

THE UNIVERSITY OF TOLEDO
Minutes of the Faculty Senate Meeting of November 19, 2019
FACULTY SENATE

<http://www.utoledo.edu/facsenate>

Approved @ FS on 1/21/2020

Summary of Discussion

Note: The taped recording of this meeting is available in the Faculty Senate office or in the University Archives.

President Brakel: Welcome to our seventh Faculty Senate meeting in the Fall semester. At this time I will ask our Secretary, Mark Templin to call the roll.

Present: Anderson, Bailey, Barnes, Bigioni, Brakel, Bruce, Chen (substitute for W. Taylor), Chou, Compora, Coulter-Harris, Dinnebeil, Dowd, Edgington, Ferris, Garcia-Mata, Gibbs, Giovannucci, Gregory, Hall, Hammersley, Harmych, Heberle, Inch, Jayatissa, Kistner, Lecka-Czernik, Lee, Longsdorf, Maloney, Menezes, Molitor, Niamat, Nigem, Ohlinger, Pakulski, Reeves, Rouillard, Sheldon, Steven, Stepkowski, Templin, Thompson-Casado, Tiwari, Wedding, Weldy

Excused Absence: Case, Duggan, Frank, Gray, Hefzy, Lammon, Oberlander, Phillips, Zhang

Unexcused Absence: De le Serna, Koch, Lundquist, Modyanov, Murphy, Park, Ratnam, Roseman, Schlageter, Schroder, Welsch

President Brakel: Do we have a quorum?

Senator Templin: Yes.

President Brakel: Okay, we have a quorum. Before I get started I would like to welcome three guests here today. They are students in our Educational Leadership class, and that is Andrew, Ashley and Ericka who is serving two roles here. Welcome to your observation to Faculty Senate.

You have before you today's agenda. I'll entertain a motion to adopt today's agenda.

Senator Compora: So moved.

Senator Ferris: Second.

President Brakel: All in favor say, 'aye.' Any opposed? Any abstentions? *Adoption of Agenda Passed.*

You've also received, last Friday, the copy of the Minutes from our previous meeting on November 05th. Are there any other corrections to the Minutes? Hearing none. May I have a motion to approve the Minutes from November 05th?

Senator Niamat: So moved.

Senator Chou: Second.

President Brakel: All in favor say, 'aye.' Any opposed? Any abstentions? *Motion Passed.*

That brings us to the ***Executive Committee Report***: The Executive Committee met with Interim Provost Karen Bjorkman on Nov. 6 during which time we discussed the constitution process, policy concerns and budget issues. Budget issues were also discussed the next day at the President's Advisory Council. The university's budget situation is rather tight right now and the administration is still hoping that mid-year budget cuts can be avoided. That said, budget cuts are starting to look like it might be necessary to which there is no present indication where or how much might occur. In recent weeks, you have may have noticed a push to get students to register for spring classes as this will help project the budget for the second half of this fiscal year. Faculty can help this process by encouraging students to register for spring classes ASAP.

On November 7th, I attended the President's Advisory Council meeting. A topic that Senate should be aware of is the recent State Share of Instruction (SSI) consult between the State and the University Trustees Conference which includes trustees from all universities within the State of Ohio system. As you may be aware, in recent years the State Share of Instruction money has moved from just a straight head count of students enrolled at an institution to a formula that includes not only the number of students enrolled but also student retention and graduation rates and other factors. Of concern during the recent consult was a focus on post-graduation issues such as how many students get jobs, where are they employed, and so on. This focus on post-graduation issues is due to a passage of a state law. At this time, these metrics are still being discussed and will present many challenges depending on what metrics are finally decided upon. This issue will require continued monitoring moving forward. It might also be wise for programs to systematically collect data of where and which students get jobs in case this data is needed in the future.

On November 8th, the Executive Committee met to plan today's meeting. We heard from Mary Powers, our Faculty Representative to Athletics, regarding the Blackboard Observer opt-out proposal for Athletics. This proposal is for Athletics only. Dr. Powers and Erica Lavendar, Associate Athletic Director/Director for Academic Services will be at today's meeting about 5:00 to present on the Blackboard Observer Opt-out proposal and the Executive Committee recommends its endorsement.

We also discussed the Grade Deletion and Recalculation Policy that was discussed at the last Faculty Senate meeting. Given that it appears that Bowling Green State University, Miami University, Kent State University and Akron have no cap on repeat of courses and that Wright State University has a cap of 15 credit hours, the discussion focused on how much should our current cap of 12 hours be raised. Given that the students pay a flat tuition for 12-18 hours, and the previously mentioned universities, the Executive Committee recommended to the Academic Regulations Committee to consider raising our current cap to 18 credit hours. This would provide a student the equivalent of one semester's maximum credits to raise their G.P.A.

We also examined the audited financial statements and the Form 990 of the UT Foundation as we prepare to request a meeting with Foundation Director Brenda Lee regarding Foundation practices.

I, along with President-Elect Jeff Hammersly, have had conversations during our meetings with Interim Provost Bjorkman, the President's Chief of Staff Diane Miller, and with President Gaber regarding the timeline process for approving the Constitution. We continue to wait for a response from the university's Office of Legal Affairs and are pressing for that response so that we can move forward with the second reading of the Constitution.

Yesterday, I met with Vice-Provost for Faculty Affairs Amy Thompson concerning Guidelines for Community Engagement that might be used in connection with the promotion and tenure guidelines. This work is in its very early preliminary stages and more information will be provided at a later date.

Finally, I represented Faculty Senate at the College of Engineering's Faculty Council meeting last Friday and represented Faculty Senate and our entire University of Toledo Faculty in accepting the Mid-American Conference Institutional Academic Award presented to our athletes for having the highest G.P.A. within the conference which was presented at the football game versus Northern Illinois last Wednesday.

This concludes the Faculty Senate Executive Committee Report. Are there any additions to the Faculty Senate Executive Report, Committee members? Are there any questions?

Senator Dowd: When you met with Provost Bjorkman, did she indicate what kind of budget shortfall we currently have? What are the projections? Has Matt Schroder indicated to the Executive Committee what exactly are we looking at, at this stage?

President Brakel: Thank you for asking. I am trying to remember. From the President's Advisory Council, Matt did present that information.

Senator Wedding: It was \$7.5M.

President Brakel: Yes, \$7.5M is what I remember. Thank you for helping me out there Senator Wedding.

Senator Dowd: Thank you.

President Brakel: I should clarify that. That was compared to first quarter last year.

Senator Niamat: You mentioned about some formula for calculating the state assistance which now also includes student retention.

President Brakel: Right.

Senator Niamat: Can you provide us with a copy of that formula?

President Brakel: I don't have it right now, but I will request it.

Past-President Rouillard: Actually, President Brakel, I have question for Senator Bailey related to what you were saying for this new criterion for the formula. Has this discussion come up at the Ohio Faculty Council, OFC?

Senator Bailey: No, nothing.

Past-President Rouillard: If and when it does come up, keep us informed so that perhaps we can all collectively in our Faculty Senate provide some reasonable pushback for that. Because that sounds like yet another unfunded mandate where we have to do all the work to 'shoot ourselves in the foot.'

President Brakel: Are there any other questions or comments? Hearing none and seeing none, we will forward to the next part of the agenda. Provost Bjorkman had another meeting today, so we are moving right on to the Curriculum Committee report.

Senator Edgington: The Undergraduate Curriculum Committee has seven courses to bring to you today. One new course proposal and six course modifications. I am going to go head and 'jump in.'

Our new course proposal is EDU 4700, which is Honors Capstone Practicum. This is, "*Capstone Practicum is an individualized applied learning experience. Students engage in a collaborative mentoring relationship with a faculty member to establish an Honors Capstone Plan. The student assumes*

responsibility for learning under the guidance of the faculty member. This course is intended to meet the requirements for culminating experience.”

Under course modifications we have: PHCL 2220, Drugs, Medicine and Society. Their request here is to “*Offer the course as both a face-to-face course (currently approved) and as an online course (new request). Would also like the course to meet the requirements for the Social Science Core Curriculum (new request).*” Our committee discussed this; I don’t believe this actually falls under Curriculum Committee, but we decided we will bring it forward because they are also asking to have the course be considered for the social science core curriculum. So in order to do that...course...we need to move it forward to the Curriculum Committee.

The next course modification is CIVE 4680, Environmental Law. This is the description from the sheet: “*We would like to ensure the Environmental Engineering Students get first priority in this required course in their curriculum. I am happy to provide overrides for everyone else (including CIVE students) who would like to take this as an elective, but since this course is only offered 1x/year, ENVE students need to be prioritized with our increase in students in the program.*” Again, first time I ever had that come in front of the Curriculum Committee so I don’t know if it falls under our jurisdiction.

Senator Molitor: Are they setting the prerequisite as environmental engineering majors only?

Senator Edgington: I can go back and look - he did not mark that on the sheet – but I can go back to check and see. Maybe that is what he was trying to do.

Senator Molitor: I am guessing that was the intent.

Senator Edgington: I can go back and see; maybe we can get that corrected. That makes more sense to me if that is what they are trying to do.

The next course modification is CIVE 3410, Steel Design I. They are “*Adding CIVE 2110 as a prerequisite*” for that course.

The final three are all from Accounting: ACCT 3100, 3110 and 3210. The course titles are here. They are asking to “*Cross-list a course with [a grad level course with the same name] ACCT 5110.*” Those courses are now in the graduate catalog. We did check that since last year they weren’t and so that is why they are coming back to us again this year.

Past-President Rouillard: So we already approved cross-listing 3000 and 5000 level courses? I thought we weren’t to do that?

Senator Edgington: I was told by the committee that that’s been there before, but if that is a change, I am not sure. I can go back and check on that though.

Past-President Rouillard: Okay.

Senator Molitor: I recently heard that is was acceptable to cross-list 3000 and 5000 – I was surprised.

Past-President Rouillard: Really?

Senator Edgington: Yes. I’ve seen some of the catalog when I was researching having cross-listing that way.

Senator Molitor: I think that should probably be confirmed with the Graduate Council.

Senator Edgington: I can get a hold of them and find that out.

Past-President Rouillard: Okay.

Senator Dowd: Senator Edgington.

Senator Edgington: Yes Senator Dowd?

Senator Dowd: The Graduate Council over the past 20 years has been trying to eliminate all 3000/5000 classes. There are still some that are on the books because they were approved in years past. I would echo what Senator Molitor just said, I would seek out the advice from the Graduate Council Curriculum Committee.

Senator Edgington: Thank you for that. I will definitely get a hold of them and find out.

Senator Dowd: This is something we should tread very, very carefully about.

Senator Edgington: Right.

Senator Dowd: For the complete response, Graduate Council was eliminating 3000/5000, 4000/6000 and 5000/7000. Some still remain and some are necessary, but these are really exceptional cases. I would recommend you check with the Graduate Council.

Senator Edgington: I will definitely check with them and see.

Are there any other questions on the course proposal or the course modifications? Hearing none. I would like to recommend that we vote today on the course proposal, EDU 4700, and on PHCL 2220 and CIVE 3410. I would like to **Table** CIVE 4680 until we find out about the prerequisite and the accounting courses until we find out about graduate from Graduate Council.

Past-President Rouillard: Okay.

Senator Edgington: So we will just be voting on those three courses I just mentioned. Any further discussion? This is coming out of the committee so it doesn't need a *second*. All those in favor say, "aye." Those opposed? **Motion Passed**. Thank you.

A brief note. These are courses that were holdovers from the old CTS system. Starting hopefully in January, I will be bringing forward to you new courses from the new CIM system. There is a different procedure for viewing those courses, so I will try to include documents with that. It is a little easier actually I think to observe the courses in the new system so I will include that whenever I send out the courses at that time. I do have courses from Political Science, Pharmacy and Nursing, so if you've been waiting, that is why – we were asked to get these ones through first. Thank you.

President Brakel: Thank you, Senator Edgington. Next on the agenda are some policy items; we have four if I am not mistaken.

Senator Wedding: Last time we presented this policy, Repeating a course and calculating GPA, we discussed it and the issue was "*no more than a total of 12 semester hours or the equivalent of 16 quarter hours of course work may be deleted from the student's transcript.*" We took this back on advisement. The Provost Office has said 18. Our committee said 18 was fine. However, our committee decided to give it a straw vote to you folks at Senate today. It can be 12, 18, or open, the way it is at other schools like Bowling Green. At a lot of other schools there is no limit at all, but I think we should at least have the vote by the Senate on all three. So if that is agreeable, Sir, I will just take a straw vote. Let's start with 12 – how many would be in favor of leaving it at leaving 12? One. Next is 18 – how many would be in favor of leaving it at 18? I am not going to count, I am just going to go to the next one. How about open end? It will be 18 credit hours. **Senate Endorsed 18 credit hours.**

Senator Molitor: Senator Wedding, I would just ask for a clarification on the language under part C. It causes a lot of confusion with students when you say that “*Course work may be deleted from the student’s transcript.*” The courses aren’t deleted from the student’s transcript; they are removed from the student’s grade point average.

Senator Wedding: That is correct, and I think that language ought to be clarified.

Senator Barnes: Another question. It says in the first paragraph, “*All grades including those for repeated courses, will be included in the determination of eligibility for honors, fellowships or other distinctions accruing on the basis of GPA.*” Does that include academic scholarships?

Past-President Rouillard: Good question.

Senator Molitor: University scholarships are awarded using the UT GPA, not the higher education GPA. So the recalculated GPA described by this policy would be used to award merit scholarships that are offered by Financial Aid. However, UT or higher education GPA could be used to award scholarships that donors or outside groups offer depending on their policies.

Senator Barnes: So if it is a UT scholarship?

Senator Molitor: Then it will include GPA recalculations.

Senator Barnes: Okay.

Senator Molitor: The UT GPA is used to determine whether a student meets graduation requirements. But the higher education GPA is used to determine academic honors such as cum laude, magna cum laude etc.

Assistant Dean Pollauf: And also selective admission.

Senator Molitor: That is correct. In Engineering we use higher education GPA for transfer admissions.

Senator Wedding: Going back to C for a moment. The language, “*May be deleted from the student’s transcript,*” how are we going to address that? Would that be corrected when we send it back? I think that language has to be tightened up. What would you prefer?

Senator Molitor: I would say ‘no more than a total of 18 semester hours or the equivalent quarter hours may be removed from the student’s grade point average.’

Senator Dowd: ‘Calculation’

Senator Molitor: ... may be ‘recalculated in the grade point average.’

Senator Wedding: That would be the language we’ll use when we give it back to them. Any other questions or comments about this policy? Hearing none. I move that we endorse this policy. All in favor of endorsing this policy, please raise your hand. Any opposed? Any abstentions? ***Endorsement Passed.*** Thank you.

Senator Molitor: Can you change the word “*transcript*” to grade point average?

Senator Wedding: What part, C?

Senator Molitor: Yes.

Senator Wedding: That is what we are doing; I thought we were going to do that.

Senator Anderson: Should it ought to be 24 quarter hours?

Past-President Rouillard: Yes.

Senator Wedding: You are correct on that. It should now go to 24.

Senator Molitor: I would prefer the term ‘recalculated’ over “*deleted.*”

Senator Wedding: Do you like ‘recalculated?’

Senator Molitor: Yes. Again, that word ‘deletion’ seems to indicate to students that courses are going to disappear on their transcripts.

Assistant Dean Pollauf: It is not recalculated ‘from’ the student’s GPA.

Senator Wedding: Thank you. I didn’t like the word ‘from.’ How about recalculated on?’ Do you want to say ‘on’ instead of ‘from?’

Senator Rouillard: Or ‘in the student’s GPA?’

Senator Niamat: Maybe ‘included in the recalculation of the student’s GPA?’

Senator Wedding: That is good. So the suggested language is: “*No more than a total of 18 semester hours or the equivalent of 24 quarter hours of course work may be included in the recalculation of the student’s GPA. A college may adopt a more stringent requirement.*”

Senator Longsdorf: Can we use ‘University’ or the ‘University of Toledo?’

Past-President Rouillard: Right, it would be UT.

Senator Wedding: Is 24 correct?

Past-President Rouillard: Yes, it is correct.

Senator Longsdorf: So ‘recalculation of the student’s University of Toledo GPA?’

Past-President Rouillard: Yes, we might as well put that in there to make it clearer.

Senator Wedding: Do you want to say that?

Senator Longsdorf: Yes, because in the College of Graduate Studies will take an entire undergraduate GPA from---

Senator Wedding: Maybe ‘included in the recalculation of the student’s GPA?’ Do you want to say UT or the University of Toledo?

Senator Longsdorf: Or UToledo, whatever our brand is now.

Past-President Rouillard: Right.

Senator Wedding: So the language is: “*No more than a total of 18 semester hours or the equivalent of 24 quarter hours of course work may be included in the recalculation of the undergraduate student’s University of Toledo GPA. A college may adopt a more stringent requirement.*” Any more friendly corrections? Hearing none. Thank you.

The next policy is Emeritus faculty. The Academic Regulations Committee unanimously approved this. There is some language in it, here and there, that probably is a little ‘loosey-goosey,’ but I like it. I

particularly like the points on page 2. where they talked about the benefits to the emeritus faculty. Please take your time. Can you read it from the back okay?

Past-President Rouillard: President Brakel has a question.

Senator Wedding: Oh, I am sorry.

President Brakel: Well, it is not a question, but it is a suggestion that we add a statement stating this policy is separate from the Distinguished University Professor.

Senator Wedding: Thank you. We do want a sentence added that states this policy is separate from the Distinguished University Professor policy. We did pass that. Thank you.

Senator Coulter-Harris: Does this policy just apply to tenured faculty or does it apply to lecturer unit as well?

Senator Wedding: I think it apply to emeritus faculty. Now, whenever the word 'faculty' comes into play and that person is emeritus, I think that is it.

Senator Coulter-Harris: Okay.

Senator Wedding: That would be my interpretation.

Senator Coulter-Harris: Well, the reason I asked, when I was reading this in my office there are a lot of perks to the emeritus faculty designation and I was just wondering if that was going to apply to people from the lecturers unit as well as tenured.

Senator Wedding: Oh, yes, they are faculty.

Senator Coulter-Harris: Okay. I just wanted that clarified. Thank you,

Senator Dowd: For the benefits, maybe I am not seeing it, but where does faculty work if office space was available? Would it be provided to emeritus faculty? Is that within this list or am I just not---

Group of Senators. It is in number 3.

Senator Wedding: Where?

Past-President Rouillard: He is talking about number 3 (Office Space). on page 2.

Senator Wedding: It says, "*If available.*" Well, actually that is pretty important because I think that in some cases they are not given office space.

Senator Molitor: I believe there is a separate policy on that particular issue.

Senator Barnes: Oh, really?

Senator Molitor: Yes.

Senator Weldy: What happens to the faculty member who has served for many years, done exemplary job, but gets a new chair just before retirement who doesn't like him or her? Is there an appeal process or some other way that this can be done other than through the chair?

Senator Wedding: I have not run into that. It does say the "*college.*" It does say "*recommendation by the faculty member's department chair.*" Now, what it doesn't include in here and some departments do use the department committee, but that is not here.

Senator Weldy: I think it says all FD recommendation of the chair. That is the only way you can get it to the committee.

President Brakel: That is currently correct.

Senator Ohlinger: I don't have an answer to the question, but I did want to mention that I am on the Faculty Affairs Committee. We haven't had a chance to meet yet, but just before the end of last year, Celia Williamson, who is retired, had expressed some concern about the way this policy is carried out. I don't remember every single detail of the policy, but in particular the way, it moves through the chain through that particular college department chair and dean that basically it could just be stopped. If someone decides they don't want to move it forward, they don't move it forward---

Senator Wedding: That is true.

Senator Ohlinger cont'd: As opposed to other types of promotion or other processes where it moves forward. Maybe a particular committee or individual may say we do not recommend this particular promotion or this status, but it continues to move forward whereas with this, it just stopped. So, my intention had been to convene that the University Committee look into this.

Senator Wedding: What do you recommend?

Senator Ohlinger: So apparently the way it had worked in one individual case was that a single individual did not want to continue moving that person forward for emeritus faculty. Instead of just saying I do not recommend it and it still moving through the process, apparently the way the policy is written now it could just stop.

Senator Wedding: I see your point and I agree with that. Maybe we ought to consider that.

Senator Ohlinger: There was no up or down vote. It just stopped.

Past-President Rouillard: Someone mentioned earlier the possibility of doing this through a department personnel committee. I would favor including that kind of language in this policy when we send it back to the Provost Office. It isn't 'just in case' it happens that a chair might want to impede this. I think we all know of incidents where this has happened. We need to prevent that kind of personal dislike making these kinds of decisions. This is an important way to maintain a little bit of institutional history is to make it clearer and easier to become an emeritus faculty after you have, as Senator Weldy said, served generously to the institution, and we should want to maintain some sort of connection to our faculty.

Senator Wedding: Do you want to add the words 'by the department members---?'

Past-President Rouillard: Personnel Committee.

Senator Wedding: Well, if you say DPC then you don't include lecturers; lecturers then won't be on the DPC. So if you want to include lecturers as part of this process you should say 'by the tenured faculty and lecturers.'

Past-President Rouillard: Or just the faculty in the department.

Senator Wedding: Well, then you might get part-time and---

Past-President Rouillard: Well, 'fulltime faculty in the department.'

Senator Wedding: Okay, the fulltime faculty. Then we will say, 'by the faculty member's fulltime faculty, department chair, dean, provost, executive vice president, and the president.' And then we can

add a sentence that says the process shall continue without being stopped by one level. Do you want to say something like that?

Senator Ohlinger: That makes sense.

Senator Wedding: That will prevent one level from stopping it.

President Brakel: Right.

Senator Heberle: Senator Wedding.

Senator Wedding: Yes?

Senator Heberle: Can we send this to the Academic Affairs Committee?

Senator Wedding: Do you want to do that? Do you, Senator Ohlinger, want to hand this to your committee?

Senator Ohlinger: I would be glad to – but Faculty Affairs.

Senator Wedding: Well, you now have it. That is a good idea. And add some language in there that protects a person from being ‘blackballed’ by one level.

Past-President Rouillard: That is good.

Senator Wedding: I like that.

Senator Lee: The College of University Libraries had just [yesterday] voted on within the college policy to address this. So, if you want to talk to the University Library member on your committee, we just developed some language and you might look at that because it addresses lecturers, it addresses a process by which the department chair prepares the citation, and then that goes to our faculty governance body. It is all of the voting members of the faculty council in our college that vote on it and both recommendations go to the dean. In ours, because it is only within the college, the dean could still stop that there and make a decision based on that.

Senator Wedding: Well, is this information that we can now transfer to the Faculty Affairs Committee?

Senator Lee: Yes.

Senator Wedding: Okay. Thank you.

Senator Ohlinger: Thanks, Senator Lee.

Senator Anderson: Senator Wedding, do you know if there’s anything in the contract that addresses for emeritus faculty?

Senator Wedding: It does not address this issue. I’ve tried to work with faculty who were having issues with, in fact, I had several that retired several years ago and did not know why they didn’t get it. Again, the process just sort of stopped and I am working on that – it is just simply outside the contract.

Senator Anderson: Maybe next time, I mean, this is Faculty Senate, but maybe next time when the contract is negotiated we can maybe fight a little bit more or something.

Senator Wedding: Right. It is decided that the Emeritus faculty policy will be transferred to your, Senator Ohlinger, committee and you are going to help. Anything else?

Senator Giovannucci: The College of Medicine is not governed by the collective bargaining agreement, so whatever language [stated in] here I think it needs to be independent, protecting faculty that don't have the collective bargaining agreement.

Senator Wedding: This discussion on emeritus has nothing to do with---

Senator Giovannucci: I am just saying, the suggestion was just made about the contract.

Senator Anderson: Right. But once something gets in the contract, whether you are in the union or not, you still get the benefit.

Senator Wedding: If we come up with a policy here that makes everybody happy we would very well try to put that into the CBA, but at least we will have a new policy.

Senator Anderson: Whether you are in the union or not, you will get the benefits from the contract.

Senator Giovannucci: No, I don't think that is true.

Senator Wedding: Well, it depends.

Senator Giovannucci: I know because we point to this policy in our faculty governance, the rules and regulations for the non-union faculty. If this changes significantly, we need to know about that because we would have to modify ours.

Senator Wedding: Well, what we are passing here is a policy recommended by Senate for the entire faculty. It has nothing to do with the Collective Bargaining Agreement.

Past-President Rouillard: Right. And remember that once it is endorsed here and it goes back to the Provost Office, it will be posted for comments for 30 days, so there will be an opportunity there to also have some input.

Senator Hammersley: President Brakel and I were made aware of an individual who was not given emeritus status who wanted to reapply for emeritus status. Is there a mechanism in what you've written that would allow, like you said, the reconsideration of faculty members that may be still around activity in the university or assistance in the university to allow them to be viewed by this?

Senator Wedding: There is nothing here that prohibits it. I mean, I don't see why someone couldn't reapply; it is not prohibited.

Senator Anderson: That's right.

Senator Wedding: It is not positively stated in here they can reapply, but it does not say they can't.

President Brakel: Right.

Senator Wedding: Anyone else?

Senator Bigioni: Just a quick question. I don't see any language with regard to the...Is that the intention? Is that the tradition?

Senator Wedding: Would you translate that for him? I cannot hear the back row.

Past-President Rouillard: He wanted to know is there a limitation on this or not.

Senator Wedding: What kind of limitation would you be thinking of, Senator Bigioni?

Senator Bigioni: I was just curious if that's the intention, that it is a lifetime appointment.

President Brakel: It is considered lifetime.

Senator Bigioni: Thank you.

Senator Wedding: I know of one situation where the Board of Trustees revoked it.

President Brakel: Well, there was an issue.

Past-President Rouillard: Really?

Senator Wedding: Yes, I know of one situation where the Board of Trustees revoked it.

Past-President Rouillard: Wow.

President Brakel: Did I hear that you want to transfer this to Faculty Affairs?

Senator Wedding: Yes, that is what I think we agreed to.

President Brakel: We need to get a motion then to transfer this.

Senator Hammersley: I move that we transfer this to Faculty Affairs Committee.

Senator Anderson: Second.

President Brakel: Any further discussion on that motion? All in favor say, 'aye.' Any opposed? Abstentions? *Motion Passed.*

Senator Wedding: Do you have the next one up there?

President Brakel: I am getting it.

Senator Wedding: This is the third policy, Administrative adjustment for extenuating circumstances, considered by our committee today. We have unanimously endorsed it.

Senator Barnes: Just a friendly question. On the last page it appears that students have a year to apply and then if they are denied they have a month to object or write a rebuttal. But there is no timeframe in which the university will render a decision. I feel like if we are going to hold their 'feet to the fire' a little, it would be nice maybe to put some kind of timeframe on the amount of time we're going to sit on the decision. I know we are all busy and these are the kinds of things we do in overload, but it just seems like we should offer a timeframe because we are holding up their process on whatever they are going to do next.

Senator Wedding: That is a good point. Where would you put that? Would you put it in number 4?

Senator Barnes: In number 4. "*Students will be notified in writing of the decision of the request for an adjustment,*" I don't know what is reasonable for folks who do this kind of work.

Senator Compora: Can I speak to that please? My wife is one who processes these so I hear about this a lot. The biggest problem she runs into is faculty do not get back with her with relevant information that she needs to make the determination. So, if we can get timely responses from faculty.

Senator Barnes: One person makes the determination?

Senator Compora: No. I think there is a committee, but she is the one who processes them.

Senator Wedding: You mean faculty are involved in determining whether or not---?

Senator Compora: No. What happens is when she gets one of these requests, information often times is fragmented because we all know how students write, sometimes is very unclear when they attended etc. Honestly, I really don't know what type of information the office needs, but routinely she will ask me is it normal for faculty to take two to three months to reply to email? I'll say I don't take two or three months to reply to my email, but I do know that some faculty are not good with emails.

Senator Wedding: Let's put a time limit here. Senator Barnes, what do you think we should put?

Senator Barnes: I really don't know.

Senator Wedding: Do you want to say three months?

Past-President Rouillard: No. One month.

Senator Wedding: Do you want to give administration one month? What if they don't comply within one month?

Senator Barnes: My question is, "Who is making the decision?" If it is one person in an office, that could be a lot of work. Does the committee have to meet often? Then we need some time I think.

Senator Menezes: 30 days is not long enough?

Senator Barnes: I don't know. What do people think?

Past-President Rouillard: I think 30 days should be enough.

Senator Hammersley: Could I request that you also put in what you expect in this request for adjustment? Such as, [student] you need to request the following or must submit the following information if you are interested in times, classes, and others. They should be able to request that or somebody on their behalf.

President Brakel: *That's* basically break even.

Senator Hammersley: But all the things that he was saying that is not present that you are going after faculty members for should be in the petition for the student this Fall.

Senator Wedding: The student has responsibilities on the previous page.

President Brakel: Right.

Senator Anderson: But they still need verification because you will get an email asking when was the last date that this person attended.

Senator Wedding: I think the point is what happens if this goes into a 'black hole' and doesn't come out? And that is what happens frequently on this campus; I see it all the time in my business. The issue is how can we give the student an answer. If we put one month on there and then if they still don't comply within one month, what happens? What is the penalty to the administration if the administration does not respond? And, do you want to give them a penalty?

Senator Coulter-Harris: I think that should be part of their job description. I heard you say 30 days, then that task should be part of their job description when they get hired so they know what they are responsible for.

Senator Barnes: I would like to recommend that item number 4 be revised. I think the idea that students should monitor their account for a fee adjustment is just not an appropriate way to notify them that yes,

we are recognizing that something terrible happened to you. I think we need to do better than that. I think that the students should have some idea of who is evaluating it and what the process is. I don't think it is enough to say, "We'll let you know when you get your bill." I just think that whole section needs a little more detail.

Senator Wedding: I agree with you. But also to your earlier point about getting them a response within a certain time, so then we go to the next question which is, what happens if the university doesn't answer?

Senator Dowd: One option could be if a student is petitioning for an adjustment and if administration does not respond in 20 business days, the petition is granted.

Senator Wedding: I like that, and I was going to say that, but I thought I'll let you do it<laughter>.

Past-President Rouillard: Yes, I like that.

Senator Wedding: I like it. Do we want to pass it up here or do you want us to take this thing back?

Senator Barnes: I would like to see some work done on that section myself.

Senator Wedding: All right, I will withdraw this and we will work on it and we will add language that was suggested. There are some more hands going up.

Senator Anderson: On the very last page on 5 again, can we go back there? Does that last sentence state "*petition submitted late are not appealable decisions?*" I mean, I don't understand that. I mean, I understand students submitting petitions late, but I don't understand students submitted petitions late are not appealable decisions.

Senator Wedding: We may just take that out. I think that is a good point.

Senator Pakulski: I was going to suggest, instead of saying 20 days or 30 days -- it is kind of arbitrary -- maybe we should check with whoever does these things and find out what the timeline is and what the potential concerns are.

Senator Wedding: Okay. We can run it through them and see.

Senator Compora: Since the Registrar's Office is the one that process these, I think Julie Quinonez should be involved at least to look over this policy because it is her department that does this work.

Senator Wedding: Okay. Anyone else? I think we had some good input and we will take that back to the committee. We will work on the paragraph, both 4 & 5, and we will do what you said Ma'am.

The next policy is the Faculty workload measurement & reporting requirements for colleges at the University of Toledo. Our committee unanimously, we discussed this in-depth, rejected it in its entirety. I am authorized to request that the Senate today also reject it. It is draconian and it introduces a tremendous amount of conflict on this campus. I am going to open up to discussion, but first I am going to close this door due to the noise. Yes, Senator Molitor?

Senator Molitor: So just a comment under scope. It says that this is in accordance with Ohio Revised Code and a resolution of the Board of Trustees.

Senator Wedding: That is gratuitous language that has been put in to begin with. The Ohio Revised Code did get amended back in 1994, I think it was, and then there was a resolution by the Board on November 2nd on workload policy. The truth is that there is nothing in the Ohio Revised Code or in the Board of Trustees resolution, back in 2002, that says anything about having the chair, the dean and some sort of unit leader develop a faculty workload measurement methodology which will be translated into

credit hour equivalent per semester. Now, we don't know what that means because they don't tell us. I don't know how they are going to do it, but at the end of the day, they are going to take this. If you look on page 2. Part 3. "*Faculty workload should be part of the post-tenure review process or professional assessment process (and, by the way, that's disciplinary) described in the policy, post-annual review or the applicable collective bargaining agreement.*" It does reference the CBA here. "*Should reported measurement indicate an inadequate workload, a special post-tenure review or special assessment will be performed in accordance with the applicable policy or collective bargaining unit.*" In other words, if they look back and find your workload in some way or another doesn't match up on this credit hour equivalent per semester, using that as our criteria, whatever it means, they can now apply discipline to somebody. So that is exactly what they are saying. I've got a letter from Legal Counsel. I didn't bring it here today, but this does violate the tenured, tenured track collective bargaining agreement in full. First off, we have in our contract – I know the Medical College doesn't have one – but in our contract it says evaluation. Well, first off, we don't even call it a workload, we call it an assignment and that was the magic word they wanted to use. So, we are using the word assignment in Article IX and evaluation in Article X. Also, the disciplinary appeal process is Article XVIII, which is also being violated. Finally, if you go back to the very beginning to federal state labor laws and also Article II in our contract, this violates the terms and conditions of employment which we were to be able to negotiate. This goes back beyond the present administration. This actually started with Scott Scarborough. They've been trying to do something like this since probably 2012 or 2013.

President Brakel: 2011.

Senator Wedding: He says 2011. It goes back to Scott and to Jacobs. We discussed stuff like this with them at the table during negotiations. What we have in the contract right now does decide your workload or your assignment; you have so many hours you can work and teach, and you have a provision in there for your service and for your professional development, your research. Now they are coming along and the real problem here is credit hour equivalent per semester to be determined by the chair and the dean. How many of those are going to be? You got how many departments on this campus? Is each one of these departments going to determine a credit hour equivalent per semester? I couldn't find anybody on our committee who would stand up for it. It is bad news. I think that as the Faculty Senate we need to reject it and send it away. If they want to come with something new, fine, but this doesn't comply. You can reference state law, it doesn't violate state law. There is nothing in state law that will provide for credit hour equivalent per semester.

Past-President Rouillard: I would like to move that Faculty Senate take a vote on this to endorse it or not endorse it.

Senator Wedding: I want to reject it.

Past-President Rouillard: Then I will move that we take a vote to reject this policy as the Faculty Senate.

President Brakel: Do you withdraw your previous motion?

Past-President Rouillard: Yes, I withdraw my previous motion and I now move that we vote to reject this particular policy.

Senator Wedding: We need a second. Senator Insch?

Senator Insch: Wouldn't the motion be to accept it and then vote to reject it?

Senator Wedding: No. My committee has authorized me to put a motion forward to reject.

Senator Dowd: Point of order. This is coming from the committee and the committee is recommending rejection, correct?

Senator Wedding: That is right.

Senator Dowd: We don't need a second. The Faculty Senate is simply accepting the committee's recommendation. So what Past-President is actually motioning is not actually necessary since it is coming from the committee.

Past-President Rouillard: That is true.

Senator Wedding: Thank you, Sir. Then on behalf of our committee, the Academic Regulations Committee, we request that Senate approve rejection of this policy. What do I do at this point, Sir?

President Brakel: Call for Question.

Senator Wedding: How many support rejecting this policy? How many opposed? How many abstain?
Policy Unanimously Rejected. Thank you very much.

Going back to something you said, Senator Molitor. I find it very deceiving when they put in a scope and refer to the Ohio Revised Code as they have. The Ohio Revised Code is pretty open-ended here.

Senator Molitor: I am reading it right now. It says, "*On or before January 1, 1994, the chancellor of higher education jointly with all state universities, as defined in section 3345.011 of the Revised Code, shall develop standards for instructional workloads for full-time and part-time faculty in keeping with the universities missions and with special emphasis on the undergraduate learning experience. The standards shall contain clear guidelines for institutions to determine a range of acceptable undergraduate teaching by faculty.*" Then it goes on to say, "*The Board of Trustees in each state university shall take formal action to adopt a faculty workload policy consistent with the standards developed under this section.*" It does not say a faculty workload accounting policy. It just says a faculty workload policy. My search of our policy website indicates that this is the only workload policy we have.

Senator Wedding: Well, the Board of Trustees has voted since then in numerous contracts to approve the language that is in our collective bargaining agreements for tenured and tenured track. This gets into a measurement of reporting. Beside from the contract, which does violate, but I don't think it does violate state law because state law is silent on it. The other problem is allowing a dean and a chair to decide credit hour equivalent per semester - all these departments will have their own formula. And furthermore, I can't believe that a dean will take that much time, it just will be overwhelming.

Senator Molitor: It is something we struggle with on the administration side.

Senator Wedding: And there is no appeal process in here for the faculty members who gets dissatisfied.

Senator Molitor: If we remove this as a policy, we have to have something in its place in terms of a workload policy itself according to the state rules.

Senator Wedding: Well, we have a practice right now that works out pretty good, at least for those who are in the bargaining unit.

Senator Giovannucci: Well, the College of Medicine doesn't have undergraduate students. So the state policy, I don't know how we---

Senator Wedding: That is a good point. Does anyone else have any comments or questions?

Senator Heberle: I was just asking about how to follow-up with that demand in the Ohio Revised Code to have a policy?

Senator Wedding: They have one. The Board of Trustees passed one on November 2, 2002, that is really what they did, and then they carried that forward in the contract.

Senator Barnes: I really did have a naïve moment where I thought they were trying to find a way to acknowledge work with graduate students and---

[Laughter]

Senator Molitor: Really, it depends on your college.

Past-President Rouillard: That was naïve<laughter>.

Senator Dowd: So Faculty Senate rejects this policy, but administration can still send it forward for reaffirmation by the Board of Trustees. Is that correct?

Senator Wedding: If they do, the vote of this body will be very helpful to our attorneys who will be filing ULPs and necessary other things. This thing does not hold up.

Senator Dowd: If that looks like it's going to happen, I would ask the Executive Committee to invite the Provost or the President to come to this body and explain why they want this policy to be reaffirmed given the many issues that are raised by this policy before it is actually sent to the Board of Trustees.

Senator Wedding: This started with Scarborough back in 2011. I don't think any of the current management, the Provost or the President, can explain this.

Senator Dowd: Do you remember Scarborough's famous letter?

Senator Wedding: Which one?

Senator Dowd: The infamous workload letter.

Senator Wedding: That is right.

Senator Dowd: This is where this comes from.

Senator Wedding: That is right.

Senator Dowd: So if the current administration is trying to bring back, what is the right word, "Scarboroughese"-type of leadership, all I am asking is that perhaps the Executive Committee would invite one of the senior administrators to come in and explain why this policy should be continued at the University of Toledo.

President Brakel: Senator Dowd, that has been already noted; I was already planning that. As a representative of Faculty Senate, I would be talking to the administration about what would be the next steps here.

Senator Dowd: But I think it would be important for them to come to this body. If it is going to go forward to the Board of Trustees, I think it is important to have this discussion in public so we are having a conversation. And if they are still going to go forward with it, I think they owe it to the faculty to explain why they want this to be the continuing policy at the University of Toledo.

Senator Wedding: I think that President Gaber, whom I respect very much, is the kind of president who will listen to this body. I truly believe that. And I think that if President Brakel and the Executive

Committee talk to her and tell her what has happened and give her our comments, I don't think she will take it to the Board.

Senator Dowd: Good.

Senator Wedding cont'd: But if it does go to the Board, I want to thank this body for a very valuable vote because I think it really helped us out a lot. Thank you very much; I appreciate your support.

President Brakel: And before you sit down, just so everybody knows, there are three other policies that this committee is working on and we hope to have them at the next meeting. Thank you.

Senator Wedding: And some of them are also 'nasty' <laughter>.

President Brakel: All right, I said about 5 o'clock – wow.

Past-President Rouillard: Good planning.

President Brakel cont'd: So next on our agenda are our guests. I invite Dr. Powers and Ericka. She, Ericka, corrected me on the spelling of her name. I apologize for misspelling it and sending it out. Please note, the correct spelling of her name.

Dr. Powers: Thank you very much. Good afternoon, everyone. I want to make sure everybody knows Ericka Lavender, she is Associate Athletic Director and Director of our Student Athlete Academic Services. Ericka has been with us for five years. In that time, I've worked closely with Ericka and her staff. I've seen some really remarkable advances in the academic successes of our student athletes. There is a focus on academics, and reaching out from her office to faculty across campus to really promote what we want to see for our student athletes in the classroom. As President Brakel said, last Wednesday the conference commissioner was here at the football game and presented us with the academic award for the conference. We earned the award in six out of the last eight years largely due to the work of all of us working together, especially faculty, our student athletes, and Ericka's office. Thank you all!

But the reason I am here today is to talk about Blackboard Observer. This idea for having Blackboard Observer came up shortly after Ericka arrived here. It really was driven by some of the faculty in the service classes that a lot of student athletes take. If you remember we used to have a process that involved submitting little strips of paper that we as faculty would get a couple of times during a semester and how bothersome that was. Some of the professors in the Service Departments, particularly in Environmental Science, strongly advocated for this. They said our faculty put grades in Blackboard and asked, can't you just open up Blackboard and look? The idea of using Blackboard seemed to make sense, so Ericka worked really hard with UT Online-I think it was called something else at that time-to really try to get Blackboard Observer. When we introduced the concept of Blackboard Observer there were some concerns among faculty. This was right after the time that we, as a faculty, had been concerned about people taking our academic content from our courses. It turns out, it was just the grades that could be observed and not the content, along with anything that a professor would enable. So 'default,' you will see the my grades and the announcements; 'my grades' is not the grades as we enter them, it is just what the students see. Another concern that was early on was FERPA. Student athletes have signed FERPA releases for Ericka's staff. There was another concern about advisors in Ericka's area being able to get in to the course content and see something that was not necessary for them to see with regard to course content materials such as being able to change something or being able to alter a student's assignment and so forth. But nothing like that can happen. In fact, anything that an advisor can see is limited to what the professor enables them to see. Is that pretty much accurate?

Ericka Lavender: Yes.

Dr. Powers cont'd: The next slide just gives you a little bit of history. The conversation started in spring 2016, largely led by Environmental Science. In the summer of 2016, we met with the Faculty Senate Executive Committee. Again, it was kind of controversial at first just because of the unknowns. We came to a Faculty Senate meeting in fall 2016, and there was a little bit of discussion about it. We had hoped everybody would be in and faculty could opt-out at that time, but with a sense of caution we were guided by this body to do it so everybody would have to opt-in. So that is where we've been for the last three years. So now we are coming to you and asking you, can we go to the opt-out instead of opt-in? There are some very big fans of Blackboard Observer, Ericka being one. Here are some quotes from Ericka. Todd Crail, from Environmental Science was one of the major people to help get us to Blackboard Observer. His point is that Blackboard Observer benefits not just the student athletes in the class, but it also benefits him because it frees-up his time so he can spend more time being available for other students in the class. The last comment is from Bruce Way, Associate Lecturer in U.S. History. Bruce actually served on the Athletics Committee for a while. He is really aware that the advisors in Ericka's area would notice concerns about a student athlete's performance before he could even notice it himself. So, that is part of his comment.

Across time we had a number of different ways for people to opt-in. This slide shows the most recent form and currently faculty can opt-in, and they can opt-in until they opt-out again. But we are still not doing too great in terms of courses with Blackboard Observer. The next slide shows performance data for fall courses, with data from UT Online. There are typically over 10,000 courses per semester in Blackboard. The second bar shows the number of student athletes that are in courses that have Blackboard. Then the third bar is how many courses have Blackboard Observer activated, which is a pretty low number. The number of courses with Blackboard Observer has been up and down a little bit, but pretty much less than 10% and sometimes a little bit more than 10% of the courses. This slide shows fall data and the next slide shows is spring data from when we started doing this. You can see the data from the first spring was pretty low.

Senator Molitor: Just a question. The numbers seem to represent overall courses. How many of the courses that have student athletes are covered by Blackboard Observer?

Dr. Powers: We don't have the ability to collect data. These are student athlete courses that have Blackboard Observer. We just have the number of student athletes and the number of Blackboard Observer courses.

Senator Molitor: So presumably there's a small fraction of these courses with Blackboard Observer access allowed?

Dr. Powers: It is just a fraction. We anecdotally sat down and looked at the Blackboard sites for a number of student athletes. Typically, what we saw was a low number of courses with Blackboard Observer enabled. An example for a student athlete who is taking five classes—probably only two of the courses have Blackboard Observer enabled. So when you look at the three courses that don't have Blackboard Observer enabled, a lot of times it is a graduate student that is teaching the course or an adjunct faculty member that is teaching the course. The student athlete's Blackboard sites that we looked at didn't appear to have faculty that were permanent faculty that were using Blackboard Observer. We can do better, I think. We have three years' of data and three years' of experience. My sense is, I've heard positive feedback from people. I don't know if the concerns that were there initially still remain. This next slide shows some of the concerns that people had about Blackboard Observer. Only the staff in Ericka's area can access Blackboard Observer; that means not coaches, administrators, or athletics administrators; only the advisors in her area. Academic advisors can monitor only the student athletes in the courses that have the observer activated. So the observers can't see anything from any students that

aren't athletes. What they can see is not the whole course content including syllabus, schedule, etc.; rather only the grades and the announcements, unless the professor enables the rest. The big benefit is the staff in Ericka's area can really perform much more informed advising that is more consistent across the board. So those are the things we are trying to accomplish. One concern that has come up recently, because there are some classes that do not use Blackboard, is that going to be held against the professor if Blackboard is not used in a course? No, it is not intended to. So, if a professor doesn't have Blackboard for a course because they don't use Blackboard for the delivery, that is not something that anyone would be held to. No faculty member would be held responsible for not using Blackboard. It is just the opportunity for a lot of people that do use Blackboard to be able to open access to grades for the academic advisors. So, sort of think back to those paper forms we used to use. In fact, this might be an opportunity for direct communication with the academic advisors if you have student athletes that you are concerned about, and the Blackboard Observer can open the door for those kinds of communication. There is no push to having people use Blackboard that doesn't fit or they don't use it. So this is our request. It is simply to change from opt-in to opt-out for athletic advisors for Blackboard Observer. In the rationale, we have three years of really good experience. The university has a nice reputation in our conference for student athletes having academic success with the highest GPA in our conference. With that, thank you for your consideration. We appreciate your consideration. I look for your guidance on whether or not we can move this forward and how to do so.

Senator Wedding: You need a motion, don't you?

Dr. Powers: Yes.

President Brakel: So first off, are there any questions that you would like to ask our guests?

Senator Dowd: Professor Powers, president emeritus of Faculty Senate.

Dr. Powers: I don't have the emeritus, there is not a policy for that<laughter>.

Senator Dowd: You are president emeritus of Senate.

Dr. Powers: No, talk to Dr. Wedding on that<laughter>.

Senator Dowd: You spent a year in the barrel — yes, you are president emeritus of Senate.

If we change the option from the current situation where the faculty has to explicitly set the permission to allow this to happen, to faculty don't do anything, and then Athletics can come in and read the grades. If we have this opt-out option, would it be that you set it once and it is that way forever as opposed to having to do it every semester?

Dr. Powers: You can opt-out once, and then you will be opt-out until. Is that correct?

Ericka Lavender: Yes.

Senator Dowd: I am sorry, but---

Ericka Lavender: That is correct; that is what UT Online is telling me.

Dr. Powers: So you can opt-out once and Ericka and UT Online will keep track that you opted out. So you wouldn't be put back in until you would change your selection on that.

Senator Dowd: Thank you.

Dr. Powers: There were some requests to maybe see what the observers can see. Is that something you want to see? Ericka is equipped to be able to show you what observers can see if you want to, but if you don't need to, it is okay. We did that three years ago.

Senator Gregory: It is just the gradebook though, right?

Ericka Lavender: It is the gradebook and it could be announcements, and if you opt to let us see your course schedule or your course syllabi, it is that as well. It is nothing else. I can't complete a quiz, and you wouldn't want me to complete a quiz for a student. It is simply for us to report our information timely to coaches because it does impact their competition in terms of traveling.

Dr. Powers: I would like to just add if I could. It is not the gradebook where we enter grades, it is the 'My Grades' the students would see. I just want to clarify that because there has been some confusion in about this in the past.

Senator Wedding: I speak in favor of what you want here. I think one of the strong reasons is, number one, the Athletic Department has done wonders in the last five or six years in getting this GPA up as number in the MAC. I mean, that speaks well that we are trying to get these students through school and that requires monitoring. I've seen coaches come to my door and check on attendance of some of these students. I think this is all good stuff. The second thing is that we got part-time faculty who don't know this. The part-time faculty issue is really important because it gives you access now to them, unless they again, choose to opt-out which most of them won't.

Dr. Powers: That is a real opportunity because a lot of student athletes are taking classes with part-time faculty and graduate students.

Senator Wedding: I speak in favor of this; I think it is very good.

Dr. Powers: Thank you.

Senator Hall: First of all, this is a general comment. I am also in favor of making this change. It sounds like a great program. The first thing that came to mind was in fact not whether we should commit to do this with student athletes, but it sounds like this is something that might be useful to other organizations on campus. Is there any way this can be used by other organizations?

Ericka Lavender: The key that let us do this is FERPA. They have to specifically be signed up to FERPA and we are underneath it, so regular students would have to release that and I don't know who would house that. Our Athletic Compliance Office houses that information

Senator Maloney: So if somebody doesn't opt-in and you would like them to, do you send an email to that faculty to track that special student?

Ericka Lavender: Yes, we do. If we have a student athlete in that class and we have not received anything from that class or that course and the student athlete has no idea, they haven't received any grades back, we do email. If our emails go unanswered along with the students' then I do reach out to Dr. Powers and also to the dean of that area as well.

Senator Maloney: It could be that they just forgot.

Ericka Lavender: Right.

Senator Dowd: What I would prefer before we would act on this issue is if Athletics can actually provide better data than what was presented. You are showing this monstrous number of courses each semester, but then you are looking at 10%. That big stack of courses that you listed to the left are not representative

of what we are really talking about. Could we actually get the data on the number of courses that the athletes took in fall 2018, spring 2019, and fall 2019 to see how many of those active courses are relevant because this may be a nonissue? If the Faculty Senate is going to be making the decision for the 1100 faculty members at the university to switch from opt-in to opt-out, I think we need to have a more informed decision on this. How many courses are we really talking about? Perhaps it may be the case that percentage-wise is even worse than it appears on that diagram or it could be that this is a nonissue and we don't need to change it from opt-in to opt-out. So, what I would prefer is that the division of Athletics would actually get this data and bring it back to Senate so we can actually look to see if this is a significant issue because the data presented, the bar diagrams, are not related to each other.

Dr. Powers: Okay, that is a good point. What I would say is we asked UT Online to be able to pull out the athletes' data, but they weren't able to do that. They were just able to give us the athletes' number. That is why I sat down with Ericka and we went through a large number of student athletes, just randomly, and it was pretty typical of that- there would be about five courses and two of them would have the Blackboard observer enabled.

Senator Dowd: But a 40% return rate for... that is quite respectable. My main point though, we would be making a decision that is going to impact all the faculty at the university and this decision should not be made lightly.

Senator Gregory: So with respect Senator Dowd, I would say that I think we can make this decision on principal. I don't think we need more data. I think that is just going to bog everything down. It seems to me that what is being asked is very specific, very straightforward. It doesn't violate FERPA laws. It doesn't give anybody access to anything they are not supposed to have. It supports the student athletes. And again, people can opt-out if they don't want to do it regardless of what the data show. So I guess I would say in that case, this seems like a pretty straightforward issue.

Senator Dowd: I need to respond because I remember the discussion that took place at Faculty Senate in 2016 on this. The discussion was exactly, faculty did not want some outside group just entering their Blackboard pages without their permission.

Senator Gregory: But this is not an outside group, it is advisors specifically; and they are not entering pages, they are only using the gradebook for that particular student, so it is not random.

Senator Dowd: I am relating what the concern of the Faculty Senate was when this was discussed at length.

Senator Pakulski: I would just add to what Senator Gregory said. I've opted-in and I would be perfectly pleased if somebody took that off my shoulders so the next time I have a class I do not have to opt-in. Like you said, it is such a narrow window of a student who is already given permission to do that. I personally think we could call a vote on it.

Senator Heberle: Can we call the question?

President Brakel: Yes, we can call the question.

Senator Anderson: I am in favor of the policy, but I was just wondering to maybe address the one issue. Is there anyway the student athlete could go into their Blackboard and give access for the grades to be viewed?

Ericka Lavender: No. Because we would have to have their password and I do not allow my staff members to have their password.

Senator Anderson: No, I mean, could they say, 'hey, I want this person,' and Blackboard setup that you can be a choice?

Ericka Lavender: I can show you.

Dr. Powers: No. We asked that before. It is the professors that will have to be able to say if their courses have Blackboard Observer enabled.

Ericka Lavender: The professors have to do it.

Senator Anderson: But with technology you would think that you can give power to the students to enable somebody to look at My Grades.

Ericka Lavender: So this is how it looks when I login as an observer. Because I am the director, I can see all the students. So I can pick a student, observe them and see. I can't click on any of these classes up here. The only thing I can see for this student, which is one of my student athletes for basketball, is one of his classes. I click this, but I prefer not to see his grades, right here and I can only see what grades have been posted to this point. He is in five classes and I can only see one. So what I have to do now is schedule an appointment with this student and have him come in to login or print it out for me to be able to see his grades. But, there is no conversation. Like if he prints his grades and I am here at this meeting I will miss him so... All we can see is this.

Senator Wedding: *Call the Question.*

President Brakel: Somebody *Called the Question.* But first before we call the question, we have to have a motion on the floor.

Senator Heberle: I recommend that we accept the opt-out only option for Blackboard Observer.

Senator Wedding: Second.

President Brakel: Any further discussion?

Senator Heberle: I just want to say I do not think more data would help because if it is a matter of principal, we just need to vote and state how we feel about this on principal. I don't think more data makes any difference what-so-ever, so I rather go-ahead and get this done so we can help the student athletes. I didn't opt-in because I didn't know so I am happy to have this be automatic.

Senator Bailey: I just want to ask Ericka, for the information that you just showed us now, can you only see that [one] course because only that [one] professor opted-in?

Ericka Lavender: Yes.

Senator Bailey: And others had not?

Ericka Lavender: Right.

Senator Bailey: Just from casual conversations with people, sometimes I think it is because a lot of people kind of think you are going to be 'snooping,' so there is some kind of misperception about the whole policy and so on. I think it might be good to also try to educate faculty.

Ericka Lavender: Well, this is the only thing I can see, so I am not 'snooping' in any notes etc. This is it.

Senator Bailey: I know, but sometimes people think otherwise.

Ericka Lavender: So I can see his grade. I can see a red flag. I can see a comment, and if it is a negative comment then I am calling that student and that coach is being informed. We meet with coaches once a week to go through this information.

Senator Bailey: I actually prefer this rather than having to pull out those forms.

Ericka Lavender: I hate the forms, which is why we went to electronic. It is time consuming and it is late data [because we have to mail it]. We need up-to-date data.

Senator Longsdorf: Beyond this is this part of what you have to report? Does any of this information has to be used to report to the NCAA, for those types of things also?

Ericka Lavender: Not this detailed. I mean, overall we report our grade point averages and things like that. The NCAA knows that we have three of our athletic teams that are in the top ten in the country.

Senator Longsdorf: I am just wondering about your reporting up the chain.

Ericka Lavender: It is.

Senator Molitor: I support this change to make it an automatic opt-in and then have faculty opt-out. But I think Senator Anderson made an excellent suggestion about working with Distance Learning to transfer permission to access student grades on Blackboard from faculty to students. I know it is going to take some time to implement something like this, so in the interim we can have automatic faculty opt-in with options to opt-out for student athletes only.

This would also go toward addressing Senator Hall's comment. There may be other entities where this could be very useful for monitoring student progress in various situations. Having the ability for all students to give selected individuals access to their Blackboard grades for monitoring their progress.

Senator Jayatissa: Is this the department... [*Indecipherable*]... offices?

Dr. Powers: Different offices have reporting relationships with students where they still send out the forms. This is a separate matter. Like Trio, for example I think.

Senator Jayatissa: I think... advice students. I think it should be done internally, not with faculty.

Senator Weldy: These are really the students' grades and if the student have given permission for somebody to view them, I don't think anybody else should have a say in it actually. So therefore, I support the automatic opt-in and have to verbally opt-out.

Senator Ferris: *Call the Question.*

Senator Hall: Second.

President Brakel: Okay, I heard a second.

Unknown Speaker: I just want to have one more point for clarification.

Senator Anderson: Is that possible?

President Brakel: One, fast.

Unknown Speaker: When you are opting in with Blackboard you are granting observer status, does that mean it is just going to the student athlete advisors or is that other bodies?

Dr. Powers: It is just the student athlete advisors and that is all enabled through UT Online. It is very specific. As a matter of fact, even across advisors, say the person who oversees women's tennis who doesn't oversee football, that advisor can't see football. It is very narrow.

President Brakel: Okay, someone called the question and I heard a second. So all in favor of supporting this motion, raise your hand please. Aye = 38. Any opposed? = 1. Any abstentions? = 1.

Dr. Powers: Thank you very much.

Senator Anderson: One quick question. How long will it take till this to goes into effect now it's been passed?

Dr. Powers: For spring semester 2020.

President Brakel: Thank you.

In connection, while we are still waiting on Legal to give us their feedback here, I've asked the Constitution Chair, Mark Templin to talk to us about the rules and it gives us an opportunity to review those.

Senator Templin: So this is the last installment of the parliamentary document series. In the Rules there is a place where if we have committees that need special rules that govern their activities, it goes here. There are lots of detail here and it is very much lots and lots of things to read through. So I am not going to read it all because it is a lot of stuff, but I encourage you if you are on one of these committees to take a look. So since the last time the Constitution was passed, various senates through the years have made little 'band-aids' to little pieces of these rules. Please make sure that the rules that govern your committee are actually what your committee actually does. If not, send me an email and explain if you can in the email and if not, call me on the phone and we will set up a time to talk so we can get the rules to be what the committees actually do.

Let's scroll through it. It starts off with general rules. There are things about how committees report and so on. Then it goes through, for example you will see the Senate Committee on Constitution and Rules. So it names the various committees. When it gets to number 2, "University Faculty Elections Rules," that is where the Elections Committee itself has quite a number of rules for how do we determine who is eligible for Senate and what the apportionment of seats for each college. Then it states the number of vacancies by members you have in your college and so on. Then 'D' is the conduct of elections and it is at least a page of that. Then it is the UCAP Committee, it is some special rules for UCAP. Then it is "the timely procedure for elections," that is for UCAP. Next is the Conduct of Elections and then the Rules Amendment and Reporting Responsibility. I thought there was also the Sabbatical Committee in there, but I didn't see it.

Past-President Rouillard: I thought it was in the same section as UCAP.

Senator Templin: Is it in there?

Past-President Rouillard: Yes, there it is.

Senator Templin: So that is the Rules.

President Brakel: So any questions?

Senator Hall: Just one thing. Do we have ad hoc committees that perform for special purposes?

President Brakel: From time-to-time, yes.

Senator Hall: Does that cover it?

Senator Templin: The ad hoc committees I believe are in the Bylaws because that is an action of Senate.

Senator Hall: Okay.

Senator Gregory: Just to make sure I understood you, Senator Templin, you said if you had questions about some of the things such as the definition of your committee then that is something we can talk about with you?

Senator Templin: What I am saying, particularly for the Elections Committee there are lots and lots of rules that govern elections. So if you are on the Elections Committee and you read through and what is described is very different than what we actually do, I want to know about those things so I can get that information to the committee so we can make the rules go along with what the committees actually do.

Senator Gregory: Okay.

Senator Templin: There is some like the Constitution and Rules Committee, there is just like a little blurb in there because there aren't special rules for what we do. But Elections, UCAP, and the Sabbatical Committee, those have rules.

Senator Molitor: Has there been an initiative to review the standing committees to see if we need them all? I know some standing committees meet a lot or very regularly. Other standing committees I haven't heard from on my entire time in Senate, which is now going on eight years.

Senator Templin: Some are cyclical, like Rules, like every five years it becomes real active and then there are some years that not so much.

President Brakel: Any other questions or comments?

Senator Bruce: Just a clarification. So this 10-14 draft is the final revision to this?

Senator Templin: I believe that is the draft that went to Legal.

Senator Bruce: Got it.

Senator Molitor: We also had the Rules amended for the Elections Committee to hold electronic elections.

Past-President Rouillard: It is on there.

Senator Templin: It is in there.

Senator Molitor: Yes, that was included in the last set of changes.

Senator Templin: Yes, that is one of those 'band-aids.'

Senator Molitor: Exactly.

President Brakel: Any other questions or comments? Thank you, Senator Templin.

All right, so that brings us then to Items from the Floor. Anything for the 'good of the cause?' Hearing none, then I will entertain a motion to adjourn. Meeting adjourned at 5:43 p.m.

IV. Meeting adjourned at 5:43 p.m.

Respectfully submitted,
Mark Templin
Faculty Senate Executive Secretary

Tape summary: Quinetta Hubbard
Faculty Senate Administrative Secretary