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## USU Faculty Senate Minutes, December 1, 2008

Utah State University

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**USU FACULTY SENATE  
MINUTES  
DECEMBER 1, 2008  
Merrill-Cazier Library, Room 154**

Mike Parent called the meeting to order at 3:00 p.m.

**Approval of Minutes from October 6, 2008**

Brett Shelton moved to approve the minutes, Robert Schmidt seconded. Motion carried.

**Announcements**

**Roll Call.** A member roster will be circulated at each meeting. Senators are to sign or initial next to their names.

**New Committee on Committees Chair, Chris Corcoran.** Mike Parent expressed thanks to Will Pependorf for his assistance with this Committee.

**University Business - President Albrecht**

**Commencement.** Commencement will be December 12-13. The Graduate Hooding Ceremony will be Friday December 12, line up in the field house at 12:30 pm. Saturday line up in the field house at 9:30 am. There are approximately 2000 undergraduate students that qualify for graduation and 250 graduate students.

**International Students.** International students are up about 100 students this fall. Currently, there are 913 international students enrolled from 76 countries. There are 200 students from China, 153 from the Dominican Republic, 144 students from India, 77 from South Korea and 42 students from Saudi Arabia.

**Budget Reduction Committee.** The final report and recommendations from the Budget Reduction Committee is due to President Albrecht's office on Wednesday, December 3. The report will probably be put on the web and summaries distributed by email with opportunities for feedback to follow. The general feeling is that more cuts will be forthcoming, possibly spreading the cuts over a three year period. The Governor's office will release their budget recommendation later this week.

**Student Death.** The university has released a number of statements regarding the death of a student last week, including the decision to suspend both the Sigma Nu fraternity and the Chi Omega sorority. Craig Simper will be conducting an internal review as far as policy and code violations. Utah State has clearly articulated alcohol policies. In addition to the internal review two other things will be happening concurrently, a continued investigation on the part of the county attorney's office and Chi Omega and Sigma Nu national leaders have been on campus and additional actions are expected to be taken by them. As a result of concerns shared by faculty as to some of the content posted on it, USU has pulled the blog that allowed response to the University actions.

**University Closure.** The University will not be closing between the Christmas and New Year holidays. This practice has come under scrutiny for two reasons this year. First, it is not consistent

with Regents policy and there are concerns that during this time of severe financial crisis and budget cutting it would be inappropriate to signal that the University has this kind of budget flexibility. The Regents policy lists nine recognized holidays and provides presidents the opportunity to declare three additional holidays. USU observes those holidays on the day after Thanksgiving and December 24 and 26. In order to bring the institution practice in line with established policy, the University will remain open with a regular schedule on December 29, 30 and 31. Staff may use accrued vacation time on these days with approval from their supervisors. In light of the special economic circumstances we face, the Commissioner of Higher Education has granted permission to use Friday January 2, 2009 as a University holiday. A question was raised that the understanding was the closure of the University over this time period was a cost saving measure. President Albrecht clarified that it actually saves very little money. The practice was implemented initially in a time where there were no salary increases and it was a way of saying thanks to the University employees. The policy came under heavy criticism from other Universities around the state.

**Football Coach.** It is expected there will be an announcement on a new football coach in the next few days.

**Accreditation Process.** Northwest indicated several areas they asked the University to respond to, however there is nothing of great significance. There will be a campus visit in approximately six months.

**Rainy Day Fund.** It was mentioned in the October meeting that the State was not tapping into the rainy day fund to ease some of the budget issues. Brian McCuskey asked if there has been any discussion if it is raining yet. President Albrecht responded that two things will likely happen in January when the legislative session begins. First, public education has so far been held harmless and it is about 50% of the State budget and that will no longer be the case and second that the state will begin to use the rainy day fund.

### **Information Items**

1. **Code Review Committee.** John Kras reported on the Faculty Code Review Committee. John thanked the committee members Ed Reeves, Larry Smith, Michelle Baker, Robert Schmidt and Tom Peterson for their hard work on this issue. They have completed their review of the code and identified three levels of changes. Level One changes are basically grammar, punctuation, structure, etc. These changes will go to the Executive Committee this month and added to the consent agenda for the Faculty Senate. Scott Cannon requested that the Executive Committee remove 401.3.2 paragraph 3 and 405.11.4 paragraph one from the January consent agenda and brought before the Senate for discussion. Mike agreed to bring this to the attention of the Executive Committee.
2. **Medicare Advantage Plan.** BrandE Faupell was not present to introduce the Medicare Advantage Plan that was recently added as a benefit to USU retirees. More information is available from the Human Resource Office.

### **Consent Agenda Items**

John Kras moved to approve the Consent Agenda, second by Rhonda Callister. No discussion on the items. Motion carried.

### **Key Issues and Action Items**

#### **PRPC Items.**

- a) **Section 403 Standards of Conduct.** Scott Cannon presented a second reading of the proposed change to section 403.3.3. The first reading was in October and approved unanimously. The proposed change was to the sentence reading, "Faculty members do

not harass or discriminate against anyone on the basis of race, color, religion, sex, sexual orientation, gender identity, gender expression, national origin, age, veteran status, or marital or parental status, the presence of any sensory, physical, or mental disability or handicap, or for any other reason impermissible under applicable constitutional statutory provisions.” The additions were the words “sexual orientation, gender identity, and gender expression”. A motion was received to approve the changes, second by Pat Lambert. Motion carried.

- b) **Section 405.7 Potential Reviewers.** A requested change by the Senate to add a phrase “although the list is not binding on the department head or supervisor.” The change was made to 405.7.2 paragraph 1 and 405.8.3 paragraph 1. Rhonda Callister moved that the phrase “for consideration by the department head or supervisor” be added also. The phrase would then read “The candidate may also submit names of potential reviewers that they do not want contacted for consideration by the department head or supervisor although this list is not binding on the department head or supervisor. Byron Burnham seconded. Further discussion was held on what not binding really means. Pat Lambert explained that candidates do not decide who reviews them. This provides an opportunity to turn in a list of names if you have concerns but the candidate cannot mandate people may not be contacted. Motion carried.
- c) **Section 407 Definition of Days.** PRPC was asked by the Faculty Senate to simplify the language within the code to simply state that a day is defined as a calendar day Sunday thru Saturday unless expressly stated as a working day excluding holidays. This was a first reading of this change. John Kras moved to approve the change and a second was received. PRPC asked Scott Canon to read the following memo to the Faculty Senate:

To: Faculty Senate  
From: PRPC  
RE: Proposed code changes to 407.1.2 to move all Academic Due Process procedures to a 12-month calendar.

PRPC has returned wording to the Faculty Senate to change 407.1.2 as requested by the senate. In an advisory role to the Senate, we would now like to point out how these requested changes may result in a significant disadvantage to faculty members on 9 month contracts who wish to file a grievance.

Using the proposed 12-month calendar for grievance procedures, such a faculty member filing a grievance with AFT in the spring could effectively be denied code-granted rights of confronting and examining witnesses, presenting evidence, and presenting testimony if hearings are held during non-academic summer days.

PRPC wishes also to provide institutional memory and point out that the current code language of 407.1.2 was put in place specifically to address this issue. We also wish to point out that 407.1.2 already allows grievances to proceed through the summer where both parties mutually agree.

James Sanders commented that this issue was brought before the BFW Committee last year and their recommendation was to not make these changes. Their concern was with tenure cases especially being conducted over the summer months when faculty may not be on contract or others who may be away with research responsibilities etc. Diane Calloway-Graham spoke to the issue of tenure grievances and asserted that it is very much a disadvantage to not have it proceed through the summer. Other issues she mentioned are that it is uncomfortable for people denied tenure to come back the following year, and it is a hindrance to budgets. Scott Cannon pointed out that the current code already allows the grievance process to continue through the summer if both parties agree. Byron Burnham commented that sanctions and grievances are on the same nine month contract and in some cases this creates problems for departments as they are not able to advertise a position and the additional workload falls on other faculty members. Scott Cannon agreed and reminded the Senate that the original

proposal from PRPC in October was based on the BFW recommendation that implemented a 12 month calendar for everything except grievances and left grievances on the 9 month academic calendar. That proposal was rejected by the Senate at that time. Diane Calloway Graham questioned how it becomes a disadvantage for tenure cases. Scott Cannon explained that if a faculty member has a grievance in the spring and registers that grievance but has to leave during the summer because he is not on contract, the grievance process could go forward without the faculty member being present which denies the faculty member the opportunity to present witnesses to hear testimony and to be part of the process. Byron Burnham raised the point that there are several time periods specified by certain actions in the code, for instance the grievant has so many days to file a grievance and the department head has so many days to respond, there are so many days allotted to appoint a committee etc. Several attempts to amend the motion were made and Scott Cannon suggested that more work needed to be in drafting the language of the motion and suggested it be sent back to PRPC with the suggestions offered as a starting point. Diane Calloway-Graham will send the suggestions to the Academic Freedom and Tenure Committee for other suggestions and then forward it on to PRPC. Mike Parent explained that if the motion passes at this point it would come back to the Senate for a second reading. If the motion was defeated then it would go back to PRPC with the previous discussion as input on the redrafting. Rudy Tarpley suggested the motion be tabled and brought back as a first reading at the next meeting. Robert Schmidt so moved and seconded by Rhonda Callister. Motion to table carried.

### **Adjournment**

John Kras moved to adjourn and Ronda Callister seconded. Meeting adjourned at 4:15 p.m.