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Faculty Senate Executive Committee
15 March 2004
3:00 - 4:30 p.m.
Champ Hall Conference Room

AGENDA PACKET

3:00 Call to Order

[Approval of minutes of 23 February 2004](#)

Announcements

The next FSEC lunch with Pres. Hall will be this Friday, Mar. 26th, 2004

3:05 Information and Consent Agenda Items

[EPC Business](#)
[Honorary Degrees and Awards Screening Committee](#)
[PRPC](#)

Joyce Kinkad
Tyler Bowles
Jeff Johnson

3:30 Key Issues & Action Items

Academic Freedom and the Student Bill of Rights
Domestic Partner Benefits
[Faculty/Course Evaluations on the Web](#)

Stephanie Kukic
Pat Lambert
Craig Simper

4:00 University Business

Administration

4:30 Adjournment

Faculty Senate Executive Committee Meeting Minutes for February 23rd, 2004

Attendance:

Senators:	Kevin Kesler (0930)	Tom Kent (1189)	Marv Halling (3179)
	Kevin Doyle (4025)	Ed Heath (3306)	Carol Kochan (2676)
	Dean Miner (801-370-8469)	Dale Blahna (2544)	Bruce Miller (2232)
	Vance Grange (2702)	Chris Coray (2861)	Janis Boettinger (4026)
Presenters:	Joyce Kinkad (1706)	Stephen Bialkowski (1907)	Jodi Bailey (1086)
	Sydney Peterson (1170)	Terry Hodges (1812)	Lance Seefeldt (3964)
Administration:	Kermit Hall (1157)	Stan Albrecht (1167)	

Call to Order

Kevin Kelser called the meeting to order at 3:00 pm.

Minutes:

Carol Kochan moved to accept the minutes of January 26th. The motion, seconded by Bruce Miller, was passed.

Announcements:

The next FSEC Lunch with President Hall will be held on Wednesday, February 25th, at noon in Champ Hall.

Committee Reports:

Internal Audits Department

Jodi Bailey, the Director of Internal Audits presented the responsibilities and purposes of internal audits. Her presentation was entitled "Controls are Everybody's Business". The request is for faculty to watch for risks within your own operation, and look for inefficient processes. Any findings can be send to the Internal Audits department for further handling. Dale Blahna moved to place this report on the agenda as an Information Item. The motion, seconded by Ed Heath, passed.

EPC Business

Joyce Kinkead listed the latest items that have passed the EPC, which included 6 discontinuations of inactive programs. Sydney Peterson also included the proposed name change of the Biotechnology Center to the Center for Integrated BioSystems. Carol Kochan moved to place EPC Business on the Consent Agenda. The motion, seconded by Chris Coray, passed.

Budget and Faculty Welfare Committee

Stephen Bialkowski presented the annual report of the Budget and Faculty Welfare Committee. The main goal of the committee was to determine its purpose and responsibilities. The determined responsibilities included: participate in budget preparation process, periodically report to faculty senate the budgetary and benefit issues, review the financial and budgetary implication of proposals for changes, and report to the senate the fiscal and budgetary trends which may effect academic programs at the University.

The concern is that the current status of BFW is that they are not fulfilling these responsibilities, and changes need to be made that would include the BFW committee in the budget and benefit decision making processes of the University. He then detailed further items in the report, including the higher benefits premiums verses decreased benefits, and that the money from this is being put in a reserve account for possible future need. President Hall explained the reasons for the reserve. He also suggested that several points in the report didn't quite reflect what is actually happening, and further defined the issues. Discussion continued and it was determined that it would be best to delay discussion until more information could be obtained. Chris Coray moved to table the report. Carol Kochan seconded, and the report was tabled.

Academic Freedom and Tenure Committee

Lance Seefeldt presented the annual report of the Academic Freedom and Tenure Committee. He explained the function of the committee, which include hearing grievances from faculty against the University, and also sanctions brought by the University against faculty. Carol Kochan moved to place the report as a Consent Agenda Item. The motion, seconded by Dale Blahna, was passed.

Calendar Committee

Sydney Peterson handed out the different calendar schedules that the committee are currently looking at for the 2004-2005 school year. She proposed taking these suggested calendars to the Faculty Senate for input and discussion. Bruce Miller made the motion to place the calendar on the agenda as an Action Item. The motion, seconded by Chris Coray, passed.

Health Care Administrative Costs

Terry Hodges presented the latest on Health Care Administrative Costs. Blue Cross/Blue Shield has proposed to raise the administrative costs from \$5.28 per member per month to \$12.71 per member per month, which is a 134% increase. Their rationale is that small groups has been subsidizing big groups like USU. Terry will be meeting with Blue Cross/Blue Shield to discuss options and negotiate lower costs. The option is open for USU to bid on other insurance companies if negotiations fail. The question came up whether the USU health plan could be self administered, and discussion concluded that it is possible, but we do not have the network of providers and negotiated prices that Blue Cross/Blue Shield has, which would mean higher costs.

Key Issues and Action Items:

Committee on Dual Career Issues

Kevin Kesler explained a the need for faculty senate representation on the Committee on Dual Career Issues. It was suggested that the issue be brought before Faculty Senate for volunteers.

University Business:

President Kermit Hall and Provost Stan Albrecht were both in attendance to present the University Business. They updated the progress of discussions in the Legislative sessions related to the USU budget. Among the issues currently in discussion are F & A reimbursement, Tier II tuition, unfunded students, Fuel and Power, funding the Climate Center, and pay raise for faculty and

staff, and the university holding stock in startup companies. These issues should be resolved soon as the legislative session draws to a close.

Administration met with USU students in an open discussion meeting regarding Tier II tuition. They are proposing a 6% tuition increase for new students and a 4% increase for continuing students. The revenues will be allocated as follows: \$1 Million for the Library, \$2 Million for various student initiatives, \$600,000 for Fuel and Power and/or merit and equity increases. The students asked that no money go towards benefits for faculty and staff. USU needs to finance ongoing deficits. President Hall received the report from the tuition task force, and that he would be meeting with them to discuss recommendations further. He informed the Executive Committee that several Utah State University students traveled down to the Legislative sessions to voice their opinion regarding the issues of the University.

New Business

Students at the Legislature

Chris Coray suggested that the students who went to the legislature on behalf of the University should be recognized and thanked. He moved to recognize these students in the next Faculty Senate meeting. The motion, seconded by Janis Boettinger, passed.

Adjourn:

Kevin Kesler called for adjournment. The meeting adjourned at 4:51 pm.

Introduction: Educational Policies Committee Report for Faculty Senate 3/15/2004

Joyce Kinkead-Chair, Stanley Allen-Agriculture, Duke DiStefano-ASUSU Pres., Todd Crowl-Natural Resources, Karla Petty,-ASUSU Acad VP, Richard Cutler-Science, Jan Roush-HASS, Stephanie Kukic-GSS, Scott Hunsaker-Education, David Olsen-Business, David Luthy-DEED chair, Weldon Sleight-Extension, Cheryl Walters-Library, Jeffrey Walters- ASC Chair, Paul Wheeler-Engineering

Meeting Dates:

September 8, 2003, October 2, 2003, November 6, 2003, December 4, 2003, January 8, 2004, February 5, 2004, March 4, 2003, April 1, 2004.

Curriculum Subcommittee

In February meetings, the Curriculum Subcommittee approved the following program changes:

- [Request to remove the Theriogeneology Specialization from the PhD program in Bioveterinary Science in the Department of Animal, Dairy and Veterinary Sciences.](#)
- [Request to remove the Food Toxicology Specialization in the MS and PhD degrees in Nutrition and Food Sciences in the Department of Nutrition and Food Sciences.](#)
- [Request to remove the Air Pollution Specialization in the MS and PhD degrees in Biometeorology in the Department of Plants, Soils, and Biometeorology](#)
- [Request to remove the Atmospheric Radiation Specialization in the MS and PhD degrees in Biometeorology in the Department of Plants, Soils, and Biometeorology](#)
- [Request approval to offer a Doctor of Philosophy degree in Geology in the College of Science](#)

Recommendations

EPC recommends approval of above changes by Faculty Senate.

MEMORANDUM

To: Faculty Senate Executive Committee
From: Honorary Degrees Committee
Date: March 4, 2004
Re: 2004 Honorary Degree Recipients

Utah State University Honorary Degree Recipients, 2004

Ruth Novak (nominated by the College of Science)

Ruth graduated from USU's College of Science with degrees in Mathematics in 1958 and 1960. Immediately upon earning her Master's degree, Ruth went to work with Hercules Aerospace Corp. in Magna, Utah. In a distinguished career spanning 30 years, Ruth retired from Hercules in 1992, having served as the Vice President and General Manager of the Magna Operation and as Vice President of Navy projects.

Her career was nothing short of remarkable. She entered the aerospace profession shortly after the launch of Sputnik and witnessed the escalation of the cold war and the arms race. She also played an integral role in disarmament, having served in supervisory capacities for the implementation of the Intermediate Range Nuclear Forces (INF) treaty and the Strategic Arms Reduction Treaty (START) at Hercules. Ruth's scientific and engineering accomplishments are equally noteworthy. Ruth's reputation for scientific precision, skilled management, and fiscal responsibility were well known throughout the industry in the creation of Naval Fleet Ballistic Missile programs such as the Trident I, Trident II, Poseidon, and Polaris Missile Systems.

Ruth's scientific contributions extended beyond her professional career. She served as a founding member of the Utah Math/Science Network, a group of professional women committed to encouraging young women to explore careers related to math and science. She also served on numerous state boards under two governors and as a member of the Utah State University National Advisory Board Round Table. Today, Ruth serves on two very significant boards within the aerospace industry: as a trustee with the Aerospace Corp and as a director at the Charles Stark Draper Laboratories in Cambridge, Mass.

Ruth's professional and personal achievements have been honored with an Alumna Citation Award from USU in 1984, the Utah Business Magazine Corporation Business Women of the Year in 1988, and with the Governor's Medal for Science and Technology in 1991.

Merlin Olsen (nominated by the College of Business)

Merlin Olsen is one of the College of Business' most prominent graduates. Mr. Olsen graduated from USU with a bachelor's degree in Finance in 1962 and a master's degree in Economics in 1971. It would be hard to imagine that any of our alumni are better known than Merlin Olsen. In his first profession as a football player, it should be noted that he was the first round draft pick (third overall) for the Los

Angeles Rams in 1962, named Rookie of the Year for 1962, and a member of the Ram's "Fearsome Foursome." For 14 consecutive years, he was voted into the Pro Bowl, a record which still stands and was only recently tied in 2002. Further, Mr. Olsen played 168 consecutive games, was Player of the Year in 1974 and was elected to the Pro Football Hall of Fame in his first year of eligibility. His professional ability and performance is legendary as documented by his selection on the NFL's 75th anniversary All-Star Team.

Merlin Olsen was a professional football player long before players of his caliber made millions of dollars. Mr. Olsen had job offers from both IBM and Xerox upon graduation from USU but decided to sign with the LA Rams instead. During his football playing days, he worked for corporations year round, starting with Allied Chemical. Later on, he worked for Leggit and Meyers as a motivational consultant and later for Pacific Outdoor Advertising.

Merlin Olsen can be described as an avid entrepreneur and put his business degree to good use. In the mid 1960s, he started a travel agency with Roman Gabriel. He also owned a Volkswagen dealership and a Porsche Audi agency. Upon retiring from football, he went to work for NBC as the network's top NFL analyst, covering five Super Bowls. He also became an actor, first playing the role of Jonathan Garvey on "Little House on the Prairie," as well as appearing in six films. Mr. Olsen continues to be widely sought after for endorsements. Careful to choose only those areas with high credibility, he has been the spokesman for Rocky Mountain Chevy Dealers and Pioneer Hi-Bred International (a DuPont Subsidiary and the largest seed company in the U.S.). He continues to be the spokesperson for FTD Floral and recently signed with the National Association for the Self-Employed.

If his success in his profession and business is not enough, Merlin Olsen has been a tireless philanthropist. He has used his celebrity on behalf of several organizations, including his alma mater, Utah State University. He and his wife Susan served for fifteen years on the board of the MS Society of Southern Californiation. His current favorite fundraising project is the Children's Miracle Network where he has helped raise over \$1 billion.

Booth Wallentine (nominated by the College of Agriculture)

Info provided in letter by the college: Booth Wallentine's career has been one of continual promotion of agriculture and the land-grant mission of Utah State University. Since 1973, Wallentine's name has been synonymous with everything agricultural in Utah. As executive vice president and chief administrative officer of the Utah Farm Bureau, Booth has been at the epicenter of Utah's agricultural organization, legislation, and policy making for over 30 years. And as one of Utah agriculture's chief defenders and spokesmen, he has carried the battle for the rights of farms and ranchers, and the preservation of a way of life for the state's rural people to the U.S. Congress, the State Legislature, and in many city and county governments.

Mr. Wallentine graduated from Utah State University in 1960 with a degree in agricultural economics, and then served from 1960 to 1963 in the U.S. Army, attaining the rank of Captain. Inspired by his mother, who had served for many years as a member of the American Farm Bureau Women's Committee, Booth went to work for the Utah Farm Bureau in 1963, serving briefly as a field services representative and assistant information director, before joining the Iowa Farm Bureau. For the next ten years, Wallentine handled consumer information affairs for IFB, while also producing agriculturally-oriented radio programs for state and national networks and writing a syndicated ag-related column for 130 newspapers. The Freedoms Foundation recognized him for his writing and broadcasting excellence.

In January 1973, he returned to Utah as the chief administrator and secretary-treasurer for the state's largest general farm and ranch organization, the Utah Farm Bureau Federation and its affiliated companies. In the 31 years since, Wallentine has spearheaded the state and national policy development and implementation efforts that have led Farm Bureau to its place as the premier action organization for

Utah farmers and ranchers and has been a powerful proponent for agribusiness in this state. He has served on the boards of the Utah Business and Education Partnership, the Utah Highway Users Conference, Desert Farms and Ranches, the BYU Skaggs Research Ranch, the Southern Utah University Agricultural Program Review Team, and the Utah Advisory Council on Vocational Education. He served as the president, chair, or vice chair of the Mormon Pioneer Historic Trail Commission and Foundation, the Utah Council on Economic Education, the USDA Risk Management Education Project, the Salt Lake Area Chamber of Commerce, the Utah Public Lands Multiple Use Coalition, the Sesquicentennial Coordinating Council, and the Utah Agribusiness Development Task Force. He has also been appointed by several Utah governors to serve as the chair of the State Agribusiness Council and as a member of five separate task forces on water, land use planning, taxation, export of Utah products, transportation and energy. He also served for eight years as a member, then chairman, of the Utah State University Board of Trustees where he tirelessly worked to protect and sustain USU's land-grant teaching, research and cooperative extension mission.

Booth has also testified regularly in Congress on issues affecting farmers and ranchers, both locally and nationally. He has fought for funding for important ag programs, disaster relief, needed research dollars for the Utah Ag Experiment Station, and on behalf of efforts to protect agriculture from needless overregulation. Among the awards he has received are the Distinguished Service Award from the Salt Lake Area Chamber of Commerce, the U.S. Interior Department Environmental Stewardship Award, the U.S. Department of Agriculture Conservation Award, the U.S. Environmental Protection Agency Leadership Citation, the Utah FFA Farm Leader of the Year, the Utah Vocational Education Association's Vocational Education Leader of the Year, and the Utah Cattlemen Association's Friend of Cattlemen Award. He is also a recipient of the Utah State University Distinguished Service Award, and was the first inductee into the Utah Land-Grant Hall of Fame.

Commencement Speaker/Honorary Degree 2004

Jane Clayson Johnson is one of America's most versatile and accomplished young broadcasters. In the last decade, she has risen to national prominence as co-host of a network morning news program and has covered high-profile national and international stories for both CBS News and ABC News.

Jane's outstanding work as a CBS News Correspondent included exclusive prime time TV magazine specials on Elizabeth Smart and Jessica Lynch for 48 Hours. She has reported for several CBS News broadcasts, including the investigative "Eye on America" segments for the CBS Evening News with Dan Rather. Clayson occasionally anchored for the CBS Evening News and was a regular contributor to 48 Hours.

Jane began her career at CBS News as co-anchor of The Early Show and anchored coverage of major news events, including the events of September 11th and its aftermath, the New Hampshire political primary in 2000; the Republican National Convention; President Bush's Inauguration; the first anniversary of the Columbine tragedy and live coverage of the ushering in the new millennium from Sydney, Australia.

Jane has interviewed many prominent newsmakers, including President George W. Bush and First Lady Laura Bush, Vice President Dick Cheney, former Vice President Al Gore, Secretary of State Colin Powell, former Secretary of State Madeleine Albright and President Vicente Fox of Mexico.

Jane is equally comfortable covering the lighter side of American life, and has interviewed stars from Hollywood and Broadway, the Country Music Awards and the Kennedy Center Honors.

Prior to joining CBS News as co-host of The Early Show, Clayson was a correspondent for ABC News where she reported for World News Tonight with Peter Jennings and Good Morning America (1996-

99). Although she was based in Los Angeles, ABC News sent Clayson around the world, where she covered the crisis in Kosovo and the refugee camps in Macedonia and the Indonesian riots and subsequent fall of the Suharto government.

Jane's high profile domestic assignments with ABC News included Senator Robert Dole's 1996 presidential campaign and O.J. Simpson's civil trial.

Jane began her broadcast news career as an anchor and reporter with KSL-TV in Salt Lake City, one of the most respected local TV news stations in America. Her news series and documentary on American doctors working on behalf of children in China earned the coveted Edward R. Murrow award for the station.

She has been honored with many more journalism awards, including an Emmy.

Clayson grew up in several cities across America, ultimately settling with her family in Sacramento, California. She was graduated from Brigham Young University in 1990 with a degree in journalism.

She and her husband, Mark Johnson, live in Boston, Massachusetts.

Professional Responsibilities and Procedures Committee (PRPC)
Report to Faculty Senate Executive Committee
March 15, 2004

2003-2004 Business

1. Jeffrey Johnson was elected chair of the committee in April 2003. Janis Boettinger continues as vice-chair.
2. At the request of a faculty member, the committee reviewed sections 377 and 327 regarding Assignment conflicts/Competition with the University and Intellectual Property rights. The committee chose not to forward a recommendation.

Issues/Proposals Under Consideration

1. Ombudsperson: A proposal was submitted to the Faculty Senate in December 2000. It was referred back to the PRPC. Now the issue is being raised again. The committee has been unable to find out why the proposal was sent back to the PRPC. Therefore, we will probably re-send the original proposal to the Faculty Senate. If the problems raised in 2000 are real problems they'll come up again.
2. Implementation of PRPC recommendations: Apparently, many recommendations forwarded by the PRPC and approved by the faculty senate over the last three or four years were never implemented. The PRPC has worked with Chris Fawson in the Provost's office to 1) make sure the approved measures get implemented and 2) repair the implementation process. The implementation process for the previous measures has been initiated anew, and a recommendation for a more accurate description of the process (section 200) is being prepared.
3. Lecturer Sabbaticals: At the request of a faculty member, the committee is investigating whether lecturers are excluded from paid developmental leave in the faculty code.

4. Extra Service Compensation: A proposal clarifying and defining policy regarding compensation for extra-contractual services has been approved by the committee.

New Topics

1. Recognition of creative works for promotion and tenure: The Office of Technology Management proposes that patent applications, invention disclosures and approved patents be included in consideration for promotion and tenure decisions.

MEMORANDUM

TO: Kevin Kesler
President, Faculty Senate

FROM: Craig J. Simper
University Counsel

DATE: March 22, 2004

SUBJECT: Student Evaluations of Courses and Faculty

Kevin, the President in early December 2003, asked that I look into the question of posting student evaluations of courses and faculty on the University website. The following is the substance of that opinion:

It has been proposed to the Faculty Senate and the Faculty Senate Executive Committee that the University's current practice of posting student evaluations of courses and professors on a website may be in violation of University policy 319.1, Employee Privacy and Confidentiality. This is an interesting and unique interpretation of this policy which needs to be compared to state law (Government Records Access and Management Act) for viability. I would note, however, on its face this interpretation would conflict with state law where the policy proposes to "ensure the confidentiality of any information obtained about employees and/or students."

Policy 319.1, to my knowledge, has never been used to hold otherwise public documents confidential, but serves primarily as a reminder that certain limited information defined by law is private or confidential. It is then incumbent to look at what is legally defined as confidential information, and also, as stated in the policy, who has a "legitimate need to know" about certain information in the University's possession. Under the policy, the ultimate question is whether or not existing or potential students have a legitimate need to know how other students have evaluated the professors and classes being offered at this institution

This is also the ultimate question to be answered under the Government Record Access and Management Act, which controls this question. First, a little background concerning the GRAMA. It is a law that is heavily bent towards disclosure, and not maintaining confidentiality. Unless there is a very specifically defined exclusion, there is no protection for any particular record or document. Even if specifically protected, the GRAMA provides for a process to determine if "the public interest favoring

access outweighs the interest favoring restriction of access" Utah Code 62-2-403(11)(b). More often than not the State Records Committee determines that public interest outweighs any personal interest in privacy regarding a public record.

Looking toward the provisions of the GRAMA to determine what state law has strictly defined as confidential information regarding employees, I find only home address, phone numbers, social security numbers, insurance coverage, marital status, financial information (Utah Code 63-2-302(1)(a)) and disciplinary matters not yet completed (Utah Code 63-2-301(2)(o)). Performance evaluations may be private if properly classified by a government entity. The question is whether these student evaluations are "performance evaluations" as contemplated by Utah Code 63-2-302(2)(a)).

Although all performance evaluations conducted within the University by supervisory authorities are classified as private, it is not clear that student evaluations would or should receive the same protection. First of all, there is not a supervisor/employee relationship between students and faculty. Second, there is no private interaction between the students and faculty members in accomplishing the evaluation. My sense is it is doubtful that student evaluations would qualify as performance evaluations. Rather, these are surveys or polls of customer satisfaction with an academic product - an opinion more than a comprehensive evaluation. What the students provide would likely be classified as empirical data (data derived from experience and knowledge) on faculty members and courses that students have had contact with. The list provided in GRAMA defining what must be disclosed is not exhaustive, but prominently mentions "empirical data" under 63-2-302(i).

The only other protective section under the GRAMA is Utah Code 63-2-304(28) - "Records of Public Institutions of Higher Education Regarding Tenure Evaluations, Appointments, Applications for Admissions, Retention Decisions, and Promotions". This section has little applicability to the question here, but is useful in describing the challenge of keeping certain personal "evaluations" of faculty members private. Public institutions across the country have fought for similar protections under their public records law to prevent the release of outside peer reviews of tenure-eligible faculty members in order to ensure a candid opinion of the faculty member's abilities. Although this provision still sits as a protection under state law, it has effectively been overridden by the Supreme Court in University of Pennsylvania vs. The Equal Employment Opportunity Commission, 493 U.S. 182(1990). There the court struck down privacy or public record laws which sought to protect tenure review files from disclosure.

OPINION

It is my opinion, based on long experience with the Government Records Access and Management Act, that student evaluations of courses and professors would find no privacy protection under existing policy and state or federal law. With a high level of certainty, I can say that under Utah law should any student or potential student request course evaluations, that disclosure would be necessary on the basis that student evaluations are not protected records or that a student's interest in knowing what other students thought about a course or a faculty member outweighs a faculty member's privacy interest. Publication on a website is a convenient way to accomplish this obligation to disclose. The only way to avoid a disclosure of this particular information would be to not create the record in the first place.

CJS/cjc

c: President Hall
Provost Albrecht