

**FACULTY SENATE MINUTES
SAM HOUSTON STATE UNIVERSITY**

2 April 2015

3:30 p.m. – 5:00 p.m.

Austin Hall

Members Present (20):

Irfan Ahmed (COBA), Nancy Baker (CHSS), Helen Berg (COE), Don Bumpass (COBA), Donna Cox (COE), Diane Dowdey (CHSS), Karla Edison (COE), Mark Frank (COBA), Randy Garner (CJ), Richard Henriksen (COE), Mark Klespis (COS), James Landa (COHS), Jeffrey Littlejohn (CHSS), Dennis Longmire (CJ), David McTier (COFAMC), Sheryl Murphy-Manley (COFAMC), Diana Nabors (COE), Lisa Shen (NGL), Stacy Ulbig (CHSS), Tony Watkins (COFAMC)

Members Not Present (11):

Jonathan Breazeale (COBA), Tracy Bilsing (CHSS), Madhusudan Choudhary (COS), James Crosby (CHSS), John Domino (CHSS), Deborah Hatton (COFAMC), Joan Hudson (COS) Paul Loeffler (COS), Gary Oden (COHS), Dwayne Pavelock (COS), Douglas Ullrich (COS)

Called to Order: 3:38 pm in Austin Hall by Chair Nancy Baker

Minutes Approved: Minutes for the March 19th meeting were approved unanimously with minor edits

Chair's Report

(Please see attachment for full the report, circulated electronically before the meeting.)

Family and Medical Leave Policy

Ms. Rhonda Beassie, the TSUS System Attorney, has stated that the law of allowable leave for Texas state employees does not permit parental leaves for more than the 12-weeks prescribed under FMLA, the law also does not permit paid leaves. Therefore, faculty cannot take parental leaves, paid or unpaid, for an entire semester.

However, as it is in the students' best interest to have consistency in instruction, the provost will ask the chairs to work on reassignments of responsibilities with individual faculty members taking parental leaves, so faculty will not teach full courses during the semester they would take parental leaves. The agreed upon work reassignment will be specified in writing before the leave takes place. Provost Hebert will communicate this practice to the deans and chairs in a written memo. The provost also shared that Gene Bourgeois, the Provost of Texas State University at San Marcos, had indicated that TSU has also been addressing FMLA leaves in this fashion.

Conflict of Interest Policy (Academic Policy Statement 950809)

This proposed policy was submitted for approval at the Academic Affairs Council (AAC) meeting on March 30th by the Office of Research and Sponsored Projects (ORSP). The policy was grouped with the other new ORSP IRB policies that were created to comply with new federal regulations, and presented with the impression that all the policies have been reviewed and approved by all the relevant bodies, including the Faculty Senate.

Dr. Baker pointed out to AAC that Senate has not approved this particular policy. Specifically, Senate had reviewed the policy draft and submitted a number of suggested revisions to Sharla Miles at ORSP during the Fall 2014 semester, but, despite a number of requests, has yet to receive any responses from Ms. Miles about the edits.

Consequently, AAC decided to pass a motion to approve Academic Policy Statement 950809, pending Faculty Senate's approval. The Senate Academic Affairs Committee, which conducted the original review of the policy on behalf of Senate, will lead the policy discussion during the Committee Reports.

Independent Studies

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members have noted a couple of AA-proposed changes were not addressed by ORSP in the revised policy.

In addition, AA also noted a few issues with Appendix B of the proposed policy. The appendices was cited as an attachment in the original policy draft, but a copy was not submitted to Senate for review at that time. In particular, part of Appendix B addresses “activities that are very likely to present unacceptable conflicts,” but the guidelines for identifying such activities included some questionable examples, such as “a substantial body of research [that fits particular criteria],” even though a body of research is not an activity. Another example included activities that “involves or appears to involve [the university in a significantly way,]” which may be difficult to assess.

Senators agreed that ORPS’s lack of response throughout the policy revision process is disappointing. Nonetheless, one senator felt that this problem has been recognized and addressed by the AAC. Therefore, in the interest of building a collegial and collaborative organizational culture, it would be in the Senate’s best interest to “pick our battles.” Perhaps detailed review of this particular policy section is not the most effective use of Senate’s efforts.

After some deliberation, it was decided that AA will review the revised ORSP policy copy and present its findings at the next Senate meeting.

University Affairs Committee –SGA Resolution S15-10

Senator Watkins presented UA’s report (please see attachment for full report) on the Student Government Association’s (SGA) request to endorse the SGA resolution regarding speech on campus. While UA sympathizes with SGA’s concerns and motivation in wanting to protect students, after a thorough review, the committee does not recommend that the Faculty Senate endorses the SGA resolution.

The committee’s position is to allow for free speech on campus, even if the speech content may be

times. Unfortunately, Senator Hatton, the Chair of FA, was unable to attend the present meeting. The other FA members in attendance were either not present for the discussion or writing of this particular report, or did not feel comfortable representing the whole committee. Therefore, the report is benched until the next meeting.

Committee on Committees

Senator Frank reported that the Faculty Senate Election Ballots and the annual Faculty Senate Survey, with the question for faculty approval of Senate Charter change, are both ready for electronic distribution pending minor edits. Work Orders have been created for both items with campus IT. The senate seats allotment by college, which is calculated based on faculty FTE, has not changed this year.

The Charter change request concerned the rescheduling of the Chair-elect election. Provost Hebert has approved a one-course per semester course release for the chair-elect, therefore the election needs to be rescheduled to an earlier date to provide adequate time for the chair-elect to complete the necessary administrative tasks.

violations if the individual involved contacts the parking office explain the situation within a reasonable time frame.

A senator recalled that two focus group studies on campus parking had been conducted in recent years, and both reports recommended the provision of temporary parking spaces. Another senator noted students would double park and rush into a building to ask professors questions or submit assignments. A third senator shared that she would regularly unload and leave teaching material unattended on the sidewalk to find remote parking, since her teaching schedule between campuses meant she would often need to park in remote lots far away from her classrooms.

A different senator observed that many campus parking lots are not fully ADA compliant, which is an issue that more urgently calls for Senate's attention than temporary parking. In the ensuing discussion, it was pointed out that a project is in the works to build crosswalks on campus alongside Bobby K Marks Drive, and that the University does have a standing Parking and Transportation Committee.

Mr. Copeland shared that, even though he is a member of the Parking and Transportation

**Faculty Senate
Chair's Report
04-02-2015**

This week's Chair's Report is longer than usual because it contains detailed information in response to faculty questions I received, as well as updates on ongoing issues.

Here is a list of what is included:

- Privacy Rooms and Daycare
- Family and Medical Leave policy
- Intellectual Property Policy
- CHSS Faculty Teaching Independent Studies

The provost still needs to talk to members of the President's cabinet about the possibility of establishing a daycare on SHSU's campus.

Family and Medical Leave policy

Lisa Shen has discussed with TSUS system attorney Rhonda Beassie what would be possible in terms of expanding FMLA. Ms. Beassie directed her to state law outlining what is considered allowable: twelve weeks of unpaid leave (with specific requirements about using one's sick leave first). Ms. Beassie stated that paid leave is not an option.

In our meeting on April 2, the provost said his preference for handling anyone needing to go on FMLA leave is to encourage department chairs and deans to

The provost had no new information on HEAF funding.

Substantive Change Notification Policy and Procedures (Academic Policy Statement 081212)

At the AAC meeting on March 31, Assistant Vice President for Academic Planning and Assessment Somer Franklin introduced a new policy required for the Fifth Year Interim Review by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS COC). This policy outlines the steps SHSU will follow in notifying and, when necessary, seeking approval from SACS COC of any substantive changes. (As defined by SACS COC, a substantive change is a “significant modification or expansion of the nature and scope” of a university. An example would be initiating a program at a new level or creating a branch campus.) This policy does not change the process SHSU currently follows to determine whether to make substantive changes.

As a result of the narrow scope of this policy and the urgent need to have the policy in place for the upcoming SACS COC Fifth Year Interim Report, the provost did not submit this policy to Faculty Senate for review. The AAC approved this policy.

SACS COC Fifth Year Interim Report

On behalf of concerned faculty, a senator asked me to provide an update on the SACS COC Fifth Year Interim Report. I contacted Dr. Somer Franklin. The following information is from Dr. Franklin.

SHSU submitted its 5th Year Interim Report on March 12, 2015. We expect to hear something back (preliminary findings) from SACSCOC in July. The SACSCOC 5th Year Report is accessible from SHSU's website at

<http://www.shsu.edu/~sacs/814sac5yr/>

SACSCOC reviewers do not visit the campus as part of the standard 5th Year Interim Report process. At this time, SHSU is not scheduled for a SACSCOC site visit. It is most likely that SHSU will not have a site visit with SACSCOC until its next decennial review in 2019.

The SACSCOC reviewers will be reviewing SHSU's Fifth Year Interim Report that

- SHSU will receive a letter in July informing us of the results of that review.
 - o If there are no issues identified, the process ends.
 - o If there are issues of non-compliance found, a follow-up report would be requested to address those issues.
 - § Options of the evaluators of the follow-up report:
 - (1) No additional report, or
 - (2) request a monitoring report which continues the two year limited monitoring period, or
 - (3) recommend placing the institution on a sanction, with a monitoring report, and with or without a visit to campus.

Respectfully submitted,

Nancy E. Baker, Chair

Report to the Faculty Senate Regarding Student Government Association (SGA) Resolution S15-10

The University Affairs Committee considered the SGA's request that Faculty Senate endorse their recent resolution regarding speech on campus (a copy of which is attached). While the committee respects the right of the SGA to pass such a resolution, sympathizes with their concerns, and admires the association's motivation in wanting to protect students from such treatment, the committee does not recommend that the Faculty Senate endorse the SGA resolution at this time.

occurred? *No. According to Dean Bias, the act in question would have to be "consistent" in order to rise to the level of harassment under current Title IX. The question does not appear to be "pervasive and non-academic" according to the committee's standards and SHSU policies, while the speech was likely insulting or offensive enough to meet the standard of activities that could create a hostile working or learning environment, the acts were not severe enough to constitute such.*

these exercises? *Probably not. The committee could find no evidence that any of the educational goals were impaired by the speech in question. In fact, one faculty member attended the incident to help explain Supreme Court rulings on the First Amendment to an American Government class on the day the incident occurred.*

any obligation to TSUS or SHSU policies, rules, or regulations? *Probably not. The committee could not see that beyond obeying all relevant laws, the group had any additional obligations under TSUS or SHSU policies, rules, or regulations.*

group has done nothing that is actionable under the existing legal structures that are in place. Ideally, the committee is concerned that, as Provost Hebert warns, limiting speech is often tightly scrutinized by the courts and that attempting to limit speech such as this could expose students, staff, and faculty at legal risk.

The committee further felt that a college campus like ours can serve as an ideal context within which to explore questions such as those raised by this incident, and that, as such, the campus community might be better served by addressing the group and their speech rather than attempting to squelch it. In particular, the committee felt that, should the offending group return to campus, the SGA might work with campus organizations to use their own First Amendment rights to counter the group's offensive speech. Perhaps taking a cue from some of the groups who have worked to counter the protests of the Westboro Baptist Church across the nation, the SGA might coordinate with campus ministry groups, Greek Life program, and other relevant organizations, to protect and support students who are confronted by the group.







