

Utah State University

DigitalCommons@USU

Faculty Senate & Faculty Senate Executive
Committee

Faculty Senate

3-3-2014

Faculty Senate Agenda, March 3, 2014

Utah State University

Follow this and additional works at: https://digitalcommons.usu.edu/fs_fsexec

Recommended Citation

Utah State University, "Faculty Senate Agenda, March 3, 2014" (2014). *Faculty Senate & Faculty Senate Executive Committee*. Paper 529.

https://digitalcommons.usu.edu/fs_fsexec/529

This Faculty Senate Agenda is brought to you for free and open access by the Faculty Senate at DigitalCommons@USU. It has been accepted for inclusion in Faculty Senate & Faculty Senate Executive Committee by an authorized administrator of DigitalCommons@USU. For more information, please contact digitalcommons@usu.edu.





FACULTY SENATE

March 3, 2014

3:00 – 4:30 p.m.

Merrill-Cazier Library 154

Agenda

- 3:00 Call to Order.....Yanghee Kim**
Sign the Roll
Approval of Minutes February 3, 2014
- 3:05 Announcements**
1. Nominations of FS President-Elect.....Yanghee Kim
2. Shared Governance Award updates.....Yanghee Kim
- 3:06 University Business.....Stan Albrecht, President**
Noelle Cockett, Provost
- 3:20 Consent Agenda.....Yanghee Kim**
1. Budget and Faculty Welfare Committee Report – Alan Stephens
2. Academic Freedom and Tenure Committee Report – Bryce Fifield
3. EPC Items for February – Larry Smith
- 3:25 Information Items**
1. Honorary Degrees and Awards Committee Report.....Sydney Peterson
2. PRPC Code Change 405.7.2(5) and 407.6.3(2)
Notification date unification (First Reading).....Stephen Bialkowski
3. PRPC Code Change 402.3.2, add assigned teaching to list of
unavoidable absences (First Reading).....Stephen Bialkowski
- 3:40 Old Business**
1. PTR Decision Points.....Yanghee Kim
- 4:15 New Business**
1. Reviews of Administrators.....Yanghee Kim
- 4:30 Adjournment**
Be sure you have signed the Roll.



**USU FACULTY SENATE
MINUTES
FEBRUARY 3, 2014
Merrill-Cazier Library, Room 154**

Call to Order

Yanghee Kim called the meeting to order at 3:00 pm. The minutes of January 6, 2014 were adopted.

Announcements – Yanghee Kim

Roll Call. Members are reminded to sign the role sheet at each meeting.

Contact the Faculty Senate. An electronic contact form is available on the FS webpage to contact the FS leadership.

BFW work on changing the service component of faculty role statements – Alan Stephens. Many departments have difficulty finding faculty willing to serve on FS committees. BFW wants to re-write faculty role statements to upgrade the image of the service component. They are working closely with the Provost to do this.

Nominations of FS President-Elect – Yanghee Kim. Elections will be in March or early April. Senators are asked to consider colleagues to nominate for this position.

University Business – President Stan Albrecht, Noelle Cockett

President Albrecht was not in attendance. Provost Cockett informed the senate that the President had prepared a presentation for the legislature on how USU had handled the recent budget cuts and program reviews. He feels confident that our base budget will be largely intact in this legislative session. This week the legislators are asking for budget requests. He will make another presentation on behalf of all higher education in the state focusing on compensation issues. It is also believed that the legislative session will focus on mission-based funding as well as issues such as student participation, student completion and economic development.

Noelle has been working on a new role statement template. The changes reflect a more appropriate standard of excellence and effectiveness in order to achieve tenure and/or promotion and new language dealing with the service component. BFW, FSEC and the FS Presidency helped to craft new bullets dealing with service. Any faculty who would like to use the new role statement template should contact their dean or department head.

Noelle is also moving forward on a new faculty award at the university level for institutional service. FEC will work on the implementation of this award. The recognition would be given at the Spring commencement.

Consent Agenda Items – Yanghee Kim

Scholarship Advisory Board Report – Taya Flores. The report has been in the same format since 2001. They will be making some changes to it for the next year; for instance, awards will be separated into categories.

January EPC Items – Larry Smith. No discussion.

A motion to approve the consent agenda was made by Renee Galliher and seconded by Stephen Bialkowski. The motion passed unanimously.

Old Business

Code Change to 402.12.5(1) Referencing Policy 202 (Second Reading) – Stephen Bialkowski. No discussion.

A motion to pass the second reading of changes to section 402 was made by Robert Schmidt and seconded by John Stevens. The motion passed unanimously.

New Business

Open Nominations for Faculty Shared University Governance Award – Yanghee Kim. The Shared Governance award has been awarded by the FS leadership for the last two years. It is presented at the annual Robbins Awards. It was first introduced to the senate by the FS President in the February 2012 meeting. The full senate has never voted on this award. Yanghee asked the senate members if as a body they wanted to present the award this year. The provost's office is working on creating another award for faculty recognition that may replace this award in the future. A senator questioned why wouldn't we present the award this year? Another senator commented that faculty members do not have enough opportunity for recognition and others urged senators to submit nominations.

Doug Jackson Smith moved to present the award again this year to faculty from within the USU system, Kathleen Mohr seconded and the motion passed.

FS Attendance Issues – Robert Schmidt. According to the code senators are allowed up to two unexcused absences before their seat can be declared vacant. Having an absence excused is as simple as finding an alternate. If you have cc'd Joan on your correspondence to secure an alternate, you will be marked as excused, even if the alternate does not come to the meeting. When an alternate attends a FS Meeting, they need to sign the role next to their name AND next to the name of the person they are substituting for. Robert also suggests that the code be clarified to show that scheduled teaching is a legitimate reason for missing the FS meetings, even though it fits under the "other" category.

A motion was made to clarify the code to state that scheduled teaching is a valid reason to miss a meeting. Steve Mansfield seconded the motion and the motion passed.

FEC Feedback on Faculty Code 405.12 Post Tenure Review Proposal – Karen Mock. The FEC engaged in a lengthy discussion on this issue at their recent meeting. Their sense is they would prefer to work on a revision of the current process rather than implement a new policy. They did not get deeply into details or work on specific wording or other changes. The committee is happy to work on a revision or new policy either way the FS decides.

AFT Feedback on Faculty Code 405.12 Post Tenure Review Proposal – Bryce Fifield. The AFT discussion focused on what problems we might anticipate if the new policy is implemented. Of concern to them is the lack of specific dates or timelines which may cause overlapping reviews being implemented. They are concerned that it may be arbitrarily enforced, but that is true of any policy including our current one. The committee made a few changes to the proposal and agreed generally as a committee they would support the new proposal with their changes.

Discussion to ascertain Senate's position on the 405.12 Code Proposal – Yanghee Kim.

Yanghee reviewed the history of the task force and their proposal. A lengthy discussion followed, acknowledging they would be setting minimum standards for each department to follow, thereby eliminating arbitrary department head decisions. Yanghee outlined the four possible actions the senate may take:

- Keep the current code as it is written.
- Keep the current code with revisions.
- Accept the task force proposal in its current form.
- Accept the task force proposal with revisions.

A senator asked for clarification, for the benefit of the new members of the senate, as to whether other institutions policies had been evaluated during the PTR review process. Renee Galliher described the review process which has included town hall meetings on campus and at the regional campuses and a review of our peer institutions promotion and tenure policies. Our policy was middle of the road in comparison to others.

Jake Gunther made a motion to keep the current code as it is currently written. The motion was seconded. Comments were made that this would be a worst case scenario. Due to limited time, a motion was made, seconded and passed to keep discussions limited to one minute per speaker. The policy as it is now is applied very unevenly across campus and is open to broad interpretations. One senator asked the senate not to give away the power of peer reviews. Another stated that we could be in the same situation with a new code as far as it being applied unevenly across campus. The alternative is to continue the process, send it to PRPC to incorporate the comments and findings from the committees that have reviewed it and then return it to the senate for a vote.

Yanghee called for a vote on the motion on the floor. There were votes in 8 the affirmative. The motion to keep the current code as it is currently written did not pass.

Doug Jackson-Smith made a motion to ask the FSEC to identify specific decision points to be presented at the next FS meeting. A friendly amendment was made and accepted to include documentation of the discussions. Scott Bates seconded the motion and amendment and the motion passed.

Adjournment

The meeting adjourned at 4:41 pm.

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

**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).

PROPOSED DECISION POINTS FOR REVISIONS TO 405.12

I. Post-Tenure Peer Review Process:

- 1) Should the post-tenure peer review process be
 - a. Triggered: required only of tenured faculty that are judged to be 'not meeting expectations' in annual reviews, or
 - b. The current code: (required of all tenured faculty, every 5 years).
- 1-1) If triggered, should annual reviews for post-tenure faculty consider
 - a. A multi-year rolling window, or
 - b. The current code: "each department shall establish procedures..." (405, page 30).

II. Post-Tenure Peer Review Committee Structure:

- 2) Should the post-tenure peer review committee be
 - a. College-level, or
 - b. The current code: "the committee appointed by the dept. head or supervisor in consultation with the faculty member..." (405, page 30).
- 2-1) Should the post-tenure peer review committee be
 - a. Standing committee, or
 - b. The current code (ad hoc committee).
- 2-2) If college-level, how should members be selected?
 - a. By election of tenured faculty in college, or
 - b. By appointment of college dean, or
 - c. Or combination of the elected and appointed faculty.

III. Professional Development Plan – To be Determined:

- 3) *Should a professional development plan (PDP) be initiated:*
 - a. *The current code (only based on annual reviews), or*
 - b. *As a result of the Post-Tenure Peer Reviews, or*
 - c. *By a joint recommendation by the annual review and peer review.*
- 4) *Under what conditions, should a review lead to a professional development plan?*
 - a. *After one negative annual review, or*
 - b. *After at least two negative annual reviews, or*
 - c. *After negative 5-year committee review only.*
 - i. *If the peer review committee recommends a PDP to the dept. head (and the dept. head agrees), or*
 - ii. *After the dept. head's recommendation for PDP is approved by the peer committee.*

Issues on Reviews of Administrators

From Faculty Forum, Nov 4, 2013, two issues were brought up regarding the faculty evaluations of administrators:

- 1) Implementing the evaluations more frequently: annual reviews or semi-annual reviews, and
- 2) Sharing the results of the evaluations.

Policy Manual 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 for 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 sometime between 2010 and 2012.
- A review of the President was done by the Board of Trustees in 2010.