

## FACULTY SENATE MEETING AGENDA

October 31, 2024

4:00-5:30pm

*Approved*

**Attending:** Scott Knowles, Kelly Goonan, Chris Monson, John Karpel, Grant Shimer, Chris Graves, John Benedict, Christian Bohnenstengel, Jacob Dean, David Hatch, Derek Hein, Maren Hirschi, Bryan Koenig, Michael Kroff, Elise Leahy, Jon Lee, Elijah Neilson, R. Alexander Nichols, Rachel Parker, Amanda Roundy, Ryan Siemers, Nate Slaughter, Jeanne Subjack, Lee Wood, Chris Younkin, Qian Zhang

**Not Attending:** Scott Hansen, Kevin Stein

**Proxies:** Emily Dean for Michelle Orihel, Michiko Kobashi for John Meisner,

**Guests:** Camille Johnson, James Sage, Jake Johnson, Om Mehta, Shalini Kesar, Matt Mckenzie, John Karpel

1. Call to order (4:00)
2. Recognition of Presenters and Guests (4:00)
  - a. Associate Provost James Sage
  - b. Assistant Provost Camille Thomas
  - c. Assistant Provost Jake Johnson
  - d. Senior Director of CTI and Staff Association President, Matt McKenzie
  - e. Graduate Council Chair, Dr. Shalini Kesar
3. Approval of Meeting Minutes: (4:01)
  - a. [October 17, 2024 Minutes](#)
  - b. The minutes were approved.
4. Events and Announcements: (4:01)
  - a. Faculty can submit [Caught Red Handed awards](#) to other faculty, staff, and student employees. Staff Association will deliver these awards monthly (if not more frequently).
  - b. Giving Wings to T-Bird Dreams Campaign: [Campaign Website](#), [T-Shirt Design Vote](#)
  - a. [Faculty Regalia Fair](#) - Monday October 28 - Friday, November 1

5. Information Items: (4:03)

- a. Faculty and Staff Tailgate Harris Pavilion, Nov. 9th @ 11:30am.
  - i. Faculty and staff get their two free tickets, but a 20% discount on any additional tickets.
  - ii. RSVP via email here with the number of attendees you will have with you: [tbirdevents@suu.edu](mailto:tbirdevents@suu.edu)

6. Action Items: (4:04)

- a. [Policy 6.28 Faculty Professional Responsibility & Due Process Revision](#) (Kelly Goonan)
  - i. [Memo on most Revisions for 6.28](#)
  - ii. [Faculty Feedback and Responses from Academic Affairs on 6.28](#)

Scott: Dr. Kelly Goonan and the Academic Affairs Committee has been working diligently to address all the comments that Faculty Senate has generated from their departments, and they have a new version of the policy that's linked in the agenda.

Kelly: I hope you've had the opportunity to review the updates that were made to policy 6.28 based on the feedback provided via the faculty feedback document. The Academic Affairs Committee organized that feedback based on what section of the policy it relates to, and we have provided a response to every comment that was given. I want to make it very clear that the Academic Affairs Committee has tried to be very transparent by looking at all of the feedback provided and noting how that feedback was considered/used. Some of the comments we used to make direct changes in the proposed policy language, others we felt suggested a change that was not warranted, or we were not able to do. But every comment that a faculty member left was addressed in the document and you are welcome to read through the 17-pages.

As far as the changes that were actually made, we did add definitions based on the feedback. We added definitions for non-employment conduct, preponderance of evidence and sanction. In section 3, we changed letters of appointment to agreement for appointment to a faculty position, which is the current title of the document that faculty signed during their first year of employment. We cited the American Association of University Professors Statement on professional ethics.

We changed language in section 4.C.2D to clarify what is actually meant by modality, that is the delivery, the course, delivery modality, not specific course, activities or pedagogical approaches used in a course.

We added language in C.2.F to align with AUP's statement on professional ethics. We also included a reference to the SUU policy, 6.6 Academic Freedom at the request of the Faculty Senate Executive Committee. We changed language in C.2.F from uncontroversial topics within the scope of a course on issues recognized as controversial in the discipline. We changed language in C.3.A. for clarity to replace, perform with execute, because in this case perform does not mean sing, dance, play an instrument, it means carry out your professional responsibilities.

In C. 4.C.V. We added a good faith provision to address concerns about misuse of this policy. We added at the request of the Faculty Senate Executive Committee, a statement to C.4.C.V. referencing the University Code of Ethics.

We added a list of potential factors that may be considered in determining the seriousness of alleged violations to Section D.

We revised D. 1H. 2, to indicate procedures outlined in Section E, should the provost determination lead to suspension, dismissal, or termination being recommended.

We added language to Section E to indicate that when conduct rises to the level at which suspension, dismissal, or termination is possible.

We added that the Provost written appeal decisions will also be sent to the chair of the Faculty Review Board in e. 1 g.5.

We changed both Section D and E to differentiate between emergency hires and other classifications of faculty. So adjunct faculty are included in the same procedures as tenure track and non tenure track faculty in those sections.

And then the last change that we made was we added Section F, so outcome documentation and records to transparently communicate how the outcomes of the 6.28 process are documented in faculty employment records.

A few things that I would like to address explicitly as we saw a number of comments related to these areas. Several comments addressed overlap with other SUU policies. As policy, 6.28 is titled Faculty Professional Responsibilities and Due Process, the Academic Affairs Committee felt that that is the intuitive place that faculty will look, and so we did not want to remove overlap with other policies. Rather, we tried to make sure that policy 6.28 explicitly references and directs faculty to other relevant policies.

There were several comments expressing concern about non-employment, or personal or private conduct and free speech. We want to assure faculty that SUU is not going to be policing their private speech and using that speech to punish discipline or fire faculty for their opinions that they express in their private spaces. I would strongly encourage everyone to review. Section B. 3 which provides a pretty high standard to overcome the presumption that personal or private conduct does not violate your professional responsibilities. It is still in there but we

really want faculty to feel comfortable and know that the university is not going to be policing their private speech and using it inappropriately.

I would also point out the section C.4 Bx. further states that faculty shall not use or leverage their position and standing at the university for private or personal gain or advantage. The policy pretty clearly directs faculty how to clarify when their speech and conduct is professional and when it is personal and private.

The next one, teaching controversial and challenging issues and academic freedom, there were some changes made to the policy in that section. Again, we want faculty to understand that one of the big purposes and goals of this policy is to very clearly communicate to all faculty what their professional responsibilities are, and what expectations they are being held to. Section C.2F provides some guardrails. But again, we do not want faculty to take this policy as discouraging them from addressing difficult topics with their students.

Finally, the implementation of the policy. There were several comments related to how alleged violations would be reported, and how the due process provisions of the policy would be implemented. There were many concerns related to potential misuse by chairs and or deans to single out faculty. We want to reiterate that all university employees are subject to SUU policy 5.62, the University Code of Ethics, and there are specific procedures in place for faculty who feel that they have been unfairly treated. We very strongly encourage faculty to review that policy and to follow the procedures outlined in that policy if they feel that they have been unfairly singled out or disciplined by a supervisor.

Chris: section 4C5 it says “the University Code of Ethics establishes an expectation of fair dealing, and may provide an option for grieving departures from the substances and procedures of this policy.” The issue is with the phrasing “grieving departures from the substances” what does this mean?

Emily Dean: I agree with Chris' point that some of the language (“grieving departures”) in 4.C.v. is obscure. Could we not rephrase this to something your average PhD understands? Thanks!

Jake: If an administrator departed from the procedures of the policy that would be grievable if an administrator departed from the substance of the policy. That also would be grievable. What I heard from folks in the feedback process and from the Executive Committee was we want to make sure that people recognize there are other policies on campus that might be pertinent to whether or not – and this would be true of even like witnesses or others who contribute information to this process – that they have an obligation of fair dealing under the Code of Ethics. To deal fairly is to follow the policy as it's written, and to use the substantive provisions about what constitutes responsible conduct and what constitutes irresponsible conduct are interpreted reasonably and with fidelity to what the policy says.

It should just say, substance. The “substance” of the policy.

Ryan: 4c.2g is unchanged. This is one that my department has concerns about. It says we have a professional responsibility to introduce and offer context for course content that may be challenging for students to address. Did you guys receive any other comments about that one? Why didn't we change it? Do we need it? I'm inclined to just strike it.

Kelly: So there was discussion about this. And I'll point you back to the memo – I'm just going to read it: As content area experts, faculty are best positioned to know the prevailing theory and practice of their field and to teach their courses according to their expertise. The prevailing theory and practice of the discipline constitutes the quote “reasonable range of perspectives” that should be presented. Principles of academic freedom and SUU Policy 6.6 protect the faculty members' choice to select course materials and teach their courses in a manner that they feel best supports course learning outcomes. Additionally, faculty should adequately prepare their students to confront challenging topics covered in a course. Faculty are empowered to do this in the way that they feel works best for the particular course and topics and the policy does not prescribe any particular approach. For instance, requiring content or trigger warnings in course materials. The Academic Affairs Committee wishes to clearly state that sections C, 2, F, and G are not intended to discourage faculty from teaching the prevailing knowledge and perspectives of their discipline, or to avoid challenging topics in their courses. Rather they are intended to provide some guardrails related to a faculty's professional responsibilities to their students. The Academic Affairs Committee also advocates for more training on academic freedom, for faculty.

Our justification for leaving it in is it aligns with best practices in teaching. I know that this was discussed among the Executive Committee and that there are some cases where an element of surprise is pedagogically appropriate and we are leaving that up to the faculty. What we are asking faculty to do is to be thoughtful in their approaches to how they teach their courses and prepare their students for those difficult conversations. We are not asking faculty to avoid difficult topics, we are not asking faculty to change the materials that they use or the topics that they cover, we are not asking faculty to include trigger warnings or content warnings in their course materials or syllabi. The policy is simply asking faculty to be thoughtful in how they present the material and address these topics with their students.

Ryan: I think that's fine. I just think that to make it a professional expectation, that you'll treat your material fairly, makes sense and to potentially have it as grounds for a disciplinary action.

So how would it work if a student had a complaint like, how would this be activated if a student said, I found this challenging and brought it to the chair. How do we adjudicate that one?

Kelly: So I may ask Jake if he would give an example, since this is an area that he has been involved in. What I will say is that in the discussion last week with the Executive Committee, we did discuss how 99% of faculty at SUU do all of these things anyway. And once in a while you get that one person who simply needs to be told this is what is appropriate, this is what is not. These are what your responsibilities are and these are the expectations that you will be held to. From my perspective I feel that anytime we can be very clear and transparent in what those

expectations, responsibilities, and potential sanctions are is good for faculty, because it means that we know what expectations we're being held to.

It's also good for the university. In those very rare cases where you have someone who for whatever reason, does not think that. What I would argue, the majority of folks here believe are appropriate professional expectations and responsibilities, and this at least gives the University some mechanism to address those kinds of behaviors and to hold faculty accountable if and when those things happen.

Jake: Here's an example, imagine that in a photography class that a professor was going to show an image that might push the envelope on what is child pornography. And one of the students thought they were looking at pornography. There was no preparation and there were complaints. In the absence of preparing the student to be able to respond to that situation was very problematic for students who then complained about that experience.

We had to explain to the students what standards lawfully help folks determine what is or isn't, child pornography and what a faculty member had showed didn't meet that definition. In a situation like this the faculty member would have been well served to have prepped the students.

Ryan: I think it makes sense. I'm just weighing that instance against this other thing that Kelly's talking about, which is people worrying about a kind of chilling effect on course content based on how students might respond. What triggered that particular instance was student complaints and it seems like there should be some other mechanism to talk to that faculty member about what seems like an obvious issue, that they should address other than student complaints. The thing that I kind of hesitate about is we're depending a lot on the kind of psychology of students in and that's something hard for us to gauge sometimes, and kind of hard to adjudicate.

Kelly: If faculty have questions, please bring them forward to use myself as an example – I've shown a documentary in the past in class that shows footage from the shooting death of Lavoy Finnicum during the Malheur wildlife refuge occupation. I tell students ahead of time before they watch that documentary, that somebody is shot and killed

during that film.

that it isn't graphic.

but that it is

real footage of

a real person losing their life in that conflict.

That was my choice as the instructor to prepare my students for that.

The 1st time I showed that documentary I had caps in the classroom because I did not know how my students would react.

That's simply. What we're saying is that there may be pedagogical reasons like, I know Scott brought up in you know, maybe like in film or in theater, or something like that, where you need that element of surprise because it's really important and because it's really impactful in situations like mine. I felt it was more appropriate to tell the students this is going to be included in the documentary. We're still going to watch it. We can talk about it. But I'm letting you know, because I understand how that could maybe be difficult depending on past experiences. So I think simply what we're asking faculty is not to sanitize their courses for their students. We're certainly not expecting people to anticipate every possible reaction but to be thoughtful about the reasonable range of reactions that students may have to certain content in the courses.

Grant: I also was quite concerned about G. But then, during our executive committee meetings I came to understand that these are best practices, and if you have pedagogical/faculty/dean/department chairs support and students complain, it doesn't mean that you're suddenly in trouble, and I think if we think of it that way, it helps allay some of our concerns. But it may not be for you, Ryan. I'm not sure. We're wise to be wary about painting ourselves into a corner. But I don't think this necessarily does.

Ryan: I'm not worried about the document. I'm worried about an unsupportive chair. I'm worried about those situations where we are empowering people who operate in bad faith by using this document to go after/target faculty members and then it's up to the department chair to decide whether or not that's legitimate.

Kelly: There were comments about student comments initiating this in the faculty feedback form, C.2.g. SUU policy 11.4. Student complaints, outlines the process by which "a student with a concern about a faculty or staff member may bring that concern forward and seek resolution. Anonymous student comments are not enough to determine if a faculty member violates this provision." So again, we have other policies and other checks in place. The memo references policy 6.1 that essentially prohibits departments from using anonymous student feedback as the sole measure of teaching effectiveness. We feel pretty comfortable that faculty who again are acting in good faith, following their professional responsibilities, will be protected from those one off student comments.

Ryan: Can we add a clause about a reasonable person/reasonable standard might find objective. to contextualize this where there's a reasonable standard and not entirely contingent on the view or psychology of a particular student in a particular class that may or may not be tethered to reality, or the standards of the discipline.

Scott: If I might add, the 1st sentence, specifically says, introduce and offer context for course content. That may be challenging for students to address; the second sentence offers a little bit of an out to that which is, the clause is ordinarily most effective. So it suggests that we don't always have to introduce and offer context in a specific way. We could strengthen that by

changing the first context. Like, if the goal, for example, is that we want faculty to be thinking about the course content that we provide, and how we should do that. We could say, instead of introducing an offer that we want thoughtful creation of, or presentation, of course content right? And then that is a different thing. So in my example, I teach a very, very violent play called *Blasted* by Sarah Kane in a script analysis class. I've done it for years, and pedagogically, it is far more successful if I do not provide trigger warnings for that play. Just because then students actually come having conversations about it, and their first experience of the piece of art is not tainted by whatever it is that I warned them about so for me, I've thought a great deal about that. There's a reason that I give this play, and there's a reason that I give it without a content warning. For pedagogy. So if that was changed from introduce and offer, I don't introduce and offer context for course content for that specific play. I absolutely don't do that right now. If it was about the thought of that then yes, it would then not make me as nervous. But again, I do think I'm covered by the ordinarily most effective. I can make an argument that this is a case that's not ordinary, I am doing something different.

Jake: I commented some different language there for that first sentence that says, introduce and offer context for course, content that may be reasonably viewed as challenging.

Ryan: I like that better, because at least then there's some sort of communal standard. And it dilutes the kind of fiat of an individual bad actor student. So I do prefer that.

Jake: I I think that's a relatively easy change when you see that reasonableness you know you're supposed to, well, I should say most people would recognize imputing the reasonable person standard.

I've also noted in the chat comments. Emily had said, hey, this language about departing is a little bit obscure. I commented. Some language on that provision as well, to say: provide an opportunity to grieve instances when administrators fail to follow the substance and procedures of this policy. Does that seem clearer?

Chris: I think the word grieve is the problem, because I think grievance, we understand grief is almost exclusively used for grieving the loss of something.

Jake: I think we can use the word grievance there as a basis for grievances. Something along those lines, Chris. I can. Wordsmith that.

Chris: I think that would clarify it.

Scott: Any more questions or comments regarding either the 2 sections we've discussed, or another section.

Chris: I have a question. The memo suggested having training for these policies for faculty. Is that something that would be left up to the departments? Or would the university provide that training? Is there any idea of how that would be rolled out at this point?



Kelly: The Academic Affairs Committee seemed very willing and interested in helping create some of that training. I know that specific comments were made that policy, 6.28 should be included in new faculty orientation, at least, introduced to faculty. This policy outlines faculty responsibilities and due process. Read it, know where it is, know where to find it. That's certainly something that I think the Faculty Senate could make a recommendation on.

My personal opinion is that as consistent as we can be in these kinds of trainings would be preferable. I know Jake and Lucia and others organize training related to academic freedom and free speech, which we are now legally required to do. Thanks to the Utah State Legislature. But there's no reason that we can't include regular trainings around policies like these during the August and May learning and development days or include them in new faculty orientation.

If I ever stop having so many meetings to go, I volunteer to write a faculty handbook next semester.

David: It might be useful to tie this to overall first amendment training as well.

James Sage: Per Kelly's offer to write a handbook, the Provost's Office has curated a set of resources that would be helpful for all faculty and academic leaders (including new faculty): <https://www.suu.edu/provost/resources.html>

Scott: That's quite the generous offer, Kelly. Anymore feedback about policy 6.28

Ryan: I'm happy to motion to approve with the revised language that Jake has commented in the margin.

Ryan: Motion to approve with the revised language.

John: Seconded the motion.

Jake: So just real quick to synthesize the feedback about grievances I've recommended "and provides an opportunity for submitting a grievance when academic officers fail to follow the substance and procedures of this policy."

Scott: The policy was approved by 23 and abstained by 1. Policy 6.2 8, and its current form, with those revisions that Jake put into the margins is approved to go forward from the Faculty Senate. Thank you all, everyone, for all of your work on it. As far as reading all the drafts, collecting all the feedback and to Kelly and the Academic Affairs Committee for the Herculean efforts they're putting into policy revision. This was one of the big ones. We do have more coming up next week, though, so be excited about next week's Faculty Senate meeting as well on the 7th

Elise: I just wanted to thank Kelly and everybody for all the work. I think you should think about whether you really want to offer to write a handbook, Kelly.

Kelly: It would be mostly links to policies

7. Discussion Items:

- a. Call for New Business / Faculty Input

8. Standing Committee Updates:

- a. Faculty Review Board (Michael Kroff)
- b. Parking Ticket Arbitration Committee (Victoria Zhang)
- c. Staff Association Liaison (Amanda Roundy)
- d. General Education Committee (Ryan Siemers)
- e. Honors Council (Maren Hirschi): <https://www.suu.edu/honors/>
- f. University Curriculum Committee (Rachel Parker)
- g. Student Association Liaison (Om Mehta)

Over the past couple of weeks we have passed more legislation. The SUUSA Constitution passed through our Senate. So now it's moving towards the Leadership Council, where it'll be presented in November, and then voted on by the Board of Trustees in December. So we're pretty optimistic.

We also passed a Community Garden Benches Bill, which will allow professors to be able to hold classes in the garden, and also have events in the garden. In addition to that, we also passed a bill for the College of Health Sciences Week, so we funded about \$1,300 to cover the events for that week, and it was really successful. In terms of upcoming initiatives, we have a college of Natural Sciences Week and they're doing a research symposium and other different events happening throughout the week. Our CPVA Senator is looking to help the Commercial Music Club get some funding for a trip to the NAMM Convention in Anaheim, which they have been attending for about 3 years. This is the first year they've needed funding from the Senate. There is a student initiative for an art mural placed in the dance studio. We don't know if we want this to be a permanent thing, or a vinyl mural that could be switched out every couple of years with an illustration from a student. That's all I have to report. Thank you for listening.

- h. Benefits Committee (Cody Bremner)
- i. Faculty Awards Committees:
  - i. Distinguished Faculty Lecturer and Grace A. Tanner Committee (Christopher Graves)
  - ii. Employee Commitment for Access and Belonging (Kelly Goonan)

- iii. Outstanding and Distinguished Educator Award Committee (Bryan Koenig)
- iv. Distinguished Scholar/Creative Award Committee (Christian Bohnenstengel)
- v. Distinguished Faculty Service Award Committee (Derek Hein)

j. Treasurer's Report (Jon Karpel)

We needed to discuss the offer from the non-traditional students office, they are suggesting that they could administer the scholarship – help us screen the applicants and then bring suggestions to the Senate. So I didn't remember what kind of a discussion we needed to do with that with the full Senate.

Scott: We will put that as a discussion item at our next meeting. I think it's a good idea. Just make sure that it's being administered by a group of people that actually works with nontraditional students regularly and take some of the workload off the Faculty Senate, which I think will be a good thing.

k. Past President's Report (Kelly Goonan) - Academic Affairs Committee; University Faculty Leaves Committee

The Academic Affairs Committee is working on policy. 6.1 there are some areas that were unclear, specifically related to the makeup and populating of the college and school P&T Committees. So we're finalizing that when we meet this week, and so I will have a slightly updated version to share with the Senate for you all next week.

I forgot to mention in my overview of policy 6.2 8 that we're reviewing a lot of policies this year, and I know we're bringing all of those to the Senate and it's a lot of work. Please, when you share those with your colleagues, if they choose to use AI to generate feedback on those policies it would be extremely helpful if they review the comments and review the policy sections that AI says could use improvement because there were several of those for 6.28. Some of them we appreciated in the spirit of making certain references more explicit about valuing the diversity and being an inclusive campus but it's probably not going to be allowed under HB 261. There were other comments that gave very general recommendations, but no substantive feedback. So please encourage your colleagues to use AI responsibly to generate feedback on policies, because these policies are kind of important.

The Faculty Leaves Committee I may share this as a discussion item for next week. We finished reviewing the Sabbatical applications. We probably would like to clarify when faculty are eligible to apply for a sabbatical, because the way the policy is written it could be 6 years, it could be 7 years. It could be one every 8 years. And so I may bring that as a discussion item to the Senate next week.

- I. President Elect's Report (Chris Monson) – UCFSL; Workload and Faculty Salary Equity Committee (WaFSEC); Ad Hoc committee on policy outside of 6.0

WAFSEC and USCFSL will be meeting next week, so we'll report on that next week. The Non-6 Policy Review Committee met for the first time this past week. I just want to give Jake a friendly reminder that we're still waiting to see all of the non-6 policies. When you get around to that, we'd really appreciate that.

- m. President's Report (Scott Knowles) - Policy/Procedure Arbitration Committee; President's Council; Dean's Council

9. Call for Executive Session (4:50)

10. Adjourn