**ACADEMIC SENATE**

**Minutes**

**October 1, 2018**

Call to Order

The regular meeting of the Academic Senate, held on October 1, 2018, was called to order at 3:05 pm by Senate President Thomas Richmond. The meeting was held in the Moot Courtroom of the College of Law.

Present: Alan Abbinanti, Rima Ajlouni, Bob Allen, Elena Asparouhova, Nitin Bakshi, Julie Barkmeier-Kraemer, Amy Barrios, Shmuel Baruch, Pinar Bayrak-Toydemir, Gunseli Berik, Donald Blumenthal, Bryan Bonner, Kirsten Butcher, Adrienne Cachelin, Devon Cantwell, Laurel Caryn, Mike Caserta, Nadia Cobb, Susanna Cohen, Katharine Coles, Sheila Crowell, Chuck Dorval, Randy Dryer, Ann Engar, Diego Fernandez, Leslie Francis, John Funk, Per Gesteland, Amanda Goodner, Gema Guevara, Kim Hackford-Peer, Patricia Hanna, Mia Hashibe, Christel Hohenegger, Christopher Hull, Howie Huynh, Kaelin Kaczka, Emily Kam, Anne Kirchhoff, Kim Korinek, Anne Lair, Rich Landward, Michael Larice, Dale Larsen, Stephane LeBohec, Lauren Liang, Tom Lund, Brad Lundahl, Jim Martin, Sharon Mastracci, Claire McGuire, Kaitlin McLean, Dragan Milicic, Ken Monson, Connor Morgan, Susan Naidu, Kathleen Nicoll, Rick Paine, Brandon Patterson, Lauren Perry, Wanda Pillow, Elizabeth Pohl, Ravi Ranjan, Kalani Raphael, Angela Rasmussen, Brad Rockwell, Nelson Roy, Frank Sachse, Alejandra Sanchez, Pearl Sandick, Amnon Schlegel, Peyden Shelton, Helene Shugart, Jennifer Shumaker-Parry, Debra Simmons, Sara Simonsen, Carol Sogard, Taylor Stringham, James Sutherland, Thomas Swensen, Aryana Vadipour, Brenda Van Der Wiel, Neil Vickers, Jessica Wempen, James Winkler, Joanne Yaffe, Taryn Young, Shundana Yusaf

Absent: Rajeev Balasubramonian, Sarah Bush, Darryl Butt, Ravi Chandran, Mark Durham, Korkut Erturk, Kenneth (Bo) Foreman, Dianne Harris, Ken Johnson, Hanseup Kim, Winston Kyan, Sean Lawson, Maureen Mathison, Cathleen Power, Jon Rainier, Georgi Rausch, John Regehr, Sylvia Torti, Julie Wright-Costa

Ex Officio: Emily Beard, John Boyack, Margaret Clayton, Julio Facelli, Robert Flores, Robert Fujinami, Harriet Hopf, Jane Laird, Paul Mogren, Thomas Richmond, Ruth Watkins

Excused with proxy: Brian Cadman, Tommaso De Fernex, Haley Feten, Thomas Crane Giamo, Valerie Guerrero, Eric Hinderaker, Krystal Moorman, Jon Seger, Alex Terrill, Emily Thomas, Zhou Yu

Excused: Olga Baker, Joel Brownstein, Candace Floyd, Dustin Stokes, Tom Winter

Others

Approval of Minutes:

*The minutes dated August 27, 2018 were approved with a motion from Kate Coles and a second from Joanne Yaffe*

Consent Calendar

There were no Consent Calendar items. [*Update: the Academic Senate Executive Committee subsequently approved distributing two Faculty and Staff Matters files, dated August 27 and October 1, 2018, to Senate members for an electronic vote. These were subsequently unanimously approved by those responding to the email vote, with no objections, and forwarded to the Board of Trustees on October 8, 2018.*]

Report from Administration

President Ruth Watkins highlighted recent events, including the Presidential Inauguration on September 21. Leaders from this campus and from universities around the country participated in a symposium on *Public Research Universities and America’s Future*, held on this campus September 20. It was a wonderful showcase for the University, and many participants left with an increased appreciation for the strength of this institution. In her *State of the University* address during the Board of Regents’ September 21st visit, the President was able to announce some impactful developments, some of which the Senate might already be aware. The University’s six-year graduation rate is at 70% for the first time, representing a dramatic increase. Research funding and support crossed the $500 million mark. The next phase of the *Imagine New Heights* fundraising campaign was also kicked-off on September 21st. The goal for the next four years is to raise another billion dollars to support students, faculty, programs and facilities across the entire institution. In sum, there has been a lot of positive goodwill and energy generated about the future of the University.

President Watkins offered her perspective on the proposed staff paid parental leave benefit--for birth or adoption of a child--on this Senate meeting’s agenda. The staff community plays an incredible role in making the institution successful, and President places a lot of value and importance on supporting University staff. She thinks that what has been proposed is very reasonable and very important. Speaking as the institution's leader, she indicated that the administration will look to providing staff benefits without additional cost when possible, and the initial assumption is that this will be the usual case. The President wanted Senators to know that university leadership is supportive of this benefit, and that there is a backstop for critical cases where there is additional cost.

A search for a Vice President of Institutional Advancement, to replace Fred Esplin, has been launched. The President indicated that the Senate will be involved once the search committee is down to the finalists for this critical role at the University.

Senate Executive Committee Report

Julio Facelli explained that Senators will see on this current meeting’s agenda the following items that were presented and discussed at the September 17 Executive Committee meeting. New Athletics Director Mark Harlan gave a talk on the state of Utah athletics. The Committee held a feedback discussion prior to the already scheduled *Staff Parental Leave Rule 5-200A* Senate presentation. Extensive Committee discussion concerning *Building Access & Surveillance Policy 3-234* covered issues such as privacy and deployment.

Report from ASUU

ASUU President Connor Morgan gave brief updates. A Utah Student Association meeting will be held at the University of Utah on Friday, October 5th. The ASUU will be further discussing plans to influence policies and promote a dialog about sexual assault prevention across the state of Utah. A date has been finalized for hosting a PAC 12 student government conference in late February (which is in addition to the usual summer conference). The hope is that more schools can attend and increase collaboration and cooperation across the PAC 12. Upcoming October events include Homecoming and continuing voter registration efforts. The ASUU registered over 200 voters in September. During Homecoming week, the ASUU is hosting a Campaign Carnival event where students, faculty and staff can interact with political campaigns and register to vote. It is also sponsoring a family movie night as part of ASUU efforts to target events more towards nontraditional student populations; in this particular case for student-parents.

Notice of Intent Calendar

*There were no Intent Calendar items*.

Debate Calendar

**Rule 5-200A Staff Paid Parental Leave Benefit**

Associate Vice President of Budget & Planning Cathy Anderson and Chief Human Resources Officer Jeff Herring presented, and Jeff began by explaining a proposal modification made after discussions with the Senate Executive Committee. Three sentences were added, so that the Rule now states that HR will measure the use and replacement cost of this benefit on an annual basis, and in one year will report back to the Executive Committee on those costs. Within two years HR will report back to the whole academic Senate. The Senate members did not have this policy modification to review, but Jeff explained that the modification comprises the three sentences, and he will forward the modified proposal.

He summarized the previous presentation, highlighting that it has broad-based University support, is an additional benefit to that already provided by FMLA, provides 50% pay for up to six weeks, and is in line with peers in academia. As far as costs, costs can be allocated to grants for projects, but the proposal does not provide replacement costs. HR will monitor the replacement costs data and report back. Responding to questions about how this is being funded, he reported that he did look at the peer-institution of University of Arizona, brought up at the prior Senate meeting, and found that UA funds this benefit the same way as the University is proposing.

James Sutherland reiterated the issue of full funding and equitable sharing of the cost of the benefit, versus the proposed funding mechanism, where departments or projects might bear a relatively higher, and possibly unstainable, burden of costs. He moved that the Senate table discussion of this proposal until the administration can provide a mechanism where it is funded and level across the University. Seconded by Crystal Wallenius (*proxy for Emily Thomas*). Clarifications on this motion included a timeline that implies that discussion would not occur again until the administration provides a proposal for funding. Pat Hanna countered against delaying the discussion. She noted that HR had conducted its data analysis of projected costs and will adjust funding as actual cost data comes in. Also, she understood that President Watkins indicated that central administration would see to it that no one will be harmed during the two-year period. James responded that once a benefit is in place it is hard to undo, and so doing it right to begin with is optimal, and would forgo the current approach where if a problem comes up, it will be handled later.

Lori Richards *(proxy for Alex Terrill),* posed the question of passing a temporary policy, with a requirement that there is a process of funding this benefit that comes back to the Senate within a certain amount of time. This is one way to make sure the staff benefit is not delayed.

Cathy Anderson summarized the current funding approach at the University and for this proposal, so that Senators understood the nature of the cost issues being raised. Leslie Francis asked if Cathy would include an appeals procedure in the current proposal for cases where, during the two-year study period, a department or college could not bear the cost.

Senate President Tom Richmond asked for a vote on the current motion on the floor. *The motion made by James Sutherland, seconded by Crystal Wallenius, to delay/postpone discussion on the proposed policy until the Administration provides a mechanism where it is funded and level across the University, with only 18 in favor, failed.*

Leslie moved to amend the proposed policy to incorporate the representation that President Watkins made to the Senate. For hardship cases, when there is not adequate funding, to cover any losses associated with replacement cost, there would be an appeals process for central administration to provide funding coverage. Katherine Coles seconded. Further discussion clarified that the motion could be voted upon “in principle” while specific text was being developed. *The Senate passed the motion after being asked for a vote on the general concept of the amendment.*

Bob Flores, as Policy Liaison, clarified that the Senate can only vote on exact language when amending a University regulation, and exact language for this last motion would be developed and presented by the end of the meeting for a vote, as long as there is no objection.

Additionally, in follow up to Jeff’s offer to provide the policy’s amendment discussed earlier, Pat Hanna presented the following three sentences modifying the current policy: “Measurement and Reporting: The University will measure parental leave usage on an annual basis. The Human Resources office will present usage data to the Executive Committee of the Academic Senate in 2020 spring semester. The policy will be reviewed in 2021 by the entire Senate.” *A motion by Pat Hanna to amend the proposal to include this added language, seconded by Kate Coles, was passed.*

Further discussion included Susanna Cohen noting the three week limit on pay. Because of her research experience, she knows that three weeks is not ideal as this limit can be a financial barrier to best-outcomes for mother and baby. She applauded the policy, and encouraged the community to continue supporting new families as much as possible.

*[Follow up to this discussion on Rule 5-200A Staff Paid Parental Leave Benefit]*

Exact language to amend the University regulation with an appeals process, subsequent to the previous motion passed by the Senate, was later introduced back into the meeting by Jeff Herring and Cathy Anderson. Leslie Francis presented the proposed language of the amendment:

7. Appeals Process

a. The University will provide an appeals process in cases of hardship in which the relevant unit does not have sufficient resources to cover replacement costs of the staff person on parental leave.

In conclusion, *a motion by Randy Dryer, seconded by Joanne Yaffe, to approve the proposal for Rule 5-200A, including the specific appeals process language added by amendment (and with the previously approved amendment regarding measurement and reporting), was passed by the Senate, with six abstentions.*

Information and Recommendations Calendar

**Utah Athletics**

Director of Athletics Mark Harlan started in July, having approximately 27 years of experience, most recently from the University of South Florida, where he had been Director of Athletics for four and a half years. He commended the previous Athletics Director and administration, and noted other impressive statistics about student athletes. The graduation success rate of UofU student-athletes is 90%. The department finished last year with a GPA of about 3.1 across the 500 student-athletes. Mark underscored the importance of the youth who compete for the U being out in the community-representing the U and also offering inspiration to other young people. A 20th sport was added this summer, men’s lacrosse-a donor funded program. His approach, stemming from his education background, is safety, engendering a great environment, and making sure that student-athletes have the kind of tools and programs that ensure success in academics here and future service to their own communities.

**Building Access & Surveillance Policy 3-234 Proposal Status**

Tom Richmond explained that this item is presented at this meeting as information, so that the Senate has some time to gather further thoughts. A subcommittee is working on the final policy for eventual vote, and Academic Senate Policy Liaison Bob Flores was asked to describe for the Senate today the current status of this proposal and where it is in the development process. Bob, in the capacity of representing the Senate constituencies, has worked with Chief of Police Dale Brophy and Director of Facilities Management Cory Higgins over several months to bring a policy proposal to the Senate Executive Committee. A subcommittee that included members of the Executive Committee was organized to work with the team to further develop the proposal to address concerns brought up. Background on the proposed policy is that the current policy focuses on use of keys for building access, and does not cover an increasing use of electronic access and surveillance systems. As an example, Bob explained that in arriving for today’s Senate meeting, senators had walked by and been recorded by several security cameras, and if they had been entering the building and this room after hours, they would have swiped key-cards and those would be recorded. There is currently no University level regulation governing how that monitoring occurs and how the data may be used. The proposed new policy will be updated to keep up with current technology and adhere to all other privacy laws. The policy aim is to appropriately recognize the value of privacy, balanced with the security goals of the systems.

Another issue is that not all current systems’ administrations are centralized, so there are instances where installation and operation of those systems is not monitored by the University, and there are no regulations for this at this time. One major component of the new policy would include registration of all building access and surveillance systems, and require compliance with issues such as restrictions, data security, and reporting. University privacy and data safeguarding policies need to be in accord with an array of federal and state laws--such as FERPA, HIPAA, GRAMA, and the Clery Act--and apply across all University facilities.

Devon Cantwell questioned if the policy subcommittee had a student representative and, as there were none, agreed to serve in that capacity. James Sutherland asked if the subcommittee would consider addressing the research value of data collected, usable once the data is anonymized. Bob explained, that as the University is a state agency and governed by GRAMA, researchers can request de-identified data under that Act. The subcommittee has started to think about that, and the Utah state law probably sets up the parameters of how this could be done. Kathleen Nicoll posed some issues on behalf of colleagues. Bob answered the first, explaining that one of the first concerns was to make sure that surveillance data is not used to track employees or students activities. Another concern she raised was that the policy not impinge on academic freedom.

Kate Coles asked that the policy contain explicit limitations on cameras and audio in classrooms. Bob clarified that there are two different types of camera systems. One is classroom cameras used to record a class or talk, and accessible only to those involved. The other type is camera use for security purposes. The security system cameras are what will be covered by this policy, with a focus on making sure that the data gathered is carefully stored, protected, and only used for legitimate purposes that are within those laws previously referenced. The subcommittee had not been able to think of a legitimate reason to record audio (listening to contents of conversations), and so final language will probably state that audio cannot ordinarily be recorded. There is a possibility that exceptions might be made, in the name of security, upon by approval of the President, with perhaps consulting and oversight bodies. Rich Lower asked how the policy works for crime prevention. Chief Brophy answered that surveillance cameras are currently assisting in finding gaps in security, or finding ways to educate those who have been involved with things such as traffic accidents, or talk to a group that needs further discussion. Audio recording at this time is only used when there is a properly executed search warrant.

Open Discussion

The following remarks were made during the Open Discussion portion of the meeting.

* Tom Richmond reminded the Senate that last year’s Chemistry Department Faraday Christmas Lecture sold out in less than a week, and for those who would like to go, to visit the webpage next week when tickets become available.
* Devon Cantwell thanked the Senate members who used the microphones today, as governance transparency works best when everyone can hear. She also asked that those using microphones be encouraged, not discouraged, so to continue to provide an inclusive and accessible environment.
* Leslie Francis raised a concern that, in order to be one to be One University, there needs to be an effective shuttle bus system. For instance, although there are still signs for the blue line shuttle on campus, it does not still run. Whatever can be done immediately would be most appreciated. Tom Richmond offered to invite Alma Allred, from Commuter Services to come to a Senate meeting to further address this issue.

Adjournment

Meeting adjourned at 4:27 pm.