been in temporary emergency status.
* Albrecht-Crane submitted comments on behalf of a faculty member.
* Robbins expressed concern about individuals of opposite sex to have written documentation that they are married. Issues need to be addressed in regards to sharing a tent and preclude and unrealistic. Clemes clarified this policy deals with faculty and students. The reference Robbins made is dealing with another policy.
* Clarke inquired about the full day seminar if going across the border. Lago noted the training has been reduced to an online 40-minute training for this purpose.
* **MOTION** – Bezzant moved to extend the discussion 5 minutes. Dianne McAdams-Jones seconded. All in favor? 17. 8 Opposed. 0 Abstained. Motion passed.
* 252.4.4.2 – Albrecht-Crane expressed concern about the policy stating the program director(s) must be available “at all times.” Feels this is excessive and the suggestion is to not say “at all times.”
* 252.4.4.7 – Albrecht-Crane recommend change wording “spouse or other adult partner.” Wood noted that currently graduate programs can bring a spouse, but does not allow for undergraduate. Bezzant expressed that this is discriminatory against other groups.
* 252.5.5.4 – Albrecht-Crane expressed concern about providing too much information. Lago noted that when a faculty member proposes a program they must have all appropriate information and have duplicates of specific papers in cases of emergency. Lago noted it is part of the training procedures. Propose adding reference to the practices in the policy.
* Policies tabled until next week.

Meeting adjourned at 5:08 p.m.