

FACULTY SENATE EXECUTIVE COMMITTEE MEETING

The Faculty Senate Executive Committee met on September 20, 2017 at 3 p.m. in the Boardroom of the University Club, Vice Chair Krista Wallace-Boaz presiding.

Voting Members Present:

Krista Wallace-Boaz, Enid Trucios-Haynes, Pam Feldhoff, Robert Barker, Roger Bradshaw, David Owen, David Simpson, Roy Fuller, J.P. Mohsen, Kurt Metzmeier

Also Attending:

Tracy Eells, Ginger Brown, Jonathan Fuller, Susan Jarosi, Gale Rhodes, David King, Allen Morris

Voting Members Not Present:

Terri Holtze, Chin Ng

Call to Order

ACTION ITEM: Approval of the Minutes – Wallace-Boaz

The minutes from August 16 will be considered for approval at next week's meeting.

DISCUSSION & ACTION ITEMS – Wallace-Boaz

- **University Presidential Search** – Committee Chair Wallace-Boaz opened the discussion by saying that the search will be closed. The Presidential Search Faculty Consultation Committee (PSFCC) is meeting to discuss this issue. Asked for any thoughts on the subject, the committee's discussion yielded many questions and comments.
 - **Question:** The search is closed until what point?
 - **Response:** Until the president is announced. There will not be any vetting by anyone.
 - **Question:** Will there be vetting of the finalists? Is this legal?
 - **Response:** The Board can go into executive session, so the discussion is closed and legal.
 - **Question:** How does the Board reconcile the closed search?
 - **Response:** The Board believes good candidates will not apply if it is not a closed search, that there is a risk to the candidates' current positions.
 - **Comment:** The Board has stressed its own transparency, but this is the opposite.
 - **Question:** Was there any meaningful discussion with the Board on this decision?
 - **Response:** No.
 - **Comment:** Even on a dean search committee there are student, staff, faculty and alumni representatives.
 - **Response:** The Board feels the chairs of the three constituent groups are enough representation.
 - **Comment:** Since the faculty will work directly with the president, there should be more faculty representation.

At this point, Committee Chair Wallace-Boaz said that the PSFCC is working on an executive summary on its opposition to this decision and an outline of best practices. How would this

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committee want to respond? At this time, committee members began to develop a statement to send to the Board of Trustees regarding opposition to the closed presidential search. After many suggestions were made, Committee Chair Wallace-Boaz said she would draft a statement and bring it next week for more discussion.

REPORT: Interim AVP Human Resources – John Elliott

After the committee welcomed Mr. Elliott, introductions were made. Mr. Elliott reported on several topics, including:

- **RIFs** – As of this date, there are 89 RIFs. He is comfortable with the process as it is. A case is made for each RIF request and HR reviews the data. Once approved, the request is processed. He asked University Counsel if it was necessary to have a legal review and they responded that they are comfortable with the current process.
 - **Question:** Is 89 a high number, or expected?
 - **Response:** About 50 of those were grant-related. Of the remainders, about 11 were rehired. He does expect more RIFs, but cannot project a number. Each is a very delicate situation. The RIF packets are put together very carefully. On a positive note, the rehire time has been extended to 18 months, because of the hiring freeze/frost.
 - **Question:** Is it a mandate to give preference to RIFs when hiring?
 - **Response:** It is not a mandate, but it is what is expected.
 - **Question:** If that is the expectation, has that been communicated? Because it is not in the policy.
 - **Response:** He does not think it has been communicated, but believes RIFs are to be considered first. For internal hires, if there are no qualified internal applicants, can you then post externally.
- **Health Waiver Elimination** – Employees who take health insurance from a spouse's place of employment sign a waiver that they are not taking UofL health coverage and receive, from UofL, about \$1200 a month in their FSA account. This is out of compliance with ACA. There are about 800 employees who take this waiver. The waiver will be eliminated over 2018 and be final in January 2019.
 - **Question:** Can you explain about the health waiver credit?
 - **Response:** It is being eliminated in January 2018, and will be final in January 2019. Aon was concerned as it is currently out of compliance with ACA. HRAC recommended to get into compliance and not harm employees. Lowering the payment was debated, but the final recommendation was to eliminate the waiver for about 800 employees, but to give them a transition year, which will end in January 2019. He realizes those people may now join UofL health plans. He wants employees to have good healthcare coverage. The compliance issue was the main focus of this decision.
 - **Health Risk Assessment Data Merge** – Mr. Elliott considers the health risk assessment to be a private trust document. At one point, he was told about a smoker's surcharge. He asked where that information would come from and was

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told the data is already available. He does not believe that is the way to operate. He would rather reward for not smoking. Where would it end? He told President Postel that this as not the way to go. He also does not like the spousal upcharge for a spouse on the healthcare plan. Even though the merging of data may result in lower premiums, he is against it.

At this time, Committee Chair Wallace-Boaz asked if he had any questions for the committee.

Mr. Elliott asked:

- What is the best way to engage with the committee?
- What topics should be work on?
- What are the biggest HR problems, from your perspective?

Some suggestions were:

- Accessibility of correct information – keep the web site updated.
- Consistent process for suggestions/input/feedback
- More information during open enrollment
- Would like more details on healthcare plans

PRESENTATION: Intellectual Property - Associate Provost Delphi Center – Gale Rhodes

Committee introductions were made to Gale Rhodes (Delphi Center), David King (General Counsel) and Allen Morris . They attended today’s meeting to discuss intellectual property for online courses. Mr. King began by giving an overview of the impact of the current intellectual property policy on online courses, which are considered the same as classroom courses. The faculty member who developed the course materials, owns them. A problem arises when the faculty members leaves the University. What do we do when a faculty leaves and takes their work? The current policy could harm students, if the faculty do not give the University the right to use their work. The Delphi Center is seeking a solution that all parties can buy into. Ms. Rhodes gave the example of a faculty member who was hospitalized and unable to give the rights to their course materials to the University. Committee members asked how this differed from classroom courses. Many times department colleagues step in to assist in courses, on a short-term basis, for various reasons. But leaving the University is another issue. Faculty have the right to not grant use of their own course materials. Mr. King proposed options to this issue; 1.) do not change anything; 2.) make course content a commissioned work; 3.) license the course content to the University for a set number of years until someone steps into teach the course; 4.) or, modify the policy to say both faculty and University jointly own the content. Asked what the justification for the change would be, Ms. Rhodes replied that the course is already available online. Some members stated that they have all their course content online, but would never consider it an online course. Others asked why anyone would want to teach an online course and not own the material. Asked if this was a contractual issue that the University is seeking to change, the response was that the deans have an issue when faculty are unavailable due to illness or leave the University without granting use. Most committee members felt that the two examples given were not sufficient cause to change the policy. Mr. Morris said that intellectual policy deals more with research and not academics. Changing a policy is difficult with so many opinions. Committee Chair Wallace-Boaz thanked the guests and said she will follow-up after the committee has time to discuss the issue.

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REPORT: Faculty Senate Chair – Trucios-Haynes

Senate Chair Trucios-Haynes reported on several issues, including:

- **SACS** – The SACS team contacted her with questions on various topics: morale; dysfunction of the Board of Trustees and government influence; current concern with search transparency; and, budget issues.
- **Tenure & Nepotism Committee** – This committee met and looked at the nepotism policies of 25 schools. The policy was revised regarding relationships and supervision. Any exceptions to the policy must request a plan through Human Resources. A discussion took place regarding the process for changing the policy. Changes made to The REDBOOK Chapter 4 are vetted by this committee and the full Faculty Senate. Otherwise, the Board of Trustees can act on anything it chooses. Asked if there is a timeline for the Tenure Policy review, the Chair responded that the original date of November 15, is fast approaching and will most likely be rescheduled until January 2018. A brief discussion took place on what the Board intends to do with the tenure information. The Senate Chair believes it is evaluating what is done here and looking at the balance of tenure paid from general funds within units. Committee Chair Wallace-Boaz will work up a template for the schools and will send it out. Afterwards, send information to the Senate office to be posted to SharePoint.

OLD BUSINESS:

None

NEW BUSINESS:

None

ANNOUNCEMENTS:

The next meeting is scheduled for next Wednesday, October 27, 2017.

ADJOURNMENT

The meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Gretchen Henry
Senate Coordinator

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