

Faculty Senate Executive Committee

April 2, 2015

In attendance:

Brent Albrecht (BA)

Clint Buhler (CB)

Denise Burton (DB)

Robert Carlson (RC)

Alex Chamberlain (AC)

Timothy Francis (TF)

Jim Haendiges (JH)

Jerry Harris (JDH; secretary)

Linda Jones (LJ)

Curtis Larsen (CL)

Erin O'Brien (EO; President-Elect)

Sandy Peterson (SP)

Helen Saar (HS)

Nate Staheli (NS; President)

Samuel Tobler (ST)

Don Warner (DoW)

Drew Wilcox (DrW)

NS: Let me distribute these handouts.

EO: There are two—take one of each. One is about Faculty Rights and Responsibilities.

NS: By the way, EO's item is not on the agenda, so we'll probably replace discussing Faculty Evaluations with her item.

Everyone should have the agenda, with EO's item not on there inadvertently; I'll defer to her later on that. I don't know when we make the official change—I know Nancy's been voted in and it's probably at the next meeting...?

EO: I find contradictory dates in the policy; one says our next Faculty Senate meeting, I believe, and the other says Sept. 1, which is even more bizarre. That's what it says on the Faculty Senate web site.

NS: I put on here first the reports from the Faculty Senate President and President-Elect; what I'd like to do is move those down. First, let's entertain a motion to approve the minutes—I sent those out again this morning. (CL moves, CB seconds).

EO: I have no problems with the 3/2 minutes; the 3/19 minutes—I don't know if everyone got to look at that set? You guys were much more involved in that policy discussion than I was. And make sure that they say what you said? We need to tweak some of the wording. In particular I'm concerned about some of the language that described what the Academic Program Committee does—did you read over that? You need to look over that because I think the way things are worded implies that that committee prioritizes which programs are going to be approved or pursued, whereas your responsibility is mainly to mine the data so that a priority list can be generated—CB, is that correct?

CB: Somewhere between those things. We do provide the data so decisions can be made, and we do not make decisions, but do make recommendations.

EO: We need to make sure the language says that—right now, it could be read to say that you guys dictate which degrees happen, which isn't quite right.

NS: We made sure when that *ad hoc* committee was formed that that was not the purpose of that committee.

EO: There's a few other spots, but I haven't finished going through them. But I can send them out and could we maybe do an e-mail vote?

NS: CL, can you emend your motion?

CL: I emend my motion to approve just the 3/2 set. (CB seconds). All in favor? (All ayes.) We've also had a request to table the 3/19 ones until changes are made. EO will send those out for approval of the modifications and we'll do an e-mail vote prior to our next meeting.

LJ: Send the corrections to me because JDH didn't take those.

NS: **Item #4: probably my daily dialog with President Williams is where we are with regard to the faculty termination. Here's what I was informed as of this morning: the county prosecutors, because they did not determine intent was there, so it's been pushed down to the city level, and the city prosecutors are in the middle of their criminal investigation, and the results of that'll come forth. I continue to ask the President about when we'll actually get a conclusion on this as a result of it, and he says as quickly as the criminal investigators involved make a decision.**

RC: He never should have said that something was coming in that one-week time frame.

NS: In his defense, he was informed that something was coming. Whether he should or shouldn't have said it I won't comment on; that's just what he was informed about from legal counsel and those involved in the process.

JH: Something has been nagging at me about this. Say there's no prosecution, everything is dropped and settled—will he be reinstated?

NS: I don't believe so. I believe that administration made a determination, and they followed the process in the policy that we as faculty and everyone had agreed to previously. The review committee made a recommendation; the President looked at the recommendation that said in public that they had said that they were unanimous against termination. He made a decision after looking at the evidence and their recommendation, and his decision is final because he has authority to do so.

EO: According to our policy.

JH: I remember him saying something like if he was wrong then he'd be welcomed back with open arms.

RC: He could be reinstated, but that's much longer down the line.

NS: It was emphatically "no," but that was based on where he's at... The other advice given was for us to make sure that faculty don't get into anything that will pull yourselves into the web that's been woven—that doesn't mean you can't talk and you can opine on what you think is wrong or right, but make sure that as you have comments that represent faculty, your opinions are based on certain facts in that regard. It's a tough deal...it's been very tenuous, but I'd make sure that you're careful about your comments to whomever so as not to get into a situation legally.

EO: That's for *all* faculty.

NS: I have fielded many phone calls from many faculty about concerns about what they do in the classroom that might be misconstrued as infringing on student rights and that they're feeling threatened for their jobs, as well as that the President can just hatchet whomever he wants to. My answer to that is "No." It may appear that, in the absence of all the facts, it appears that he willy-nilly decided to fire someone. My advice is that when you deal with students, you don't physically touch or anything like that, because if you do, you're going to get in trouble even if you have tenure. That's just a no-brainer. This other is a case in and of itself. I've told faculty that if we feel that the policy as it relates to faculty termination isn't what we want and doesn't protect us, we can modify it, and there have been suggestions as to how to do that. As this is going through this firestorm, that may be problematic, but I definitely feel that in the near future, that should be a consideration for the Senate to look at that and make modifications if we feel necessary. That's an update on that. Next, April 10 is the first annual Teaching and Learning Conference—I looked at its agenda, and it looks like a lot of good faculty will be presenting and attending. It's going to be great. If you're not going or haven't registered, I'm sure they'll still let you go; as far as presentations—

SP: That's closed now, but we have 147 participants and 31 presentations that all look outstanding. It's going to be a great day presented by the faculty and for the faculty.

NS: It's a feather in the cap to faculty in working together and collegiality in putting this together. Some of the topics look quite interesting, and some administrators are presenting, too—I saw some stuff from David Roos and David Wade. USHE Faculty Presidency meeting: I attended that a couple Fridays ago. It was a good meeting and I'm glad DSU had a presence there because we're a presence in the state, and people are looking to us in certain regards. There was a lot of interest in the termination policy, and I gave an update on that. They're supportive of Faculty creating policy that protects faculty, but there were also numerous comments that if the faculty go against policy or do something they shouldn't be doing that there should be ramifications. Interesting to note: one institution is trying to make a pitch for termination with cause, but one cause being an inability to perform in research or in the classroom—people can be terminated because they're no longer competent to do what they're supposed to. I don't think that's ever been looked at as a potential cause. That's not necessarily going on; it's just an interesting discussion about what should be in a termination policy. A couple other things that you might find interesting: there was a proposal from Utah State University to do a gun survey to see what faculty members understood about guns and gun rights on campus. This came about because someone from USU wanted to do a presentation, and the person coming wanted to have a safe zone with no guns.

EO: There had been a threat against her life. Because they could not have a safe zone, she elected not to come and speak.

NS: They want to put together a well-crafted survey, but the University of Utah is kind of kicking against the bricks and not wanting to jump on board right now because of stuff going on on their campus. So the Senate President said that if they didn't have everyone collectively going forward with this... we'll see if the U of U gets permission from their Faculty Senate to do the survey; otherwise, for now it's been tabled. Administration says faculty can push it if they want, but it's debatable at the legislature that something of this magnitude may have backlash.

EO: They're concerned that it would cause a response piece of legislation of something like open carry on campus—that could actually go through if enough people feel provoked.

NS: That's probably 6-7 months down the road if the U of U elects to do that. We kind of said that our faculty would participate in the survey that was not sponsored by the institution nor by any administration. We may want to pick that dialog up later. Also: Southern Utah University was sponsoring a policy change in their institution with regards to

evaluating academic administrators. They're proposing that their academic administrators be evaluated on-line. IDEA is the administrating body of an on-line survey that you could do for academic administrators. Anyone could do that for deans, chairs, etc. It'll be interesting to see what feedback they get from that. Right now, our academic administrators have annual supervisor evaluations, and in the third year, a committee is formed in the school to do an actual evaluation of the administrator, and make a recommendation to the Academic Vice-President and President as far as the person's standing. One more thing: USU is looking at doing it with respect to post-probation review. They want to make the post-probation review, which right now for us is every 5 years after your final review for Full Professor. That's mandatory per our policy.

EO: If you haven't received a form of review in 5 years, then you're up for a post-probation review.

NS: USU is putting together a policy and hoping to enact a triggered review: you have an annual supervisor's review, which we all have to have, and they have. If you get a negative review 2 out of 3 years, it triggers forming a committee and doing a formal post-probation review, rather than requiring it every 5 years. Interesting concept.

AC: Is there a salary increase associated with it right now?

NS: 2%.

AC: Would that also be triggered?

EO: Weber State has an alternative model that they just passed—they will e-mail that to me.

NS: So there's a lot going on in state, and I think collaboration with the other USHE Faculty Senate presidents is going to be a good resource to make sure we're consistent with the state—not that we have to do what they're doing, but it gives us some ideas where we are. I think they're taking us seriously as a university, and we're contributing to the overall good of what universities do in the state. I feel comfortable about that and they trust our leadership and what we're doing.

Constitution and Bylaws passed the other day—over the next while we need to populate some committees, so we'll be getting information together on the committees over which we have ownership and how we might begin population of those committees. That will involve your input—not today, because we're not ready to do that yet.

EO: I think by Tuesday we can check off those final tick marks on the approval process, and the new ones will replace our old ones, and we'll need to change accordingly.

NS: It still has to go to Academic Council, University Council, and the Board of Trustees—they haven't approved it yet.

EO: We won't wait for Board of Trustees to start populating these committees because their meeting is at the end of the month and people will be dealing with finals, and then be out the door. But assuming the Academic and University Councils sign off on it, we will work under the assumption that the Board of Trustees will, as well.

RC: Can we call them "provisionary committee assignments" or something like that?

EO: Sure.

CB: And we're populating them for next year, yes?

EO: Yes. The idea is to make sure that everybody knows what their assignments will be before they show up in August *if* we're responsible for them. We can't speak to the other ones.

NS: And probably have a gathering of the chairs of those committees so that they have some idea what to do—give them some training.

DB: Plus the only way we can do role statements for next year is if we know our assignments.

NS: Good point.

HS: What about the new faculty that come on campus?

DB: By policy, they're not supposed to be on committees their first year. You have to get an exception to put new faculty on committees.

NS: Excellent point. Next: faculty and adjunct salaries: I put that on the agenda because we've been invited to a seat at the table—I don't know what influence we'll have on the budget, but on April 9 at 11 AM, faculty and staff leadership, along with the President, Paul Morris, and Bryant Flank (sp?) will review the budget; they're seeking some input. At that point, discussion about faculty salaries will come up. I've been put on a committee along with some others on which Paul and Bill Christensen (BC) and others talked about faculty salaries, and we'll be sure that Faculty Senate is very, very involved in that discussion process.

EO: The committee NS is talking about is about discussions in changes in equity and how we bring people up to equity, or new levels of equity that we want to pursue. What the meeting next week is about is that the administration wants to hold to their promise of making up the difference. So all state employees got the 3%, but higher ed only got 2%; it requires some compromises, sacrifices to make it happen, and it eats up a lot of the budget. So it will reduce the number of new hires to make that happen.

NS: Possibly—that's an option.

CB: So they still haven't decided who's being hired, who's getting approved?

EO: Anything that has been approved is still approved.

CB: But the proposals about which we haven't heard "yes" or "no" yet.

NS: There's a lot of discussion about the timing of all this—we always do this at the end. One of the comments from administration was that if we need to expand class sizes for a time, we may have to. They haven't decided that; we're involved in that discussion.

RC: If they expand class sizes, they'll never go back.

NS: I agree. We've had those discussions before.

JH: English is concerned about that.

DB: Yes, I heard that English has been told that they need another 26 sections of ENGL 2010...?

NS: Well, on that note: there was a curriculum meeting at which there was discussion about analytics and what classes we need, etc. It created this whirlwind of all of these potential classes that might be had—maybe that's true and maybe it's not, but there's some definite concerns about what classes we'll have next semester and who's going to staff them, and whether or not we have adequate resources to do that.

JH: Not to say that no one else is impacted, but it's the same sort of thing: more classes, but no new hires.

EO: Part of the problem is that some of the increase in these sections that they're asking for is part of a temporary bump—hiring full-time, tenure-track people might be a 1-2 year problem. There has to be some strategic planning involved in who gets hired and how long they get hired for.

NS: We'll report to you on that as we have information.

CB: Have they explored the concept of visiting professors?

EO: We've talked about that. Actually, Utah Valley University has a great program in which they'll sometimes hire people for up to 3-4 years—they attract them for long enough that they're willing to move to be there, but it's still just a visiting professor position.

CB: So you get it at the end of the cycle, but get to participate in the main cycle.

NS: We have absolutely talked about that. It would be helpful if you could e-mail me suggestions on how to improve faculty salaries and adjunct salaries but maintain the intimacy of what we have in our classrooms, and our class sizes. I'll make sure those get to my next meeting with BC.

RC: We have visiting professors, but no widespread program for how to coordinate it.

EO: Or how long to do it for, or what your options are. The issue is that we're able to attract people that are in town that are qualified, but we're not often able to attract people from other locations. With adjuncts, they've completely drained that well dry locally in many cases, so we need to start thinking about ways that we can attract people temporarily to St. George for a few years.

CB: There's a lot of new Ph.D.s willing to relocate for a year to build their profiles.

NS: What we've done historically is hire people for a year but want them for longer time periods. But it would be nice to say "we're going to hire you for 2 years, and that's it." At the end of that 2 years, if there's a need to hire, we will, and if not, we won't.

CB: Well, you still conduct an open search at the end, and they can apply for a permanent position, if they have a foot in the door—that's why a lot will go for it and will move for it. But we're also not committed to that person and can run a full cycle. I think that's how you get through this problem that BC keeps saying "well, if we hire now, we won't have it for the future." Do a temporary now, and the permanent position later.

EO: Exactly. It is also the solution to the fact that pretty much no one is able to go on sabbatical because who would take their place? Visiting professor positions are the standard solution to that elsewhere.

RC: And we got dinged by accreditors for not using sabbatical.

NS: Anyway, additional suggestions, please e-mail them to me so I have a quiverful. Commencement is May 8; we line up before 11 AM. Some people are doing additional get-togethers. There was an e-mail that came out saying that May 7 is Dixie Award night, and they're trying to get schools not to do anything the night before. That takes care of everything on the agenda.

RC: Are they collecting feedback on commencement? Lots of students are just finding out about it and are upset. Hopefully that will inform future years.

NS: I've requested that the Commencement Committee look into that, especially with student concerns. Secondly—and no offense to faculty—they said it was a cost issue. There's a report on the cost savings with it. I think faculty needs are going to be way back seat compared to students.

RC: We may find there are compromises. For example, for students in our department, we're having an informal reception afterward so we can accomplish some of the social goals.

EO: All schools have been encouraged to have these social gatherings.

RC: At smaller scale than the school level, though—there's a school one also; we're doing something separate.

EO: Oh, OK.

RC: They may find that there are ways of bridging the gap that aren't exactly the old model.

NS: The Academic Vice-President of student government wants to come to our meeting and talk to us about Academic Integrity, but this might be a situation where we politic through Student Government to do a survey to find out the needs

of the students about graduation. I think the students would love that the faculty would support them on that. In subsequent meetings, that can be a discussion item. We have a new item to discuss; for that, I'll turn time over to RC.

RC: I'm going to make a motion: this is highly confidential for now. (Passes around a handout.)

EO: You want this in the record?

RC: I do.

EO: We can turn off the record for part of the discussion if people want.

RC: For part of the discussion, yes, that would be desired. A short version: this is the start of the process for vote of no confidence in Academic Vice-President Bill Christensen. As a prelude, I want to indicate that this is *only* with reference to his current position as Academic Vice-President; this does not reflect anything else about him as a person or in any other position he may hold on campus subsequently. I move that the following actions occur (reads from handout). That's the motion—is there a second? (DB seconds.)

NS: Any discussion?

RC: I've listed four issues that I think are factually relevant to this (on handout).

NS: I'd like to make a comment on issue #1: there was a change in the bell schedule put forth by Kyle Wells for the School of Business—we've talked about this previously. Essentially, we were good with it being already in place, but administration needed to report to us what was going on.

RC: There are two issues relating to that that fall at the Academic Vice-President's feet. One is that of course the School of Business can't implement this unilaterally. They made a request; they investigated it thoroughly from their perspective, but it is up to BC to evaluate it in the context of the university as a whole. He did not do that in an appropriate manner.

NS: Initially.

RC: At all. He had the issue discussed, but never voted on. He did not openly solicit feedback from various institutions before it was implemented; he did not find out how it would affect faculty, the final exam schedule, or courses from other departments that use the Udvar-Hazy building. When concerns were raised about this, he promised to conduct an investigation that would require the collection of information about the impact of these things before it would continue, and that it was a temporary process, but it's already continuing into next semester, and becoming implicitly permanent. We have yet to receive the promised feedback.

NS: About 6 months ago, this was a topic of debate in Academic and Dean's Councils. There was a number of people that even got mad at me for bringing it up again and again. I just said it was an issue and we needed to take care of it—I understand we've done it, and disclosed that I'm in the School of Business faculty and that some of our classes have been doing this for multiple years. I think from what the presentation was, I wasn't objecting to it for what it would do to us, but to the problems it might raise with the institution as a whole. So I suggested that we have a discussion with students, administrators, Sharon Lee for scheduling, and the deans. This was had, but not formally. Kyle Wells came back two months ago to Dean's Council and presented on the use of classroom space in Udvar-Hazy; at that point, the deans all discussed it. I don't recall if a vote was taken. The deans were all great with it.

EO: The Dean of Humanities voiced concerns.

NS: Dean Don Hinton—I asked him if he was going on record as saying he wasn't OK with this, and he said "I'm not saying that—I'm saying we didn't follow policy to get to this point."

RC: And that's what I'm addressing. But even what you just described doesn't sound like it was used to make a decision regarding this Fall schedule. In any case, I think this was an egregious lapse of policy, and it harms my confidence in his ability to follow policy in the future.

NS: I respect your comments, but I want it to be clear that I'll take the heat that I didn't come back and present the use results from Kyle to this body.

RC: I believe the School of Business has actually done a good job doing the diligence that's available to them. I don't think Vice-President BC has done enough on his side.

NS: For the record, I dropped the ball as it relates to the use of the school and the report that Kyle presented to us. Did BC do what he was supposed to do? That's for us to decide. Don and I had conversation about this, and I'm a little disappointed that if he had a problem with it, he didn't state it publicly. This is where communication broke down. If the issue is that BC should have taken care of it at that point...

RC: BC should have supervised the process to ensure that all these things were done *before* a decision was made. We're still having fallout from this: there are conflicting final exams for some students—some have two finals scheduled at the same time! There are problems still happening.

JH: A point of clarification: is this asking him to step down, or is it a bad evaluation?

RC: A bad evaluation—I'm only asking the FSEC to vote on whether or not this is presented to the general faculty. We're not going to submit a vote of no confidence from *this* body. I'm only asking permission to present this to the general faculty to get a vote—only then would information be presented to BC and President Williams.

NS: The only thing I want to make sure about my comments about this specific issue—and we'll talk about the rest of them—is, is this a systemic issue, a problem with the process, or a problem with the person? That needs to be seriously

considered with this whole thing. If it was BC or someone else, would this still have happened? That's where we need to make our decision. I want to make sure that all the facts, as specifically related to this issue—I'm concerned that I didn't do my job well enough to force the fact that an analysis should have happened. I know this body requested it, and I didn't follow up, and BC is taking the hatchet for this. If that's the case, I'll step up and put my neck right there because I feel that's the integrity of what happened in that regard.

DrW: I think this is extreme. I don't know if looking at these issues that we can throw it all at his feet. We talk so much about following policy, but in #3, policy was followed. It didn't work out like we thought it should have—

RC: No, policy was not followed.

NS: Let's do this: let's make a general statement, and then if we want to go to each case's facts, would that be more efficient?

DrW: I just feel like to jump to this right now, whether or not it carries weight, is extreme, and there are steps in between the process. Put yourself in that position where all of a sudden you have this vote where faculty are saying "You're not doing your job"...? If *one* vote comes down, it is *everybody*. That is an extreme role for this body. I don't see us being at that point yet.

RC: Let me add that every one of these issues has been discussed with him in informal and formal ways, personally, and I see no evidence of him changing.

(some comments made off the record)

I will emend the motion to allow the vote by this body to be secret. I want to go through all of these individually.

NS: So the question was: can we do it secret—RC emended his motion.

DB: I will emend the second if policy allows it.

EO: There's no policy, so we're setting it.

CL: I also feel this is kind of an extreme measure to take—we don't need more negative press for the institution. Whether this goes forward or not, it's going to add more of the "What's Dixie doing with the transition to university status?" I don't think we need to do something this drastic.

SP: Secret or not, I will vote "no" today. I'm not ready to make that kind of a drastic decision about someone's reputation and career, and the publicity for the institution. This is not to say that I'm not willing to consider these factors, and I appreciate that they've been brought to our attention in this form.

BA: I would also vote "no" on this—my feeling is, though, that we as a body *should* discuss these issues, particularly issue #3 about program staffing: that's something that my department has a *lot* of concerns about—workload transparency and staffing needs. I'd actually like to bring up those concerns at a later time *not* in the context of Vice-President BC but in a general context.

NS: These are phenomenal comments in this conversation because this is *extremely* important to the integrity, success, and vibrancy of this institution. You bring up #4, and we've been right in the middle of this discussion and it's an issue that is very, very important to faculty members. We have to consider how we might be able to make this right for those involved in it and those that may be involved in it in the future. This is a very difficult situation. Do we say *he* is the reason this is happening, and by changing that we can change these outcomes to better outcomes in the future? I think we need to make sure that if we vote yes or no, it's not that we don't support—I'll go on record a million times, RC, I commend you for your concern for this institution, your commitment to it and your willingness to go on record and do this, it's phenomenal. Whichever direction this goes, I want everyone in this room to understand that there's support for each and every one of these to make these better at this institution. If the vote is "no," that's not because we don't support the fact that academic integrity has not gotten—

RC: Let me make one more statement on the record. The reason I wanted to bring this to this body first, and why I've tried to keep this confidential, is because if there's a general sense that it's too extreme, I want it to stop here before it got too far. So I appreciate the feedback—that's useful.

EO: There are potentially intermediate things that can happen—we could open things up to a discussion, in a variety of ways, of making formal statements about these things as a body independent of whether or not we go forward with a vote.

(some comments made off the record)

RC: My proposal is that as a new item, this is not to be voted on today. New items get introduced, then we have more discussion, and we vote on it at the next meeting when it's an old item.

NS: So I guess I want some guidance from this group as to our responsibilities. With names being left out, should EO and I go directly to BC and inform him that this is being discussed in the Senate? Is that appropriate or not?

RC: I would ask you as the presenter of this motion, do we want another opportunity to discuss this among ourselves without BC being present, or would it be productive to have BC present?

BA: I think we need more discussion by ourselves, without BC present.

EO: We can call a special meeting to address it.

NS: We do have another meeting of this body before the General Faculty meeting—we can just do it at that time.

CB: If each of these issues has been discussed by Faculty Senate presidency with BC, then he's already had a chance to answer, correct...?

NS: What might be helpful to this group is over the course of the next few days, maybe EO and I issue a report as to what discussions have been had, what the comments were, so that you can have that as part of your evidence as well. Is that fair? We've discussed these things with him, for example the graduate program debacle. We were clear that that was a screw-up, and it stopped. Now we've created an Academic Research program. We're not voting on this, correct?

RC: Correct.

EO: Before people leave, because we will not have time to address this, I passed out this document (hold copy up) on Faculty Rights and Responsibilities—I know we're all super-busy, but I need you all to look over these comments and let me know if you have major concerns with any of them because I'm just going to incorporate them if nobody has an issue.

NS: At the next meeting, please come prepared to consider the motion to allow the motion RC put forth to go to the General Faculty meeting for a vote. Please use your professional discretion. Move to adjourn? (All remaining approved).