

# FACULTY SENATE EXECUTIVE COMMITTEE (FSEC) MEETING

OCTOBER 22, 2009

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*In attendance:*

*Paul Abegg (PA)*  
*Georgine Bills (GB)*  
*Gary Cooper (GC)*  
*Jerry Harris (sec.) (JH)*  
*Randy Jasmine (RJ)*

*Munir Mahmud (MM)*  
*Shane Prine (SP)*  
*Ed Reber (ER)*  
*Dennis Wignall (DW)*

AGENDA: Faculty Appointments Policy – Discussion

*(Sec. Note: This discussion follows e-mail input to ER concerning this policy.)*

ER: Most departments. report that they don't like the idea of a Hiring Committee.

SP: Our department still hopes to have a Human Resources (HR) referee on hiring committees to monitor the kinds of questions being asked and remind committee members what is legal, taboo, etc.

RJ: HR wants a committee; most people don't, but if we have to compromise, then, Faculty Senate should appoint it, and one member is a referee on other committees, and the HR representative is non-voting on hiring issues in the committee.

DW: Addison Everett (per e-mail comments about the policy) voiced it well: HR would have too much power over hiring when faculty needs to have full control.

ER: The chairs of Hiring Committees just need HR training to be compliant – this is the position of most faculty. I'm not sure that having chairs have to call an outside (HR) person for every question...!

DW: Logistically, as we (as a school) grow and have more departments and faculty, the Hiring Committee would require more members or existing members would get overstressed: if >4 departments are hiring and the committee is only eight members, it would be too much for them. If, instead, we had 1-2 members of each department trained on HR policy, then those people could both advise AND vote within their departments, which helps those departments –outside members that don't know anything about a department's needs need to come in. Power is retained within the department.

RJ: Maybe HR wants this outside influence...?

DW: We have to have an outside member anyway; that person could simultaneously be trained in best practices and, coupled with a department's HR-trained person, would provide two people there that are trained and compliant.

GC: Would this Hiring Committee meet regularly? If so, they could veto anything departments say or do (e.g., override a hiring decision made by a department).

DW: If I were appointed for this committee and got trained on best practices, I'd get committee credit and have extra responsibilities within my department – this is a great opportunity for junior faculty looking to get tenure/promotion later.

MM: If we have to have this committee, then our second plan should be to get the HR member to be non-voting (per RJ's suggestion).

DW: If we say we reject the idea of a Hiring Committee, and administration/HR say “No” and we end up having to have it anyway, it's basically faculty being dictated to about faculty matters by non-faculty!

ER: I don't think there is any Board of Regents or other policy that dictates that they can force this on us.

RJ: Martha believes that this is a HR decision, and while they want faculty input, they don't need faculty approval to make the committee –they might take the position that this is a hiring issue, not a faculty issue, and therefore HR has the final say.

ER: My position is still that we should have an advocate for faculty, and if there's no mandate linked to Board of Regents or accreditation, then we just make the argument that we agree that compliance is needed, but the committee interferes with the smooth running of a department's hiring of new faculty. If we have a united proposal, Donna will take it seriously.

### **3.27: Faculty Appointments (sections VI-VII) – this is the policy in question!**

MM: VII.C.i – change “is” to “will be” to be parallel with VII.C.

GB: VII.D – who are “administrators”?

ER and MM: Donna...?

DW: VII.D – what is standard number of “additional full-time members”? Is two standard? Do we have language saying how many people should be on a search committee?

ER: Many people don't want it to be limited by a specified number.

DW: So we have a functional five members, usually, plus the mandated 2 for a total of 7.

ER: No, the two are in addition to the chair! (emend wording of VII.D to “A minimum of two (2) additional full-time members of the department in addition to the chair will serve...”)

DW: It says a minimum of three people from the hiring department would be on a search committee; if there were five on the whole committee, these three could out-vote the two people from outside the department. If we add two people from outside plus one HR person, it could lead to a stand-off.

ER: ...unless we make them non-voting...?

RJ: HR proposed that these people would come from HR' committee. The purpose of having the committee to begin with was to make it easier for department chairs to get people from outside to serve, but chairs don't think it's hard; they just might not get people they first ask.

ER: When we hired a new History person, I asked Joe Green from Business; if we hire for English, we'd want someone from Education – we need to find people from outside that are fits to the specialty of the hire needed, rather than limiting choices to eight people on HR' committee!

DW: Six years ago, I had the interim dean, one person each from math, music, health, etc. for a new Communication hire – none of them were related to communication, but since then,

we've grown so much in terms of separate departments and degree programs that we have different circumstances than those under which we originally had to form committees (= we got anyone that could be found).

RJ: This needs to be part of our argument against having a HR mandated eight-person committee – it could damage a good departmental Hiring Committee.

ER: I think that it's implicit in the policy that outside people need to be good fits for the particular committee and specialty being sought.

DW: We can't have implicit understandings in the policy – that creates wiggle room (e.g., D.ii) – the wording needs to include specific language about the relevance of outside members in order to make our intentions clear.

SP: The name of the HR committee should be something like "Faculty Appointment," not "Faculty Hiring."

DW: Keep the title change in mind – HR is about compliance, but departments. do appointing/hiring!

RJ: The name should be "Compliance Committee" or somesuch.

ER: Wherever the policy says "with the approval of the vice president and/or HR," I took out "HR" parts in order to limit their power on this faculty issue.

DW: When we were smaller, HR had to shoulder much of the hiring load, but circumstances have changed and now they don't need to have that load anymore.

ER: Department chairs universally want someone(s) from their department to be the trained people, rather than outside people.

GC: With regard to D.iii – I've noticed that committees at Dixie are invariably top-down; junior faculty have little say. This part of the policy seems to exclude them, too (because only department chairs can chair hiring committees)!

ER: This relates to an earlier discussion from Tim Eicher that the chair of a hiring committee should always be the one that is trained; others wrote back and said there might be exceptions. At times, it might be possible for a department chair to tell someone else in the department to chair a hiring committee – that's the compromise I made in D.iii with the word "ordinarily."

DW: In my experience, the department chair usually sits on a hiring committee, but rarely chairs the committee – they usually appoint someone else to do that.

RJ: We don't want time at beginning of semester devoted to HR compliance training – someone that has had compliance training HAS to be on committee, whether or not they chair it. In fields without departments but that have programs (like History), there is no departmental majority.

DW: In cases like this, we can invite people from, for example, the History department at SUU to sit on the committee as qualified, outside people. ...OK, do we feel OK about 3.27?

ER: Just before this meeting, John Jones (by e-mail) suggested we look at III.iv, too – ordinarily, hiring is faculty matter, and the wording of III.iv ("The delegation of authority for initiation of appointments to the department chair shall not prevent a dean, the academic vice president, or the president from initiating position announcements when, in their judgment, the best interest of the College will be served by doing so") leaves open a big window for administration to step in.

DW: As an example: the president appointed a woman to run our show choir – this entirely circumvented the normal hiring process.

ER: I don't think there's anything in the existing language that allows this – it only says initiate appointment, not make the appointment!

PA: Administration does have the ability to override faculty (e.g., not hire someone faculty recommends); I don't know that we can get rid of this ability.

SP: One of our past presidents prided himself on his ability to hire/fire.

GB: In one of our recent interviews, the fourth choice was hired – sometimes the recommended person (first choice) doesn't accept, after which administration can do whatever it wants, not necessarily default to the recommended second choice.

RJ: I don't see any way we can reword this to give us more leeway...

ER: But this doesn't address the final decision; just initiating appointments (i.e., searches).

PA: The president wanted a show choir and knew someone with the necessary experience, so he just appointed her – no search committee, etc.

DW: On the first page of John Jones' message, III.iv should say "The delegation of authority for initiation of searches for appointments to the department chair..." – this would eliminate this loophole.

RJ: Administration could still hire the person they want; they'd just have to go through search process first.

PA: Doesn't a search needs to be required to be advertised/opened to public?

DW: Yes, that is a Board of Regent's policy.

RJ: Before time is up: as a private, individual faculty member, I was asked what kind of legal advice we, as a body, could receive via AFT (American Federation of Teachers) – at Utah Valley and Salt Lake, their Senates work closely with AFT reps, and AFT has legal people that could look at anything we produce. AFT will always want to try and get us to join them, but if we had some sort of union backing, it could make us more powerful.

DW: The office of the Attorney General is open to us for legal advice and doesn't have the union label to it. We're expected to run stuff through them – they are receptive to any legal-based faculty initiative.

RJ: Are we sending this hiring stuff to them?

DW: That would depend on timing.

ER: I'm not sure that there's anything that is a legal matter in this... I think most of the concern is in 3.27 IV, VI and VII – I will revise then and send just those out again.

DW: Make sure that you specify that anyone submitting more feedback sends it to ER and DW.

RJ: Our revisions could come back as rejected because administration says it's not legal – maybe we need to ensure it is, first, or at least have lawyers tell us it looks legal.

**We will meet again in one week (Oct. 29, noon, Jennings Conference Room);** the full Senate meeting will happen in the first week of November. We will have these policy revisions buffed up and sent out one week before that meeting.