

Faculty Senate Executive Committee Report for October 2020

Eugene Mueller

Faculty Senate Vice Chair, Chair of the Executive Committee

The Executive Committee met twice in October, and minutes will be duly available once approved at a future meeting.

October 21

Senate Chair David Schultz reported that Senate Committees were being filled and charged and that the Senate Vice Chair and the Chair of the Senate Planning and Budget Committee were the traditional Senate representatives on the University Human Resources Advisory Committee (HRAC). He also reported that the second round of pushing mandatory flu vaccines to faculty and staff (since instituted) was awaiting the scheduling of vaccination sites/personnel and a website to request a waiver due to religious/moral objections or because vaccination was obtained elsewhere. He also solicited names to put forward for seats on a University committee concerning intellectual property.

Virginia “Ginger” Brown reported that the Staff Senate met on October 13 and is working to make an *ad hoc* committee covering the University anti-racism initiatives a standing one; ten recommendations have already been developed.

Benjamin Barberie reported that SGA appreciated the extension of the class withdrawal deadline to November 17, the clarity regarding the pass/fail policy for the current semester, and the decision concerning a truncated spring break. SGA was “triaging” concerns about Covid testing, worrisome signs about student engagement this semester, and flu shots.

A new Faculty Accountability Policy was presented by Tracy Eells (Vice Provost for Faculty Affairs) and Sandra Russell (Vice President for Risk Management, Auditing, and Compliance). Concerns were raised on several points, which were summarized in a document (attached) and sent to Tracy Eells for consideration by the committee developing the policy. The policy will come before the whole Senate when the recommendations by the Executive Committee and other University bodies have been considered.

Enid Trucios-Haynes reported on the first meeting this semester of the Committee of State Faculty Leaders (COSFL) and solicited items of interest for COSFL to address with the Council on Postsecondary Education (CPE) and the legislature.

David Schultz led a discussion on policy regarding University messages that can be perceived as political and the perception in some classes that only certain viewpoints will be tolerated. Both issues were left to be raised by the Chair and Vice Chair of the Faculty Senate in meetings with the provost and the president.

Discussion was held on the best way to institute regular communication between the Faculty Senate and the U of L AAUP chapter. Vice Chair Mueller has offered himself to AAUP as a liaison from the Senate and solicited a reciprocal appointment by AAUP to report regularly at Senate meetings.

October 28

A new conflict of interest (COI) policy was presented by Allison Ratterman (Director of the Research Integrity Program). The new policy consolidates and updates six previous policies, includes new provisions concerning nepotism and conflict of commitment, and implements a new interpretation of a governing statute that extended the effect to all affiliated organizations (*e.g.*, U of L Athletic Association and U of L Research Foundation) instead of only “U of L proper”. A request to make clear that the Conflict of Commitment provisions only apply beyond the one day per week explicitly allowed by Redbook was sent to Allison Ratterman. The policy will come before the whole Senate when the recommendations by the Executive Committee and other University bodies have been considered.

Benjamin Barberie reported from SGA that mandatory flu shots are moving forward, and Virginia “Ginger” Brown provided an update of recent Staff Senate discussions.

David Schultz was attending another meeting in his official duties as Senate Chair, so Eugene Mueller provided an update on Covid on campus and the response, which can be summarized as staying the course. Lively discussion followed. Concerns raised by Executive Committee members about the University response to the governor’s enhanced Covid guidelines were voiced at the Pivot to Fall/Spring Coordinating Committee meeting the following morning.

Tracy Eells informed the Executive Committee that a Faculty Leave Policy Workgroup is being formed to consider leaves *other than* those specified by Redbook such as sabbaticals. The goal is to consolidate and increase the flexibility of family leave policy. Two faculty representatives will be appointed to the committee. Self-nominations and suggestions—especially of faculty whose expertise would benefit the committee—should be sent to David Schultz.

Reports were received from the Faculty Senate standing committees that had met and been charged. Academic Programs had received new undergraduate, masters, and doctoral proposals. A survey has been launched by the Part-time Faculty Committee. The Redbook Committee continues to work on the revised policy for Arts & Sciences and anticipates a first reading at the December or January Faculty Senate meeting; the committee awaits a red-lined version of a revisions for the School of Nursing before beginning work on that document.

Enid Trucios-Haynes brought forward concerns from the Commission on Diversity and Racial Equality (CODRE) about proctoring software for online exams. The artificial intelligence algorithms have greater difficulty distinguishing features on darker-skinned individuals, which

results in such students being falsely flagged for suspicious behavior at a higher incidence than other students. Eugene Mueller is a member of the Proctoring Software Committee and reported that the issue has been recognized since early summer and that a 'best practices' document will be available for faculty soon (well before final exams). A request was sent to the co-chairs of the Proctoring Software Committee to make an explicit announcement to the whole faculty regarding the existence of the algorithmic bias problem in order to minimize the negative perceptions of the integrity of dark-skinned students that may result from their erroneous flagging for suspicious behavior.

FACULTY SENATE EXECUTIVE COMMITTEE CONCERNS OVER FACULTY ACCOUNTABILITY POLICY

summarizing discussion at the meeting on October 21, 2020

At a meeting of the Faculty Senate Executive Committee, members raised concerns about particular features of the Faculty Accountability Policy. The following summary is not ordered in terms of priority or strength of objection.

vague wording

Members were concerned about the subjectivity of such terms as “severely disrupts the work environment” and “negatively impacts the University’s interests and reputation”.

“[C]onsistent with the REDBOOK, putting a faculty member on leave with pay or requiring a faculty member to use their paid leave for any reason *may not constitute a disciplinary action*” [emphasis added] led to confusion. It was explained that such actions may resolve an issue but cannot be construed as disciplinary action.

potential added justifications for termination

REDBOOK and Kentucky law states that faculty can only be terminated for incompetence, neglect of, or refusal to perform one’s duty or immoral conduct. However, the policy sets other criteria to initiate progressive disciplinary steps and states “[d]isciplinary action can include the initiation of termination procedures”. Does the policy thus expand reasons to terminate faculty?

process

In light of the statement that disciplinary action instituted under the proposed policy can result in the initiation of termination procedures, an explicit inclusion of the process and rights of the faculty under that process needs to be stated to be certain that due process is granted throughout the steps that may lead to termination.

The right of faculty to respond to the steps and the appropriate vehicle(s) for such responses are not laid out.

Concern also arose that not all steps will be taken down in a written record. It was made clear that the intent was to avoid a formal record of a matter easily addressed by a verbal communication with the supervisor, but if the matter proceeds, the lack of documentation at the earliest stages could become problematic.

mandatory training

Who decides on what training is mandated? May a department chair mandate training at risk of disciplinary action, or must the decision be made/ratified at the decanal level or higher? The concern is not so much University-mandated training but the potential for myriad departmental requirements.