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FACULTY SENATE EXECUTIVE COMMITTEE

February 18, 2014

3:00 – 4:30 p.m.

Champ Hall

Agenda

- 3:00 Call to Order**.....Yanghee Kim
Approve minutes January 21, 2014
- 3:05 University Business**.....Stan Albrecht, President
Noelle Cockett, Provost
- 3:20 Information Items**
1. Budget and Faculty Welfare Committee Report.....Alan Stephens
2. Academic Freedom and Tenure Committee Annual Report.....Bryce Fifield
3. Honorary Degrees and Awards Report.....Sydney Peterson
- 3:40 Old Business (Unfinished Business)**
1. PTR Decision Points.....Yanghee Kim
- 3: 55 New Business**
1. EPC Items for February.....Larry Smith
2. PRPC Code Change 405.7.2 (5) and 407.6.3(2)
notification date unification (First Reading).....Stephen Bialkowski
PRPC Code Change 402.3.2, add assigned teaching to list of
unavoidable absences (First Reading).....Stephen Bialkowski
3. Reviews of Administrators.....Yanghee Kim
- 4:30 Adjournment**



FACULTY SENATE EXECUTIVE COMMITTEE MINUTES

January 21, 2014

3:00 P.M.

Champ Hall Conference Room

Present: Yanghee Kim (Chair), Dale Barnard (excused), Richard Clement, Jennifer Duncan (excused Flora Shrode sub), Jake Gunther, Steven Mansfield, Glenn McEvoy (excused Ronda Callister sub), Robert Mueller, Jason Olsen (excused), Robert Schmidt, Vincent Wickwar, Doug Jackson-Smith (President Elect), Renee Galliher (Past President), President Stan Albrecht (Ex-Officio), Provost Noelle Cockett (Ex-Officio), Joan Kleinke (Exec. Sec.), Marilyn Atkinson (Assistant)

Guests: Bryce Fifield, Taya Flores, Karen Mock, Larry Smith.

Yanghee Kim called the meeting to order at 3:00 p.m.

Approval of Minutes

There was a correction in the attendance listed for the December 9, 2013 meeting and correction of a misspelled name. No substantive changes to the minutes were suggested. The minutes were adopted.

University Business - President Albrecht and Provost Cockett.

President Albrecht told the Executive Committee that the department visits are going well. The next legislative session begins next week. The first week of the session committees will be focused on base budgets. It will be the president's task to help the legislators understand the cuts previously taken and the program review process we have undertaken. The second week of the session committees will be deciding the budget priorities. Compensation will be high on the Presidents priority list, as well as mission based funding and the second phase of funding for the Vet Science and Graduate programs. He also informed the committee that the Founders Day celebration will be different this year than in recent years. The focus will be on faculty and student achievements. Speakers will include: Joyce Kinkead (Utah's 2013 Carnegie Professor of the Year), Briana Bowen (2013 Truman Scholar), Chuckie Keeton (representing student athletes), and Lars Hansen will be featured in a Distinguished Presidential Lecture Series.

Provost Cockett reported that she has met with the Budget and Faculty Welfare Committee regarding the revision of the role statement template. If faculty would like to change their role statement to the new wording of "conscientious performance" they should talk with their department head and dean. A question was asked about whether the senate should revise section 405 of the code to reflect practice and the updated wording of the role statements. BFW is concerned with the unevenness of expectations in service across campus. They suggest making the percent of service in keeping with how much the faculty actually do, but if that is part of the role statement it would have to be adjusted yearly. Perhaps the service component would be more appropriately expressed in a yearly work plan. Noelle will continue conversations with BFW and will formally present the proposed changes to the FSEC in February for inclusion on the March Faculty Senate agenda. Noelle also asked if the Faculty Senate would consider a small stipend to accompany the Shared Governance award. There was also discussion that the Robbins Awards is not the appropriate venue to present this faculty shared governance award; graduation or the Faculty Forum might be more suitable. They are also thinking of a department and college service recognition, and Noelle wants to know what group could help with the criteria for that proposed award. It was suggested that FEC who already picks the Teacher of the Year and Advisor of the Year would be the appropriate committee.

Information Items

Scholarship Advisory Board Report – Taya Flores. The format of the report is pre-Banner and the Board is happy to consider any format changes the FSEC would like them to make. It was suggested that they add trends by college for next years' report as well as separate categories for admissions awards, academic awards, service awards and needs based awards.

Rhonda Callister moved to place the report on the consent agenda, Doug Jackson-Smith seconded and the motion passed unanimously.

Old Business

Pick Date for Spring Brown Bag Lunch with President (Mar. 20-21, 24-26) – Yanghee Kim. The committee briefly discussed their availability for the suggested dates. It was decided to hold the Brown Bag Lunch on March 25, 2014 at 12:00 noon.

Code change to 402.12.5(1) Referencing policy 202 (Second Reading) – Stephen Bialkowski.

Steve Mansfield moved to place the item on the agenda as Old Business, Doug Jackson-Smith seconded and the motion passed unanimously.

New Business

EPC Items - Larry Smith. The January EPC report is short, but of note was that the Political Science Department established a Center for Study on American Constitutionalism, which is being built on an existing project.

A motion to place the EPC January report on the consent agenda was made by Robert Schmidt and seconded by Renee Galliher. The motion passed unanimously.

FS Attendance Issues – Robert Schmidt. Senator attendance at meetings continues to be an issue. There are very clear guidelines in the code, but the penalties are loosely enforced. By the code senators may not miss more than 2 meeting unless they are excused. There is wide latitude for excuses, and all they need to do is let the Executive Secretary know they cannot attend and find an alternate. In the past 4 meetings, there were 14 senators with one unexcused absences, and six senators with two unexcused absences. These six positions could be declared vacant, but it is unclear as to whose responsibility this would be. Teaching during the meeting time should fall under unavoidable, scheduled conflict. It was discussed that the unavoidable absences have Alternates assigned for the semester they are out. Alternates need to sign the role for themselves AND for the name of the person they are replacing. This should be announced at every meeting at both the beginning and end of the meeting. We also need a larger pool of Alternates in some colleges.

Doug Jackson-Smith moved to place this on the agenda as new business with action resulting in sending this to PRPC for the code changes needed. Rhonda Callister seconded the motion and it passed unanimously.

FEC Feedback on Faculty Code 405.12 Post Tenure Review Proposal – Karen Mock. The majority of the committee did not feel that the current process needs to be fundamentally changed but recognized the problems with the uneven application of the process across campus. The process is fine, it just needs to be followed. Karen asked if there was data on the evenness of the process or how it was determined that the process is not being followed. Renee responded that it began with the 2007 NWCCU visit and their conversations with faculty. As such, the task force held town hall meetings and invited faculty to share their experiences with the P&T process. Our policy was compared with other institutions and it was found that a triggered review is quite common among our peers. Our code is about mid-range in comparison. Another concern of the FEC was that if we switch to a process where these annual reviews triggered a comprehensive review, and that's the only time you got a comprehensive review if you were in trouble, that would change things and would make the reviews much more infrequent and would potentially make it less of a standard. At least now we have a review no matter how you are doing.

AFT Feedback on Faculty Code 405.12 Post Tenure Review Proposal – Bryce Fifield. The AFT committee questioned if implementation of the proposed changes would result in arbitrary and capricious decisions by department heads. The AFT committee was generally in favor of a triggered evaluation system. They worked through the proposal and made edits. The problem issue that AFT had was there appear to be multiple paths that a faculty member might go through in a remedial process. They wanted to fix the language to better clarify which path applies. In a formal poll, the AFT committee was in favor of adopting the proposal with the recommended changes they indicated.

A lengthy discussion followed as to what direction we want to go. Renee Galliher suggested that we bring the matter to the full senate for a vote. Doug expressed that this is worthy of a full discussion in the senate, there is a lot of history to the matter and it should be discussed.

Jake Gunther moved that the issue be dumped and go no farther. The motion died for lack of a second.

Steve Mansfield encouraged an up or down vote in the full senate to decide whether to move forward with the issue or not, and then on an affirmative vote, decide what options are available. It was discussed whether or not a formal senate resolution would be more appropriate. Robert Schmidt expressed the need for someone to make a coherent, concise summary of the issues involved.

Renee Galliher moved to put the issue on the agenda as new business and Steve Mansfield seconded. The motion passed with two dissenting votes.

Adjournment

The meeting adjourned at 4:45 p.m.

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

Budget and Faculty Welfare Committee Report 2014

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
Curtis Icard (14) – USU Eastern
Karin Kettenring (14) – Natural Resources
Carol Kochan (14) – Libraries
Rhonda Miller (14) – Agriculture
Ilka Nemere (15) – Senate
Joanne Roueche (16) – Extension
Christopher Skousen (15) – Senate
Alan Stephens, Chair (16) – Business
Leslie Timmons (16) - Arts
Dale Wagner (15) – Education & Human Services
Rich Etchberger – Regional Campuses & Distance Education

Meeting Dates:

May 2, 2013; September 18, 2013; October 23, 2013; December 18, 2013; January 15, 2014; February 1, 2014; February 24, 2014

Outline of meeting Facts and discussions:

The BFW Committee was asked to review and comment on proposed revisions to *Faculty Code 406: Program Discontinuance, Financial Exigency, and Financial Crisis*. The committee reviewed the document and prepared a summary report outlining perceived strengths as well as concerns and suggestions for improvement.

The committee also was asked to review the proposed revisions to *Faculty Code 405.12: Post Tenure Review*. The committee made extensive comments on the original proposal and follow-up proposals. BFW's final reports on both code changes were issued in April, although additional comments were provide in May.

The committee has been meeting with the Senate president, Provost Noelle Cockett, President Albrecht, VP Dave Cowley and BrandE Faupel. The discussions have focused on:

- a. The issue of role statements in the code and elsewhere
- b. The issue of compensation, salary compression and extra service compensation
- c. The issue of part (1) of the committee's charge: (1) participate in the university budget preparation process, and
- d. The issue of rebuilding shared governance within the university
- e. ACA's impact on university benefits, and
- f. Update the faculty salary and benefits survey.

The committee has committed to work on a code change to redefine the concept of service and increase its importance in the university setting to promote shared governance and to advocate for administrative positions coming out of the faculty.

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.

ACADEMIC FREEDOM & TENURE COMMITTEE REPORT

February 2014

Prepared by M. Bryce Fifield, Chair

AFT Committee Members 2013 - 2014

Bryce Fifield, Education	Chair
Katherine Chudoba, Business	Vice-Chair
Anthony Lott	
Becky Thoms	
Bruce Duerden	
Cathy Bullock	
Foster Agblevor	
Grant Cardon	
John Stevens	
Kathleen Riggs	
Kurt Becker	
Mark Riffe	
Peter Adler	

Summary of Committee Meetings

The AFT Committee has held three meetings since the beginning of the current academic year. Participation of committee members who are not located on the Logan campus is facilitated by teleconference. Minutes from the committee meetings have been reviewed by the committee and submitted to Joan Kleinke to be posted on the Faculty Senate web site.

Disposition of Grievances

One grievance was brought before the AFT committee on July 10, 2014. A hearing panel was assembled and a chair was named. The AFT Committee Chair and the Hearing Panel chair worked with the faculty member to clarify the grievance issues and explore the possibility of negotiating clarifications to the role statement. Ultimately, a discussion between the faculty member and supervisor was facilitated and the faculty member withdrew the grievance on October 31, 2013.

A second grievance is currently before the AFT committee. We are working with the faculty member and respondents to clarify and narrow the issues, some of which are not necessarily grievable under USU faculty code. We expect the grievance to come before the hearing panel early in April.

Both of these cases have presented an issue that often arises in faculty grievances: an effort to use the grievance process to overturn a decision with which the faculty member disagrees (e.g., a change in role description, annual work statement, teaching assignment, or change in program). As a result, a considerable amount of time has to be spent sifting through the issues to determine what is grievable and what is not. These decisions need to be resolved as part of the grievance process, but who makes them, how they are negotiated, and where in the grievance process they are made is unclear. In some cases, the grievance can be more amenable resolved if they can be made early in the process, rather than at the end of the hearing.

Current code does not provide a “discovery” or “mediation” phase in the grievance process that allows for negotiation or mediation. Future revisions to the code may do well to consider creating some kind of mechanism for this process to occur.

Review of Proposed Changes to Code

The AFT Committee members have provided comment and recommended changes to section 405 of the Faculty Code regarding Post Tenure Review processes. Our concerns were to provide a clearer single path through the review processes.

Improving Due Process in Panel Hearings

Committee members have had extensive discussions, continuing from last year, about how to improve the due process of hearing and hearing panels that come under the auspices of the AFT Committee. Even though the processes and deadlines for handling grievance and inquiry hearings are outlined in the faculty code, it has been the experience of committee members that they are often working in the dark when they are called upon to chair a panel. This is especially important given that we have a regular turn-over of members on the AFT committee and the number of grievances handled varies a lot from year to year.

Finally, an interesting issue has arisen regarding the “files” of the Academic Freedom and Tenure committee. There is currently no “official” file of the proceedings of grievances. While participants in the grievance process (faculty, respondents, panel members, and the chair) have copies of reports, correspondence, and documentation relevant to the individual grievances, there is no centralized archive of these materials. They are not kept by USU administration because the grievance process is a function of the Faculty Senate, nor are they kept by the Chair of the AFT, because this changes from time to time.

The location of these records and who is responsible for maintaining the archive recently became an issue because of a lawsuit recently brought against USU by a former faculty member. Opposing council has requested copies of faculty grievances related to non-renewal. We have unable to comply because no such centralized file exists.

We recommend that the Faculty Secretary establish file for archiving the documentation associated with faculty grievances. We also recommend that the Faculty Secretary work with

the chair of the Academic Freedom and Tenure committee to keep the file current from year to year.

Respectfully Submitted,

M. Bryce Fifield, Ph.D.
AFT Chair

Decision Points for Revisions to 405.12 Post Tenure Review Process

I. Post-Tenure Peer Review Process

- 1) Should the post-tenure peer review process be:
 - a. Required of all tenured faculty (presumably, every 5 years), or
 - b. Required only of tenured faculty that are judged to be ‘not meeting expectations’ from annual reviews by the Dept. Head.

II. Peer Review Committee Structure

- 2) Should the post-tenure peer review committee be:
 - a. A college-level standing committee, or
 - b. A department-level ad hoc committee.
- 3) If a college level committee – how should members be selected?
 - a. By election of tenured or tenure-track faculty in college, or
 - b. By appointment of college dean, or
 - c. Combination of the elected and appointed faculty (as in the proposal)
- 4) Should the post-tenure peer review committee be comprised of:
 - a. Full professors only, or
 - b. Any tenured professors.

III. Dept. Head Annual Reviews Time Frame

- 5) Should the annual reviews by the Dept. Head consider:
 - a. A 5-year rolling window, or
 - b. The current year.

IV. Professional Development Plan

- 6) Should the decision to require a Professional Development Plan (PDP) be:
 - a. The responsibility of the Dept. Head, who makes a recommendation to the Dean, or
 - b. The responsibility of the peer review committee, or
 - c. A joint responsibility with separate recommendations to the Dean from the Dept. Head and the peer review committee.
- 7) Under what conditions should a review lead to a PDP?
 - a. After 1 or 2 negative annual reviews by the Dept. Head, or
 - b. After a negative peer committee review only
 - i. If the peer committee recommends a PDP to the Dept. Head and the Dept. Head agrees, or
 - ii. If the Dept. Head recommendation for PDP is reviewed and approved by the peer committee.

**Report from the Educational Policies Committee
February 11, 2014**

The Educational Policies Committee met on February 6, 2014. The agenda and minutes of the meeting are posted on the Educational Policies Committee web page¹ 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 actions were taken:

1. Approval of the report from the Curriculum Subcommittee meeting of February 6, 2014 which included the following actions:
 - The Curriculum Subcommittee approved 36 requests for course actions.
 - A motion to approve a request from the Department of Mathematics and Statistics to discontinue the Plan C Options in the MS Degree in Mathematics and the MS Degree in Statistics was approved.
 - A motion to approve a request from the Department of Mathematics and Statistics to restructure the PhD in Mathematical Sciences by reducing the number of required credits was approved.
2. There was no January report from the Academics Standards Subcommittee.
3. Approval of the report from the General Education Subcommittee meeting of January 21, 2104. Of note:
 - The following General Education courses and syllabi were approved:

ENGR 3080 (CI)
HIST/RELS/ARBC 3030 (DHA)
USU 1360 (BPS, Mary Hubbard)

Code Sections 405.7.2(5) and 407.6.3(2) date unification

The code lists two dates for notification of untenured faculty who will not have their contracts renewed.

Section 405.7.2(5) states “The president shall notify the provost, director (where applicable), academic dean or vice president for extension, department head or supervisor, tenure advisory committee, and, where appropriate, the chancellor or regional campus dean, and the candidate in writing of the president's decision to deny tenure no later than April 15. For candidates in their third year, the deadline is **December 10th**.”

Section 407.6.3(2) states “For tenure-eligible faculty appointments, non-renewal must first be preceded by the following minimum notice (a) not later than March 1 for first-year and second-year appointees; (b) not later than **December 15** for third-year appointees; (c) no later than January 29 prior to the issuance of a terminal year appointment for fourth-year and fifth-year appointees, except in the case of denial of tenure (see Policy 407.6.1), where minimum notice shall be not later than April 15.”

Section 405.7.2 describes procedures for faculty that have been denied tenure. Section 407.6.3 describes procedures for non-renewal of tenure-eligible faculty annual contracts.

To unify the dates, the Professional Responsibilities and Procedures Committee recommends that the notification date be set to December 10 for all 3rd year tenure-eligible faculty. The Section 407.6.3(2) date should be changed from “**December 15**” to “December 10”. The reasoning is the earlier a person learns of this the better their chances for finding alternative employment.

The specific change to Section 407.6.3(2) is shown below.

For tenure-eligible faculty appointments, non-renewal must first be preceded by the following minimum notice (a) not later than March 1 for first-year and second-year appointees; (b) not later than December ~~15~~ **10** for third-year appointees; (c) no later than January 29 prior to the issuance of a terminal year appointment for fourth-year and fifth-year appointees, except in the case of denial of tenure (see Policy 407.6.1), where minimum notice shall be not later than April 15.

In the February 3 Faculty Senate meeting, the Senate moved to have PRPC include a statement in Section 402.3.2 listing teaching as a reason for missing Faculty Senate meetings. PRPC recommends the following change in **red**.

402.3 MEMBERSHIP; ALTERNATES; TERM; VACANCIES

3.2 Alternates for Elected Members

Senate members are expected to attend its meetings regularly. In cases of unavoidable absence, including sabbatical leave, professional development leave, **assigned teaching**, and unpaid leaves of absence, senators will arrange for an elected alternate senator to attend in their place (see policy 402.10.2). The alternate shall have full voting rights.

Senators must notify the Executive Secretary of the Senate in writing (email is acceptable) whenever alternates will replace them. If a senator fails twice to make a documented effort to arrange for an alternate during an academic year, then that senator's position will be considered vacant (see policy 402.3.4).

POLICY 104 - THE UNIVERSITY PRESIDENT AND OTHER OFFICERS

104.4.7 Performance Evaluation

All Executive Officers of the University shall be subject to comprehensive reviews of their performances at least every five years.

104.5.1 Deans

Deans are administratively responsible and report to the Provost for functions and duties of their offices. Deans are subject to comprehensive review at least every five years.

104.5.2 paragraph 3. A comprehensive performance evaluation of new department heads will be conducted during their third year as head. Thereafter, a comprehensive performance evaluation will be conducted every five years. Each department head will also have an annual review. All reviews of department heads will be the responsibility of the dean.

Our Record:

The IDEA administrative reviews have already been done with Deans and Department Heads.

- The Deans were reviewed most recently between 2010 and 2011. Agriculture, Engineering, and Natural Resources deans were evaluated in 2010 and the Business dean was evaluated in 2011. The Provost's Office instructed the AAA Office which Deans would be evaluated. We believe that criteria were used to make that selection and ensure that deans had been in their positions long enough (I believe 3 years) to have an evaluation be fair as well as productive.
- The Department Heads had their IDEA Evaluations done in the Spring of 2010, and again in 2013.
- The results of the reviews of the Deans and the Department Heads were given to the Provost's office.
- A review of the Provost (Ray Coward) was done, perhaps, sometime between 2010 and 2012.
- A review of the President was done by the Board of Trustees sometime in 2012 or 2013.