

**FACULTY SENATE MINUTES**

13 October 2016

**MEMBERS - Listed Alphabetically**

David Aguilar-Alvarez  
Eric Amsel, Admin. - Excused  
Monica Annoh, Student Senator - absent  
Diego Batista  
Nicole Beatty  
Thomas Bell  
Bruce Bowen, Admin.  
Casey Bullock, Admin.  
Fred Chiou  
Bruce Davis, Admin. - Brian Stecklein  
Matthew Denning  
Mark Denniston - Barrett Bonella  
David Ferro, Admin.  
Electra Fielding  
Robert Fudge  
Doris Geide-Stevenson  
Afshin Ghoreishi  
Pepper Glass  
Shandel Hadlock, Admin  
Scott Hadzik  
Alexandra Hanson  
Frank Harrold, Admin.  
Jeffrey Henry, Student Senator - absent  
Michael Hernandez  
Tim Herzog  
Rieneke Holman  
Joan Hubbard, Admin. – Excused  
Justin Jackson  
Gary Johnson  
Brandon Koford  
Brenda Kolwalewski, Admin. - Excused  
Tarl Langham, Student Senator - absent  
Mark LeTourneau

David Matty, Admin.  
Marek Matyjasik  
Madonne Miner, Admin.  
Molly Morin  
Brad Mortenson, Admin.  
Casey Neville  
Kathy Newton  
Tanya Nolan  
Jean Norman  
Craig Oberg – Karen Nakaoka  
Julia Panko  
Leslie Park, Student Success Center  
Pamela Payne  
Clay Rasmussen – Robert Garcia  
Jack Rasmussen, Admin. – Chloe Merrill  
David Read  
Rob Reynolds  
Yas Simonian, Admin.  
Mohammad Sondossi  
Scott Sprenger, Admin.  
Jeff Steagall, Admin. – Seokwoo Song  
Amy Stegen  
Brian Stecklein, Admin.  
Sarah Steimel  
Molly Sween - Richard Price  
Norm Tarbox - Admin. - Excused  
Drew Weidman  
President Chuck Wight, Admin.  
Mary Beth Willard (Fall 16/Leave) Molly Sween  
- Richard Price  
Jan Winniford, Admin. - Excused  
Stephen Wolochowicz

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Brenda Stockberger, Administrative Specialist  
Guests: John Kowalewski, Executive Director of  
Marketing & Communications  
Stephanie Hollist, Legal Counsel  
Russell Burrows, Textbook Committee Chair  
Valerie Herzog, Chair, APAFT Committee

1. ROLL CALL

2. **Information Items**

3. Update on Weber State University Activities – Chuck Wight, President

Working on initiative to increase our marketing and recruitment of non-resident students and international students. More information will be coming out on this.

News Item about enrollments across USHE system. Fall registration is watched closely, it looked that we were down three tenths of one percent at the third week of the semester. A news item reported that Weber's enrollment was up 3%. The difference between flat and up three percent is Concurrent enrollment.

One of the things that makes Utah Higher Education stand out from other states is our benefits package. How our retirement package and our health care package compares to other employers nationally is very good. The average 401 k plan offered by employers nationally has a waiting period before vesting in retirement as well as employee matching. The median match is 3% by the employer which results in a total contribution of 6% of salary. Weber State University has a 14.2% contribution with a 0 match by the employee. You have the opportunity to put in more if you chose. This is generous compared to other institutions.

Questions: Does out-of-state enrollment fit in with our mission? We serve people of Davis Weber State University Morgan counties. One way to get our brand message out of the state and gain more of a national reputation is by recruiting out of state students. There is room to grow with out-of-state and international students.

4. Academic Affairs Goals for 16-17 and Provost Office Structure – Madonne Miner, Provost

**GOALS:**

1. Work collaboratively with faculty and other stakeholders to establish an Academic Affairs Master Plan.
2. Improve Student Retention and Persistence, Starting with First Contact.
3. Review and Revise our General Education program.
4. Move forward in recruiting Out of State.
5. Facilitate the Development of a Community Civic Action Plan.

Organizational structure in the Provosts office was updated to reflect the changes in the office. Duties and responsibilities were restructured. The total number of Associate Provosts has remained constant.

5. #JustWeber – John Kowalewski, Executive Director Marketing & Communications

Roll out of the #JustWeber campaign to highlight Weber State University in a positive light and to get students to recognize the unique characteristics about Weber State University. A question was asked on social media – “Why is Weber State just right for you?” Surprisingly, many positive comments were made. The hashtag is gaining in popularity on social media and students are picking up on the idea. Many positive comments have been posted.

**Action Items**

6. Appointment, Policy, Academic Freedom and Tenure Committee – Valerie Herzog, Chair  
Post- Tenure Review Policy from the Goddard School of Business and Economics with Dean Jeff Steagall. See the following for the specific changes to the document.

**ALTERNATIVE PROCEDURE FOR COMPLETING POST-TENURE REVIEW** (from Goddard post-tenure review document—yellow highlighted language is proposed additional language)

In 2014-15, WSU created a program called the Performance Compensation Plan (PCP). This plan allows faculty who have held the rank of full professor for at least a specified threshold of years to apply for a permanent raise.

The application process requires that faculty provide a detailed report of their teaching, scholarship and service over the most recent five years. In order for the faculty member to be eligible for the raise, the faculty member's record must be sufficient so that the faculty member would again earn promotion to full professor. The department chair and dean evaluate that record and write letters indicating whether it would qualify the faculty member for promotion to professor. The provost makes the final decision on which university faculty are awarded raises.

Faculty who apply for the PCP shall be considered to have passed their five-year post tenure review if the chair and the dean both state in their letters that the faculty member has met the standard for the raise.

Faculty who apply for PCP but do not receive positive reviews from the chair and/or dean will not automatically be deemed to have undergone a post-tenure review. However, if the chair and the dean agree that the faculty member meets the requirements for a successful post-tenure review according to the standard criteria, the dean will write a letter indicating that fact, and the faculty member will be deemed to have passed a post-tenure review.

Even if the chair and/or dean do not support the PCP application, the faculty member will be deemed to meet the post-tenure review standards if the provost awards him/her a PCP.

The lack of support regarding post-tenure review from the chair and/or dean shall not be deemed a failure of the faculty member to pass a post-tenure review. Instead, those faculty who do not receive post-tenure review support from the chair and dean will undergo reviews at their designated times according to the other sections of this post-tenure review document. If the designated year of review is the current academic year, the post-tenure review must occur before the end of that academic year.

**MOTION** Motion to approve the Post- Tenure Review Policy from the Goddard School of Business and Economics by Jean Norman.

**SECOND** Robert Fudge

No further discussion.

**OUTCOME** Motion carries unanimously

7. Approval on the recommendation for the Chair on University Ranking & Tenure Evaluation Committee – Susan Hafen was recommended for the Chair on University Ranking & Tenure Evaluation Committee.

**MOTION** Motion to approve Susan Hafen as the Chair on University Ranking & Tenure Evaluation Committee by Mark LeTourneau.

**SECOND** Pam Payne

No further discussion.

**OUTCOME** Motion carries unanimously

8. Additional Charges for ASSA and APAFT Committees – Doris Geide-Stevenson, Chair  
ASSA Committee:

7. Review a proposed addendum to PPM 4-1 that would include a 45-day processing time period from the degree conferral date.

APAFT Committee:

8. Review the dated guidelines in PPM 8-12 with respect to the deadline to apply for promotion.

**MOTION** Motion to consider these additional charges for the APAFT and ASSA Committees by Julia Panko.

**SECOND** Amy Stegen

**OUTCOME** Motion carries unanimously.

9. Course Materials Policy Review (PPM4-16 (Previous name: Textbooks) – Russell Burrows, Chair, Ad Hoc Textbook Committee and Stephanie Hollist, Legal Counsel

See the Faculty Senate Webpage for the complete Draft Course Materials Policy Item 9.

Other Committee members present: Luke Fernandez, Hugo Valle, Marek Matyjasik

MOTION Motion to discuss the Course material Policy by Marek Matyjasik.

SECOND David Read

The request to review this policy came as a request to the Faculty Senate Chair in the Fall of 2015. An Ad hoc Committee was formed to review and bring the policy up-to-date as the last revision was in 1979. In April 2016, the Ad hoc committee asked Legal Counsel to look over the language to be sure that there weren't any legal issues.

Discussion on the policy:

Section C Ordering, Selling, Distribution, and Publication

#2 Second sentence in the section is quite wordy: Suggested change to the sentence: Neither store employees, nor administration, faculty, and the staff shall make.....

4. Does this cover an ebook?

Section D Course Material Selection Committee

How is the committee triggered? Is it the responsibility of the faculty member to contact the Chair, Provost, bookstore? Do Chairs review textbook requests that closely? Should this be included in the duties of Chair or should the faculty member be the one to implement this review?

Last sentence of the paragraph/section reading "All reviews, in the end, must be unanimous in their endorsements of ...." Should the word "unanimous" be "majority"?

a. Faculty member(s) create course materials for use in multiple-class sections. What is the definition of "multiple-class sections"? Does this mean multiple sections of a course? How does this cause a conflict of interest?

E. Conflicts of Interest

a. "...will receive "any" financial benefit, ..." Does that refer to 'any' faculty member at the University? Does this mean if a faculty teaching in one department and also teaching in the nursing and I want to use a book that a nursing faculty has a book that I want to use, can I adopt this book for my class or does this prohibit that? Do I have to disclose that I'm not making any royalties from this book?

The intent of the committee was not to govern with a heavy hand. Faculty should have the choice of their materials. What was tried to do is to adopt the policy with the AAUP (American Association of University Professors) as a guideline to ask faculty to forgo profit on the home student body.

The committee did not intend to limit faculty choice. They wanted to have faculty publish and profit, but not at the expense of the home student body.

Comment: This choice is still taken away from faculty even though it wasn't the committee's intent.

The concern with it is if a faculty member if it is my personal text that I had to write because I am the only person that has written on the topic which many of our colleges departments have that issue where we are the only expert in that area. We are the only ones creating that textbook. If I am giving away my royalties for that, there isn't a motivation for me to create that text.

The policy is telling me that I have to give the profit to the university or a charity of my choosing.

The committee incorporated this language from the AAUP guidelines.

The income that you do get, regardless of how small you get for the work that you put into making the textbook.

Comment: So you have no moral quorum in keeping the money from the students that you are teaching.

That has nothing to do with moral quorum it is the fact that you write a text book because you are the expert in that subject and it is the only avenue for them to get that information. If my dean and dept chair are approving that because they know that it's true, then why is that a moral quorum.

Doesn't save the student any money. Except now the money goes to a scholarship fund or charity of my choice. The student still is paying the same.

EMaterials' are much less expensive than the professionally printed materials. In that sense we do have a chance to save student's money.

Not intent to thwart you in the use of your textbook. It has been the committees intent to ask you to respect the home student body. which seems to be the captive market which doesn't complain to faculty, but complains to the bookstore and the committee thought that it would do the right thing if we resolved as a faculty not to profit from this student body. But you are welcome to profit from other student bodies. That was the intent.

in response to Bob's questions that you would be fine in using the nursing book for your class. This is designed only so that you can't profit from your own student's. Your textbook can be sold all over the country and it can be sold to your student's but the revenue that you generate from your students would go to the scholarship fund or some charity.

Comment: How will this be governed? Will there be some administrative mechanism to follow what people are doing? That could be a problem. Example, Someone donating to a controversial non profit is that a conflict. Incentives/I don't think most faculty that write the text get that much of a financial benefit from it. Don't write it someone else will and that is another issue.

Departments making small amounts off royalties for a large amount of work. They directly or indirectly benefit the student. If the Review committee decides to take that away, then that would take away a lot of funding for student recruitment, we use it for a lot of things to benefit other students and yet that may go elsewhere. Why shouldn't this benefit my students and not the whole student body. It is being used to benefit students in my department.

Write a text book because you are the expert in that subject and it is the only avenue to get that information.

Clarification: clause in policy that faculty can donate to any 501 (c) (3). How does the university fit into that.

A department or the university in general, for the donation to counted as a charitable donation, can't be controlled by a faculty member. Development office has processes in place on how to handle this. When the donation comes into the development department, they can review that and make sure that the faculty member will still get the contribution benefit as long as it isn't being used in unauthorized way. The development office is happy to go through the processes and figure out the best way to help faculty use those funds to benefit the students, even students in the department.

Question on Section C, Number 4. "The University bookstore shall be the sole agency for selling course materials to students on campus."

Does this cover an ebook? Would students have to go to the book store to purchase the ebook. I have a book that is only available through the publisher. Students have to contact the publisher to get access to the book. Would that be in compliance with this policy or not?

Answer: As long as there is a way to account for what you are doing.

The bookstore has a mechanism on selling ebooks as discussed. It is called Redshelf.com.

I feel like what is being communicated as the intent is not written clearly in the policy. The review process, whether reviewing one course or multiple sections, it more onerous in D 1 – the policy states it must be unanimous. Other committees or process on campus is hardly ever unanimous – it is the majority. That is potentially an issue. What if I have authored a textbook and I'm a department chair, there is some issues there being a chair on the committee. We have committees that have already approved materials that we are using, but this means that there would be another committee approval. It seems like there is an issue with D and E. This is really chaotic in terms of interpreting those sections.

Language in E-1, a., b., and c. “receive **any** financial benefit” and in 2 is ‘receiving **a** financial benefit’ the language should be consistent.

This committee has spent a lot of time coming up with this policy and there is a spread of views on it. This was the best compromise that committee could reach. There are going to be some differences, because there are a variety of opinions.

It should be simplified to one paragraph language about an external review committee. If the Chair is the author, then it could be the Dean or the Provost. This version is too complicated.

Is the bookstore willing to give up any benefit that they are getting from selling books to students? You are asking the faculty to do it, but done nothing to say the bookstore to do it as well. Provide students books at cost. Where is their part in this? Mechanism to say if you are teaching a class that your using your textbook and you are getting proceeds that benefit, how are you going interact with the publishing company to find out what portion of that benefit that the check that they are paying to the faculty member is that portion needing to go to some 501 c 3 charity--where is that in this?

Unable to speak for the bookstore.

We don't get anything for creating the material? Why is this student body any different from any other? Are they not free to go to any university that they want to?

There are differences of opinions about this, but if you could see the conflict of interest that is involved here. We have policies about conflicts of interest. The bookstore doesn't choose whether or not the faculty selects that book or requires that book in the class, but the faculty do. The faculty tell the students that you have to buy this book and I wrote this book so I'm going to gain financially from it. These are the two conflicts of interest – you are making sure the students gets a good book and you are benefiting financially from the student. The bookstore doesn't have quite that same conflict.

We are not compelling anybody to do anything. We are saying that the institution will not allow the faculty member to designate/require this textbook. You could choose not to require the textbook in your class. The institution isn't requiring you to donate anything.

If a student feels this is unethical, that their faculty is making too much money on this book, there is already a student grievance process for that. Isn't there enough oversight between the department and college without having the university, this massive overreach, into what we can and can't do. If there is someone being unethical making what is perceived a lot of money off a sale of a book, isn't there already a process to review that as far as a grievance committee?

### ***Two Parliamentary procedures:***

The question on the floor is still the policy. I haven't heard any amendments or other motions. We can keep discussing it or we can have someone ask for the question.

The schedule is difficult to adhere to. (Schedule 1) As a department chair, putting out courses, the required course materials are due prior to before a CRN may even be generated. That seems problematic. This is a legal requirement.

The Higher Education Authorization Act requires the institution to get out the information to students by a specific date to comply with the Act. This is the date that the bookstore has calculated as the date that complies with the Act.

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A Motion to postpone the question indefinitely by David Read.  
The Motion was withdrawn by David Read.

MOTION - Motion to send back to the Ad Hoc Committee to consider the comments by Faculty on Sections D and E including the Board of Regents requirements that are needed by Kathy Newton.  
SECOND Pam Payne

Call to Question: Do we send the policy back to committee looking specifically at sections D and E and Board of Regents requirement?

OUTCOME:

Those in favor – Ayes carried the majority.

Those opposed – The Nay's were noted.

Abstentions were noted.

Meeting adjourned at 4:47 pm

**Next Meeting: Faculty Senate, 10 NOVEMBER 2016 at 3:00 pm WB206-207**