

# FACULTY SENATE EXECUTIVE COMMITTEE MEETING

Sept. 5, 2013

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*In attendance:*

*Clint Buhler (CB)*

*LJ Jones (LJ)*

*Robert Carlson (RC)*

*Curtis Larsen (CL)*

*Jennifer Ciaccio (JC)*

*Scott Lindsey (SL)*

*Ami Comeford (AC)*

*Sandy Petersen (SP)*

*Ross Decker (RoD)*

*Nate Staheli (NS)*

*Rebecca DiVerniero (ReD)*

*Samuel Tobler (ST)*

*Timothy Francis (TF)*

*Drew Wilcox (DW)*

*Jerry Harris (JDH; secretary)*

RC: We'll start our discussion today on several proposed issues; please continue these discussions with your constituents. I don't want a free-for-all discussion about the tobacco policy, but I want plenty of discussion; I don't know what the balance is. But encourage discussion.

AC: Can we set up an on-line discussion forum, in Canvas or something, but that doesn't clog up everyone's e-mail boxes.

IJ: We could set that up as a dummy class in Canvas.

RC: I like the Canvas class possibility because most of us are used to using it, and it would show up in our existing class lists in Canvas. We could have two: an FSEC one and an all-faculty one. I'll see about that. OK, to officially start our meeting, are there any comments on the minutes from our last meeting? (None.) Move to approve? (AC moves, SP, seconds). Any other comments? All in favor? (Passes unanimously.) Now: did I send out the professional development policy? Have you had a chance to look at it and get comments from your constituents? This is important and we need feedback.

SP: My constituents were very excited about having four application dates and the ability to apply without presenting because some association meetings don't have opportunities to present.

AC: I think some of my colleagues may have sent comments straight to Jim (Haendiges), but one comment that I also got was that the policy should say that the criteria are for national representation—that DSU faculty are representing DSU at national conferences.

RC: Perhaps something about the "prominence of the event"...?

AC: This commenter wanted it articulated that we're representing the institution as faculty members.

RC: When we had this discussion within the committee last year, we wanted it to benefit the faculty more than the institution. Then the funding source wouldn't be a catch-all for things that the institution should be sponsoring. But we didn't know what that balance was. Under the current proposal, when someone is trying to express why attending is a benefit, there should be wording to this effect.

NS: Isn't the justification for changing this to put more faith and trust in the committee to administer the funds?

RC: But they should consider this factor.

AC: We want to have people know the benefits. One benefit that's important is how what the funding is going to will benefit students—i.e., teaching, but there are other benefits, too. The current wording doesn't really say that.

NS: We've taken out the hierarchy (of presenting vs. attending, etc.) now...? So the job becomes the faculty member's responsibility to say why they deserve the funds.

RC: We should make it clear.

AC: The other thing that came up was that the procedure in section 9.6 seems vague, but that may be a good thing because putting in too many details might close doors. But we should think about whether or not we want that part to be more specific.

RC: We had a wide variety of applications last year; summarizing them turned out to be impossible, so the flexibility in that policy was intentional. We acknowledge that there could be abuses, and we tried to put in safeguards.

SL: What percentage got funded last year?

RC: All conference presentations, except one because of a question of whether the proposal was actually mentoring of a student, and a couple of attendances.

SL: With removal of the priority hierarchy, would that change?

RC: Possibly. What I see changing is the proportion—more “just attendings” would get funded. But we’re not sure because of one other change, independent of this policy: we’re getting lots of new faculty who are anxious to attend conferences, so that increase may still dominate; we don’t know.

SL: How much is our funding increase?

RC: Up \$40,000 this year.

AC: Did they roll it over from last time?

RC: They did, so we have good funding this time. The current balance is over \$100,000—quite healthy. But we’re not looking at implementing all these changes yet.

SL: Responses from my department have been more worried that presentation requests will go begging at the inclusion of attending requests. So Jim supplied me with a well-thought-out rationale for doing what he did in the committee and the policy, and I shared that with them. But even then, they were hesitant.

RC: We know that some segments of campus do more research than others. As another example: we had one applicant last year who was asked to teach a new course, and they wanted to attend a conference to learn how to do so. Under the old model, we wouldn’t have been able to do that. We want to be more flexible. If someone has attended a conference every year for 5 years, that’d be lower priority than someone that hasn’t attended *any* in 5 years. But presenting is still a priority when everything else is equal. There’s just no absolute hierarchy now.

SL: Let me leave you with what I told my faculty: I think this policy is reasonable, and we need to let it play out. But know that the first time after it’s implemented, there might be lots of noise from my faculty.

NS: We haven’t historically been strict on making people report on what they did at conferences. If we left that in policy, to make them be more accountable or to get information to the Academic Vice-President, they’ll see that we’re doing things beneficial to the institution as well as faculty. I don’t know why that hasn’t been done before.

RC: “Why” is because the committee or the Vice-President didn’t want to read them, I speculate.

NS: But is it still in the policy?

RC: I think it was removed; there’s certainly no requirement to generate a report. It might be an option.

SP: There’s still level 1 and 2?

RC: No, that’s gone.

CB: In the absence of that, we can say we want accountability.

RC: The Board of Trustees likes to hear what faculty are doing. They wouldn’t read reports, but they want to know, and set aside meeting time for faculty to present their research.

AC: We have to phrase it differently—it sounds like a fundamental distrust of faculty, like we’re keeping tabs on them. Instead, it should be like an invitation, and we’re more diligent about that, rather than “you must report that you did X.” Faculty would see it as another situation where we’d have to account for our every movement.

NS: If I got a loan from Zion Bank, I’d have to account for everything. It’s not that they distrust me; they just need to know that I used the funds for what I said I would.

AC: But if you’re giving a talk, it’s already there—there’s automatic professionalism there. I’m just thinking of faculty I know that do this a lot.

RC: The current wording is more like an invitation than a requirement.

DW: In clinicals, we need a topic presented, and when presenting to the departments, an outline is submitted to the Academic Vice-President?

RC: That would satisfy the invitation. I don’t think it has to go to any particular level; it just should benefit the institution by being shared somehow.

CB: Maybe put the invite in the application process to report on how previous trips have been beneficial. Then it’s an appeal, rather than a check-up.

RC: Thanks for all of your feedback! Any more faculty responses? We’ll keep pushing this forward, but I think we’ll be ready to vote on it at our next FSEC meeting. If there’s more issues after that, we’ll check, but then we can vote and insert it into the Faculty Rights and Responsibilities policy.

AC: Could we get from Jim what feedback he’s received?

NS: Can I ask on that? As we got through these processes, what’s the best way to get feedback from faculty? The representatives? The department chairs? I like having it coming from the constituents, but when we need feedback from other places, how do we get that?

AC: Well, Professional Development is a Faculty Senate committee. Other committees may not have this kind of response situation. But we should have *all* the feedback.

RC: Ultimately, we want to filter it for efficiency’s sake, not to censor it. Now: we have five other policies here; I just want to introduce four of them, then have a short discussion on the fifth. Right now, the current plan is that I will schedule a

meeting with Pam (Montrallo) on how to best manage situations when we're feeling overwhelmed by the number of policies to evaluate at one time. Some may be easy, but some are long, and/or the Faculty Senate hasn't been involved in its preparation. We need to know more about them and know what their consequences will be. I know lots of work has gone into them. One of the current foci for Human Resources is to make policy match practice. In past, this wasn't always true, and that's a legal and ethical problem, and it's inappropriate. Changes here are to reflect what we've *been* doing so that policy is consistent. For example, there are some significant things regarding double majors that were frowned upon in past. So please look at the summary of the Graduation Policy that Martha prepared. Take this, look through it, send to your faculty (both the summary and policy language); we'll try to get the deadline postponed for a vote on this, so I sent it to you to spread around.

SL: Are there many more coming?

RC: I don't know, but I will try to find out.

SL: We need to manage it. We want to solicit feedback, but if we give faculty a lot all at once, they'll turn off the spigot.

RC: Yes, it will impair our participation. I sent e-mails around to help with that. On to the Accommodations Policy draft: this isn't a drastic change. Recent modifications to the Student Code policy was drafted to allow accommodations based on military service. The Faculty Senate was involved, and this document more or less takes current accommodations for participation in school-related activities, military activities, etc. and put them in one document—that's most of what this has done. Where it might affect faculty is that the military policy just treats service like any other approved absence from school. If a student is going to be gone for a month, accommodation just may not be possible, and the wording now allows for that if the teacher says it. But if it's equivalent to athletes taking two weeks to go to Hawaii, we accommodate it similarly: the student must make arrangements ahead of time and be proactive. The other part that is spelled out that may not have been there before is related to religious observances and beliefs: there's been case law in Utah recently that we must respect deeply-held religious beliefs. Read over that language carefully. For example: teaching evolution should be part of coursework, but requiring students to believe it is not.

AC: The language I see in it is a very fine line—it says "sincerely held religious beliefs," but there's no definition for that. It can't interfere with pedagogy, but that doesn't line up with when that "sincerely held belief" does come into conflict with the material being taught—it's troubling that a dean can overrule the faculty member if the faculty member says accommodation is not possible. The Dean or Academic Vice-President would have to take care of the accommodation. But it says it shouldn't reflect poorly on the faculty member for tenure, promotion, etc., and I don't see how that would happen. The language was problematic. I need an example.

CL: If the student went to the dean, wouldn't the dean just be a mediator?

AC: The policy says that the dean will work with the department chair and faculty member to find an accommodation, but if there's not one, it's up to the administrators to administer the accommodation—grade an exam, or whatever, and report the grade to the faculty member. I'm not sure how that will work.

RC: I think you're correct. Traditionally, if there's been a conflict, there's an appellate committee. But these situations have to be resolved quickly.

AC: The faculty member has to respond to the student within two days, which is problematic if the faculty member is out of town, etc. It doesn't say "two business days."

ST: It does say that.

AC: OK, but it should be 3-5 days. If the student knows that there's a problem, they should have read the course material and known about it ahead of time.

RC: Maybe the two-day limit should apply to unexpected details—they didn't know they'd encounter something offensive, and couldn't anticipate it. That seems reasonable.

AC: Everyone read that carefully please—it could put faculty in dangerous situations.

RC: But there are limitations what we can do about it because of case law. But look over it, and if you can come up with situations you'd be worried about, let us know.

CB: And we have time to respond to this one?

AC: These drafts have all been posted—until Sept. 30.

RC: We did in the last Academic Council meeting—the way that HR posted them on their site, they said that the informational items on these were going to be put to Academic Council on Sept. 4 and voted on Oct. 1. I put that they won't be voted on until after we've had a comment period—not until November. That way there's time for discussion and to get faculty feedback. We'll keep trying to get reasonable feedback time. OK: the Extra Institutional Credit (experiential learning): this one is trying to clean up a lot of language. I haven't been able to look at it closely. I don't know if it's any different, but the General Education major allowed credit for professional experience, and that has been incorporated into this document. It was already approved for the degree. I don't know how it will affect the campus.

AC: I read it, and wondered about a procedural issue. It lists the BYU language test, and then in parentheses FLATS test—why not just say FLATS exam? Does that limit transfer students?

RC: BYU created it and its widely used.

AC: OK, but all the others were listed as the type of test, like CLEP, but this wasn't. I was just wondering why.

RD: Are there people that don't know it as the FLAT exam?

RC: Their foreign language assessment is widely used.

NS: They just call it the FLATS test at BYU.

RC: That sounds like an easy change.

JC: Unless going to BYU is the *only* way to take the test...

RC: About the tobacco policy—I don't want to spend long discussing it because we need more information and to have a general faculty meeting. I want more feedback, though. Here is the policy: it's very short; its brevity is both strength and weakness. The issues we need feedback on are the ban on smoking tobacco products; the ban on using tobacco products in other ways (chewing tobacco); the ban on using tobacco analogs or derivatives—not including e-cigarettes, but if it does expand to that, it also has to cover nicotine patches. I don't know what else would fall under that, and there's no clear definition given. So part of the problem is that it's ambiguous on that point. I've received feedback: there's a handful of people all across campus who are against the policy entirely. I don't think it's a majority, but there are people that want alternatives, such as smoking areas that are clearly located away from intake areas, etc. When I asked how students investigated those issues, I was only told about an investigation of tents over intake areas, which seemed like a straw-man argument. There are others that were sensitive to second-hand smoke issues; most of the people I've talked to want to balance out the issue of someone's right to perform a legal behavior vs. the right to not get second-hand smoke. Most people were taken with the issue with nicotine patches and e-cigarettes.

DW: My faculty are saying that e-cigarettes are becoming the new fad thing.

RC: But it's a tiny percentage.

NS: A procedural question: I think any faculty should be able to read this in a short time. So we go to our faculty, solicit feedback, come back here, then we vote on it, regardless of what any faculty thing about e-cigarettes, etc. So what's *our* responsibility?

RC: We need feedback soon: the Board of Trustees is anxious to have this voted on in November. They are willing to work with us, and come to the FSEC to discuss it with us, and they want a balanced faculty. There may be disagreement, but we need a consensus, and they want the policy to reflect faculty opinion.

SL: A comment that the President made at the all-hands meeting was that this was driven by the Board of Trustees.

LJ: ...and students.

SL: But he thanked the Board of Trustees for driving the policy.

RC: He meant that they've been supportive of the student initiative. And that's emboldened students to develop what they call the "white paper," and then in a few months get the policy ready.

SL: Was another institution's template used?

RC: For this specific version, I don't know. I doubt that phrases such as "tobacco analog" weren't from somewhere else. When they presented numbers—smoke-free campuses are in the thousands—I'm not sure how many have policies that go as far as this one does. They have modeled it after others to some extent. I also haven't received feedback about enforcement. It's vague in this policy—no specific enforcement is outlined.

JC: There's no way to prove you have a nicotine patch on you!

RC: If we ignore the "how we catch people" part, it sounds like if a supervisor requests enforcement, that disobeying or flaunting of authority would be cause for discipline.

JC: Only for faculty and staff?

RC: ...and students—there are sanctions for general disobedience, regardless of who.

CB: Wouldn't disobeying a posted sign be the same thing?

RC: Yes. There was a change, too, that the original policy said something about faculty politely requesting compliance. The lawyers took that out.

TF: A student can contest "politely."

RC: The last issue that has been pointed out to me that you should discuss with your constituents: if they're really concerned about health, you can smoke in your car, but only if the windows are up. One faculty member pointed out that elsewhere, policies allowed windows to be down, and the risk of second-hand smoke is minimal.

CB: At my last institution, this was talked about, and the legal team said that when you're in car and not touching campus property, they can't touch you.

RC: OK, but the issue was just that it says "windows up." We need a general faculty meeting to discuss this soon.

NS: So this general faculty meeting—will it be to discuss all these policies?

RC: It could; I just predict this policy will dominate. We need this in a week—suggestions of when?

NS: We've already asked for feedback via the representatives...we want another platform?

RC: I want everyone to have the opportunity, so people feel they have multiple ways to have their voice heard. This won't be necessary for every policy.

JC: What happens if it gets voted down?

RC: Then we have a problem with the Board of Trustees—they'll do something regardless. Given what I've heard so far, the majority of faculty would be amenable to a compromise. But I want to find out.

SL: We need *regular* general faculty meetings.

RC: Yes—once a month? (Lots of yeses). What day and time?

JC: Not Friday afternoons.

RC: I can't do noon.

SL: What were they last year?

IJ: 4 PM.

SL: I got that some in my department didn't like that.

RC: Thursday afternoon is OK with me, but could it be earlier...? I know that's not great for all FSEC members, but we're trying to accommodate all faculty here.

TF: Is there a way to find out statistically when most classes are? Do some days tend to be more open?

IJ: Tuesdays and Thursdays are more open.

AC: We should also have everyone report when their department meetings are—they're already scheduled, and we don't want a conflict. That would help us rule out some times.

RC: If we schedule for a week from Monday (the 16<sup>th</sup>) at 2, would that work? Well worry about the regularly scheduled FSEC meeting from that slot later. That's halfway through the posted comment period. The FSEC could be the next week. (Agreed.) OK, settled.

CL: Make it 2-2:50 to put a definite end to discussion.

RC: Keeping it concise is hard. At the beginning, a few people will dominate the discussion, and we need to get past them.

RC: The last item on our list of informational items: SL has been working on the Faculty Senate Constitution and Bylaws. I dumped some documents on him that he realized won't fit well with what we already have, so we have to rewrite them from scratch.

SL: Well, it hasn't been rewritten since 2002. I passed around what I have. We need to add to much of it, then start the rewrite. The Constitution, as it stands, is inadequate, inaccurate, etc.

RC: I wanted to highlight a couple things. We need *lots* of definitions for faculty categories. I have trouble describing who belongs to the Faculty Senate—is it just full-time faculty? Does it include the 0.74s? We need definitions that are easy to understand—you'd be surprised how complicated this gets, and definitions would be really helpful. These small things really matter—it causes hard feelings. Some deans are very upset that we're not considering the deans as faculty. We want to articulate exactly what "faculty" are so everyone knows where they fit.

RD: Is it their opinion that we don't want them?

RC: Well, as an example: the last time we had a general faculty meeting on a sensitive issue that also included administration, the faculty voted to have administrators leave so they could speak freely.

IJ: Some deans are still faculty members, and some are not. It depends on their positions.

RC: Deans who are faculty members—if they have faculty responsibilities, would they count? With clear definitions, we can be clearer. I don't want to be exclusionary; some faculty serve differently at different times. One of the biggest frustrations I have as Faculty Senate President is figuring out who's eligible for which committees because of the lack of definitions. For committees, it's mostly tenure, but it's still difficult. Reconciling all the different kinds of faculty would make things easier. So think about all those issues.

CB: Should it be just full-time teaching faculty? If we open it up to everyone as a member, that's too many.

RC: Yes, there will have to be a boundary. We know that adjuncts aren't part of this group, but defining "adjunct" has also been difficult.

SL: Does HR have a classification system?

RC: They have terms, but no real categories. They have to be coded somehow. Also: Lecture-advisor—is that for faculty who spend most of their time advising? That will help our body to run better. OK: Any other questions?

AC: Yes: under Article 3, Administrative membership: this is where lots of problems have happened in past. Faculty have expressed to me that this makes them uncomfortable because administrators can attend some meetings. That complicates our group and what we can do.

CB: Yes, it devalues Faculty Senate if faculty can't be in it.

RC: I've been at other institutions, including one where the President came to almost every meeting. He was invited—he didn't participate, but wanted to know what was going on. I think that model is fairly standard—we've already invited administration to some meetings, such as when Don Hinton came as interim Vice-President. We want to invite the Board of Trustees to work on the tobacco policy. But first we want to know what the faculty think, and *then* work with other groups. In the past, those administrators paid dues, so there was no ways to keep them out, but that's not an issue now.

AC: But if it's in the Constitution, it is a potential problem. We really need to make a determination of whether we want them or not. If we choose to *invite* them, fine.

RC: I think everyone is OK with chairs being faculty, but it should be discussed and explicitly acknowledged.

CB: Is there a reason to not put “teaching responsibilities” in it verbatim?

RC: Sure, but “how much” is an issue.

DW: We have to be careful about who is and isn’t excluded—we don’t want to be a secret society.

RC: We want inclusive, but for it also to be faculty.

NS: Before we go, I wanted to mention that Frank Lojko mentioned to me that there may be a way to get a reduced lunch for faculty on campus once a month: there are funds for facilitating informal discussions among faculty. Also: I was informed that there’s a committee (Campus Community) to coordinate that.

AC: They’re supposed to have their own budget—check with the chair of that committee (Tana Lively) to see what’s available. That’s what they’re for. It went last year; it was an idea of Donna’s to make people feel more integrated. They were charged to do that off campus for social things that they can’t do on campus.

NS: Can I ask her if the Faculty Senate would be under their purview to offer cheaper meals for meetings? (Approved.)