

ACADEMIC SENATE

May 1, 2017

Call to Order

The regular meeting of the Academic Senate, held on May 1, 2017, was called to order at 3:02 pm by Xan Johnson, Senate President. The meeting was held in the Health Sciences Education Building, room 1750.

Present:

Shundana Yusaf, Sarah Hinnners, Brenda Scheer, Bob Allen, Leticia Alvarez, Rajeev Balasubramonian, Chuck Dorval, Mathieu Francoeur, Sudeep Kanungo, Hanseup Kim, Xiaoyue Liu, Ken Monson, Denny Berry, Michael Chikinda, Michael Cottle, Melonie Murray, Jim Martin, Julie Metos, Susan Naidu, Nelson Roy, James Anderson, Karin Baumgartner, Avery Holton, Eric Hinderaker, Sean Lawson, Lex Newman, Adrian Palmer, David Hill, Tom Lund, John Bramble, Alicia Brillon, Julie Barkmeier-Kraemer, Nadia Cobb, Per Gesteland, Mia Hashibe, Katherine Kendall, John T. Langell, Antoinette Laskey, Nicole L. Mihalopoulos, Maureen A. Murtaugh, Brad Rockwell, Robert A. Stephenson, Ravi Chandran, David Dinter, Paul Jewell, Lauren Clark, Sara Simonsen, Lynn Hollister, Andrea Bild, Donald Blumenthal, Randy Dryer, Tommaso de Fernex, Yekaterina Epshteyn, Dmytro Pesin, Thomas Richmond, Pearl Sandick, Michael Shapiro, Jennifer Shumaker-Parry, John Sperry, Andrejs Treibergs, Adrienne Cachelin, Thomas Cova, Korkut Erturk, Duncan Metcalfe, Paul White, Zhou Yu, Jason Castillo, Mary Beth Vogel-Ferguson, Joanne Yaffe, Melanie Barker, Oliver Anderson, Rachel Petersen, Carley Herrick, Trevor Annis, Michael Stapley, Summer Mikkelsen, Kaitlin McLean, Abigail Stover, Zach Berger

Absent:

Elena Asparouhova, Adam Meirowitz, Jeff Nielsen, David Plumlee, Todd Zenger, Alberta Comer, Mark Durham, Yongmei Ni, John Funk, Ning Lu, Joe Marotta, Stacy Manwaring, Nadja Durbach, Terry Kogan, Ravi Ranjan, Frederick Strathmann, Wade Cole, Baodong Liu, Edmund Fong

Ex Officio:

Bill Johnson, Bob Flores, Xan Johnson, Paul Mogren, Margaret Clayton, David Pershing, Ruth Watkins

Excused with proxy:

John Regehr, Dianne Harris, Disa Gambera, Linda Tyler, David Goldenberg, Lina Svedin

Excused:

Brian Cadman, Olga Baker, Les Podlog, Luke Leither, Julio Facelli, Thomas Winter, Joel Brownstein

Others:

Mike Kirby, Steve Ott, Stewart Culver, Anne Lair, Karen Gunning, David Carrier

Approval of Minutes:

The minutes dated April 3, 2017 were approved with a motion from Joanne Yaffe and a second from Paul White.

Consent Calendar:

The current list of appointments and resignations dated May 1, 2017 was approved with a motion by Joanne Yaffe and second by Jim Anderson. Motion passed unanimously.

Executive Committee Report

Mardie Clayton gave a report on the activities of the Executive Committee. The Executive Committee held two extra meetings to work on the agenda for today's Senate meeting.

Additionally, the Executive Committee requested certain amendments be made to the proposal for the new tobacco policy (Rule 3-300A, to be presented at today's meeting). The amendments requested had not been made at the time of the Executive Committee's latest meeting (were only made this morning), so the Executive Committee placed the proposal on the Intent Calendar for today's meeting. It may be moved to the Debate Calendar upon a two-thirds majority vote from the Senate.

Report from Administration

President Pershing gave a report on the recent activities of the U administration. He acknowledged the generous contributions of the Huntsman family to the University and specifically to cancer research and treatment. He also acknowledged Dr. Mary Beckerle's role in achieving comprehensive cancer center status during her leadership over the past 11 years (as Director of the University's Huntsman Cancer Institute). He also acknowledged the contributions of Dr. Vivian Lee over the past six years (as Senior Vice President for Health Sciences); she achieved a number-one ranking in quality healthcare for the University of Utah Hospitals and Clinics, and was critical in the development of the new Medical Education and Discovery Complex. President Pershing noted that there have been growing concerns about the relationship between the Huntsman Cancer Institute and some other parts of University of Utah Health Sciences. The concerns are not related to the quality of healthcare and research, but are tied to issues of governance, appointment of leaders, cost accounting, and flow of funds. He admitted that the conflict which resulted in the firing, and later reinstatement, of Dr. Beckerle as CEO and director of Huntsman Cancer Institute was not handled correctly; he accepted fault for it, and apologized. He also recognized that the situation potentially undermined recruitment and efforts to secure research grants across campus. He also addressed the resignation of Dr. Lee on April 28. President Pershing stated that he did not ask her or encourage her to resign. He also expressed disappointment about the public conversation, and stated that the U does not tolerate discrimination of any kind, and is strongly committed to diversity and equal opportunity. Moving forward, President Pershing said that Dr. Lorris Betz (who previously held the position before retiring) will be the interim senior vice president for Health Sciences, and will help the U through these challenging times. The U will shortly initiate a national search for a new senior vice president for Health Sciences. He also stated that two new memoranda of understanding regarding the Huntsman Cancer Institute will be developed, with the help of attorney Alan Sullivan, who will meet with faculty, staff, department chairs, and all other relevant parties. The

development of the MOUs will be completely transparent, and the MOUs will go before the Board of Trustees in an open meeting. Senior Vice President Ruth Watkins, Dr. Betz, and President Pershing will continue to work to resolve these issues and will make no sudden administrative decisions. President Pershing then invited questions from the Senate. When asked why he decided to reverse his initial decision to fire Dr. Beckerle, President Pershing responded that his learning more about the complexities of the situation led him to his decision to reinstate Dr. Beckerle. Additionally, the reversal decision was not made because of any donor, but because the initial firing was not in the best interest of the university and its faculty. Finally, President Pershing announced that he will step down as president during the 2017-2018 academic year, but will continue to serve as president while a search is undertaken for the 16th president of the university, to ensure continuity of leadership. The searches for the new senior vice president for Health Sciences and for the new president will proceed mostly in parallel, with the hiring of the new president timed so that he/she will be able to make the final decision regarding the hiring of the new senior vice president.

Report from ASUU

Rachel Petersen gave a report on the activities of ASUU. She introduced the new ASUU President, Zach Berger, and ASUU Senate Chair, Chandler Dean.

Special Order- Annual Elections

David Hill, on behalf of the Personnel and Elections Committee which is responsible for Senate elections, explained the processes for the annual Senate elections, including the elections during this meeting of the Senate President-elect, and of the members of the Senate Executive Committee, and then subsequent online voting for members of the other Senate standing committees. Tom Richmond (Chemistry) and Maureen Murtaugh (Internal Medicine) introduced themselves as candidates for President-elect. Ballots for today's two elections were distributed to the eligible voting members (see results below).

Notice of Intent

Matt Miller, ASUU vice president, and a team of representatives of the Campus Tobacco Policy Review Board, introduced a proposal for a new University Rule 3-300A, which would replace an existing "Guideline" regarding tobacco on campus, and would prohibit the use of tobacco on campus. This policy has been in development since 2010. The rule would prohibit all use of tobacco products on campus (including all outdoor areas), except for the likely construction of "smoke shacks" on the Health Sciences campus under possible exceptions which the Rule would authorize to be determined by the Senior Vice President of Health Sciences. An ad hoc committee will also be initiated to work on implementation and analyze the effects of the policy over the next year. The policy will not be enforced (i.e. no sanctions will be issued for violations) for one year after implementation, to better understand the effects of the policy and how best to approach sanctions. There will be a dual system of enforcement, with different mechanisms for faculty/staff and for students. Faculty/staff violations will be handled in a manner similar to parking citations- there will be warnings, after which increasing fines will be imposed. Student

violations will be handled under behavioral conduct provisions, similar to the way in which student violations of the alcohol policy are managed. *Motion was made by Jim Anderson to move from the Intent Calendar to the Debate Calendar. Motion seconded by Randy Dryer. Motion passed unanimously.* (See debate description below).

Debate Calendar

Bob Kessler and Roger Altizer presented a proposal for a new Bachelor of Science degree in Games. The proposed degree will respond to student demand, as well as growth of the program and the hiring of enough faculty to support a full degree program. Additionally, the program already offers a master's degree in this area, and wishes to offer a complementary bachelor's degree.

Motion was made by Randy Dryer to approve the proposal and forward to the Board of Trustees. Motion seconded by Joanne Yaffe. Motion passed unanimously.

Bob Adler presented a proposal for a new Master of Legal Studies degree. The proposed degree will be a one-year master's degree for non-law professionals who encounter law and the legal process in their careers and could benefit from a more sophisticated understanding of the issues, but who do not need a three-year JD. It has been designed as an executive program, in which students will take classes every other weekend; as such, the program will be accessible to working professionals and those who are pursuing other graduate/professional degrees. Although there are many similar programs nationally, this will be the first program of its kind in the intermountain west. *Motion was made by Joanne Yaffe to approve the proposal and forward to the Board of Trustees. Motion seconded by Brenda Scheer. Motion passed unanimously.*

Tom Maloney presented a proposal to change the name of the Barbara L. and Norman C. Tanner Center for Nonviolent Human Rights Advocacy to the Barbara and Norman Tanner Center for Human Rights. The name change is to simplify the name and clarify the mission and activities of the center. *Motion was made by Brenda Scheer to approve the proposal and forward to the Board of Trustees. Motion seconded by Nicole Mihalopoulos. Motion passed unanimously.*

Jason Taylor and Amy Bergerson presented a proposal for a new Community College Leadership and Teaching Certificate. The department already has programs with focuses in higher education and K-12 education. The proposed certificate will be housed within the higher education focus, but will allow for specialized education related to community colleges. The need for this program is due to the fact that community colleges serve populations and have missions distinct from four-year universities. Additionally, community colleges' organizational structures are often different. The department has made recent hires of faculty members with expertise in this area, which has led to the development of this proposal. *Motion was made by Jim Anderson to approve the proposal and forward to the Board of Trustees. Motion seconded by Maureen Murtaugh. Motion passed unanimously.*

Ed Barbanell presented a proposal for a new policy 6-500 related to curriculum management and administration. The U's curriculum management infrastructure has been largely undocumented,

despite significant changes and updates in the past several years. As such, it requires a formal policy framework. The majority of the content of the policy is simply the documentation of existing processes and procedures. It was pointed out that this new policy incorporates certain concepts regarding curriculum management that were previously included in a revision of Policy 6-001 which the Senate approved earlier in the year (including requirements for each department to prepare a written Curriculum Management Plan, and describe its plans for Learning Outcomes Assessment). *Motion was made by Joanne Yaffe to approve the proposal and forward to the Board of Trustees. Motion seconded by Paul White. Motion passed unanimously.*

Debate proceeded regarding new Rule 3-300A—prohibiting all use of tobacco on campus (once it was moved from the Intent Calendar to the Debate Calendar). A question was raised regarding how visitors to campus will be affected. It was explained that visitors will not be forced to comply with this policy; it only affects the university community. Only a Utah Administrative Rule would have jurisdiction over visitors to campus. As such, a friendly amendment was proposed and agreed to, to strike the section of the University Rule (III.A.7), which would require organizers and attendees at public events, such as conferences, meetings, lectures, social events, and cultural events to abide by the rule. Concerns about vigilantism were also raised, due to the part of the policy proposal encouraging members of the university community to engage with individuals violating the policy. Additional questions and concerns were raised, including the following: What doors does this open in terms of the university legislating the health and activities of its employees? What precedent does this set/what is next? Is this an undue burden on smokers on campus? Should “smoke shacks” be constructed on lower campus as well as Health Sciences? Does this have a disproportionate impact upon lower-income individuals, who are more likely to use tobacco products? It was explained that there should be adequate opportunities to consider all such questions and concerns before any restrictions are enforced (because the written proposal specifically provides that enforcement will be delayed to July 2018, and meanwhile a Senate Ad Hoc Committee will be established to study the matter and present the Senate and Trustees with a set of reports with recommendations to address such concerns by various means, including possible revisions of the Rule’s contents). *Motion was made by Joanne Yaffe to approve the proposal as amended (excluding from the University Rule coverage of visitors) and forward to the Board of Trustees. Motion seconded by Randy Dryer. A voice vote was held, which the Parliamentarian declared insufficiently clear, requiring a second vote by “division of the house” (rising to vote), upon which the Motion passed- 49 yea-22 nay-4 abstentions.*

Information and Recommendations Calendar

The following items were presented for the information and recommendations of the Academic Senate:

- Kelly MacArthur presented the annual report of the Senate Advisory Committee on Diversity. The committee analyzed the U’s diversity efforts, and compared them to other PAC-12 institutions’ diversity programs. The committee came to the conclusion that the U performs average to above-average in comparison to other PAC-12 schools, but recommends that the U collect better statistics with regards to gender, particularly

without binary presumption. The committee has a new charge for the coming academic year, to assist in updating the many nondiscrimination policies so that they are consistent across campus.

- Scott Wright presented the revised College of Nursing college council charter (which has received the requisite final approval of the Senate Executive Committee). It is the result of two-and-a-half years of work and great input and investment from faculty and administration within the college.
- Jim Schallheim presented the revised School of Business college council charter (which has received the requisite final approval of the Senate Executive Committee). The charter restructures the College Council; the new structure will include six tenure-line faculty members who will represent the six departments, as well as the faculty president, with additional voting representation from career-line faculty and students. There will also be two non-voting members- a representative from the dean's office, and the faculty vice-president. The new charter also ensures that faculty have a voice by allowing any voting faculty member to submit a proposal to the council for consideration, as well as allowing any voting faculty member to propose a new agenda item.
- Mark Curtz presented the upcoming Campus Information System (CIS) website portal redesign. The redesign will address mobile support, usability/user friendliness, and will be easier for faculty and staff to personalize. Faculty will have access to a staff page, for functions such as payroll, while also having access to a designated faculty page. There is also likely to be a news feed for faculty as well.
- Seven-year review- Master of Statistics
- Senate Advisory Committee on Information Technology, annual report
- Senate Advisory Committee on Academic Freedom and Faculty Rights, annual report
- Senate Faculty Review Standards Committee, annual report
- Senate Advisory Committee on Academic Policy, annual report
- Senate Advisory Committee on Budget and Planning, annual report
- March President's Report

Special Order—Annual Elections Results

With ballots counted, it was announced that Tom Richmond will be Senate president-elect, beginning May 15, 2017. The 2017-2018 Executive Committee voting membership will be Bob Allen, Leticia Alvarez, James Anderson, Denny Berry, Randy Dryer, David Goldenberg, Patricia Hanna, Mia Hashibe, Sudeep Kanungo, Kathleen Nicoll, Sara Simonsen, and Joanne Yaffe. Elections for all other Senate-elected standing committees are being conducted online. Instructions for voting have been previously disseminated and reminders are being given. Resulting membership of the standing committees will be published on the Senate website.

New Business

Senate Policy Liaison Bob Flores presented and moved for approval of a proposal (previously discussed with the Executive Committee) to create an ad hoc committee on the governance structure of centers, institutes, and bureaus. *Motion seconded by Joanne Yaffe. Motion passed.*

The proposal: Whereas recent events surrounding the governance of the Huntsman Cancer Institute within the overall governance structure of the University of Utah have engendered great turmoil within the University community and indeed within the entire state of Utah, and

Whereas the events have raised significant concerns about the structure of governance for not only the Huntsman Cancer Institute but also other institutes and centers affiliated with the University,

Therefore the Academic Senate directs the Senate Executive Committee to form an ad hoc committee and charge that committee to examine University policies and practices regarding the governance structure of such institutes and centers, and to present to the Senate within the 2017-2018 academic year a report and recommendations for possible clarification or modification of those policies and practices.

Nicole Mihalopoulos proposed that the Senate adopt a resolution to recognize the tremendous contributions of Dr. Vivian Lee to the University of Utah. Proposal *seconded by Randy Dryer*. *Proposal passed unanimously.*

Adjournment

Meeting adjourned at 4:58 pm.

Respectfully submitted,
Maddy Oritt