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## Faculty Senate Executive Committee Agenda, February 17, 2015

Utah State University

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## **FACULTY SENATE EXECUTIVE COMMITTEE**

February 17, 2015 (Tuesday)

3:00 – 4:30 p.m.

Champ Hall Conference Room

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### **Agenda**

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- 3:00 Call to Order**.....Doug Jackson-Smith  
Approval of Minutes January 20, 2015
- 3:05 Announcements**.....Doug Jackson-Smith  
1. Spring senate election planning
- 3:10 University Business**.....Stan Albrecht, President  
Noelle Cockett, Provost
- 3:20 Information Items**  
1. 405.2.2 (etc.) Code Change: Teaching Role Description for P&T  
(First Reading).....Stephen Bialkowski  
2. Update on PTR code change drafting process .....Doug Jackson-Smith  
3. Request Senate to ask PRPC to move faculty forum dates .....Doug Jackson-Smith  
4. Request Senate to ask PRPC to use 'in consultation with' throughout  
code.....Ronda Callister
- 3:40 Reports**  
1. EPC Items for February.....Larry Smith  
2. AFT Annual Report.....John Stevens  
3. BFW Annual Report.....Alan Stephens
- 4:15 Unfinished Business**  
1. AFT code change proposals from PRPC (Second Reading).....Stephen Bialkowski  
2. Other 405 section code change proposals from PRPC (Second reading).....Stephen Bialkowski
- 4:25 New Business**
- 4:30 Adjournment**



## **FACULTY SENATE EXECUTIVE COMMITTEE MINUTES**

**January 20, 2015**

**Champ Hall Conference Room**

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**Present:** Doug Jackson-Smith (Chair), Dan Davis, Jake Gunther, Mark McLellan, Dan Murphy, Jeanette Norton, Jason Olsen, Michael Pace, Robert Schmidt, Charles Waugh, Vincent Wickwar, Ronda Callister (President Elect), Yanghee Kim (excused), (Past President) (excused), President Stan Albrecht (Ex-Officio) (excused), Provost Noelle Cockett (Ex-Officio), Joan Kleinke (Exec. Sec.), Marilyn Atkinson (Assistant) (excused) **Guests:** Larry Smith, Sydney Peterson.

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Doug Jackson-Smith called the meeting to order at 3:00 p.m.

### **Approval of Minutes**

There were no corrections to the minutes of December 8, 2014. The minutes were adopted.

### **Announcements**

**Update on Senate PTR Working Group Recommendations – Doug Jackson-Smith.** Doug included in the agenda packet the instruction document based on the last senate meeting that he sent to PRPC. PRPC has formed a sub-committee chaired by J.P. Spicer-Escalante to begin drafting code language.

Doug will be meeting with the Chief Academic Officers in the USHE system on the topic of guns on campus. Contact him for more information.

### **University Business - President Albrecht and Provost Cockett.**

President Albrecht was called to a meeting in Salt Lake and was not in attendance. Sydney Peterson asked if the Honorary Degree and Commencement Speaker Report to Faculty Senate could be presented in February rather than April so the announcement can be made publically.

A motion was made by Ronda and seconded by Vince to place this on the agenda for the February meeting as an information item. The motion passed unanimously.

The Provost said that USHE has asked for nominations for a new award called the "Allen E. Hall Innovation for Undergraduate Student Success Award". She will announce the two nominees for USU at the next Faculty Senate meeting. Each institution will be given at least one award.

Enrollment is very strong, with FTE's increasing about 5%, and the headcount remaining steady. The online enrollment for Logan campus is increasing. The summer schedule is now set and an aggressive marketing campaign is getting underway to boost the summer enrollment.

The Deans search for the library begins next week. Two candidates have been invited to campus; Catherine Cardwell Director of Libraries at Ohio Wesleyan University and Ann Moore, Dean of Library affairs at Southern Illinois University.

Four candidates have been selected for the Dean of Science position; Harlan Spence, Director, Institute for the Study of Earth Oceans and Space University of New Hampshire, Laura Hagen, Interim Director, National Center for Atmospheric Research, University of Colorado Boulder, Estella Atekwana, Department Head Boone Pickens School of Geology at Oklahoma State University, and USU's Richard Cutler, Department Head Mathematics and Statistics. These interviews will take place in February.

### **Information Items**

**Electronic P&T Binders Presentation to Senate – Larry Smith.** This item was added to the February agenda at the last meeting. This change should not affect P&T candidates portfolios, only the delivery of the documents to the committee. Departments are encouraged to continue whatever they are currently doing in regards to the external peer review due to the timing of the implementation.

### **Reports**

**January EPC Items - Larry Smith.** The Curriculum Sub-committee heard two R401 proposals, one from ASTE to restructure three specializations within one masters degrees and reorganizing them to form two masters' degrees. The other was from Engineering Education to discontinue their Pre-Engineering degree at the Regional Campuses. The Academic Standards Committee raised the bar for the number of credits that will be equivalent to the number of credits for our courses for students who test out of courses with the IBO system. The General Education Sub-Committee modified language on the process for evaluating Gen Ed Courses that are older than 15 years for new applicants to include the Provost's office in the decision. The Honors program proposed a Global Engagement Scholar for student transcripts if they meet the proposed criteria.

A motion to place the EPC monthly report on the reports agenda was made by Vince Wickwar and seconded by Ronda Callister. The motion passed unanimously.

#### **Unfinished Business**

**AFT Code Change Proposals from PRPC (First Reading) – Stephen Bialkowski.** Stephen was unable to attend the meeting so Doug presented in his behalf. This proposal encompasses three changes, but the biggest change is that the reasons for non-renewal are required to be stated in the letter to the faculty. The other changes are typographical corrections. Jeanette Norton moved to place this on the agenda for February's Senate meeting, and Jake Gunther seconded and the motion passed unanimously.

**Other 405 Section Code Change Proposals from PRPC (First Reading) – Stephen Bialkowski.** This proposal includes four changes brought forward by the Provost and have been reviewed by AFT and FSEC previously as well. Change number one clarifies that the newly drafted role statements should be approved by the provost, but the provost signature is not required on the role statement. A motion to place the first change on the February Senate agenda as a first reading was made by Robert Schmidt and seconded by Jeannette Norton. The motion passed unanimously.

Change number two allows for an annual work plan. This clarifies that extension, USUE and Regional campuses can participate in this. A motion to place the second change on the February Senate agenda as a first reading was made by Vince Wickwar and seconded by Mark McClellan. The motion passed unanimously.

Change three clarifies that the promotion and tenure letter may not be used as a substitute for the annual review letter. A motion to place the third change on the February Senate agenda as a first reading was made by Mark McClellan and seconded by Jeanette Norton. The motion passed unanimously.

Change number four allows academic deans and regional campus deans and/or chancellor to submit a joint letter during the evaluation and recommendation process. A reference in the proposal to USU/CEU needs to be updated to USU Eastern. Jeannette Norton moved to place the item on the February Senate agenda, Jake Gunther seconded and the motion passed unanimously.

#### **New Business**

**405.2.2 (etc.) Code Change: Teaching Role Description for P&T – Doug Jackson-Smith.** The examples mentioned in this section of code referring to teaching does not include outside of class teaching opportunities. Scott Bates and Chris Miller suggested some wording changes. AFT has that reviewed and approved it, and PRPC has drafted new language. The language includes evidence of mentoring inside and outside the classroom including work with graduate or undergraduate researchers, graduate instructors or undergraduate teaching fellows, applicants for major scholarships or grants, and Honors or other independent study work. It is the same phrase as other sections of the code and brings them in line with each other.

A motion to place this proposal on the February Senate agenda as a first reading was made by Robert Schmidt and seconded by Ronda Callister. The motion passed unanimously.

#### **Adjournment**

Doug Jackson-Smith asked for a motion to adjourn the meeting. The meeting adjourned at 3:37 p.m.

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Minutes Submitted by: Joan Kleinke, Faculty Senate Executive Secretary, 797-1776

## **405.2 TENURE AND PROMOTION: CRITERIA FOR CORE FACULTY RANKS**

### **2.2 Criteria for the Award of Tenure and for Promotion from Assistant to Associate Professor**

Tenure and promotion from assistant to associate professor are awarded on the basis by which a faculty member performs his or her responsibilities as defined by the role statement. Although tenured and tenure-eligible faculty members are expected to carry out the major university functions of teaching, research or creative endeavors, extension, and service, individual emphasis will vary within and among academic departments as described in each faculty member's role statement. Each candidate must present evidence of effectiveness in all of the professional domains in which he or she performs, and must present evidence of excellence in the major emphasis of his or her role statement. The criteria for the award of tenure and the criteria for the award of promotion from assistant to associate professor are the same. These criteria include, but are not limited to: an established reputation based upon a balance of teaching, research or creative endeavors, extension, and service; broad recognition of professional success in the field of appointment; evidence of effectiveness in all of the professional domains in which the faculty member performs; and evidence of excellence in the major emphasis of his or her role statement (policies 401.3.2(3) and 405.2.1). Excellence is measured by standards for associate professors within the national professional peer group.

The foregoing criteria are to be applied to the following areas:

#### **(1) Teaching.**

Teaching includes but is not limited to all forms of instructional activities: classroom performance, broadcast and online instruction, mentoring students inside and outside the classroom, student advising and supervision, thesis and dissertation direction, and curriculum development. Documentation supporting teaching performance must include student and peer evaluations, and may include, but is not restricted to: proficiency in curriculum development as demonstrated through imaginative or creative use of instructional materials such as syllabi, instructional manuals, edited readings, case studies, media packages and computer programs; authorship of textbooks; teaching and/or advising awards; authorship of refereed articles on teaching; success of students in post-graduate endeavors; evidence of mentoring inside and outside the classroom, including work with graduate or undergraduate researchers, graduate instructors or undergraduate teaching fellows, applicants for major scholarships or grants, and Honors or other independent study work; recognition by peers of substantive contributions on graduate committees; service on professional committees, panels, and task forces; and invited lectures or panel participation.

## **405.5 TENURE AND PROMOTION: CRITERIA FOR PROFESSIONAL CAREER AND TECHNICAL EDUCATION FACULTY RANKS**

### **5.2 Criteria for the Award of Tenure and for Promotion from Professional Career and Technical Education Assistant Professor to Professional Career and Technical Education Associate Professor**

Tenure and promotion from professional career and technical education assistant professor to professional career and technical education associate professor are awarded on the basis by which a faculty member performs his or her assignment. Although professional career and technical education faculty are expected to carry out the major university functions of teaching, research or creative endeavors, and service responsibilities assigned to them, individual emphasis will vary as described in the faculty member's role statement. Each candidate must present evidence of effectiveness in all of the professional domains in which he or she performs and must present evidence of excellence in the major emphasis of his or her role statement.

The criteria for the award of tenure and for promotion from professional career and technical education assistant professor to professional career and technical education associate professor are the same. These criteria include, but are not limited to: all of the qualifications prescribed for an professional career and technical education assistant professor; a bachelor's degree from an accredited university; a minimum of seven years of full-time teaching at an accredited college; an established reputation based upon a balance of teaching, research or creative endeavors, and service; broad recognition for professional success in the field of appointment; evidence of effectiveness in all of the professional domains in which the faculty member performs; and evidence of excellence in the major emphasis of his or her role statement. Excellence is measured by national standards within the professional peer group.

The foregoing criteria are to be applied to the following areas:

#### **(1) Teaching.**

Teaching includes, but is not limited to, all forms of career and technical education instructional activities: classroom performance, student advising and supervision, ~~oversight of independent learning~~ mentoring students inside and outside the classroom, and curriculum development. Documentation supporting teaching performance must include student and peer evaluations, and may include, but is not restricted to: proficiency in identifying the needs of the identified audience; curriculum development as demonstrated through imaginative or creative use of up-to-date instructional methods materials such as workshops, conferences, classes, lectures, newsletters, syllabi, instructional manuals, assigned readings, case studies, media presentations, packages and computer-assisted instruction, programs; authorship of extension bulletins, self-instruction textbooks or other instructional materials; program development teaching and/or advising awards; authorship of refereed articles on teaching; evidence of mentoring inside and outside the classroom, including work with graduate or undergraduate researchers, graduate instructors or undergraduate teaching fellows.

applicants for major scholarships or grants, and Honors or other independent study work; success of students in post-instructional licensing procedures or employment placements; service on professional committees; panels and task forces; and invited presentations or panel participation and professional lectures or consultations.

## **405.10 TERM APPOINTMENTS AND PROMOTION: CRITERIA**

### **10.1 Criteria for Promotion to the Penultimate Ranks:**

Clinical or Research Assistant Professor, Assistant Professor (Federal Cooperator), Assistant Professor (Federal Research), Lecturer, Professional Practice Instructor to Clinical or Research Associate Professor, Associate Professor (Federal Cooperator), Associate Professor (Federal Research), Senior Lecturer, and Professional Practice Associate Professor

Promotion to the penultimate ranks is awarded on the basis by which a faculty member performs his or her role statement. Each candidate must present evidence of effectiveness in all of the professional domains in which he or she performs and must present evidence of excellence in the major emphasis of his or her role statement.

For promotion to the penultimate ranks, faculty members must demonstrate their ability to fulfill the following criteria, appropriate to their appointment:

#### **(1) Teaching.**

Teaching includes all forms of instructional activities: classroom performance, mentoring students inside and outside the classroom, student advising, clinical supervision, thesis and dissertation direction, and curriculum development. Evidence supporting teaching performance must include student and peer evaluations where appropriate, and may include, but is not restricted to: proficiency in curriculum development as demonstrated through imaginative or creative use of up-to-date instructional materials such as syllabi, instructional manuals, edited readings, case studies, media packages, and computer programs; authorship of textbooks; teaching and/or advising awards; authorship of refereed articles on teaching; success of students in post-graduate endeavors; evidence of mentoring inside and outside the classroom, including work with graduate or undergraduate researchers, graduate instructors or undergraduate teaching fellows, applicants for major scholarships or grants, and Honors or other independent study work; recognition by peers of substantive contributions on graduate committees; service on professional committees, panels, and task forces; invited lectures or panel participation.

## **Report from the Educational Policies Committee**

### **February 9, 2015**

The Educational Policies Committee met on February 5, 2015. The agenda and minutes of the meeting are posted on the Educational Policies Committee web page and are available for review by the members of the Faculty Senate and other interested parties.

During the February meeting of the Educational Policies Committee, the following discussions were held and actions taken.

1. Approval of the report from the Curriculum Subcommittee meeting of February 5, 2015 which included the following notable actions:
  - The Curriculum Subcommittee approved 86 requests for course actions.
  - A request from the Department of Instructional Technology and Learning Sciences to rename the Master of Education to Master of Education in Educational Technology and Learning Sciences was approved.
  - A request from the Department of Instructional Technology and Learning Sciences to discontinue all specializations affiliated with the Education Specialist and the Master of Science degree programs was approved.
  - A request from the School of Teacher Education and Leadership for a specialization in Higher Education/Student Affairs within the existing Master of Education degree was approved.
  - A request from the School of Applied Sciences, Technology, and Education to offer a Bachelor of Science degree in Outdoor Product Design and Development was approved.
2. There was no report from the Academics Standards Subcommittee.
3. Approval of the report from the General Education Subcommittee meeting of January 20, 2015. Actions include:
  - The following General Education courses and syllabi were approved:
    - ART 1020 (BCA, Mark Koven)
    - HIST 4251 (DHA)
    - HIST 4815 (DHA)
    - NDFS 1010 (BPS)



#### 4. Other Business

Addendum to January 8, 2015 EPC Report: A motion to make the time for final submission of course grades by faculty, 5:00p Thursday of the week after final exams, was approved.

## **Academic Freedom and Tenure (AFT) Committee, Utah State University**

### **Annual Report to the Faculty Senate, prepared February 2015**

#### **AFT Committee Members** 2014-2015 (and year rotating off)

Agriculture / Applied Sciences	Grant Cardon (15)
Arts	Bruce Duerden (17)
Business	Richard Jenson (15)
Education & Human Services	Troy Beckert (17)
Engineering	Kurt Becker (15)
Humanities & Social Services	Cathy Bullock (16; vice chair)
Natural Resources	Peter Adler (16)
Science	Farrell Edwards (17)
Libraries	Becky Thoms (16)
Extension	Kathy Riggs (15)
Regional Campus & Distance Ed.	Susan Talley (17)
USU Eastern	Anthony Lott (17)
Senate	John Stevens (15; chair)
Senate	Foster Agblevor (16)
Senate	Michael Lyons (17)

#### **Summary of Committee Meetings**

The AFT Committee meets monthly during the academic year to discuss “matters related to academic freedom, tenure, promotion, dismissals, and other sanctions; and actions alleged not to be in accordance with the adopted standards, policies, and procedures of the University” [Policy 402.12.3(1)(a)].

#### **Consideration of Code Revisions**

AFT has responded to and initiated the following proposed code revisions:

- The Provost’s proposed changes to Policy 405, regarding signatures on the initial role statement, annual work plans, separating the department head’s “annual review” (role statement fulfillment) and “progress toward tenure” letters for tenure-eligible faculty, and joint letters from academic and regional campus deans in the promotion and tenure process. These proposed changes (with AFT amendments) appear in the Faculty Senate agenda for December 1, 2014.
- AFT’s proposed changes to Policy 407.6, regarding typographical errors and requiring a reason (but not elaboration) be included in notices of non-renewal for

tenure-eligible and term appointment faculty. These proposed changes appear in the Faculty Senate agenda for January 12, 2015.

- The Honors Program Director's proposed changes to Policy 405, regarding specific mention of student mentoring activities as criteria that may be considered in the evaluation of faculty members' teaching roles. These proposed changes (with AFT amendments) appear in the Faculty Senate agenda for February 2, 2015.

### **Disposition of Grievances**

Faculty members may file grievances (of "actions taken against them") through the AFT Committee, following procedures outlined in Policy 407.5, which clarifies that "Grievances are allegations of arbitrary or capricious conduct; violations of legal, constitutional, or statutory rights; or violations of this code or adopted policies and procedures." The following table summarizes the number of grievances reaching various stages over the past few years.

<u>Stage of Process</u>	Years:	2010-2012	2012-2014	2014-2015
	AFT Chair:	Richard Jenson	Bryce Fifield	John Stevens
Formally filed grievance statement		5	4	0
Grievance panel hearing		3	1	n/a
Panel finding of valid grievance		1	0	n/a

In these formally filed grievances, the alleged grievable issues primarily involve procedures preceding non-renewal. Grievances not advancing from one stage to the subsequent stage in the table above have either been mutually resolved (sometimes using mediation) or withdrawn (by the faculty member, often by their obtaining new employment).

In addition to formally filed grievances, each AFT Chair has fielded numerous informal queries throughout the year from faculty members. At least four such informal queries have been made during the current academic year. The faculty member typically inquires whether alleged actions taken against them would constitute a grievable action. In responding to such inquiries, the AFT Chair does not assess the truth of any allegations in the grievance, but clarifies the grievance timeline and what necessary elements must be included in a formal grievance statement, consistent with Policy 407.5. Informal queries that do not lead to formally filed grievance statements often involve a faculty member's perceived (and perhaps real) incompatibility with the personality or management style of a supervisor or colleague, which in and of itself does not constitute a grievable action. After receiving this clarification from the AFT Chair, the faculty member remains responsible for the decision to formally file (or not file) a grievance statement.

### **Ongoing Work**

In an effort to clarify the grievance process and timeline for potential grievants, panel chairs, and respondents (who are named in formal grievance statements), AFT is compiling a brief handbook. This handbook will be available on the Faculty Senate website, and will include a visualization of process timelines and clarifications on available resources, all consistent with Policy 407.

Respectfully submitted,

John R. Stevens, as 2014-2015 AFT Chair  
Dept. of Mathematics and Statistics

## **Budget and Faculty Welfare Committee Report 2015**

**Prepared by Alan Stephens**

### **Charge:**

The duties of the Budget and Faculty Welfare (BFW) Committee are to (1) participate in the university budget preparation process, (2) periodically evaluate and report to the Senate on matters relating to faculty salaries, insurance programs, retirement benefits, sabbatical leaves, consulting policies, and other faculty benefits; (3) review the financial and budgetary implications of proposals for changes in academic degrees and programs, and report to the Senate prior to Senate action relating to such proposals; and (4) report to the Senate significant fiscal and budgetary trends which may affect the academic programs of the University.

### **Committee Members:**

Vicki Allan – Engineering  
Scott Bates (15) – Senate  
Stephen Bialkowski (16) – Science  
Diane Calloway-Graham - HSS  
Rich Etchberger – Regional Campuses & Distance Education  
Mike Kava (16) – USU Eastern  
Carol Kochan (14) – Libraries  
Chris Monz (16) – Natural Resources  
Ilka Nemere (15) – Senate  
Michael Pate (16) – Agriculture  
Joanne Roueche (16) – Extension  
Christopher Skousen (15) – Senate  
Alan Stephens, Chair (16) – Business  
Leslie Timmons (16) – Arts  
Dale Wagner (15) – Education & Human Services

### **Meeting Dates:**

March 24, 2014; September 26, 2014; October 24, 2014; December 2, 2014

### **Outline of meeting Facts and discussions:**

The committee met with the Senate president, Provost Noelle Cockett, President Albrecht, VP Dave Cowley and BrandE Faupel. The discussions focused on the following issues:

- a. Salary increases.

- i. The president stated that BFW's discussion with him and the BFW survey was considered. However, BFW was not part of the ongoing salary and budget discussions, which apparently included only the dean's council.
  - ii. Salary compression was talked about but no significant movement has occurred with respect to this issue
- b. The debate about post tenure review.
- c. Role statements in the code and elsewhere particularly with respect to the RCDE to RC. This issue ties to Extra Service Compensation
- d. Extra Service Compensation. BFW worked with VP of Research on the new policy and will continue to work on the implementation of the policy.
- e. The consideration of moving 3<sup>rd</sup> year reviews for tenure eligible faculty to the 4<sup>th</sup> year. This decision was deferred to the FEC committee.

The committee worked with the provost to redefine the concept of service and increase its importance in the university setting in an effort to promote shared governance.

The committee is committed to building shared governance as defined in the code:

401.8.1(4) Collegial Governance of the University.

There is shared responsibility in the governance of the university with a meaningful role for the faculty. *This role includes participation in decisions relating to the general academic operations of the university, such as **budget matters and the appointment of administrators. The faculty should actively advise in the determination of policies and procedures governing salary increases.*** (Emphasis added)

Two BFW members, Alan Stephens and Carol Kochan, represent the Faculty on the Benefits Advisory Committee, which works with Human Resources to review proposed changes to benefits. Other members of that committee consist of two members each from professional classified ranks. In addition, Alan and Carol represented the faculty on the Health Insurance RFP committee.

Subject: BFW Meeting Minutes

Date: 3/24/2014

Attending: Vicki Allan, Stephen Bialkowski, Carol Kochan, Ilka Nemere, Alan Stephens, Joanne Roueche, Chris Skousen, Dale Wagner

- Committee met with the president to talk about the results of the legislative session. For the most part the President was positive about the session with many of the universities need being met.
- The discussion then turned to the salary issue. Legislature allocated 1.25% on going and 1.75% for merit, compression, and retention. The discussion then went directly to the 1.75%.
- The president said that BFW's discussion with him and the BFW survey was considered. However, BFW was not part of the ongoing discussion which was apparently only held with the deans.
  - Chair notes again the selective use of the code: "The duties of the Budget and Faculty Welfare Committee are to (a) participate in the university budget preparation process; (b) periodically evaluate and report to the Senate on matters relating to faculty salaries, insurance programs, retirement benefits, sabbatical leaves, consulting policies, and other faculty benefits;"
- The 1.75% is to be distributed by the deans.
  - Information about salary compression will be provided to the colleges by the provost.
    - The president indicated that it is not the time to deal with salary compression.
    - It was noted, based on the considerable institutional memory of the committee that it NEVER appears to be the time to address compression.
  - Salary decisions left to DH and Deans – no direction from central administration
    - It was noted by Stephen that by code the faculty of the departments should make the decision, however only one department does this.
    - President asked about vindictive DH. He indicated a faculty member should then take the issue to the dean. If you have a vindictive dean then he wants to hear about it.
      - The committee was underwhelmed by the response.

- President refused to direct compensation to compression since he has faith the DH and Deans will address the issue.
  - That faith is not shared by the faculty as indicated by the battle over 405 where distrust of administration is obvious.
- The chair suggested that the committee, over the summer and fall, track raises in each college for a report to central administration.



Subject: BFW Minutes

Date: 9-26-14

Attending: Michael Pate, Leslie Timmons, Alan Stephens, Dale Wagner, Vicki Allan, Diane Calloway-Graham, Chris Monz, Stephen Bialkowski, Carol Kochan, Joanne Roueche, Rich Etchberger, Mike Kava, Chris Skousen, Scott Bates

- Introductions of members
- Topics of discussion
  - Discussion of the RCDE to RC change (distance ed paying the same as campus students) and the implication for college and department budgets and faculty compensation.
    - It was noted by the committee that with respect to faculty compensation there appears to be no consistency across campus. Some faculty are paid overload, some have as part of load.
    - No consistence with respect to role statements.
    - This again opens up the whole discussion of extra service compensation and how that is inconsistently view by administrative units.
    - This topic was put on the agenda as a discussion to have with Provost Cockett and Robert Wagner.
  - A brief discussion was held on reported mistreatment of the lecturer ranks with respect to ACA. Some lecturers are teaching 4/4 and being held to 29 hours to avoid benefit payments.
    - Chair was charged with getting more information from Doug Jackson-Smith
    - Chair charged to contact BrandE Faupell
    - Committee members charged to investigate within their colleges, being sensitive to the non-tenured status of lectures and adjuncts
  - Committee has a lively discussion on Salary Compression.
    - Committee members were charged to talk to their college administrations about the amounts of money flowing to alleviate salary compression/inversion.
    - This topic was put on the agenda to discuss with President Albrecht.

- Another discussion of Post Tenure Review with respect to the Regents code.

- The faculty code is subject to the Regents code as per 202.1.1.
- The Regent Code is provided below with appropriate highlight
- **3.15. In-Depth Post-Tenure Review.**

3.15.1. **Intent of Post-Tenure Review:** The review shall assess the tenured faculty member's performance with the intent of:

3.15.1.1. recognizing performance in the discipline's endeavors which demonstrates growth and development;

3.15.1.2. communicating to the faculty member specific areas in need of improvement related to performance in scholarship, teaching, and service, and

3.15.1.3. enhancing each individual's future productivity.

3.15.2 **Procedures.** The institution shall establish procedures to administer a review of the work of each tenured faculty member in a manner and frequency consistent with accreditation standards. The criteria for such review shall include multiple indices, and be discipline- and role-specific, as appropriate, to evaluate:

3.15.2.1. teaching, through student, collegial, and administrative assessment.

3.15.2.2. the quality of scholarly and creative performance and/or research productivity.

3.15.2.3. service to the profession, school and community.

3.16. **Remedial Actions Based on Post-Tenure Review:** If, as a result of the post-tenure review process, the faculty member is found to not be meeting the minimum standards required of a tenured member of his or her discipline, he or she is responsible for remediating the deficiencies, and the institution is expected to assist through developmental opportunities. A faculty member's failure to successfully remediate deficiencies may result in disciplinary action under institutional policies adopted pursuant to this policy.

- Chair and Stephen noted that our current code mirrored the regents code with two exceptions:
  1. That the timing of the reviews could be set to 7 years (accreditation cycle) as opposed to 5 year reviews in the current code
  2. Our professional development plan is inconsistent with the regent's code. Our current code says the PDP is initiated by the department head. The Regents' Code states that it is up to the faculty member to remedy the problem, which may be read as saying, the faculty

member and her/his review committee are responsible to develop the professional development plan.

▪ Chair asked 3 questions:

1. Should considering this; causing it to come on the regent's radar, which may result in something real nasty? Or, alternatively, we could make a simple change our current code to specify that the post-tenure review causes the development plan and then it would be consistent with Regents' Code.
2. Our sister universities, who all have similar codes, are NOT worrying about this, so why are we continuing to waste our time?
3. Finally, why would we want to cause our sister schools this much pain, because we refuse to leave well enough alone?

▪ Chair was tasked to propose to PRPC a revision of 405 to be in line with the Regents' Code. (Request to PRPC is attached)

○ At the request of Provost BFW considered two issues:

- Review procedure for those going up with teaching as area of excellence
- Move 3<sup>rd</sup> year review (the major go - no go decision year to the 4<sup>th</sup> year.
- Committee moved that this be taken to FEC

○ Other Topics from the Committee

- A discussion was held on class enrollment creep. That is, some classes have been expanded from 30 to 60+ students without adding new sections and without any consideration of faculty workload.
- The question was asked if there should be a code revision that stipulated a class size criteria
- Discussion was propose as a topic to bring up with the Provost

○ Meeting adjourned at 4:30 p.m.

To: Stephen Bialkowski, Chair PRPC, PRPC Committee, Douglas Jackson – Smith

Subject: Revision of Code 405 to be in compliance with Regents Code 3.15 and 3.16

Date: September 30, 2014

Whereas the Faculty code (section 400) is “subordinate to the Code and Policies and Procedures of the Board of Regents’ of the Utah System of Higher Education” (202.1.1), the BFW committee requests PRPC bring section 405.12 into compliance with the Regents’ Code.

The Regents’ Code states:

**3.15. In-Depth Post-Tenure Review.**

**3.15.1. Intent of Post-Tenure Review:** The review shall assess the tenured faculty member's performance with the intent of:

- 3.15.1.1. recognizing performance in the discipline's endeavors which demonstrates growth and development;
- 3.15.1.2. communicating to the faculty member specific areas in need of improvement related to performance in scholarship, teaching, and service, and
- 3.15.1.3. enhancing each individual's future productivity.

**3.15.2 Procedures.** The institution shall establish procedures to administer a review of the work of each tenured faculty member in a manner and frequency consistent with accreditation standards. The criteria for such review shall include multiple indices, and be discipline- and role-specific, as appropriate, to evaluate:

- 3.15.2.1. teaching, through student, collegial, and administrative assessment.
- 3.15.2.2. the quality of scholarly and creative performance and/or research productivity.
- 3.15.2.3. service to the profession, school and community.

**3.16. Remedial Actions Based on Post-Tenure Review:** If, as a result of the post-tenure review process, the faculty member is found to not be meeting the minimum standards required of a tenured member of his or her discipline, he or she is responsible for remediating the deficiencies, and the institution is expected to assist through developmental opportunities. A faculty member's failure to successfully remediate deficiencies may result in disciplinary action under institutional policies adopted pursuant to this policy.

We suggest:

1. Since the Regent’s Code requires an “In-Depth Post-Tenure Review” in a “frequency consistent with accreditation standards,” and on belief that USU’s accreditation cycle is 7 years, we propose that the “In-Depth Post Tenure Review” be set to 7 Years.
2. Section 405.12.3 be changed to reflect Regent’s code 3.16, whereas the faculty member and/or his or her committee are charged to create a professional development plan as opposed to the department head or supervisor.

Subject: BFW Minutes

Date: 10-24-14

Attending: Michael Pate, Leslie Timmons, Alan Stephens, Dale Wagner, Vicki Allan, Diane Calloway-Graham, Chris Monz, Stephen Bialkowski, Carol Kochan, Joanne Roueche, Rich Etchberger, Mike Kava, Chris Skousen, Scott Bates

- Approved minutes
- Topics of discussion
  - The meeting was turned over to Provost Cockett who addressed several concerns of the BFW
    - Consideration the RCDE to RC change (distance ed paying the same as campus students) and the implication for college and department budgets and in particular faculty compensation.
      - 1. The discussion revolved around creating a consistent salary and role statement model.
    - The problem of salary compression and BFW's dissatisfaction with the president's trust in the DH and Deans to do the right thing.
      - 1. The provost discussed the salary compression data that she had, but was unwilling to direct departments to address salary compression.
    - Discussion of limits on class sizes. As the university has grown, class size has grown with little consideration of faculty time commitments. That is, class size appears to be more dependent on room size than on pedagogy; and the faculty observe that while they may still be on a 2/2 teaching load, it is quite different to teach 25 on a 2/2 load versus 60 on a 2/2 load.
      - 1. The provost indicated that overall, the evidence did not indicate a severe problem. However she was willing to investigate problems on behalf of individual faculty members.

Subject: BFW Minutes

Date: 12-03-14

Attending: Scott Bates, Rich Etchberger, Mike Kava, Carol Kochan, Ilka Nemere, Joanne Roueche, Christopher Skousen, Alan Stephens, Dale Wagner, Douglas Jackson-Smith

- Topics of discussion
  - Extra Service Compensation – Mark McCellan presented the work he and his committee did on ESC to bring the policy into line with federal guidelines. The attachment to these minutes were part of the discussion
  - The major discussion concerned implementation.
    - In this regard, BFW's position was the procedures should come from a combination of the research office, senate and BFW with minimal input from HR. It seems that the HR has implemented past ESC policies with little input from the effected parties.
  - When Mark is ready to talk about procedures BFW will meet with him, possibly in January.
  - Dale's group was the only group to provide comments directly to BFW and these were passed along to Douglas Jackson-Smith
  - BFW was advisory to the Faculty Senate on this topic and the Senate president drafted a response to Mark McCellan.

**POLICY MANUAL**

**COMPENSATION**

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**Number 376**

**Subject: Extra-Service Compensation**

**Covered Employees: Benefit-Eligible, Exempt Employees**

**Date of Origin: January 24, 1997**

**Effective Date of Last Revision: April 9, 2004**

**DRAFT: December 1, 2014**

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**FEDERAL GUIDANCE REFERENCES**

**The following policy is based on the following:**

- **Utah Code 67-16-1 et.seq.**, “Utah Public Officers and Employees’ Ethics Act.
- **Federal Office of Management and Budget, Final Rule -- *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (A-81)*** – Federal Register, Vol 78, No. 248
  - (Superseding: OMB Circulars A-21, A-87, A-110, and A-122 (which have been placed in OMB guidance); Circulars A-89, A-102, and A-133; and the guidance in Circular A-50
  - Implementation Date: December 26, 2014
- **NSF, Office of Inspector General – 2004 Audit findings**
- **Department of Justice, settlement findings – 2008**
- **HHS Office of Inspector General – 2011 Audit findings**

**Draft Editing Instructions:**

**If this policy is not implemented prior to December 26, 2014 — In order to be in compliance with current OMB rules, editors are to remove all references to OMB A-21, leaving in place the OMB Uniform Administrative Requirements reference as currently noted in the text without change in meaning or intent.**

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## **376.1 INTRODUCTION**

The University recognizes that employees may make unusual contributions to the University that are both related and unrelated to their Primary Work Assignments. This policy is designed to establish an institutional expression of support for appropriate, operations-based standards for Extra-Service Compensation.

## **376.2 DEFINITIONS**

### **2.1 Primary Work Assignment**

The Primary Work Assignment, defined is the basis upon which the University sets its expectations of an employee's duties and allocation of effort. USU utilizes the following methods to establish the Primary Work Assignment:

- (a) *For Faculty:* The primary work assignment is derived from the Role Statement, as defined in under section 6.1 and 11.1 of USU Policy #405, Tenured and Term Appointments: Evaluation, Promotion and Retention.
- (b) *For Non-Faculty Exempt Employees:* The primary work assignment is derived from the Office of Human Resources most recent position description available for that employee, which documents the responsibilities, functions, and requirements of each job. Expectations for the allocation of effort are also reflected in USU's annual Budget Process/Salary Planner process.

### **2.2 Full Workload**

Full Workload for an employee shall be that workload for which an employee is compensated by the University, exclusive of compensation for incidental work. For exempt employees, it shall be that workload specified in the primary work assignment for a given period. The more closely an activity is associated with the University's compensation and reward systems, the more likely it will be included in the Full Workload.

### **2.3 Institutional Base Salary**

Institutional Base Salary (IBS) shall be the salary paid by the institution for the performance of the full workload by a given employee. It may be based on appointments of differing lengths, such as the academic year, eleven months or twelve months. IBS shall be calculated in accordance with Budget Office Guidelines, "Salary Definitions." The IBS may change based on significant, non-temporary changes in the Primary Work Assignment or because of salary increases approved by the University.

### **2.4 Institutional Base Salary Earning Rate**

The Institutional Base Salary Earning Rate shall be calculated based on the compensation level at which an employee is paid for his/her appointment term, divided by the number of months of that term. An employee shall not earn compensation from USU sources in



excess of the base salary rate in any given month, except as allowed under this policy, Extra Service Compensation or through a specially approved administration one-time payment.

## **2.5 Institutional Payout Rate**

The Institutional Base Salary Earning Rate may differ from the amount of compensation actually paid to an employee during a given month, because salary for an appointment of less than 12 months is distributed across 12 months in the payroll system. For details concerning distribution of pay over a period different from the appointment term, contact the Controller's Office.

## **2.6 Incidental Work**

Incidental Work is that work which is accomplished by an individual in excess of his/her Full Workload, as follows:

**2.6.1** Incidental Work that is carried out within the institution and paid for as Extra-Service Compensation must be documented in the University's financial management systems, though it shall not be reported or certified in the University's time and effort reporting system.

**2.6.2** Incidental Work that is provided without compensation shall be reported to the immediate supervisor in order to avoid conflicts of interest, including conflicts of commitment.

**2.6.3** Incidental Work performed outside the university is neither reported in the time & effort or payroll systems, nor documented in the University's financial management systems; however, documentation of consulting leave time is required as set forth in USU Policy #377, Consulting Services.

## **2.7 Extra Service**

Extra Service shall be any service rendered to the University that is not specifically identified as part of the employee's Full Workload. Extra service shall be clearly identified and approved in advance as such in accordance with this policy and Policy 404.1.2(7), Faculty Appointments, Professional Services.

## **376.3 POLICY**

Opportunities for consulting or other activities that fall outside of an employee's Primary Work Assignment are granted in accordance with Utah Code 67-16-1 et. seq., "Utah Public Officers and Employees' Ethics Act," and as permitted under USU's consulting policy. Such activities shall be allowed at the University's discretion where clear benefit to the University can be demonstrated.

Employees may provide Extra Service to the University beyond their Primary Work Assignments either for or without compensation, provided that the preparation and performance of such services do not impede the discharge of their duties under their Primary Work Assignments.

Compensation received for Extra Service shall not exceed 20% of the individual's Institutional Base Salary without prior written approval of the Executive Vice President & Provost for academic units and without prior written approval of the Office of the President for all non-academic units.

### **3.1 Extra-Service Compensation Unrelated to the Primary Work Assignment**

#### **3.1.1 Extra Service Related to Sponsored Programs Sourced Funds.**

Extra and supplemental compensation from federal funds is governed by OMB Circular A-21 (OMB Uniform Administrative Requirements), which also requires that like funding be treated consistently under like circumstances by the University. Thus, all external funding shall be subject to the regulatory guidance in OMB Circular A-21 (OMB Uniform Administrative Requirements, Section 200.430(h)(3)), as follows: "intra-university consulting is assumed to be undertaken as a university obligation requiring no compensation in addition to full-time base salary. However, in unusual cases...charges for such work representing additional compensation above IBS are allowable...". This principle applies to employees who function as consultants for sponsored agreements conducted under the direction of other University employees.

Extra-Service Compensation from external funds can be allowed for faculty and other exempt employees when **all** of the following conditions are met:

- (1) The request does not exceed the Base Salary Earnings Rate based on the employee's Institutional Base Salary, which is that compensation provided to an employee for fulfillment of his/her Full Workload;
- (2) The employee will perform a role outside of the individual employee's organizational unit or is otherwise different from his/her Primary Work Assignment; NOTE: Employees may not receive compensation for Extra Service work on projects for which they serve as PI or Co-PI.
- (3) Work is demonstrably in addition to the employee's Full Workload for the reporting period during which it will be performed;
- (4) The request is specifically proposed and included in the approved budget and/or agreement with the sponsoring agency or otherwise approved in writing by an authorized agency representative. If not specifically and explicitly provided for in the approved proposal, budget and/or award, an official sponsor approval must be obtained before any extra contractual work is done. NOTE: By itself, agency approval for Extra Service payment shall not be considered a waiver for requirements 1-3 above.

(5) The request is approved in advance by the Vice President for Research. Review and support will be required of the individual's department head, supervisor, dean and/or vice president as appropriate prior to submission to the Office of Research & Graduate Studies. Any request for above 20% will also require the follow-on approval of the Executive Vice President & Provost.

For additional forms and instructions concerning Extra-Service compensation involving external funds see RGS Procedure 376-PR.

### **3.1.2 Extra-Service Compensation from Non-Sponsored Programs Sourced Funds**

USU's Disclosure Statement to the Federal Government (DS-2) requires the institution to use the same salary and wage distribution system for all like employees, regardless of the source of their compensation. Thus, the University uses consistent practices for identifying, charging and reporting all personnel costs, including its method of identifying which activities will be included in the Full Workload (and therefore the Institutional Base Salary) and which will not.

As a result, Extra Service Compensation from all non-sponsored programs sourced funds must meet all of the following restrictions:

- (1) The Extra Service is compensated at a rate not to exceed the Institutional Base Salary Earnings Rate which, is based on the employee's Institutional Base Salary (the compensation provided to an employee for the fulfillment of the employee's Full Workload);
- (2) The work is outside of the scope of the employee's required job expectations, as set forth in the Primary Work Assignment;
- (3) Work is demonstrably in addition to the employee's Full Workload for the reporting period during which it will be performed;
- (4) The Extra Service is based on temporary and unusual circumstances, and funds have been allocated to pay for the services.
- (5) The request is approved in advance by the Executive Vice President & Provost. Review and support will be required of the individual's department head, supervisor, dean and/or vice president as appropriate prior to submission to the Office of the Executive Vice President & Provost.

For additional guidelines concerning Extra-Service compensation involving non-sponsored programs sourced funds see Provost Procedure 376-PR.

### **3.1.3 Extra Service Related to Primary Work Assignment**

Only in the most unusual circumstances, outcomes and activities focused on furthering the institutional missions of discovery, learning and engagement, which are exclusively funded from unrestricted and non-sponsored programs sourced funds, which are also related to the Primary Work Assignment can qualify for Extra-Service compensation.

Extra Service compensation related to the Primary Work Assignment should not be used as a regular supplement to an individual's salary.

Requests for Extra-service Compensation related to the Primary Work Assignment may not exceed the Institutional Base Salary Earning Rate, and must be approved in advance by the Executive Vice President & Provost.

## **3.2 Relationship of Extra Service Compensation to Non-appointment Payments**

USU allows faculty and other exempt employees with appointments of less than 12 months to receive compensation at their Institutional Base Salary Earning Rate for periods up to a total of 12 months per fiscal year based upon the conduct of research, teaching, or other activities that are consistent with federal and USU policy and that do not conflict with the faculty member's Primary Work Assignment. This compensation is not Extra Service.

Non-appointment compensation is subject to effort reporting and certification. Effort and compensation for such work should therefore occur in parallel with, or in replacement of the employee's Primary Work Assignment, and may be expended at any time during the fiscal year. Thus, employees working during periods not included in their academic appointments shall, when appropriate, utilize any non-appointment period available to them to reach this 12-month capacity for salary compensation before any Extra-Service Compensation will be approved.

USU does not limit an employee's opportunity to receive compensation paid directly by a non-University funding source as per USU's consulting policy.

## **376.4 RESPONSIBILITY**

### **4.1 Department Heads and Supervisors**

In keeping with Federal expectations that USU will meet agency requirements for department heads, supervisors, vice presidents and deans are responsible for reviewing extra service opportunities with employees before they occur to ensure that interference or conflict with the employee's Primary Work Assignment is

avoided or appropriately managed. The department head/supervisor and dean has primary responsibility for working with employees to ensure compliance with this Extra Service Compensation policy. Refer to RGS Procedure 376-PR and Provost Procedure 376-PR for guidance on implementing this policy. Departments and colleges will bear primary responsibility for repayment of disallowed Extra Service Compensation costs.

## **4.2 Employees**

Employees are responsible for accurately completing the Request for Extra Service Compensation Form and for obtaining supervisory approvals prior to submission. Conflicts of interest must be disclosed as they arise.

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## **PROCEDURAL REFERENCES**

### **Procedures corresponding to this policy include:**

- RGS Procedure 376-PR for guidance on Extra-Service Compensation related to sponsored program activities
  - Provost Procedure 376-PR for guidance on Extra-Service Compensation for non-sponsored program activities
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## USU Board of Trustees – Audit Committee – Timeline

- a. **2013** – USU Audit Committee Meeting –
  - i. McLellan Requested to discuss
  - ii. Two policies re: Sponsored Programs identified to address internal audits:
    1. **April 20, 2007** -- *Time & Effort Policy (582)* –
    2. **April 9, 2004** -- *Extra Service Compensation Policy* –
- b. **November 2013** – VPR establishes T&E administrative working group to address policies
  - i. HR, B&F, VPR, Comptroller, Audits, SPO, SPA – to study OMB instructions and draft new policies
  - ii. 1<sup>st</sup> target: Time & Effort – broader impact with critical definitions
  - iii. 2<sup>nd</sup> target: Extra Service Compensation – depends upon T&E and has broader impact
- c. **April 2014** — Research Council approves new Time & Effort Policy (582)
- d. **April 30, 2014** – President’s Council installs new *Time & Effort Policy (582)*

## Risk mitigation action-TIME & EFFORT COMPLIANCE -:

1. New Time & Effort Policy is in place as of APRIL 30th, 2014 meeting full OMB instructions.
2. Cost share accounting practices (SPO & SPA) retro action back to 2010
3. Cost share accounting practices (SPO & SPA) in place September 1, 2014 for new sponsored projects
4. Voluntary New Financial Training (RFAST) all Key Personnel -- in place as of SEPTEMBER 1, 2014
5. Mandatory Training of all Faculty (RFAST) all Key Personnel -- in place JANUARY 1, 2015

**May, 2014** — Research Council – Failed to vote on Draft *Extra Service Compensation Policy*  
Needed to produce more background on OMB guidance for ESC

**Sept., 2014** — Research Council -- Failed to vote on Draft *Extra Service Compensation Policy*  
Needed to allow more time to consider OMB guidance for ESC

**Oct. 24, 2014** –BOT Audit Committee –  
Review of progress to revise audit risk issues on Sponsored programs.

## Time Line ...

- July 2011 - McLellan
- 2011 & 2012 - Failed Internal Audits - T&E, ESC
- 2013 -- BOT Audit Committee

**Failed Audits: USU 2007 Time & Effort Policy,  
USU 2004 Extra Service Compensation Policy**

**First Target: Time & Effort Policy**

**Fall 2013 -- Working Group**

VPR, SPO, SPA, Audits, Comptroller, Finance, HR:  
Review of OMB Rules under the new  
Uniform Administrative Requirements (A81) - Fed Register V.78, N248

**April 2014 — New Time & Effort Policy implemented by BOT**

May 2014 — Draft ESC Policy discussed by Research Council

Sept 2014 — Draft ESC Policy discussed by Research Council

Oct 2014 — BOT Audit Committee Discussions

**Nov 2014 — New ESC Policy -- passed by Research Council**

### OMB Actions:

Dec. 26, 2013 — New Rules posted - Federal Register - Final Notice  
Combining many circulars including A21, A133, A110

**Dec. 26, 2014** — New Rules are to become law and audited against

### OIG Actions:

2004 — Audit Findings against San Diego State University

2011 — Audit Findings against State University of New York

### DOJ Actions:

2008 — \$1 million settlement against St. Louis University



# The New USU ESC Policy ...

- Picks up Time & Effort Definitions
- Allows for Extra Service
- 20% Cap - Removable by the Provost
- Separates into 3 processes

*[1] ESC from Sponsored Program funds - for Not Primary Role*

*[2] ESC from non-Sponsored Program Funds - for Not Primary Role*

*[3] ESC on Primary Work Assignment*

## [1] ESC (Sponsored Program Funds) - Not Primary Role

Adhere to **ALL** of the following:

- [1] Base Salary Earning Rate
- [2] Consulting Only - outside of unit -- Not PI or Co-PI (Unusual & Temporary)
- [3] Above Full Workload
- [4] Approved apriori by Sponsor
- [5] Approved apriori by VPR
- [6] if over 20% - will also require Provost approval

POLICY calls for **RGS PROCEDURES** for use when applying policy

## [2] ESC (Non-sponsored program funds) - Not Primary Role

Adhere to **ALL** of the following:

- [1] Base Salary Earning Rate
- [2] Outside of Job Expectations in primary work assignment
- [3] Above Full Workload
- [4] Temporary & Unusual
- [5] Approved apriori by Provost

POLICY calls for **PROVOST PROCEDURES** for use when applying policy

## [3] ESC for Primary Role Assignment - Highly Unusual

Adhere to **ALL** of the following:

- [1] Base Salary Earning Rate
- [2] Super unusual & temporary
- [3] Approved apriori by Provost

Approach -- Metrics vs Process





To: Mark McLellan, Vice President for Research and Dean of the School of Graduate Studies  
Noelle Cockette, Provost and Executive Vice President  
From: Douglas Jackson-Smith, USU Faculty Senate President  
Date: December 8, 2014  
RE: Feedback on Extra Service Compensation Policy from Faculty Senate

As the designated representative of USU's faculty for the review of changes in 300-level code at Utah State, I wanted to share my feedback on the proposed Extra Service Compensation Policy (No.376). My comments are based on ongoing discussions with my faculty senate leadership colleagues, the presentation and discussion on the floor of the senate on December 1st, and the meeting with members of the Budget and Faculty Welfare Committee on December 3<sup>rd</sup>.

Overall, we support the new policy as a necessary change in response to new federal guidelines and regulations. To be clear, there are a number of faculty who would prefer more liberal ESC policies that would allow them to be paid for extra work on an ongoing basis (as has been the practice for some units in the past). However, we appreciate that this is not permissible under federal law. We also recognize that the old policy was not in compliance with these new standards, and appreciate the hard work and effort that your office has made to develop a new policy that is both compliant and allows some appropriate flexibility for implementation.

Substantively, we agree with the suggestion made by the Provost at our December 1<sup>st</sup> meeting to drop the word 'internal' for the second category of ESC situations. With that edit, we would approve of this new policy as drafted.

Faculty support for the policy is also based on the assumption that we will be involved in the important decisions still to come that relate to the implementation and procedures that will be developed. We would encourage your offices to set up a meeting in the spring semester with the Budget and Faculty Welfare committee to discuss the process, request form templates, and documents outlining implementation procedures.

Specifically, I would urge us all to consider the following specific points during implementation:

- Protect faculty who might be caught in the transition between the old and new policies.
  - If faculty have been taking on additional responsibilities for many years for their department of the university (above their prior workload) in return for ESC, but will not qualify under the new policy, we believe there are two options that these faculty should be offered:
    - Relieve them of the additional responsibilities if they cannot be compensated, or
    - Roll the additional compensation into their base salary rate.
  - We are firmly opposed to requiring faculty to continue these additional responsibilities without compensation.

- Provide clear guidance to financial officers at the college and department level that there are appropriate ways to use summer salary funding for many situations in which extra-service compensation was used in the past. Specifically, it would be useful to clarify that faculty could accept extra work obligations (say teaching a special course) during the academic year, but be compensated through summer salary (to cover the other work tasks that would be displaced due to the new teaching responsibilities). To the extent that we can avoid invoking the ESC policy, I think the transition to the new policy will be much more straightforward.
- Ensure that implementation of the new policy is consistent across and within units. This may require developing an approval tracking system (or regular audits) that permit the Provost and VPR to see requests that were both approved and denied by Department Heads and Deans. Perhaps specify an appeals process for faculty that do not think their requests were handled fairly or consistently.
- Review the unique situation related to county extension faculty. As we understand it, these faculty will no longer be able to serve as PIs or CoPIs on external grants in exchange for extra service compensation (as had been done frequently in the past). These faculty need to be given advice about how to find other ways to reward them for pursuing and engaging in external grant funded work. For example, in special cases where a faculty member has a track record of consistently obtaining external funding, serious consideration should be given to either increasing their base salary and/or allowing them to distribute their base salary over 11 months to enable them to pursue summer salary funding.
- Consider clarifying for implementation what might be ‘temporary and unusual’ work assignments – particularly relative to the number of years a faculty member might be engaged in doing additional new tasks for their department or unit.
- Consider clarifying in code (or developing procedures) to help define the relationships between official USU role statements and workload or work assignment documents. Because ESC is mainly available for faculty who are asked to do things that are outside of their primary work assignment, and because this term is linked to role statements in the new policy, it is important to protect faculty from arbitrary or inconsistent implementation of workload expectations for faculty with similar role statements (at least at the unit or department level). Two principles that we would like to see codified in code or policy would be:
  - Faculty in any single unit (department, college or regional campus) with similar role statement teaching percentages will be expected to carry a similar teaching load.
  - Faculty asked to teach additional courses above the typical load associated with a similar role statement in their unit will be eligible for extra service compensation since this would be outside of their primary work assignment.
    - Alternatively – faculty may not be asked to teach courses above the typical load associated with a similar role statement in their unit unless they agree to a change in their role statement or are offered and made eligible for extra service compensation.

**Proposed change #1 to the USU Policy (stemming from AFT committee jurisdiction):**

State that a non-renewal notice must disclose the reason for non-renewal, but elaboration is at the president's discretion.

Reason for change:

There are only three allowable reasons for the non-renewal of tenure-eligible or term appointment faculty (Policy 407.6.2): unsatisfactory performance of assigned role, failure to meet tenure requirements (only applicable in final tenure decision year), and cessation of extramural funding required for salary support. The same Policy section also states that these faculty members may not be non-renewed for reasons that violate their academic freedom. A recent grievant to the AFT committee pointed out that no reason was included in their notice of non-renewal (although previous reviews of the faculty member had indicated concerns). Policy 407.6.4 says that the notice of non-renewal may state the reasons for non-renewal, at the president's discretion. It seems only fair to disclose to a non-renewed faculty member the reason(s) for non-renewal (of the three allowed by code) in the formal written notice. Such disclosure would also strengthen the protection of academic freedom, and non-renewed faculty members would not be left to wonder whether their academic freedom was an issue. This can be achieved without any additional burden on the president (who writes or approves the formal notice of non-renewal), as the proposed change would only require the written notice to identify one (or more) of the three allowable reasons, with the president retaining the option to elaborate. The AFT committee opposes requiring such elaboration, however, as that could be an unnecessary duplication of previous reports or reviews of the faculty member. Stating the reason (of the three allowed) for non-renewal in the written notice is not redundant since that is where the final *decision* (as opposed to *recommendations* from the tenure advisory committee, department head, or dean) is communicated to the faculty member (Policy 407.6.3).

Current USU Policy 407.6.4(1):

"Reasons for non-renewal may be stated in the notice of non-renewal, at the president's discretion."

Proposed USU Policy 407.6.4(1):

"**The reason(s) for non-renewal (of the three specified in 407.6.2) ~~may~~ shall be stated in the notice of non-renewal. At the president's discretion, the notice may elaborate on the reason(s) by referencing previous reports or reviews of the faculty member (405.7, 405.12.1).**"

**Proposed change #2 to the USU Policy (stemming from AFT committee jurisdiction):**

Fix a typographical error.

Reason for change:

Unnecessary word should be removed.

Current USU Policy 407.6.2:

“... Tenure-eligible and term appointment faculty members may not have their appointments non-renewed for reasons which that violate their academic freedom or legal rights.”

Proposed USU Policy 407.6.2:

“... Tenure-eligible and term appointment faculty members may not have their appointments non-renewed for reasons ~~which~~ that violate their academic freedom or legal rights.”

**Proposed change #3 to the USU Policy (stemming from AFT committee jurisdiction):**

Fix a typographical error.

Reason for change:

Policy 407.6.6(8) does not exist, but Policy 407.5.6(8) refers to the scope of the recommendation of the AFT hearing panel.

Current USU Policy 402.12.3(1)(b):

“Hearing panels of the Academic Freedom and Tenure Committee shall, when hearing grievances, determine whether procedural due process was granted the petitioner as provided in this policy and determine whether the grievance is valid or not valid (see policy 407.6.6(8)) The recommendation of the hearing panel shall be binding on the general membership of the Academic Freedom and Tenure Committee.”

Proposed USU Policy 402.12.3(1)(b):

“Hearing panels of the Academic Freedom and Tenure Committee shall, when hearing grievances, determine whether procedural due process was granted the petitioner as provided in this policy and determine whether the grievance is valid or not valid (see policy 407.~~65~~.6(8)). The recommendation of the hearing panel shall be binding on the general membership of the Academic Freedom and Tenure Committee.”

## **Proposed changes to 405 policy (initiated by Provost Cockett; reviewed & amended by AFT committee)**

### **CHANGE 1**

- Clarify that the role statement should be approved by the Provost but the Provost's signature is not needed.

#### Reason for change:

Currently, the draft role statement is approved by the Provost before an offer is extended to a new faculty member and the Provost's signature is obtained after the faculty member, department head and dean(s), Vice President for Extension and/or chancellor have signed. However, the routing of the role statement back to the Provost can delay processing the hiring EPAF and seems unnecessary because the Provost has already approved the document.

#### Current USU Policy (405.6.1):

A role statement will be prepared by the department head or supervisor, agreed upon between the department head or supervisor and the faculty member at the time he or she accepts an appointment, and approved by the academic dean and the provost and where applicable, the chancellor, vice president for extension or regional campus dean. The role statement shall include percentages for each area of professional domains (404.1.2). These percentages will define the relative evaluation weight to be given to performance in each of the different areas of professional domains.

#### Proposed USU Policy:

A role statement will be prepared by the department head or supervisor, and agreed upon between the department head or supervisor and the faculty member at the time he or she accepts an appointment, as indicated by their signatures. The role statement should also be, ~~and~~ approved by the academic dean and the provost and where applicable, the chancellor, vice president for extension or regional campus dean, prior to the faculty member's signature, and then signed by the academic dean, and the chancellor, vice president for extension or regional campus dean where applicable. The role statement shall include percentages for each area of professional domains (404.1.2). These percentages will define the relative evaluation weight to be given to performance in each of the different areas of professional domains.

## CHANGE 2

- Allow for an annual work plan for faculty located on the RC and Eastern campuses.

### Reason for change:

Faculty at the regional campuses and USU-Eastern teach classes in a variety of delivery methods including face-to-face, broadcast, online and blended. Significant planning is required to appropriately schedule and deliver classes across the regional and Eastern campuses. A signed annual work plan would facilitate class scheduling and also keep the department head at the Logan campus “in the loop” on course assignments and planned research activities for each RC and Eastern faculty member. The annual work plan would be initiated by the department head in consultation with the RC dean, and approved by the department head and RC dean.

### Current USU Policy (405.6.1):

Some academic units may find it useful to employ an annual work plan or “role assignment”. The faculty member's role assignment provides for the detailed implementation of the professional domains of the faculty member described in the role statement. During the annual review, the role assignment may be adjusted within the parameters of the role statement. Major changes in the role assignment may prompt review and revision of the role statement.

### Proposed USU Policy:

Some academic units, [such as Extension and the Regional and Eastern campuses](#), may find it useful to employ an annual work plan or “role assignment”. The faculty member's role assignment provides for the detailed implementation of the professional domains of the faculty member described in the role statement. During the annual review, the role assignment may be adjusted within the parameters of the role statement. Major changes in the role assignment may prompt review and revision of the role statement.

**CHANGE 3:** The annual P&T letter generated by the department head should not be used as the annual review letter for tenure-eligible faculty.

Reason for the change: The standards for promotion and tenure are different than the standards for the annual review.

Current USU Policy (405.12.1):

Each department shall establish procedures by which all faculty shall be reviewed annually. Such reviews shall, at a minimum, incorporate an analysis of the fulfillment of the role statement. The basic standard for appraisal shall be whether the faculty member under review discharges conscientiously and with professional competence the duties appropriately associated with his or her position. The department head or supervisor shall meet with the faculty member annually to review this analysis of the fulfillment of the role statement and, subsequently, provide a written report of this review to the faculty member. A copy of this report shall be sent to the academic dean or vice president for extension, and, where appropriate, chancellor or regional campus dean.

The annual evaluation and recommendation by the department head or supervisor for tenure-eligible faculty (405.7.1 (3)) may constitute this review for salary adjustment. For faculty with term appointments, the annual review shall also include a recommendation regarding renewal of the term appointment.

Original Proposed USU Policy:

The annual evaluation and recommendation letter by the department head or supervisor developed for tenure-eligible faculty as part of the promotion and tenure process (405.7.1 (3)) may not serve as a substitute for this annual review letter for salary adjustment.

## CHANGE 4

- Joint letter from the academic and regional campus (RC) deans or chancellor should be allowed during the evaluation and recommendation in the promotion and tenure process.

Reason for the change: The USU Policy currently requires separate letters from the regional campus dean or chancellor. However, a single letter from the academic dean and the RC dean or chancellor can effectively convey the recommendation and needed information during the tenure and/or promotion process.

Current USU Policy [405.7.2(4); 405.8.3(4); 405.11.4(4)]:

### *405.7.2(4): Tenure*

The academic dean or vice president for extension will send his or her own recommendation, the department head's recommendation, and the tenure advisory committee's recommendation to the provost on or before January 11, except that for third-year appointees the date is November 20. The regional campus dean will also submit a separate recommendation for each regional campus candidate, and likewise, the chancellor of USU-~~CEUEastern~~ will submit a separate recommendation for each USU-~~CEUEastern~~ candidate. Copies of letters from the academic dean or vice president for extension, and, where applicable, the chancellor or regional campus dean shall be sent to the tenure advisory committee and the candidate, department head or supervisor, and placed in his or her file at the time that these recommendations are transmitted to the next level of review.

### *405.8.3(4): Promotion*

The academic dean or vice president for extension will send his or her own recommendation, the department head's or supervisor's recommendation, and the promotion advisory committee's recommendation to the provost on or before January 11. The regional campus dean will also submit a separate recommendation for each regional campus candidate, and likewise, the chancellor of USU-~~CEUEastern~~ will submit a separate recommendation for each USU-~~CEUEastern~~ candidate. Copies of letters from the academic dean or vice president for extension, and, where applicable, the chancellor or regional campus dean shall be sent to the promotion advisory committee and the candidate, department head or supervisor, and placed in his or her file at the time that these recommendations are transmitted to the next level of review.

### *405.11.4(4): Term appointments*

The academic dean or vice president for extension will send his or her own recommendation, the department head's or supervisor's recommendation, and the promotion advisory committee's recommendation to the provost on or before January 11. The regional campus dean will also submit a separate recommendation for each regional campus candidate, and likewise, the chancellor of USU-~~CEUEastern~~ will submit a separate recommendation for each USU-~~CEUEastern~~ candidate. Copies of letters from the academic dean or vice president for extension, and, where applicable, the chancellor or regional campus dean shall be sent to the promotion advisory committee and the candidate, department head or supervisor, and placed in his or her file at the time that these recommendations are transmitted to the next level of review.



## Proposed USU Policy:

### *405.7.2(4): Tenure*

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