**Faculty Senate Minutes**

**Special Session**

March 30, 2021

Via Microsoft Teams, 3:00-5:00 pm

***Present***: Maureen Andrade, Jon Anderson, Anne Arendt, Wendy Athens (OTL), Lyn Bennett, Lauren Brooks, Kat Brown, Leo Chan, Seth Christensen, Joy Cole, Suzy Cox, Karen Cushing, Shane Draper, Max Eskelson, Lisa Hall, Young Wan Ham, Melissa Heath, Jessica Hill, Joshua Hilst, Hilary Hungerford, Armen Ilikchyan, Greg Jackson, John Jarvis, Kyle Kamaiopili, Jeremy Knee (OGC), Scott Lewis, Stephen Ley, Diana Lundahl, Mohammad Masoum, Jeff Maxfield, Dianne McAdams-Jones, Rick McDonald, Ronald Miller, Natalie Monson, Elijah Nielson, Matthew North, Alan Parry, Jim Pettersson, Evelyn Porter, Kelli Potter, Audrey Reeves, Denise Richards, Leo Schlosnagle, David W. Scott, Dustin Shipp, Skyler Simmons, Peter Sproul, Karen Sturtevant (Library), Wayne Vaught, Ryan Vogel, Bob Walsh, Lucy Watson (UVUSA), Sandie Waters, Christopher Witt, Alex Yuan, Geoffrey Zahn

***Excused or Absent***: Beka Grulich (PACE), Barry Hallsted, Rick Henage, Chuck Knutson, Brandon Ro, Zachery Taylor

***Guests:***  Wioleta Fedeczko, Laura Carlson, Linda Makin, Joel Herd, Lyndi Robertson, Tiffany Evans, Nizhone Meza, Ashley Nadeau, Laura Busby, Steven Clark, Judy Martindale, David Connelly

Call to order – 3:00 p.m.

Approval of Minutes – Minutes approved for 3/16/21 and from 2/23/21.

**PROVOST**

* Spring semester will continue with current safety protocol in place in place including wearing masks regardless if the Governor lifts the mask order. No decisions about summer yet. Fall will be more like normal at least in terms of classroom sizes. Mask requirement for fall is still under discussion and will be based on health guidance.
* International Summer Study Abroad trips have been canceled through start of fall semester. Domestic internships are allowed with students following the state protocols.
* Reviewed a draft of the University Advising Proposal. The Faculty Senate Task Force received a copy for reference to aid in their response to the Provost. A draft copy was posted in the chat.
* Students who need medical accommodations, including the option to not wear a mask, need to obtain that accommodation from the appropriate university entity. Students who refuse to wear a mask should be referred to Student Conduct.
* Provost recommends moving to digital environment as much as possible instead of paper exams to continue to limit contact and transmission of COVID.

**FACULTY SENATE PRESIDENT**

* Positions up for election are linked in the agenda. Curriculum Chair-Elect does not need to be a sitting senator, but should curriculum experience. ATSC Senator needs to be replaced.
* President-Elect Hilary Hungerford will conduct the elections at the last senate meeting.

**POLICY**

* 425 – *Scheduling Campus Facilities*
  + Overall (Comment 2)
    - There will be an online document that will show all rental fees.
  + Section 4.5.6 (Comment 1)
    - Co-sponsored events with an outside entity does require the outside entity to provide insurance.
* 355 – *Sick Leave Pool* / 360 – *Family Medical Leave Act (FMLA)* / 361 – *Leave of Absence*
  + 355 Deletion – No comments
  + 360 Deletion – No comments
  + 361
    - Section 5.2.1 (Comment 1) – No discussion
    - Section 5.3.4 (Comment 3) – No discussion
    - Section 5.7.1 (Comment 4)
      * Clarify what is meant by “medical certification.” Could be a picture of the baby send to HR Manager for Employee Wellness and Leaves.
      * Benefit applies to any recovery needed from childbirth.
    - Sections 5.7.2/5.9.6 (Comment 5) – No discussion
    - Section 5.9 (Comment 6)
      * Clarify what is meant by “working” days.
      * Leave can be taken any time in the 6 months after the birth of a child.
    - Section 5.12.3.5 (Comment 2)
      * Recommend that the University consider giving faculty who do not use sick leave some other benefit such as a form of financial compensation.
      * Negative side is might encourage sick employees to come to work sick, which isn’t right.
      * Extended leave replaces sick leave pool.
    - Section 5.12.6.1.4 (Comment 7) – No discussion
* 114 – *Conflict of Interest* / 323 – *Guidelines for Consulting* / 365 – *Consulting Leave* / 601 – *Classroom Instruction and Management /* 635 *– Faculty Rights and Professional Responsibilities*
  + 114
    - Section 3.5
      * Comment on “biased” and “compromised” is not part of the limited scope changes, but does need to be addressed at a future date.
    - Section 4.4.4
      * Provide clarity on what has to be actually be disclosed in the Conflict of Interest form such as an agreement.
  + 601 – No comments
  + 635 – No comments
  + 323
    - Overall (Comment 3)
      * There are some fields that you may not be able to consult without using equipment that costs thousands of dollars, does that mean we are limited to consult only through speaking engagements or other means that do not require the use of university purchased equipment? Makin reported that there can be separate contractual ways a company can work with the university.
      * Is there a difference between consulting for which we need leave for and consulting we do on our own time?
    - Section 3.1 (Comment 1) – No discussion
    - Section 4.3.1.1
      * Our DNPs are required at least 8 hours per week in a clinical setting to maintain the certification.
      * Applies to clinical faculty.
      * Faculty on academic year appointments are allowed up to 18 days of consulting leave in an academic year.
      * How does faculty account for working in the hospital once a week? Healthcare faculty work more than this.
      * Consider expanding externships to include clinical/mental health work to stay current in field or keep accreditation.
    - Section 4.2.3.3 (Comment 2) – No discussion
    - Section 4.2.4.1 (Comment 4) – No discussion
    - Sections 4.2.5.1/4.4.3 (Comment 5)
      * Service for which you are paid can count for service which seems to contradict this consulting idea.
    - Section 4.5.1 (Comment 6)
      * Need clear definition of what “good standing” means institution-wide and include in the policy glossary.
      * Can work on definition that President’s Council approves and do a limited scope change throughout all policies.
    - Sections 4.6 (Comment 7)/4.7 (Comment 8)
      * University can have a countervailing interest and benefit from consulting, but faculty are not eligible to use any resources from the university to do so like emails or our positions.
      * Taxpayers and students give us money to do the university’s work. University resources are for university business and not to promote the personal interests of the individual.
      * This all also brings up the issue of intellectual property rights for teaching materials developed for online courses might not be available for use in consulting and is concerning.
      * Consider a general statement, but allow enough variables so faculty are not locked in. Legal indicates that this line is a constant struggle between generality and specificity.
      * We need to encourage the use of our subject matter expertise to advance national recognition of the university but be compliant to policy without that policy precluding us from ever taking the risk of consulting. Any policy needs to be very clear with samples of compliance and non-compliance. It would be good to map law to the policy drafted so alignment is clear and justified.
  + 162 – *Title IX Sexual Harassment* / 165 – *Discrimination, Harassment, and Affirmative Action* / 168 – *Complaints under the Utah Protection of Public Employees Act*
    - 162
      * Section 3.1 (Comment 1) – No discussion
      * Section 3.17 (Comment 2) – No discussion
      * Section 4.3.4 (comment 3)
        + “At-will” means you can be terminated without cause. Utah is an at-will state. Tenure track faculty have more protections.
        + Provide clarity on the definition of “at-will.”
        + Having an allegation against you does not prevent the university from firing you. It’s protecting the University for making it look like they retaliated.
      * Section 4.7.2.1(5) (Comment 4) – No discussion
      * Section 4.8.2 (Comment 5)
        + Section 5.4.7 references when all parties will be notified.
        + Would like a specific amount of time and parameters when identities are revealed.
      * Section 4.9.2 (Comment 6) – No discussion
      * Section 4.9.3 (Comment 7)
        + Address situations when the university would not report to the police.
      * Section 4.10.1 (Comment 8)
        + Senate needs to train faculty for the types of hearing panels if faculty are to be included on the panels.
        + Do the hearing panelists include faculty members?
        + In collaboration with relevant individuals/stakeholders develop appropriate training for hearing panelists.

**GOOD OF THE ORDER**

* Congrats to faculty for enduring a challenging academic year.

Meeting adjourned at 5:00 pm