

MINUTES

Faculty Senate

Friday, December 06, 2013 9:30-11:30 am

Cohen Center 214

In Attendance: Anstadt, Bacigalupi, Benford, Brazzeal (Trent Brown, Alternate), Brooks (Alberto Condori, proxy), Buzasi, Carlin, Carothers (Shelby Gilbert, Proxy), Condori, Croshaw, Epple, Erdman, Felton, Finley, Foote, Gilbert, Gunnels, Hung-Simons (Vickie Johnston, Alternate), Kakareka, Krome, Nguyen, Paine (Jaffar Ali Shahul-Hameed), Pavelka, Perretti, Renard, Rosenthal, Stecher, Torres (Jong-Yeop Kim, alternate), Urakawa, van Duijn, Venglar, Villiers, Zhao.

Absent (without Alternate/Proxy): None.

Guests: Ronald Toll (Provost), Paul Snyder (PIP), Beth Elliott (UFF-FGCU), Kris de Welde (General Education), Eric Otto (Chair, General Education Council)

Media: Eagle News.

Summary: VP and General Counsel Vee Leonard shared information about her departments and answered questions. Director of Human Resources Christine Lloyd also answered questions about Human Resources. The Director of General Education and the chair of the General Education Council gave an update on the status of changes to the General Education program. Mary Banks from Business Technology Services and Charles Fornaciari from the Senate Technology Team presented the proposed Restricted Data policy for the university. Provost Toll reported on performance based funding talks at the Board of Governors meeting, increases in applications this year, and promotion decision data from the last 5 years. Beth Elliot talked about the distribution of state employee \$600 bonuses to faculty and the treatment of uncompensated instruction within the colleges.

Agenda Item	Responsible	Discussion	Action/Vote	Follow-up
1) Gathering	Shawn Felton	Eagle News present today. A straw poll showed about 1/3 or 1/2 of senators may be at next week's special session with President Bradshaw.		
2) Approval of Minutes of November 15	Anna Carlin	Minutes approved with no corrections.	Minutes were approved with no objections.	
3) Open Forum with Ms. Vee Leonard, VP and General Counsel	Vee Leonard Christine Lloyd, Asst. VP and Director of Human	Felton: The Executive Team has gathered some questions in advance. Asked that Senate suspend rules on time for this discussion, no objections. Leonard: Started with an overview with her division. Comprised of two departments, Office of General Counsel and Human Resources.	None.	

	Resources	<p>General Counsel manages and represents the university and departments. Also responsible for promulgating regulations and policies, responding to complaints, litigation. General Counsel represents administration, and on occasion, faculty. Reviews contracts.</p> <p>HR handles search and screen process, benefits, immigration, hiring. This office is responsible for compliance with sunshine laws, public records laws. The chief of staff for Academic Affairs handles public records from media, etc. General Counsel's office handles requests for public records from lawyers, regarding litigation.</p> <p>Question submitted: How do you view your role as representing and academic institution? Leonard: I try to make sure that questions and requests have been vetted through the provost and his office, chairs, deans and make sure that they are aware. Check with accreditation and regulations to make sure an action will not put the institution in a bad position.</p> <p>Question: Whose responsibility it is to notify candidates about the fingerprinting and background check requirements during the search and screen process? Leonard: It is not part of our policy or best practice to background check people before we have spoken with them. We do want to offer candidates the opportunity to get fingerprinted while they are on campus. When the candidate gets fingerprinted, those are not processed until an offer is extended and the candidate is made aware/approved.</p> <p>Question: Search committees often receive thank you letters from candidates and HR has asked that those are forwarded to HR to respond. This can be seen negatively by candidates. Lloyd: The search and screen guidelines try to maintain a uniform process and experience for all candidates. I can see that there are things that we can change in our guidelines and we welcome your suggestions and those are things we can consider.</p> <p>Question/Comment from van Duijn: Communication from HR seems to be a problem in the search and screen process. I understand that search committees need to limit communication with candidates, but they are often asking questions about where they're application is, etc. Communication seems to be lacking from HR.</p> <p>Follow-up from Rosenthal: Let's put people first, let's not have a guilty until presumed innocent environment. It is</p>		
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	<p>more important to talk to people than follow rules.</p> <p>Leonard: Reminded that we don't force anyone to take fingerprints, it is a convenience for people who are coming from out of town.</p> <p>Gunnels: Academic environments are unique, built on relationships. How can we improve the perception of our university? People may not appreciate the rules here and not understand why they are treated the way they are. Lloyd: I agree, having just gone through the process myself, there are ways we can do this better.</p> <p>Kakareka: Who is responsible for background checks? HR? Faculty? Leonard: My office drafted the letter that is given to candidates that explains the fingerprinting situation. HR manages that letter, police do the fingerprinting.</p> <p>Stecher: We can talk to candidate in person about the rules and let them know that we can't communicate further. I don't like it, but we can still try to be polite. Anstadt: Can we get something in writing about these policies (communication, answering emails) to give to candidates?</p> <p>Leonard on policy development: There is a template form on our website to initiate a policy. We talk to the department, the stakeholders, it depends on the policy. The drafts do not originate with my office, they come from departments and individuals.</p> <p>Questions from Foote regarding Title XI and sexual assaults on campus. Have heard that there are items from Title XI that are invoked when there is a sexual assault and there is a separate investigation form police. Leonard: My office does not investigate Title XI issues. The Office of Civil Rights wrote a "Dear Colleague" letter in 2011; they are the governing body for Title XI. This letter outlines things the school must do and should do. Even though there is some investigation through Title XI, the standard is different in the Title XI investigation; they look for a preponderance of evidence. A criminal investigation needs evidence beyond a reasonable doubt. We don't want to have victims telling their story over and over again, but we want to ensure that the student is able to continue in an academic environment that is comfortable, moving housing, sections of courses. We have an obligation to ensure that we don't create circumstances that would contribute to a sexual assault.</p> <p>Question to Lloyd from Foote concerning visas. Some faculty</p>		
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		<p>members were hired with immigrant visas and then must reapply for their jobs later. Faculty have been allowed to work the three years until their visa runs out and then they have to reapply to get their green card. This seems discriminatory. Can we revisit the policy to allow people to apply for green card sooner, 18 months if they are doing well. Lloyd: We can try and stay proactive in the communication with people. We do have to stay in compliance with federal regulations, this is not a FGCU policy.</p> <p>Question: Some new faculty members were mistakenly given raises when they were not eligible. The raises were then rescinded and the money was taken back. Can you talk about what happened? Lloyd: raises were rolled out according to the statute. It did say that you had to be working at FGCU since a certain date. There were 18 people that were affected, they were not eligible. The legislation states that one needs a performance evaluation. There will not be a retroactive raise for new people- once they get a performance eval, they will be eligible for future raises, but not past raises. Leonard: reminded us that in notices about raises sent to all campus, some people may not be eligible or some may not be applicable to faculty.</p>		
<p>4) Old Business a) Information and Discussion: Update from General Education Council</p>	<p>Eric Otto, Kris de Welde</p>	<p>Otto: You'll see that there isn't much of a difference in this proposed model and what we are doing now. Shared the updated mission statement. What will not change is the credit hour distribution over subject areas. There are a couple of questions about keeping statistics and HUM 2510 as required courses. One new item is incorporating the statewide core courses into the program. There have been additional changes to the language of core requirements to make sure that higher level courses will fulfill the requirement. Fulfilling the state requirement is already built in to our Gen Ed math program. Symbolic logic is the only one that won't work for math.</p> <p>Krome: Can a college require certain courses in Gen Ed? Otto: Can't require a course in Gen Ed, but strongly recommend.</p> <p>Footnote: Many history courses are Gordon Rule, will these smaller courses still maintain caps if they are now part of the statewide core courses? de Welde: What we are looking at doing is balancing courses at the college level. As an example, the literature classes will take Gordon rule designation off the statewide core Gen Ed classes and added them to other classes.</p>	<p><i>Motion to extend time by 10 minutes (Venglar/Bacigalupi)</i></p>	

		<p>Erdman: We don't require Gen Bio 1 here. And Gen Bio 2 doesn't require Bio 1. Otto: We will keep working on how to handle that with the current prerequisite language.</p> <p>Otto: The currently assessed competencies in Gen Ed are written communication, critical thinking, and quantitative reasoning. These are currently only assessed in 3 courses. New courses that are proposed for Gen Ed need to assess one of these competencies. Written communication is assessed in composition and the 6 hours of communication courses. Critical thinking is built in to the natural sciences. Quantitative reasoning is built in to the math requirement. The civic identity competency is the only place where students will need to make sure that they get their 6 credits.</p> <p><i>Motion to extend time by 10 minutes (Venglar/Bacigalupi)</i></p> <p>Otto: Since 2008, we have been asking that each course assess one competency. Creating competency committees and identifying courses for each competency will help accomplish this goal (competency assessment proposal forms).</p> <p>Justification for civic identity competency: Faculty feedback showed consistent support for the competency and many other institutions have similar competencies in Gen Ed. Continuing work on Stats and HUM 2510 in the program and allowing D's in the Gen Ed program.</p> <p>Anstadt: So we would submit courses to Gen Ed to be included in one of those competencies? Otto: Yes.</p> <p>Krome: asked about civic identity competencies listed on the slide, would students need to fulfill all of them? Otto: no.</p>		
b) Information Update: 2013-14 Senate Ad Hoc Group	Shawn Felton	Ad hoc teams are up and running. Shared governance team: you'll see some questions coming to your colleges soon. Senate teams review team: working through bylaws and workplans now.	None.	
5)New Business a) Information and Discussion: Restricted	Mary Banks (Business Technology Services), Charles Fornaciari (Technolog	Banks: This restricted data policy is part of a larger data loss program. FGCU is required by federal law to protect the identities of our students and employees. We started with identifying risks, looking at external policies like HIPAA, FERPA. Then we classified our data, identifying restricted data. The restricted data policy covers what is restricted data and what we need to do with it.	None.	

Data Policy	y Team)	<p>Fornaciari: There was an ad hoc task force last spring on restricted data and I was part of that group. BTS started drafting this policy this summer/fall. Technology team serves as an advisory group for technology groups on campus (library technology, AETS etc.) They often ask us for opinion on how to handle things. We were asked for an opinion on this policy. We quickly found things that could be improved for faculty and new drafts were written. We have gotten to a point where we have said that we are comfortable with it.</p> <p>Gunnels: Faculty often use personal computers to process grades, etc. what do faculty need to know? Banks: my office will help you, if you want it, to encrypt the data. We will have classes and you can come to the help desk.</p> <p>Bacigalupi: Advisors work almost exclusively with student data, this sounds like this will have a significant impact on us. Banks: we can come to advisors meetings to talk with you about the work you and how to handle the data.</p> <p>Erdman: If you have a personal computer that dies, what should you do to protect data? Banks: that data should have been encrypted so no one will be able to recover that data. Anytime you dispose of computing devices, you should be sure to have the data destroyed.</p>		
5) Standing Reports a) Provost Report	Provost Ronald Toll	<p>Toll: Update on performance based funding. BOG discussed PBF. There will now be 5 points for each metric. The idea is that there is to be more "spread" between high and low scores. My guess is that there will be about 70 million dollars available for distribution to the universities. It was made clear by the BOG that a portion of base funding will be applied based on performance based funding. This has now become a possible de-funding model. There will be a BOT meeting on Dec 12, there will be a phone number, you can call in or you can come to the room. This is a special meeting because the BOT got out of sequence with the BOG, and we need to approve the annual report (the data that will be presented to the BOG). This data is more important than ever to this institution. I agree with others, that some of these metrics are not what we would choose to represent us and our mission. I have been meeting with advisors to talk about how to get students to finish in 6 years to improve our numbers. I want these things to happen for the right reasons; it is for the sake of the students that we want them to succeed. I don't want us chasing metrics, but we have to understand that student success is now directly tied to our fiscal health.</p>	<p><i>Motion to extend time 10 minutes.</i></p> <p><i>Motion to extend time 5 minutes.</i></p>	

There was a legislative mandate to provide \$600 bonuses to state employees. We are currently working out how to give those bonuses to staff. The parameters for faculty have already been negotiated.

We are up this year in applications by 40% from last year. We usually go up by 10% each year, so this means we have an additional 30% increase this year that we can attribute to the "dunk city" effect. We are not increasing our growth because of this, just planning for 5% increase. We may have a chance to shape our incoming class a little more, looking at the abilities of the students. This is one ways we are capitalizing on our success.

Motion to extend time 10 minutes.

Sabbatical letters are going out today. There is a formula that determines how many we can hand out. We always round the number up to the next whole number. Those are for the half year and we typically approve all whole year applications, assuming they have gone through the committee process.

We were hoping to have academic calendars approved further out, but there have been some obstacles. We have been doing a deep dive getting information. One of the reasons that our semester is longer than others is that some count Saturdays as full instructional days and we do not. We have never been in statutory violation and will never be in statutory violation.

Promotion: I have presented data to CAS on promotion decisions. I have aggregated data from all 6 academic units to present to you today. 162 total decision over the last 5 years. Chairs said yes 160 out of 162 times. Peer review teams/committees said yes 150 out of 169. Provost said yes 135 out 169 times.

At the last BOG meeting, CAVP dinner meeting, heard about one colleague fending off a legal battle at UCF. An author of a professional paper was denied by a journal, the editor of that journal is a faculty member at UCF. The author filing lawsuit, because the editor works in Florida "under the sunshine" that the peer reviews fall under the sunshine under extension. The case law does tip toward the sunshine laws.

Motion to extend time 5 minutes.

We are always working on your behalf, but Florida law is

		<p>pervasive. Foote's concern about immigration- we are always getting updates on immigration laws/policies/regulations. We provide support for international faculty at a higher level than many institutions. An example- we have an individual that was not quite up to speed with providing information after much work and incurred extra fees for expediting and AA chose not to pay those fees.</p>		
b) Student Government Report	Luis Vargas	<p>The student government report will be sent out in print. Vargas absent while studying for finals.</p>	None.	
c) UFF Report	Beth Elliott	<p>\$600 bonuses. There was group that worked on how to implement the legislation. Longevity in years, would receive 1 point. Annual evaluations also count as points. 35% of faculty (136) will get this bonus. Money will not even get distributed until late in spring.</p> <p>Gunnels: there have been questions from CAS regarding uncompensated instruction. Elliott: Putting language in the contract may be too restrictive. Each college should come up with policies regarding this. COE and CHPSW have come up with policies already and there was faculty input in this process.</p>	None.	
d) Senate President's Report	Shawn Felton	<p>Staff Advisory Council did vote on smoking; 70% support for a ban on smoking.</p> <p>BOG meeting: looking at metrics in PBF. Identified problems like students transferring between institutions that don't count toward anyone's graduation rates. Appointment of new chancellor. Next BOG meeting will be at FGCU in January.</p> <p>Professional Development Fund Grant letters went out yesterday. 73 applicants asking for 84K in funding. 8 unfunded due to score. 82% of completed applications were funded for some portion.</p> <p>Skateboards: parking appeals committee got appeals from students who got tickets for skateboarding, so there is some enforcement happening.</p> <p>Evaluation of chairs and deans: We will be sending out the information about reporting lines soon. Please respond to verify those.</p> <p>PBC meet recently and talked about how to spend the 2.1 mil of PBF.</p>	None.	

		<p>Commencement ceremony on Dec 15. Ask that we keep the receiving line moving quickly to not hold things up.</p> <p>Compensation of department chairs: Provost did some digging into this issue. There are issues related to CBA, and nomenclature, how units interpret certain things. This is on my radar. I want us to be in equitable situations. We have a few more situations to fix but we are working on it.</p>		
6) Announcements		<p>Gunnels: reminders about events on campus that day: Empty Bowls, STEM students presentations and chili cook-off.</p>		

Next Senate Meeting: January 10, 2014 9:30-11:30 am. Cohen Center 214

Next Senate Leadership Team Meeting: January 24, 2014 12:00- 1:30 pm. Cohen Center 214