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FDDE Minutes

February 5, 2008

Attendees: Maria Cordero, Christopher Neale, Kathy Chudoba, Robert Schmidt, Jennifer Duncan, Ronda Callister, Kelly Kopp, Lisa Pray, Scott Williams, Diane Baum (Disability Resource Center, ADA Coordinator)

Minutes approval: Moved by Jennifer Duncan, Second by Kathy Chudoba, Passes

Discussion/Amendment: Let's be less specific on the minutes especially where it relates to confidentiality. Agreed.

AAEO Check: There isn't really anything in print or anything that Dave Ottley could give out. Some materials from other institutions were gathered and handed out. Dave Ottley later called back and wanted to make sure that we knew AA/EO cared, they will put something together.

Comment: Used to be a Diversity Committee on campus, created Diversity Award, strong for first 3 years. Would have been more responsive to issues that came up than current committee.

"Diversifying Faculty" book has been requested for the library.

Email requests for feedback went to: Faculty Senate, Engineering, Agriculture, Education, Business, Natural Resources, Library, and Extension. Still checking on Science and HASS.

Confidentiality issue: USU doesn't have a specific confidentiality statement, handout of confidentiality ideas. Also distribution of a regular newsletter that USU had. Addressed benefits issues, faculty meetings, etc. Nothing like that exists now and information is power. Always had sabbatical housing advertisements. Also allowed letters to the editor. We'd just need an administrative assistant to collect the information.

Add to list of "Great Ideas"....

Anne Austin is scheduled to come to April meeting(VP for Faculty Development)
Newsletter would be a great means to get various sorts of information out there. Great for new faculty who may not be in the loop.

More info related to prioritizing our tasks:

At January faculty senate meeting, it was announced that Eccles will fund child care center as part of new education donation. How much infant care? That is a good question. Unclear whether faculty will be able to contribute to planning process. Past plans under Kermit Hall were unworkable. Early childhood care faculty will be involved. Unclear about other faculty involvement. Continuing to move forward with AggieCare for interim care. Also, some kids don't do as well in a more institutional facility and AggieCare can provide an option.

Is it just for employees? Probably not. In the end there will be incredible competition for those infant spots. Think Edith Bowen.....More of an issue for faculty than staff. Often

staff are local and have a family network to rely on. Faculty are almost always from somewhere else and need other means of support.

More information for the group on how important child care is for improving faculty diversity. For example, U of U has 5 child-care centers. There's a child-care center at the Brigham City regional campus. Regional centers have had much more financial support recently. Both the U and BYU offer one semester teaching leave when a child is born or adopted. Would make a huge difference in that first semester post birth. Here we have 6 weeks disability, calling it a disability is an issue in itself. Department head has a responsibility to find replacement during that time, a hard to cover period of time (6 weeks).

Ronda Callister brought this up to Faculty Senate Executive Committee (providing a break from teaching for a semester when a baby is born or adopted) . Provost Coward questioned this asking why we'd want to take away a faculty member's option to negotiate a preferred package. Now a faculty member can already negotiate adding time to tenure clock. May be preferable to automatically extend the tenure clock, rather than making it optional. Faculty are still concerned that more will be expected or it will be viewed negatively.

Diane Baum-Mainly works on student issues, but today will address employee issues for the committee....

We have a number of employees with serious and some with not as serious disabilities. Biggest problem in recruiting them is finding them. Some don't make it to higher levels of education and there are lots of disincentives to work for people with serious disabilities. For example, if Medicare or social security benefits are lost, they may never get them back.

Comment from disabled USU faculty that Diane has heard:

"For the first 3 years of employment here, I made more on social security than salary."

"When I buy a car, I HAVE to spend \$60,000.....I have no choice." So these folks cannot lose other agencies of support.

Most folks don't have severe disabilities and these disabilities may be invisible to the institution and faculty probably will not disclose unless they have to. We can't ask about disability in the hiring process. At the time of hire, we can ask "Can you do this job with or without reasonable accommodation?" Perhaps an individual gets an offer and then asks for reasonable accommodation. We have deaf, vision-impaired faculty who can be accommodated. May be more difficult to provide accommodation in some cases, perhaps for psychiatric disabilities.

Some disabilities almost force the institution to discriminate, i.e. cost of accessible cars, travel assistance, etc. Additional expenses can be problematic for departments. We function under ADA. One reason it's difficult to add disabled employees is that it's difficult to find them. Unknown if there's a US counterpart to Canadian Association of Professionals with Disabilities (handout). Canadian handout talks about why disabled

folks may be reluctant to seek employment. Canadian website has PDFs on sensitivity training and awareness training. Good tools.

Questions for Diane Baum:

Is USU friendlier or less friendly than our peer institutions for folks with disabilities?

DB-I talk more with people who became disabled once they were already employed here. A lot of legal cases come down related to medical students. Now you “almost have to be dead” before you’re considered disabled. There is work being done on a new definition of disability. Don’t want to go to far the other way, though. Diane Baum is a strong advocate for the disabled, but we do need rules.

Some discussion of ADA law.

Is there information on the number of doctoral graduates that are disabled? Like we have for race and gender?

DB-It’s impossible to say, because we cannot ask people if they have a disability or ask them to disclose. Sometimes senior students may not come in until they need extra time for the GREs. Faculty may also be less likely to disclose because of stigma.

Do you feel the code supports disabled faculty?

DB-I don’t know if it even addresses it. USU chooses to fall back on ADA rather than faculty code. What if a faculty member becomes disabled, but they don’t want to leave? How do we handle it? Not everyone who becomes disabled recognizes their level of impairment. We don’t want to violate anyone’s rights, but the employer has rights too.

What recommendation would you make to us as a committee?

DB-I may get a call from a department where a faculty member is losing their vision, however, assistive technology may cost more than a department can handle. We don’t have a central fund to draw from. All accommodations are the responsibility of individual departments. If they can’t handle it, they go up the chain. The law does say that we don’t need to make accommodations that cause undue hardship or burden. Process of determining what is an undue burden ultimately rests with the president.

How about drug abuse and alcoholism?

DB-We have to comply with the drug free workplace act. If someone imbibes on weekend, but can do job during week, we have no involvement. Illegal activity is also not covered under the act. May need to accommodate employee who needs time off for treatment. Also may need to accommodatetetime during the day for treatment. Not so much of an issue with faculty because they have flexible work schedules. Do not accommodate illegal behaviors at all, kleptomania, pyromania, pedophilia, and the “nasties”.

But alcoholism is not in this category, right? DB-Right.

Is any part of pregnancy ever called a disability? DB-Could be depending on associated health issues.

DB-I had a pregnant student come in who wanted classes taped because she had morning sickness, not a true disability issue. However, what if pre-eclampsia occurs? Short-term disability covers it for faculty. Human resources is supposed to be letting people know that they should be signing up for short term disability to help cover pregnancy related problems. It lasts for 5 months. With long-term disability, you're terminated. During short-term disability, department is "holding its breath" and waiting to see what happens with you. Perhaps more information for faculty would be helpful. Also, a centralized pool for funding accommodations. There was a deaf PhD student a number of years ago, and we provided interpreter services for her because we had enough funding. Can be VERY pricey, though. Also, not always available. It can be a disincentive for employment.

Do you know why USU does not allow one employee to transfer sick leave hours to another employee?

DB-I've heard of it happening, department heads or deans may need to approve it, but I've heard of it.

Can't you max out on sick leave?

There's no fund associated with sick leave that can be transferred to another department or employee. This may be the issue with transferring leave.

What lessons can be learned from the grievance process?

DB-Document, document, document.....the last one I was involved in, I had made notes, but did not date them. Being able to document a clear timeline of events is important. Also, don't do it without consultation. For example, if you have a student you're going to throw out of your program. Have you talked to Craig Simper about it? The attorneys WILL help you and will walk you through the process. Talk with human resources or your department head. Many have been through similar situations and can help. Have to follow through on gut feelings, don't want to violate rights or jump to conclusions, but need to address potential problems.

If you are a USU employee in need of psychiatric services all we can do is send you off campus, right?

DB-Yes.

No one on campus is available?

DB-Only on a crisis basis. In crisis, faculty can call the counseling center. Our insurance will cover private providers as well as hospitalization. Would like to see an Employee Assistance Program.

Diane is excused.

As we have people address the committee, are we going to develop some kind of proposal sheet or proposal of action for the administration?

Would like to see a priority list created with action items. Perhaps organize by constituency, but definitely have action items. With action items, try to figure out which direction to go. Some things can be addressed by code changes. Other things may be quite costly. Still working on how money is allocated. Where is the appropriate place to pitch funding requests? Code changes take a lot of time, 6 months or more, but budgeting system is more unknown. We might discuss with Ann Austin. We can begin by using the issues we've collected and the ideas to deal with them.

Dual career assistance

Across the country, the language is changing. "Accommodation" often has a derogatory connotation. Trying to change to "assistance". One comment received by the committee was from a faculty member who had issue of 2 part time offers for partner. It's CRITICAL for administrators to be involved.

Challenging if department head is not their advocate. Also, the time to ask is when the position is offered. "Can you check right now to see if there's an opportunity before I accept this offer?" Every department would want to know beforehand. Also, there are some things we simply don't do at USU....urban planning, dance.

What if partner is not a potential faculty member? Doesn't matter. Can even pursue opportunities off campus. At best we may hit 50% dual career assistance success. We're a small community and it can be difficult. We actually seem to be doing well compared to other universities.

SERT Committee discussion....funded by ADVANCE grant.

Also, there's not a timeline associated with dual career assistance anymore. Used to be a 2-year timeline associated, but it was taken out of the code.

If proposals for faculty code changes come out of this committee it carries more weight than if an individual proposes it. A suggestion that was made yesterday in the Faculty Senate meeting...in tenure process, you can recommend external reviewers. Department head and P&T committee come up with list and candidate also submits list of reviewers. Half of the reviewers must come from candidate list. Allowing candidates to select up to 2 people who should NOT be asked for review could be helpful. Ronda Callister will write it up and submit to faculty senate. Support from this committee would make it stronger.

Motion to send forward, Ronda Callister. Second from Kathy Chudoba.

Work will continue on active service, modified duty language. Many universities are already doing it, the U and BYU. A parental option, not strictly maternal option.

What about a mother and father staggering their semester of teaching leave?

Priorities from agenda.....

Most comments on child care, so that's first priority.

Can we listen to other speakers before we rank priorities? Yes. We'll continue to list good ideas as we go along.

We do need to discuss/determine terms of service for this committee as well.

There is a committee was working on reviewing the faculty code. The current code does not list sexual orientation as a protected class. If this committee were to support inclusion of sexual orientation protection in the faculty code it would carry a lot of weight.

This item will be added to the agenda for next time.

Next meeting is scheduled for March 4th at 3:30PM in Business 409.