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## Faculty Senate Meeting Agenda, April 5, 2004

Utah State University

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Faculty Senate Meeting  
5 April 2004  
3:00 - 4:30 p.m.  
Cazier Science Technology Building Room 120

AGENDA

- |      |   |   |
|------|---|---|
| 3:00 | Call to order<br><a href="#">Approval of Minutes - 1 March, 2004</a>  | Kevin Kesler  |
| 3:05 | Information Items<br><a href="#">Honorary Degrees and Awards</a><br>Domestic Partner Benefits<br><a href="#">Evaluations on the Internet</a><br>Committee on Committee's Business | Tyler Bowles<br>Pat Lambert<br>Craig Simper<br>Marv Halling |
|      | Consent Agenda<br><a href="#">EPC Business</a><br><a href="#">PRPC Annual Report</a>  |   |
| 3:20 | Key Issues and Action Items<br><a href="#">Academic Freedom and the Student Bill of Rights</a>  | Karla Petty<br>Stephanie Kukic                              |
| 3:50 | University Business   | Administration  |
| 4:15 | New Business  |   |
|      | Adjourn   |   |

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Faculty Senate Meeting Minutes for March 1<sup>st</sup>, 2004

Call to Order

Kevin Kesler called the meeting to order at 3:02 pm.

Minutes

Janice Hall made a motion to accept the minutes of the February 2nd meeting. The motion, seconded by Jeff Banks was passed.

Information Items

[Internal Audits](#)

Jodi Bailey presented the roll and responsibility of the Internal Audits Department. An online

training program is being made available. Included in the training is the reporting process, what to report, and what not to report. President Hall wants all faculty and staff to complete this training program.

#### Health Care Administrative Costs

Kevin Kesler made it known of the latest raise of Health Care Costs equivalent to 123% increase in Administrative charges. The options are to negotiate a lower cost, seek another bid for health care coverage, or pay the requested increase.

#### Faculty Senate Elections

Marv Halling announced the upcoming Faculty Senate Elections. Letters will be sent to the Deans of each college this week encouraging them to start the process of Faculty Senate Elections. The elections results are due on March 19th.

#### New Website

Kevin Kesler introduced the newly renovated Faculty Senate website, created by Faculty Senate Staff Assistant Ryan Passey.

#### Proposed New Business

Kevin Kesler proposed making New Business, to be discussed at the end of the agenda, the issue of moving the last Faculty Senate meeting from May 3rd, when many faculty will have left for the summer, to one week prior, being April 26th.

#### Consent Agenda

Carol Kochan moved to accept the Consent Agenda. The motion, seconded by Jan Roush, passed.

#### Key Issues and Action Items

##### Calendar Committee

Sydney Peterson presented the choices of calendars for the Spring Semester of 2005 that the Calendar Committee are currently working on. She defined the differences between the three calendars and their respective pros and cons. Discussion continued regarding the proposed alternate calendars. She then asked for a poll vote from the Faculty Senate on their preference. The results favored the calendar with less instruction days, one interim day, and less time for finals and closeout by approximately 3/5 of the vote.

##### Student Recognition

Janis Boettinger presented a resolution which officially thanks the students who traveled to participate in the legislative sessions currently underway. They lobbied in support of increased funding for the university including salary increases for faculty. Janis moved that this resolution be accepted by the Faculty Senate and sent to ASUSU. The motion, seconded by Stephen Bialkowski, passed.

##### Committee on Dual Career Issues

Kevin Kesler explained that there needs to be a Faculty Senate representative on the newly formed Committee on Dual Career Issues. He briefly presented the roll of the committee and asked for a volunteer from the senate to be on the committee. Gilberto Urroz volunteered to be on the committee.

#### New Business

##### Meeting Rescheduling

Kevin Kesler asked for a motion to move the last Faculty Senate meeting from May 3rd to one week prior, which is April 26th. Stephen Bialkowski made the motion, and Vance Grange seconded. The motion passed.

Adjourn

Kevin Kesler called for adjournment. The meeting adjourned at 3:36 pm.

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## MEMORANDUM

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

**Note: This information is confidential and is not to be released to the public.**

### 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 Californation. 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 as 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.

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## 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

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

Joyce Kinkead-Chair, Stanley Allen-Agriculture, Duke DiStefano-ASUSU Pres., Todd Crawl-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.

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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.

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TO: The USU Faculty Senate

FROM: Karla Petty, Academic VP for ASUSU  
Stephanie Kukic, Graduate Studies VP for ASUSU

SUBJECT: Request for Syllabus Addition

DATE: 5 April, 2004

The ASUSU Academic Freedom Ad-hoc Committee has met over the past semester to review the Academic Bill of Rights, the faculty and student codes, the grievance process, and any other issues concerning academic freedom at the university.

During these deliberations, the committee resolved that educating students about the grievance process would solve many problems regarding academic freedom. The committee recommends all faculty place a link and/or reference to the grievance process of the student code on every course syllabus. This would not only educate students of their rights, but also to further promote the ideals of academic freedom at Utah State University.

Thank you for your consideration.