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**USU FACULTY SENATE
MINUTES
January 5, 2009
Merrill-Cazier Library, Room 154**

Mike Parent called the meeting to order at 3:02 p.m.

Approval of Minutes

Tami Pyfer moved to approve the minutes of the December 1, 2008 Faculty Senate Meeting. Motion seconded, and carried.

Announcements

Those in attendance please sign the roll call sheet before you leave.

Faculty Forum minutes have been posted to the Faculty Senate web site.

University Business - President Albrecht, Provost Coward

Student Fraternity Alcohol Death - Charges have been brought by the County Attorney in the Michael Starks case. They include felony charges against the fraternity and sorority and charges against eleven USU students. An announcement of additional steps that will be taken by the University will be posted on the USU website.

Budget Issues - The total University budget is \$515,054,322 and comes from 6 different sources. Approximately 31% is State E&G appropriations, 30% Contracts & Grants, 13% Tuition & Fees, 12% Gifts & Investments, 10% Auxiliary Enterprises, and 4% from other funding sources. Of the 31% E&G funds, academic units receive 76%, non-academic units receive 23%, and other areas 1%. The budget cuts effect only the state appropriated funds, the other sources are unaffected. There are currently two government proposals dealing the Utah's budgetary short fall.

Governor's Proposal

	% Budget Reduction	\$ Budget Reduction	Jobs Eliminated
Mandated	4%	\$ 6,494,220	123
Additional Cuts			
Proposed One-Time	1.5%	\$ 2,341,900	
Proposed Ongoing	7%	\$ 10,928,900	250 (estimate)
Total Ongoing	11%	\$ 17,423,210	373

Legislature's Proposal

	% Budget Reduction	\$ Budget Reduction	Jobs Eliminated
Mandated	4%	\$ 6,494,220	123
Additional Cuts			
Proposed One-Time	7.5%	\$ 11,709,488*	
Proposed Ongoing	15%	\$ 23,418,975	540 (estimate)
Total Ongoing	19%	\$ 29,913,195	663

*This amount is impossible to take in the current year without extreme and dramatic measures.

President Albrecht stated that cuts as deep as are being proposed could set the institution back a generation and the way out of an economic downturn is to protect higher education, especially the research universities.

Provost Coward spoke about the process involved in declaring a major financial crisis as described in section 406 of the Faculty Code and generally outlined the steps that would need to be taken.

University Code, Faculty Policy 406.6

1. President identifies a possible major financial crisis.
2. President informs Budget and Faculty Welfare Committee, Faculty Senate, Professional Employees Association, Classified Employees Association.
3. Faculty Senate, PEA, and CEA provide advice to President.
4. President seeks approval of the Board of Trustees.
5. President declares existence of major financial crisis.
6. President consults with Executive Committee, Deans' Council, Graduate Council, Directors of Non-academic Programs, Budget and Faculty Welfare Committee, Educational Policies Committee.
7. President communicates timetable for relieving crisis to Faculty Senate.
8. President concludes crisis entails academic program reduction or elimination.
9. University-wide assessment of program quality and essentiality to mission.
10. Provost and Vice Presidents develop reduction and/or elimination plans.
11. Review by Executive Committee, Deans Council, Budget and Faculty Welfare Committee, Professional Employees Association, Classified Employees Association.
12. Provost forms implementation plans.
13. Review by Executive Committee, Deans Council, Graduate Council, Education Policies Committee.
14. President adopts final plan.
15. Review by Board of Trustees.
16. Review by Board of Regents.

This is obviously not a process that moves quickly and it has a series of built in checks, balances, and reviews. The University has never declared a financial crisis. President Albrecht stated that if the cuts go beyond the Governor's full 7% we may have to begin the financial crisis conversation.

Craig Simper stated that the entire University would be evaluated with the primary emphasis being on non-academic units. The code outlines general guidelines and standards for the review. Tenured faculty will not be eliminated unless their entire program is eliminated. Every unit will be looked at. The University community has shared its opinions with President Albrecht. They include:

- Suspending retirement plan contributions.
- Salary reductions.

- Tuition increases.
- Cut Athletics.

A question was asked about how the legislature evaluates the trends in the market. The primary marker is revenues. The largest source of revenue in the state budget is the income tax, and until recently Utah had strong job growth and low unemployment. What has happened with the market is the capital gains tax revenue has stopped and this has been a major factor in the budget short fall. Also, consumer confidence is down, and sales tax revenues have plummeted. President Albrecht commented that the suddenness with which this downturn occurred was staggering and unanticipated. The last time cuts of this magnitude were imposed was in the 1980's.

Consent Agenda Items

1. Council on Teacher Education
2. Scholarship Advisory Board
3. EPC Items
4. Code Review Committee

Mike Parent reminded the Senators, pertaining to item number 4 Code Review Committee, there may be a misplaced comma or colon instead of semi-colon, incomplete sentences, capitalization errors, etc. If Senators find any of these problems, there is no need to have the item removed from the consent agenda, instead please email Joan and she will notify the Code Review Committee.

John Kras moved to approve the Consent Agenda, second by Vincent Wickwar. Motion carried.

Information Items

PRPC's Proposal to amend sections 402.11.1 and 402.12.6 (2 & 8). Mike Parent explained that this is an amendment to eliminate a committee which is no longer necessary or functioning. Scott Cannon presented the PRPC proposal. Clarification was made that the Senate can appoint and discontinue standing and ad-hoc committees. The amendment eliminates the Distance and Electronic Education Subcommittee of the EPC. As the curriculum was more fully integrated into the academic departments, curriculum business goes through the Curriculum Committee and then to the Educational Policies Committee, so there is no longer a need for the Distance and Electronic Education Subcommittee.

Motion to approve the discontinuance of the Distance and Electronic Education Subcommittee was made by John Kras and seconded by Robert Schmidt. Friendly motion was made that the parenthesis around the words "and eliminate" be removed. John Kras and Robert Schmidt accepted the friendly motion. Motion carried.

Key Issues and Action Items

Grievance Policies – Definition of Days (policy 407.1.2) first reading, remove from table. In the December Faculty Senate meeting, a motion to move all academic due process procedures to a 12 month calendar was made and then tabled. That motion is now back before the Senate and can be voted on, amended, or defeated.

Scott Cannon reminded the Senate that because of the language, that a day is simply a calendar day, there was concern as to whether this would disadvantage nine-month contract faculty if they become aware of a grievance in the spring and key people involved were not available during the summer. For that reason the amendment was tabled and PRPC was asked to revisit the issue.

PRPC is now suggesting that language be added that states grievances may be suspended during the summer (last day of spring until the first day of fall semester) if key participants would not be available.

Diane Calloway-Graham commented that key participants have also been unavailable at other times than summer. She indicated committee members have had to come up with other strategies to best get their testimonies. Sometimes those have been conference calls or letters to the committee. The new language would move the timelines forward whether it happens in the summer, fall, or spring. Generally a grievant wants the issue resolved as quickly as possible.

Scott Cannon replied that from the perspective of the grieving faculty member, this takes away rights that are guaranteed under the faculty code as it exists if they cannot present witnesses or cannot be represented by key people during the summer months when those people are not on contract. The Code currently says, the proceedings may be suspended during the summer if key participants are not available, but does not say that they have to be suspended. The code currently states that if both parties agree proceedings can continue during the summer.

Byron Burnham questioned who determines key participants and what does availability mean? Does availability mean the same as accessibility? Who would make those kinds of decisions? Scott Cannon agreed that this is a difficult issue and stated that the policy was left a little loose so that basic collegiality would allow that to be resolved. Pat Lambert stated that the wording should be changed to read that during the proceedings key participants must be accommodated, without stating that the process could be suspended from the last day of spring to the first day of fall. The real concern is that key participants get to be involved in the process and there are many ways they can do this. The process should be concluded as soon as everyone can participate without blocking out a whole summer session. A comment was made that if the intent is to safe guard the grievant then you need to say that. Scott Cannon replied that what PRPC wanted to preserve the code as it exists and right now the code doesn't say that the decision has to be made by the grievant or the administration, it allows either one. Further questions and debate ensued.

Mike Parent observed that there may be a concern that the motion before the Senate may not preserve some rights that are currently codified. There is also concern with respect to the suspension over the summer, and it seems that there is a practice in place where the considerations for the grievant and the availability of individuals is protected by that. He suggested what we would like to do is assure that the schedule while on a calendar day basis can be adjusted if key participants would not be available during the specified calendar days. Provost Coward suggested a more positive statement that the committee would assure that all key participants are available in an appropriate way, without getting into the calendar at all.

Mike Parent reminded Senators that the motion before the Senate is to accept the wording that in all proceedings under Policy 407, a day is defined as a calendar day (Sunday through Saturday) unless expressly stated as a working day (Monday through Friday, excluding holidays). If the motion is passed, it is passed as a first reading and will be presented as a second reading at the next Senate meeting. A vote was called for, and the motion carried, but not unanimously.

A motion was made by Ronda Callister and second by Ed Heath to ask PRPC to draft language excluding the reference to summer but with an assurance that key participants would be available during the process. Motion carried. Calendar days will come back as a second reading at the next meeting, and the new charge for the PRPC to draft the suggested language will come as a first reading.

Adjournment

The meeting adjourned at 4:38 p.m.