

EOU FACULTY SENATE (w/ University Council)
5-1-18
INLOW 201

Senators:

Daysi Bedolla
Cori Brewster
Shaun Cain
~~Joe Corsini~~
Ryan Dearinger
Dwight Denman (remote)
Teresa Farrell
Theresa Gillis
Bill Grigsby
Nicole Howard
Nancy Knowles
~~John Knutson-Martin~~
~~Scott McConnell~~
Lee Ann McNerney (remote)
Michael O'Connor
~~Brian Sather~~
Michael Sell
Emily Sharratt
Amy Yielding

Guests: Sarah Witte, Lacy Carpillo, MJ Heather, Colleen Dunne Cascio, Chris Burford, Dan Mielke, Tom Insko, Nathan Lowe, Luke Aldrich, Jeff Carman, Mandy Johnson, Kacee, Lori Baird, Wilson Zehr, Peter Geissing, Chris McLaughlin, Deana Timmerman, Jeff Dense (remote!), Allen Evans, Raette Newman,

NK		Meeting called to order at 5:17 PM	
JC		UC roll call	
NK	Constitution Feedback	<ul style="list-style-type: none"> FS and UC spent 15 minutes reviewing the responses from people who took the survey regarding proposed constitutional changes. 	
NK	Call for Amendments	<ul style="list-style-type: none"> CB moves that original language RE: dean reporting <i>on</i> faculty research be reinstated, rather than “deans have oversight...” AY seconds WZ - Line D in section 2? The line says “oversight over teaching and research.” Are those both the same thing? 	

		<ul style="list-style-type: none"> ● SW - How is it possible to misinterpret “oversight”? It’s within the scope of supervision that the dean’s role occupies. What alternate interpretations are out there? ● NK - “Supervision” might be interpreted as a dean might have a say in faculty research. Deans who felt they had a say might make it difficult for controversial research to move forward. <ul style="list-style-type: none"> ○ SW - that’s very speculative. ○ NK - usually things roll pretty well. But when we have a problem, it’s a problem. The potential for a dean who has miniscule control over faculty research is a concern. ○ SW - if control was meant, it would say “control.” ○ NK - “Oversight” can mean control. ○ SW - I disagree. ○ DM - I think what Sarah is saying is that “oversight” has multiple definition. The dean has the responsibility of overseeing the teaching faculty and their research. It doesn’t imply that they tell faculty what to do or how to do research. Deans do oversee the time spent in research, faculty reports, etc. This is an appropriate use of the word. I ask that folks respect the committee’s decision to include that word. ○ BG - How does this compare with “report”? Is that an inferior term for this? ○ SW - The scope of the dean involves responsibility for ensuring that faculty has a research agenda if they’re TT. If they don’t have a research agenda, it’s irresponsible to let them go for years without research. ○ SC - Why not just say “evaluation”? I’ve had friends who had deans that have said “I don’t like the track you’re going on. It’s happened here also.” If there are multiple definitions for “oversight”, why not use something else? ○ SW - This is the exact word, rather than a synonym. ○ DM - Supervision is a synonym for oversight. They are one and the same. ○ WZ - Teaching and research are different things. It would be difficult for a dean to provide oversight on research. It’s too strong a word. Research is left to the experts in the field. ○ CB - “Review” instead of “oversight”? ○ PG - Doesn’t it mean the dean needs to make sure research is carried out safely? If there are violations, it’s the dean’s job to have “oversight,” not merely “review.” ○ NL - A dean is communicating to faculty that 	
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		<p>they're on their own research path. Not that the dean controls the research direction.</p> <ul style="list-style-type: none"> ○ WZ - Context of the language can be lost over time. Language needs to work for years down the road. ○ AY - I prefer old language. "Reporting" includes if there are hazards. Action can be taken by the dean based on a report. ○ NL - "Report" doesn't suggest a conversation or collaboration. It's an opportunity for the dean and faculty to enhance the quality of the research. ○ TI - Rather than fixate on this word, is there a possibility of adding something re: primary concern? Line like "this does not suggest the dean dictates..." etc. Leave "oversight" but provide added clarity. ○ CB - I agree about adding clarity. Address two things: 1. Setting research agenda. 2. Dean having access to drafts of faculty research. ○ NK - "Oversight does not suggest the dean dictates faculty research agenda, or has access to faculty work in-progress." ○ CB - Add line about academic freedom? ○ DM - Instead of too much language, just simply say "respects faculty member's academic freedom." That would imply it isn't controlled or dictated. ○ CB - Can we accept the new language as an amendment ○ Oversight is not intended to mean the dean dictates research agendas, ○ SW - The section of the constitution re: academic freedom addresses all of these issues, especially the first two phrases. ○ DM - "respecting faculty member's academic freedom." ○ CB - "D. Provide oversight of the teaching and research of the faculty, respecting faculty members' academic freedom, privacy, and intellectual property." ○ SW - What does privacy mean? ○ CB - I'd use definition from AAUP. Academic freedom depends on privacy; control of research records, communication, etc. There's a general academic expectation that no one access research without their consent. ○ Burford - I would not take the AAUP's view of privacy or intellectual property. There is a body of law around this. AAUP is essentially an advocacy organization. 	
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AY	Clarification	<ul style="list-style-type: none"> • No 18 on the list, talking about CPC. Misread the statement on evaluation of college deans. • "...of the candidate's evaluation" or "of the candidate"? • AY moves to include "...of the candidate" in both sections to indicate we're not evaluating college deans, we're evaluating the evaluation. • CB seconds • Motion carries unanimously 	
NK	Other amendments	<ul style="list-style-type: none"> • SW - all of nos. 4 and 12 are related. Re; inclusion of fixed-term faculty on FS. • NK - I think we should have a conversation about that. Fixed term and release time would have to be bargained. Some F-T faculty would rather not be represented without release time for representation. • MS - • CB - I was surprised by the response. I went into the vote thinking about representation. No one is made to work more than 45 hours without compensation. If the seat was vacant, that would be ok. Argument is that someone might feel compelled to work without compensation. It would be good to hear institution's stance on release time for F-T faculty. This is a recognition that we value F-T faculty in the senate, but I want to honor their concerns. • SW - I like the "cart before the horse" idea. It's really a conversation between a dean and a F-T faculty, who might wish to have release time. It doesn't get decided here because it has to do with workload, which is bargained. I'd request that this body delay the implementation of F-T faculty, until you see clarity sought for workload issues. • BG - The status quo is that F-T faculty might feel pressure to serve on committees that they're not being compensated for. One could say F-T faculty shouldn't serve on committees at all. • WZ - They have a choice to make whether it's worth it or not. • BG - But it comes down to the parameters of the choice. Some might feel fine, but that doesn't provide cover for those who don't. • WZ - People are nominated and people vote, and I don't remember anyone being persecuted for electing not to serve. Not sure people would feel compelled. • AY - F-T can still serve as a senator. I think until something else gets done, I am worried about putting this in the constitution. • AY moves to remove F-T language from the draft. • NH seconds 	

		<ul style="list-style-type: none"> ● CB - I think the power of coercion is important to keep in mind. ● NK - This would reduce the size of FS by one ● Burford - this includes two sections where F-T faculty are serving. ● NK - ● Motion carries, one nay 	
JC	Other objections	<ul style="list-style-type: none"> ● Is EOU an affirmative action employer? ● Chris McLaughlin - No. As a state agency before, OUS was an AA employer. But when OUS stopped, the legal obligation to be an AA employer also stopped. What we're going to are "Diversity Goals." AA officer would change to Equal Employment Opportunity Officer, which is an existing title. ● MJ moves to make this change ● JC seconds ● Motion carries unanimously <ul style="list-style-type: none"> ● Burford - the committee did talk about the "serves at the pleasure of the president." The deans serve at the pleasure of the provost, which was a level of clarity that was unnecessary. (No. 15) ● JC - line about reporting to the president removed. Usually reporting to president's cabinet. (No. 17) ● NK - Housekeeping can be changed without voting, yes? ● Burford - Saw possible problem between "The teaching faculty of the college" and "the faculty." ● AY - "Faculty" includes teaching and library faculty. So maybe a non-issue. ● LB - It's inconsistent, and just needs to be cleaned up, is all. ● SW - No. 8, the term "college council" is not recognized? Is that a true statement? Is this really an issue? ● DM - We have no college council, so it's not an issue for us. ● NL - We do. ● NK - There is variation among colleges about what a college council is and what it does. The language in the draft now allows for flexibility and variety. I think it's a non-issue. <p>UC COUNCIL VOTE</p> <ul style="list-style-type: none"> ● ES moves to approve changes ● WZ seconds ● Motion carries unanimously 	

		<p>FS VOTE</p> <ul style="list-style-type: none"> ● ES moves to approve changes ● MS seconds ● AY - Are we just agreeing to not talk about the rest of the comments? ● NK - Yes. ● Motion carries unanimously ● JD - God bless America! 	
STRETCH	STRETCH	STRETCH	
SW	Provost's Report	<ul style="list-style-type: none"> ● HECC snapshot, enrollment, affordability ,and outcomes ● Enrollment counts include dual credit, in which EOU had 300 head count in 16-17. ● HECC IR says that accelerated learning is going to be more of a force in Oregon. <ul style="list-style-type: none"> ○ DM - Chief Education Office formed 4 or 5 task forces: SSAL (sustainable systems) looking at 4 areas: <ul style="list-style-type: none"> ■ Transfer ■ Instructor qualifications ■ Funding ■ I don't remember ○ Funding is being looked at in terms of expanding opportunities for accel learning. There is a cost. We're discounting our credits substantially to HS students. Makes opportunity affordable. ○ Funding to supplement the loss to the Univ's for that credit or that state is going to pay it. ○ We have 200 students who formerly took courses in Eastern Promise over a 4-year span. Substantial increase for us. ● CB - One thing I want from IR is this notion of who is a rural student. Does HECC have the ability to figure that out? What % of students are "rural" and what does "rural" mean? ● SW - We'd have to agree between EOU and HECC how that is defined? Right now that's zip code. ● CB - It's messy but where do we get that data? Especially as the argument is made that it allows us to apply for certain federal funding, and if we increase online presence, how is that defined? ● SW - I will ask Holly and have it sent out. ● Excited to implement ad hoc committee article of newly approved constitution. Hope to leverage FPC in participating in review of adjunct paperwork, from onboarding to evaluation, in due diligence to OPM 	

		<p>proposals. Since FPC approved language in handbook that they take on this task.</p> <ul style="list-style-type: none"> ● SC - We voted to table changes in handbook regarding evaluations. ● SW - But FPC is charged with overseeing faculty evaluation. Seemed appropriate group to leverage for this. ● CB - We have an ad hoc committee on the senate doing this work. ● AY - We were tasked with giving FPC direction. ● SC - We're just looking at evaluation. Provost is talking about other pieces as well. ● NK - I think the goal is to ensure our committees are visible, so if we have info that needs to go to a committee we know whom to contact. And to keep from creating committees where we don't need them. FPC can make the call about taking it on, and if they don't want to, we could identify the group. ● CB - We'd still see this because FPC reports to FS. ● NK - This is a task that's separate from the ad hoc committee's work. ● SW - Wheelhouse for that work seems to be FPC. There are other stakeholders that need to be involved in the conversation, which I'll address with FPC in meeting on Friday. 	
NK	Approval of minutes, 4-17-18	<ul style="list-style-type: none"> ● NH moves to approve ● SC seconds ● Motion carries, one abstention 	
NK	EPCC consent agenda	<ul style="list-style-type: none"> ● ES moves to approve EPCC consent agenda ● BG seconds ● Motion carries unanimously 	
NK	HR policies	<ul style="list-style-type: none"> ● CB - I'm concerned about addressing these as an action item today. I think we've heard an argument that these things would override the CBA, which is contrary to what we've acted upon. There are inconsistencies with the CBA. We need clarity of the position. And it's important that we not be in the position to approve policies that conflict with the CBA. <ul style="list-style-type: none"> ○ Termination policy: if someone is laid off, the U has to wait 2 years to replace them. In CBA the time period is 5 years. ● SW - Correction: I believe that in the last bargaining session that language was changed to 2 years. ● CB - It wasn't changed. I think there are multiple 	

		<p>problems. It's a matter of principle that we aren't asked to endorse a set of policies that are inconsistent with CBA.</p> <ul style="list-style-type: none"> ● NK - I would appreciate help doing this comparison. ● NH - I don't mind doing that. I could use guidance on notes portion of the document. ● NK - Notes are through counsel and conferring with HR? ● Burford - Yes. CB is me, HR is Chris McLaughlin. ● CM - I'd like to help with that. Jacque Nagle should help with that. <ul style="list-style-type: none"> ○ Committee: Nicole, Nancy, Cori, Chris M., Jaque Nagle ● Burford: Until they're changed, these are currently university policy. The CBA is a contract, which means that a provision of a contract that is conflict with existing law is void. If at a point a judge determines part of the contract is void, ● NH - Are policies treated as law? ● Burford - They are law. They were law when they were OUS. When chancellor's' office closes, they became U policies with the same effect as when they were OARs. A U can have policies that have the force of law and those that don't. If it's a former OAR, if it conflicts with the CBA, the CBA provision would be void. ● SC - There is nothing in the CBA that conflicts with policy, because counsel wouldn't have allowed that because it would have been illegal. ● Burford - Not talking about creating new ● SC - ● CB - Then you're admitting to bargaining in bad faith. ● Burford - it's the legacy policy project that has brought these things to light. Until something different happens, it's still the policy of EOU. ● NH - So you're saying all of our preceding contracts have conflicted with OARs. ● Burford - I'm not aware of direct conflicts. ● SW - At its inception, CBAs aligned with OARs. But since then, there have been changes that might conflict with existing policy. ● CB - It makes me uncomfortable that FS would be put in position to vote on something that conflicts with the CBA. There is a lot at stake, and I would argue general counsel isn't an independent entity. ● Burford - The FS doesn't have the ability to retain a different attorney. The real differences here are quite small. ● SC moves to table the discussion ● CB seconds 	
	Good	<ul style="list-style-type: none"> ● Running president's eval survey next week. 	

	of the Order	<ul style="list-style-type: none"> • CB - Bill and I have been cleaning up bibliography, will send out tonight. Sub-com saw announcement from President today, suggest at next meeting we discuss faculty involvement in this OPM review process. • CB - It's important to meet May 15th. We'll elect an entirely new senate. 	
		Adjourn 5:00	

Minutes prepared by Michael Sell, 5/1/18

Minutes finalized by Michael Sell, 5/12/18