

Faculty Senate Minutes

September 2, 2014
LC 243, 3:00-5:00 pm

UTAH VALLEY
UNIVERSITY

Present: Scott Abbott, Christa Albrecht-Crane, Steve Allred, Jon Anderson, Anne Arendt, Nicholas Ball, Howard Bezzant, Debanjan Bhattacharjee, Dean Bohl, Mark Borchelt, Mark Bracken, Clayton Brown, Kat Brown, Leo Chan, Marty Clayton, David Connelly, Karen Cushing, Courtney Davis, David Dean, Debora Escalante, Wioleta Fedeczko, Doug Gardner, Gloria Gilmore, Tracy Golden, Barry Hallsted, Laurie Harrop-Purser, Matthew Holland, John Hunt, Yang Huo, Ellis Jensen, Dianne Knight, Ryan Leick, Dianne McAdams-Jones, Gary Measom, Gary Mercado, David Morin, Tyler Nelson, Shalece Nuttall (PACE), CheolHwan Oh, Jeff Olson, Dennis Potter, Sheri Rysdam, Makenzie Selland, Leslie Simon, Cyrill Slezak, Allison Swenson, Craig Thulin, Wioleta Vasilevska, Mallory Wallin (UVUSA), Alex Yuan

Excused or Absent: Deborah Baird, Kathy Black, Joel Bradford, Monica Campbell, Matthew Draper, Vance Hillman, Carolyn Howard, Mallory Wallin

Call to order – 3:00 p.m.

Approval of Minutes from April 22, 2014. Minutes approved.

- New Senators, PACE, and UVUSA Introductions
- PRESIDENT
 - President Holland expressed his excitement for another year. He is team teaching with Kate McPherson in Honors as he feels it is important for him to stay connected. He is also impressed with the students he has met. He thanked everyone for their support of Freshman Convocation and noted that the faculty support was overwhelming with over 5000 attending the event.
 - Enrollments are looking pretty solid and appear to be up slightly. We are not looking at any budget reductions at this time, but we won't have final numbers until after the third week.
- SVPAA
 - Jeff Olson thanked everyone for welcoming him to UVU and noted that he has been asked some tough questions over the last few months for which he is grateful. Faculty expressed concern over their involvement in shared governance and he is beginning conversations with David Connelly on this matter. He is working on addressing the complexities due to the critical nature of faculty.
- MERIT/POLICY
 - Kat Brown provided an update on the Faculty Merit Committee. Issues are on the table to address fairness, legitimacy, and securing there will be amounts to be dispersed. Increases will be based on Annual Reviews and increases are still being decided whether they will be on past or current work.
 - Brown noted that there has been no status change since the April Faculty Senate meeting.

➤ INTEGRATED STUDIES SENATE PETITION

- Wayne Hanewicz, Chair of Integrated Studies provided an overview of the search and recommended hiring of a Lecturer for Integrated Studies (IS). The search committee was notified by Ian Wilson (prior SVPAA) that he did not approve the hire of Scott Carrier. Hanewicz noted Carrier was selected for his ability to mentor on writing for the Senior Capstone course. He met with Ian Wilson and Kat Brown and presented their case and asked why the denial. Hanewicz quoted from Wilson's denial letter. Integrated Studies made no judgment as to the Communications Department denial of tenure. He and others felt that Carrier was denied rehire based on his book excerpt that he did not like teaching or UVU. Integrated Studies again appealed the denial to Dr. Jeffery Olson (new SVPAA). He provided SRIs and a copy of the excerpt at the request of Olson. After due consideration, Dr. Olson also rejected the rehire of Carrier. The search committee notified Wilson and Olson that they would request assistance of the Faculty Senate. David Knowlton was asked to write a position. Hanewicz noted it is not unusual to disagree over policy, but that it does require time to talk things through and reexamine policies for clarity. The IS department does not have the time at present to take the time to reexamine this particular policy so that needs of students and faculty are not burdened.
- Jeff Olson (SVPAA) responded that the initial assignment presented was to determine if this case would fit into an "exception" to policy. He believes the heart of the issue is about tenure and academic freedom. Tenure is one of the primary ways we have of protecting academic freedom. He noted that tenure is much better today than in the early days and he provided an overview tenure history. He noted that the tenure process is an agreement that faculty members would be given six years in which to demonstrate that a university could invest in them for a lifetime. They are then either given tenure or provided a terminal year. To keep the university honest, the university is not allowed to continue to enjoy the services of the faculty member unless they are willing to give tenure. This is a serious issue. Olson has participated in good email exchanges and conversations regarding this issue. Tenure is given in a department, but it is an agreement between the faculty member and the university. Olson expressed strongly that we need to protect the agreement upon the foundation of tenure. Reminder that a department makes a recommendation, administration approves or denies, and the Trustees appoint.
- David Morin, the Communications Senator, made a clarification from his department that there was clear evidence as to why Carrier was denied tenure.
- Mark Bracken asked if there is specific references in other institutional policies that address the issue at hand. Olson noted that other USHE institutions express it the same as UVU, but noted the issue is so rare that it is not addressed in policy.
- Scott Abbott expressed that IS is in the public debate because they have been disrespected and cannot understand the reasons they were turned down. He expressed respect for the Communications department decision, but that their department has their own needs. He noted UVU does have a good tenure policy and has no arguments with the policy; however, the policy addresses nothing about hiring when one has been denied tenure to another department. Abbott referred to facts that are not the driving force of the policy. 1) Ian Wilson found grounds to appoint a faculty member to a post-tenure lectureship in the same department. 2) After an

appeal of the first decision, Wilson and Kat Brown told Dean Yells and Hanewicz that Scott Carrier does not like it here, he doesn't like teaching, and he's a bad teacher. 3) Jeff Olson asked the search committee to supply the SRI evaluations, wanted to see the essay, and reviewed Carrier's tenure file. The answer you get depends on what question you ask. IS wants to know why they were denied the opportunity to hire Carrier. He stated because of the writings of his book "Prisoner of Zion." Disapproval of hiring Carrier based on his writings violates academic freedom which Abbott feels the university has violated. He also feels they misused their authority in denying Carrier's employment. If this issue is unresolved, academic freedom is "just words" and he feels when you discount the department's judgment, it shows profound disrespect.

- Dennis Potter spoke in favor of the Senate Resolution. He noted that he argued in the Executive Committee that the policy "could be" interpreted the way Administration did, but now feels differently. He does not see anything in the policy the way the administration is interpreting it now and noted that Policy 637.4.1.4 says that faculty is "tenured to a department." Potter also claims the university is violating Policy 635 sections 4.6.1 and 4.6.2. What he feels is clear is that the responsibility to hire lies with the faculty. Potter provided an example of faculty member with two PhDs and the dilemma that could arise if denied tenure in one department, but unable to hire in another department. Argument is that it is going against policy in some way, it does not go against policy for IS to hire Carrier. He claims Academic Affairs is not giving reasons for denial. Argues to support the resolution.
- Anne Arendt asked for clarification in Policy 637.5.8.1.1 in regards to probationary years being fulfilled in multiple departments. Potter feels not applicable to this situation.
- Leo Chan noted that the tenure decision in Woodbury School of Business is made by a group of individuals from all departments and not one department.
- David Knowlton shared that he was brought into the issue after Ian Wilson denied the rehiring of Carrier. He states the issues are complex, but there are some important factors. Policy 637 is not germane necessarily to this issue. He feels Potter is right that the policy is not ambiguous. The issue is, did the administration follow established university policies in making their decision and not violating academic freedom. Knowlton also states that the issue is whether the tenure is to the university such that if you are denied tenure you are not rehirable by the university or whether it is to a department such that if a department denies tenure the individual is eligible to be hired in another department potentially if appropriate procedures are followed. The issue now is did Carrier get an appropriate review by the administration. It does not envision a randomness by bringing in external factors.
- David Connelly reminded the Senate that the issue at hand is the Carrier issue.
- Barry Hallsted noted that if Carrier was dedicated to UVU, why did he not appeal his tenure denial. He recommended the IS department not focus their energy on the faculty member in question and to look at an individual that would be more proactive.
- **MOTION** – Dennis Potter motioned to consider the Resolution and move it forward for reconsideration. Jon Anderson seconded. Potter noted this is not about whether Carrier should be rehired at UVU, but is about the department having the authority to hire who they want.

Discussion should be about policy. Connelly read the Resolution out loud for the Senate. No further discussion. All in Favor? 33 Opposed? 1 Abstain? 3 Motion Passed.

Howard Bezzant asked for clarification on length of the appointment. Hanewicz noted it is for nine months. Olson reiterated that the heart of matter is the relationship to the University. He shared that he requested the SRIs and other materials to determine if the rehiring of Carrier fit within an exception to policy. Craig Thulin inquired if tenure is a university issue and he wanted to change departments, does he take tenure with him. Potter read Policy 637.4.1.4 in the context that the relationship to the university is nonexistent in policy. Hunt wants to know why we are using the tenure policy and not a hiring policy? Potter is interpreting Policy 637.4.1.4 since tenure is tied to a department, the statement about what you can and can't with people who have been denied tenure is about what departments can and can't do, not what a university can and can't do. Policy 373.4.11.1 indicates when a department is closed and a faculty member is reassigned, they go with tenure to another department. Abbott wants to know why a department can't hire? Knowlton asked what's really relevant here? Administration is to review to be sure the search committee conducted an appropriate search. In this case, external factors were taken into account for the SVPAA decision. Olson reiterated that his decision was based on policy along with other factors being weighted. Hanewicz noted he is not challenging the policy, but is interested where chairs can decide who to hire based on competencies of their search candidates and not interfere with the educational process. Dean Bohl commented that administration is to look out for the university as a whole, but the departments deal with items at their level. He noted that the Trustees are the ones who make the final decisions. Tracy Golden expressed there is a shared role in the process. The question is, what do you do when the parties disagree, you go to policy.

- **MOTION** – John Hunt motioned to extend the debate to 5:20 p.m. Wioleta Fedeczko seconded. All in favor? 15 Opposed? 13 Abstain? 5. Motion passed.

Mark Bracken noted that two SVPAA's came to the same conclusions which were not influenced by the other. Lynn Bennett disagrees and feels that what her search committee is doing is for not because her potential recommendation could be denied and not be credible. This is disrespectful. Nick Ball noted there two issues: 1) has the SVPAA acted in an arbitrary way 2) should the policy be used in a hiring decision. Mark Borchelt pointed out we need to decide today in order to get someone in the IS position. He agrees we have another issue as to whether or not it meets policy, but that is down the line. David Morin noted that this situation is an extraordinary circumstance. David Knowlton wants to know what the role of Administration is in the process. Administration does have private, secret knowledge that a search committee does not have. Academic Freedom requires explicitness. He feels Ian Wilson did not give explicitness while Olson did, but he brought in external review. Policy 635.4.6.1 specifically states that an explicit reason for denial must be given. Olson noted that he largely agrees with Dennis Potter, but he reiterated that the decision is not a discussion of tenure, but a discussion of policy as a protection of tenure.

- **MOTION** – Ellis Jensen motioned to consider the resolution as a final vote. Ryan Leick seconded. Potter called the questioned. All in favor? 19 Opposed? 12 Abstain? 5 Motion passed.
- David Connelly commented that he is not perfectly clear on his charge and asked the Senate to clarify. Jon Anderson responded he feels that in consultation with the SVPAA that he determines if due process has been carried through on this denial of this position. You would look at the consideration of it and determine if a good faith effort has been made and what place we can have as a Faculty Senate saying that in this particular case we should be involved in as a Faculty Senate. Report back to the Executive Committee who will then make a recommendation.
- **MOTION** – Dennis Potter motioned to adjourn. Howard Bezzant seconded. Adjourned at 5:18 pm.