

Fairmont State University Faculty

Senate Meeting Agenda

January 12, 2021

Members Present: Chuck Shields (President), Donna Long (VP, Humanities), Jason Noland (Secretary, SoE), Tom Cuchta (Webmaster, Comp. Sci & Math), Jim Davis (Ex. Comm, Bueinss & Aviation), Todd Clark (Ex. Comm, Social Sciences), Paul Reneau (Ex. Comm, HHP), Jim Matthews (ACF), Steve Roof (Academic Affairs), Tim Oxley (Academic Affairs), Nina Slota (Behavioral Sciences), Gina Fantasia (BoG), Janet Floyd (Business), Robert Niichel (Comp. Sci. & Math), Tabitha Laferre (Engineering Tech.), Dan Eichenbaum (Performing Arts), Nathan Myers (Humanities), Molly Barra (Library), Rachel Cook (Natural Sciences), Stephen Rice (Natural Sciences), Denice Kirchoff (Nursing), Josh Smallridge (Social Sciences), Cassidy Greenwood (Student Government), Zachary Taylor (Student Government).

Guests: President Martin, Rick Stephens, Pam Pittman, Cindy Curry, Rick Harvey, Jeri Kirby, Deb Hemler, Dana Smith, Amanda Metcalf, Victoria Nichols, Jacqueline Sikora, Laura Clayton, Lindsey Walk, Janie Leary.

Called to order at 3:01pm via WebEx

Reading & Approval of the minutes from the December 1, 2020 meeting

Motion to approve the minutes (Cuchta/Fantasia)Passed.

Reports of Officers, Boards and Standing Committees

None

BoG Representative, Gina Fantasia

Received a good audit report without an exceptions. The board also voted to accept the report and work of the ad hoc on goals and evaluation which dealt with Dr. Martin's 360 review. It was a positive review.

Question: I wanted to ask about the resolution in support of the performing arts?

Response: It was on the agenda and was presented to the board. There was, in open session, not much discussion at all and no action was taken on it.

ACF Representative, Jim Matthews

I don't really have a report today. The 13th is scheduled as opening day of the session. Work on legislation won't start until February 10. No bills to track yet, I'll get a list together when I can.

Reports of Ad Hoc Committees

None, just placeholder on the agenda.

Announcements/Information/Discussion

a. President Martin

Appreciate the opportunity to visit with you. Welcome back, hope you had a wonderful holiday and that the new year will bring you health and joy. Thank you to everyone who joined last week for testing. We have now tested all faculty/staff and have begun students. Appreciate your

commitment to continue that which makes us unique. Whether its f2f, synchronous, high touch delivery, we are in need of the high touch education. We need to retain our students, and there is no one better than you to do so. Not much else to say, the week is just beginning. Doing everything to ensure our students and you return to campus, I am grateful to each of you who have already been meeting with students. Looking forward to a wonderful semester. If there is anything we can do, please reach out through the Deans/Provost. Thank you.

Question: If I heard you correctly, we have just finished faculty/staff testing. Is the information on the dashboard positives then faculty/staff and not students?

Response: all individuals who have been tested thus far. Faculty, staff, and students so far. Not every student has been tested yet given the phased approach.

Question: How many tests have we given since we came back? The dashboard says total tests, I would guess that is cumulative.

Response: I cannot tell you. If you want a specific, I will have to go back through our emergency management operations to provide that. We have tested all faculty/staff, freshman, RAs, international, and exemptions that have classes on campus. Continues through the next two weeks.

Point of information: I can provide the numbers daily, I have been tracking it. I just need what was being asked as far as where the start date was. FSU was good about saying they aren't reporting numbers over a certain period that they weren't testing. I can give information on the last week of exams, until Monday. I can at least give you the delta if that's what you're looking for.

Comment: We started testing on Monday, January 4.

Comment: That would be great. I might call Chief Swain to see what the rate of positivity is. That is what people have been asking. I will ask Chief Swain.

Question: I'm in quarantine after exposure to someone who has COVID. This person contacted me and said they tested positive. I contacted FSU, my question is what sort of contract tracing are we doing for folks who are positive? The person who tested positive works for FSU, would I have been contacted from the institution? are we reaching out and doing that contact tracing? I wasn't asked to test, I was just asked to quarantine and was not asked about my contacts since exposure.

Comment: (Jacqui) I think Matt put an email out yesterday which answers some of these questions. I want to start by reminding everyone that FSU is trying to assist the Health Department with contract tracing, they are the ones who are tasked with that, but we are trying to help as they are overwhelmed. It is only as good as the information we are provided. We have found that some are not completely accurate in the information they provide, they are not thorough, they forget, etc. If you believe you have been exposed, we have encouraged you to reach out to Matt so we can follow up. I don't know the particulars of your situation, but I am glad you reached out if you had so we can try to follow up on those instances. In terms of contact tracing the University is reaching out to people who are positive to determine if you were within

6ft of someone for more than 15 minutes. If not, then we don't move further. If you are not within 6ft for more than 15 minutes then you wouldn't be ID'd as a primary exposure. If you are, you are asked to quarantine, not to test again and then the quarantine process goes again. Just because you were around someone who is positive, doesn't mean you were primarily exposed or would be contacted.

Comment: (Cindy) we have dedicated one of our HR people full time to help with this. An email will be going out to all employees. She is responsible for contacting anyone who tested positive to ask them with whom you were in contact as far as employees. Longer than 15 minutes, less than 6' apart. Then we determine if we need others to quarantine. We send forms to them, it is our job in HR to follow up with people. We will give instructions on when to go into quarantine and when you can come out. I will say that a good rule of thumb is, if you don't hear from us, you're okay. No news is good news, because with limited resources we will likely just contact those who tested positive and are directly exposed.

Comment: Thank you for that. I did work with Elizabeth and will say she was amazing in terms of staying in contact with me, providing me with information, one of her last emails was Saturday night at almost 10pm. So, she certainly deserved kudos for her dedication and taking this seriously. My question was whether, since I did have direct contact and am in quarantine, that my own contacts would not be necessary? It sounds like you are stopping at that direct point of contact.

Response: Yes, just the positive and their direct contact.

Comment: The people you are in contact with are secondary exposures according to CDC and they are not contacted, only the primaries.

Question: Do we have a number of how many faculty/staff/students not just in quarantine in dorms, but in quarantine?

Response: Yes, we do track that information.

Question: You track it, but don't share it?

Response: We have had this discussion multiple times in the COVID Emergency Management Tem, we are more aggressive in our quarantine procedures. Because of that we have not been posting those numbers because it doesn't give an accurate comparison of us to other institutions. We are not obligated to quarantine primary exposures in the way we are, but we have been so we can try to reduce our overall positive. We think that was successful in the fall. Our positive rate was very low compared. We continue to do that, but we are concerned about posting it because it doesn't give an accurate picture.

Point of information: Just to piggyback. I noticed today, they did add the category active quarantine on campus. That is being reported too.

Comment: Correct, we have added that. We have quarantines on and off campus. We decided if we have them on campus, we can report that but to provide the whole number is misleading.

Comment: Thanks for doing that.

Comment: (Dr. Martin) In addition to that, if you move the bar, you will see we are also providing the number of individuals who have been vaccinated. We are trying to provide everything possible, but making sure we are comparing apples to apples with other institutions.

Question: We hear all kinds of things on the news, etc. Do you anticipate that the second round of vaccines will be available as scheduled?

Comment: (Dr. Martin) I cannot answer that. Because, it changes on an hourly basis. Sometimes at 2am and Matt and I are up trying to figure out where we are picking up the vaccines. We have no indication whatsoever that the distribution, especially the second round, will be halted. In the positive, it is our expectation and indication thus far that the second round will come forward to FSU, as with the third and fourth. At this point we are confident it will occur. Will it occur on the date you are scheduled? I don't know. We were scheduled on the 29th first, then the night prior we got a call that the vaccines were not in the state. I have no fear that the vaccine will not reach us, but, again, I will not give you my word on something I can't control. We are at the mercy of the distribution centers and the state. They are somewhat delayed, but we have gotten them. You have been signed up to take the second vaccine on a certain date. At this point I think that will hold true.

Comment: Thank you. I appreciate the effort of this administration and the I to provide that for us.

Comment: I'd like to give kudos, that whole effort for the first round I thought operated remarkably efficiently.

Comment: (Dr. Martin) It takes a village. We have been operating around the clock, and it's important for us to distribute as many as possible so we can get back to some normalcy. We look forward to continuing the distribution.

b. Interim Provost Stevens

I'm going to run through some items and open it up for Q and A.

Cadre of Deans: Everyone received a note from me right after the start of the year indicating we had transitioned Deans who had interim/associate/asst modifiers. Part of my charge coming in was to try to get us readied for accreditation. Having 80% of Deans at interim/asst or otherwise level can be problematic as you go through these processes. The folks in these roles have been performing the functions of deans, have been treated as full on deans, after consideration later in the semester we decided to move them to full-status by removing those modifiers. The roles have not changed, just the recognition. It does not mean, however, that Deans shouldn't be evaluated and other normal processes associated with that going forward. I will be providing that at the end of the year myself. I understand there are some normal processes for the faculty doing that likewise. It was not meant to short circuit things, but, made a lot of sense to go ahead and make this change in title, not really change in work formalized.

Sabbaticals: I am a strong support of sabbaticals. The suspension has a lot to do with financial concerns of the Institution. We have not eliminated them, just suspended them. Although it has been a project of mine to figure out ways we might be able to re-establish them. They are in and of themselves valuable to the Institution in the development of faculty, reputation of the Institution for the kind of work that gets done. Also, it probably has more value to faculty morale, an expectation that the University will continue to invest in them. One of the needs is to figure out how to generate financing for them. I can't announce we are there yet, but I am working on that. We did have a successful winter term, and generated net revenue. My promise was that I'd come back to the Deans and the Winter Term ad hoc to talk about the potential use for the net revenue.

Winter term ended at about 280+ enrollment. Compensated at over \$94k in the middle of the year, which is a nice chunk. Then, had other expenses. Krista is working on the final accounting. I say this in relationship to sabbaticals, it is one way we can begin moving ourselves back to sabbatical opportunities.

Question: Since sabbaticals went away shortly after President Martin arrived, Cindy might be the only person with the longevity to answer. How were they funded previously?

Response: (Cindy) I can say that is about the right timeline, but, it was a role assigned to the Provost's office. Other than payroll processing HR didn't have much to do with it. It was a Provost function.

Comment: (Dr. Stephens) Every institution that I have been a part of, you always have to account for courses and expenses associated with those courses that must be taught while a faculty member is on sabbatical leave. If an entire year, in most cases there is usually a half salary arrangement with funds remaining that go toward hiring adjunct. For one semester where full salary is still available, you have to come up with other funding. Course coverage can be 2 ways. For a 12-hour load, we can cover $\frac{3}{4}$ of it, or all of it, but you have to find pockets for the dollars. Some maybe department, some maybe winter term to maybe incrementally open an opportunity for more funding.

Follow up: I ask because, obviously we never had winter term before, but we funded sabbaticals previously. At least one of the applications I saw the last time they were submitted, it would have cost something like \$6k for course coverage, which doesn't sound like all that much money given the benefit to the faculty and University. I hope that given the positive financial reports we have been getting that we can start finding what appears to be not a great deal of money.

Response: We are going to put an eye on it, and try to figure it out.

Thank you.

Couple other items: We are coming up on BoG meetings in February. Academic Affairs is usually a pretty full committee meeting. We are already putting together the agenda. I want to comment on one item relative to that. I have now had my first experience of P&T at Fairmont. I want to say to Matt Hokum and his committee, I was mightily impressed with the seriousness and

professionalism of that committees work relative to the faculty candidates and files. There was no rubber stamping happening. Serious questions, no “gotcha”. It was a pleasure to work with them. I want the Senate to know how I felt about that. We will bring the results of that to the Academic Affairs Committee of BoG on February 1.

Last, I hope my memos to faculty are not too off the wall. I try to make them as direct as possible, though, I do get a little wordy at times. The issue of faculty discretion relative to a student who is requesting remote attendance only is something that, our effort to communicate the authority and discretion rights of faculty to make those kinds of decisions was up and down and lumpy in the fall. In my memo yesterday that they do have that discretion. It is up to you to decide if the student is giving you a good excuse and try to address what I call the “casually remote student” who says they don’t feel like getting out of their dorm room. Some faculty have already told me they won’t count a student as attending if they can’t see their face remotely. What we are doing differently this time, is if you give permission to a student to attend remotely only for good reason, that you advise your Deans so we can keep a record and have some sense of the flow of students. One of the negative downsides of this is, while we have done a good job among faculty and staff giving clarity about vocabulary, students and families are still unsure. One student may tell his parents that his class went online and he attended from his dorm remotely. That always comes back around and we start getting calls from parents. Our ability to document will be helpful.

Question: Since you are addressing issues - can you address the issue of evaluation of Deans? In the past we have done evaluations of Deans on a routine basis, but we didn’t do that last year and I wondered if we will start that again?

Response: Chuck and I did chat briefly about this. I will be providing a Provost evaluation at the end of the year. I think evaluations are necessary. My understanding is that Dean evaluations are routine relative to a Faculty Senate function. I assume it is administered via the Senate. We should go forward with that.

Comment: (Dr. Martin) The reason that last year no evaluation was done, because at the time that evaluations were commencing we went remote because of the pandemic. All of us were more concerned about the success of the semester to ensure the students could finish appropriately and were protected from the pandemic. The evaluations will continue this year. It is only a function of the Provost. We will go ahead and continue the processes through HR. They will send notification to all employees and supervisors who are supposed to be a part of this. That will come back, with God’s help this semester. That is our intention.

Question in Chat: What if a student has an accommodation letter?

Response: (Jacqui) I guess I need a little more information, are we talking about an ADA accommodation?

Yes

Response: If a student has an ADA based accommodation, they need to contact Amy Snively. The process has not changed because of the pandemic. If someone has a medical based issue and does require an accommodation, even though the pandemic is not necessarily a disability, Amy

has been working with students to determine what the accommodations should be.

Clarification: I meant disclosure of absence to Deans.

Response: That would not be a violation of FERPA, the information is being transferred internally for a ligament education based purpose. If you want to make a notation that it is based on an accommodation different from “I am affording a student the opportunity to go synchronous”. My last conversation with Amy about this issue was that she had not issued any ADA accommodations because of COVID. But, that would not be a FERPA violation.

c. Student Government

Zach Taylor, new representative just started this semester. Cassidy Greenwood also continuing her position.

d. Handbook Reminder

Remind senators of the need for feedback in regard to the Handbook. Goal is to get our feedback to the committee by the end of January so we can begin working on resolving any differences. Please take a look at what was given to you last time and get feedback to Dr. Baker. They have been working really hard for a year. I think so far, it's a decent product, but can be better with your advice and counsel.

Question: Are we not going to have an opportunity to talk about these as a Senate?

Response: Yes

Comment: You just said you want the feedback by end of January. We had mentioned in December we might schedule a special meeting of the Senate.

Response: We can do that if that's what the Senate would like to do.

Comment: I think the Senate was asked to provide feedback, it seems to me that the Senate as a body should be able to discuss what's in there and hash out any issues we think might be problematic. I have read it all, but there are some portions that seem to be out of date anyway. One that I will mention has to do with the role of the HEPC in program reviews. When Theater and Music were getting axed the HEPC said we have no role. That is not the language that is in the handbook. It appears to need some updating at least on that portion, but a number of things I at least had questions about.

Comment: Okay, then what I would ask is that you get to me that feedback within the next 10 days, any written comments you might have, then we can schedule a meeting and have an idea of what we want to talk about.

e. May Senate meeting rescheduled for April 27

Executive Committee made the decision to reschedule the May meeting for April 27 since the semester ends in April this year. That should be reflected on the website now. Mark your calendars.

f. Confidentiality Agreement

Q: I believe we provided 20 questions, so the questions have been posed.

I didn't know if you had any other specific questions that might start the discussion off.

Chuck: There were a couple things that I had concerns about in terms of the language. Particularly the language about "need to know". There was some indication about we don't provide information to people who don't need to know. I might not know who needs to know. In some instances of course I know, but, there are others that the language is so broad that I don't know.

Comment: (Jacqui) The confidentiality agreement is being used by institutions across the state. The one by FSU is used by our land-grant institution, specifically. The form originated from them and then we used it to make ours. It was also provided to HEPC and was approved and said to follow HR best practices. When we create policies, we have to put broad language because we can't articulate every potential scenario in a policy. So, there is some language including the "not limited to" that is common practice. If you have a concern or question about need to know, pause and ask before you take a step forward. The language "need to know" is really derived from the FERPA language, it is in that language and sets a framework for people who needs to have the information in the Institution. Not just anyone in the University needs to know everything. For example grounds crew don't need to know grades. There is some common sense in here, in addition to training. When you are posed a question from someone who might not need to know, I would encourage you to inquire more. That language was taken from FERPA since that is one area we are trying to enforce.

Comment: (Cindy) I think we had an example in this meeting, what if a student has an ADA form, there may be some people who need to know in context of what they need to have so we can accommodate that. Sometimes, it needs to be a discussion about who does need to know. It is broad because we want to be able to cover all contingencies and offer those protections.

Comment: I do understand that, and I know there are other lawyers that are present that understand that. This is not a criticism. Sometimes that's a double-edged sword. Sometimes it's used as a weapon instead of being used as defensive in nature. Sometimes including but not limited to means there are no limitations. That is a concern among faculty, who are not lawyers like we are.

Response: (Jacqui) You have to read the policy as a whole. The policy is clear on its intent that it is case by case inquiries. If we have someone, no matter what employment category they are in, that say they didn't check who they are sending it to that is going to be a different conversation than someone who says they got approval, checked with the Dean, etc. It's just to say that confidential information should be kept confidential. We cannot articulate every possible scenario, but this policy is intended to ensure that people are cognizant of it. It will be a fact specific case by case discussion. It would be difficult to write a policy that everyone is on board with the language, which is why we sent it to HEPC, when we received approval from them we felt it appropriate to move forward.

Question: Questions I have received are in how broad the language is beyond FERPA, HEPC, etc. Faculty have training about grades and info. The agreement talks about documents or other things used in the decision-making purposes. How will faculty know what is confidential in these

regards? How will they determine what is permissible and not?

Response: (Jacqui) I want to start again by looking at the umbrella of what we are trying to accomplish. There is a free exchange of information among you and colleagues that is important for student retention and success. This document is not intended to only cover FERPA, but, also other items. Cindy did respond to the questions, not every one, but the categories that were clear. There are things that everyone knows has a confidential nature (grades, etc.). If you are asking for an exchange of info between colleagues regarding internal decision-making memos, unless there is data in there that is confidential I don't see where that would be a policy violation. We aren't trying to stop people from sharing with colleagues, but rather they are mindful in confidential info and how it is shared. If there is a question about this, I would encourage you to reach out to Cindy or your Dean and discuss it with them. We are all highly educated people here, and we should realize when we should pause and make sure what we are doing is in compliance with FERPA, HIPAA, and other records. That is the motivation of the document, not meant to trap anyone.

Question in chat: How is a student's disability status not confidential?

Response: It is not confidential within the institution if there is a need to address and accommodation with a faculty member.

Comment: I suspect this goes back to sharing with Deans.

Response: If there is an internal need to track. When you are telling someone you are allowing someone to attend virtually there is not a disclosure of the details. That is an appropriate disclosure of information. There are other times when more information can be disclosed appropriately. There is not a bright line on that information.

Question in chat: What If I have read the policy but don't understand the policy. I feel there is a lot of information and we should be properly advised/trained.

Response: I would encourage them to reach out to HR.

Comment: My background does not appropriately provide me the information to be able to understand it, I am not sure the intent of the document. I am not opposed to signing once I have had the information relayed to me.

Response: The intent is to protect confidential information. I would encourage you to reach out to Cindy and ask her all of your specific questions.

Comment: I am happy to do that, but, this is going to take time. We have just started a semester. We need the time to answer questions, digest it, and affix our names. I cannot legally say I understand the document so I won't sign something I don't understand.

Response: Cindy did provide a response to the questions, but not question by question. There are general themes that were addressed. I cannot engage in a conversation about hypotheticals in regard to this policy. Generally speaking, we have responded to questions about scope, intent, and broadness of questions.

Comment: The confidentiality agreement talks about information housed in institutional systems

or databases. Please provide a list of databases so we know which ones are covered.

Response: every one is covered if it contains confidential information.

Question: Every one owned by the university, housed on and off campus, can you provide a list?

Response: If you provide a list of the ones you use, we can answer that for you. We cannot provide every scenario. If there is confidential information anywhere, it is covered.

Question: If it is housed on a third party database, is that covered?

Response: It could be.

Question: My question I so had to do with the databases and servers. Would I be breaking the policy if I shared the confidentiality agreement with someone outside of FSU?

Response: It's a public document and is used by most of the H.E. Institutions. By itself, no, if you put it with something else, maybe.

Question: Cindy, to follow up on that. I think you and I discussed this. I am told that once you sign the agreement that it disappears. You can't copy it or know what you signed.

Response: Probably because it comes to HR. But, if anyone wants a copy we can add to the process that it would be available for faculty/staff we can also send a copy to employees that may have already signed it. We try to be transparent.

Questions in chat: Why is there not a good faith clause? When will the list of questions be answered? In response to the questions that were answered what date was that email? How is a policy not a public document? Another question about University lab databases, faculty work/research, what constitutes proprietary information or correspondence?

Response: Cindy provided a response to Dr. Shields wherein she addressed the questions. Not every question was specifically answered, categories were addressed. That was provided to Dr. Shields prior to the break. In regard to Todd's question. If proprietary information is confidential, then it would be covered, but if not, it depends.

Clarification: There are references to proprietary information, I was confused if that meant confidential. Neither is defined in the document. We understand confidential in regard to FERPA and HIPAA. Is there stuff outside that's covered? When I saw the references to proprietary research information or correspondence, that concerned me. I guess what confuses me is what constitutes propriety v. confidential.

Response: There may be institutional proprietary information that the I would expect you to keep confidential. Faculty research proprietary information- there is no intent to convert that to I proprietary information. That is not going to be very broad given FOIA. Proprietary and confidential are not necessarily the same thing. If you have a specific information, I encourage you to reach out. We are also not talking about within the Institution. Proprietary information would be more likely to involve disclosure outside of the Institution and would be a fact specific scenario.

Response: (Cindy) The language was intended to help. We all know Banner, etc. are confidential. We also wanted to add in, we aren't aware of every database everyone uses in regard to what they do. You may not want to share that with anyone even within FSU. Some of that, you decide who has access and what they can share. You get to decide what you keep in your own department that is for you.

Thank you.

Question: Maybe, the two things that I see that have come up twice is the idea of a good faith clause. When I heard you earlier you seemed to say that inherent within the document is an idea of good faith. If we make a mistake and mistakenly disclose the information that is different from purposely doing it. Is that true?

Response: Yea, I think as part of the employee relations process, if someone violates the agreement there would be an inquiry and the employee always has an opportunity to present their side. Alongside past performance and conduct. This policy is no different than any other policy in HR. There is always an opportunity as an employee to address allegations and to provide any information or evidence to support your position and how you conducted yourself. Which is why a lot of these questions really depends.

Cindy: HR doesn't do gotcha's. We are trying to keep everyone safe. You can't work in HR if you are black and white, it is all shades of grey. Each takes its own life and path as it is investigated. There is always mitigating circumstances, there is always prior good deeds and offenses. In no way do we take the approach that we are out to get somebody. Those of you who know me know I'm not a gotcha person, we always try to find a good solution for everyone.

Question: The confidentiality agreement asks us to sign that we have read and understand it. I don't believe I understand this. I am going to ask directly to our resident counselor. Can you prove I understand this document?

Response: I would encourage you to reach out to Cindy about your concerns.

Question: I am asking can you prove that I understand this document?

Response: I would say it depends.

Comment: You always come back to me with scenarios, and each one confuses me more.

Response: I would encourage you to reach out to HR so your concerns can be addressed.

Question: There are so many layers in this document, I don't know that anyone understands every level except those that wrote it. I feel like there are concerns being lodged by the faculty that are being shrugged off. This is not meant toward anyone. How can I understand, how can you show you that I understand. Even in a discussion I can come out just as confused. I cannot sign a document if I don't understand it. Please, can you let us start anew. A brand new document that says "I undersigned pledge to take care in good faith to take care of all of the proprietary information."

Response: I appreciate your suggestion, but, the document has been approved by HEPC. We only have about 30 people who have not signed it. I encourage you to reach out to HR so we can work with you.

Question: What are the consequences of not signing the document?

Response: It would be a violation of policy 64. What are the consequences? It depends on all mitigating circumstances. I would be happy to meet with you. At the end, I will not be able to definitively say that you know and understand. That is the case with anything that you sign.

Chuck will share the email from Cindy with faculty that addressed the questions.

Question: Jacqui, Clearly there are some legitimate concerns who may not have the level of knowledge that some have. Would you be willing, or consider, providing the faculty with some explanatory notes by email summarizing the kinds of things we talked about today? Like the idea of good faith being inherent in the document?

Response: That was the intent of attending today. I don't know that I am prepared to sit down and articulate my notes in an email as I didn't keep that detailed on notes. Perhaps we can use the notes by Jason in the minutes.

Question: One other issue I think is related to this, goes back to faculty handbook. There is language there under the URM section that says that nobody should speak to a member of the media without getting URM approval. Later on, it says faculty have a right to free speech, freedom of expression, etc. as individuals. I understand the distinction but I could see a muddy area. For example, if Chuck is asked to speak as the President of FS. At what point is he breaking the rules, violating the confidentiality agreement? He is not speaking as an individual, but as the FS President? That's the line I am uncomfortable with.

Response: Are you suggesting that you have an interview with the media and you share confidential information in the interview?

Question: My hypothetical is that the media might reach out to someone who, like Chuck, what is the position of the faculty on XXX?

Response: If Chuck has a concern about responding to a question such as this, I would encourage him to reach out to his supervisor to clarify the concern. Faculty position would not be confidential information. Opinions are not confidential. If someone asked Chuck the opinion of faculty on an issue, that would not be confidential. If in that response he would discuss student data, that would cross the line. It is a very fact driven analysis.

Question: That rResponse gave me some concerns. When you mention student data. Are you meaning specific student data, or generalized like how many students in a class?

Response: I was meaning data covered under FERPA, non-directory information.

Comment: (Dr.Stephens) A few observations: I think there needs to be an orientation that we don't make decisions that bump up against the confidentiality agreement in isolation. That is part of the process of shared governance. That we ask, we check with each other. I was asked toward

the end of fall semester by a local radio station to comment on our first winter term. The suggestion came out of URM. I checked back with URM to make sure it was fine to say things, to clear the field a little bit. I was just talking in general terms. So, it's an orientation. Part of that orientation can be addressed as we talked earlier on the item regarding faculty handbook. It's easy to clarify the general purpose of confidentiality agreements, and include protection language. What most of us are concerned about is not the intentional violation about confidentiality statements, we just don't want to accidentally cross a line. We can create safeguards as we modify our policies in the handbooks. Rather than try to anticipate all of the issues now, we simply need to inquire from each other. We can check around ourselves when we are up against these things and have protections.

Chuck: I know this is an important discussion. I know some of you aren't satisfied with the answers we have gotten. I understand that. I don't know where that leaves us. There are 30 people who haven't signed it. It seems some have signed it under duress, being fear of being disciplined in some fashion when they didn't truly understand. I think it's important that everyone recognize that is there, and is a legitimate issue for faculty members. I think we need to move on.

Comment: (Cindy) I wanted to say, we are trying very hard in HR. I haven't seen everything, because that's impossible. We are trying to move toward a more modern and contemporary HR department, and the needs to protect us all, University and employees. We look toward best practices. We don't initiate things that are not best practices or will not serve everyone well. I can provide you with the help you need. My job is to work with employees and give them what they need, but I also am a member of management and have to protect the institution. I want a good contemporary, forward thinking office.

g. Provost Search

Dr. Stephens: I don't know anything about it, other than I with nothing but success for FSU.

Question: We do know the job has been posted. The question is who is putting the search committee together, what is the constitution of it?

Response: I will say this occurred at the very end of last semester, with it being the beginning of this semester, I haven't paid attention to it. I will work to get a better answer and report back to the Senate on it.

h. Deans

Addressed in Dr. Stephens' opening remarks

i. Academic Calendar

Faculty Concern that with the pay periods: It's possible that jumping forward and skipping back of start dates may cause skipped pay periods. Also ending the semester before Thanksgiving each year, it also changes dates. If it's the same year that we push back and forth, this could cause people to miss a paycheck they would be expecting.

Perhaps put this in an email to those who could answer this.

j. Sabbaticals

Addressed in Dr. Stephens' opening remarks.

k. Recording Classes

There are some folks who still have concerns about this.

Comment: (Jacqui) I have another appointment, I can't stay on long. We have been working on trying to determine how to provide guidance on recording of classes. As you can imagine, it is a fact driven scenario. It would depend on class, content, etc. Again, not a bright line of who owns what when where. I do believe we will be able to come to an agreement regarding class content. Content created by the faculty would be owned by the faculty. We probably need to address this more thoroughly so I can address specific questions. Dr. Shields, perhaps you, I, and Dr. Stephens can start the framework for this discussion. I don't want to put it off, but I have another obligation.

l. Emeritus Status

I will tell you that it seems that there are a few items, including this one, that really is a handbook clarification item. To remind everyone, the handbook committee distributed its draft to the Senate and ELT at the same time. I have been at work on it with the Deans and a few other members, going through it, taking a look at items. There are some that Cindy and Jacqui will look at. Other items pertaining to faculty responsibilities, P&T, etc. One of those is getting a clearer definition of what Emeritus status is. I think we will develop that in conjunction with the senate by way of responding to the draft and there will be broader conversation going forward. I don't think we will be done by the end of January, but, it is in process. But, having it as part of the handbook as opposed to a unique items is more of a proper way to go.

Comment: I might add, as we look at the handbook as senators and think about the comments we want to give, that might be something to look at. What suggestions we have as far as the benefit etc.

Comment: My hope is that once feedback goes back to the committee, it's in the senate's hands to respond to it whether it's the committee or the group as a whole, but, we set up a good dialog about what the priority items are.

m. Restored Access to All Faculty List Serve

Question: Is there any chance for the faculty to be restored to the status of having access to that?

Response: (Rick) Yes. Can I tell you how? No, at the moment. It's currently up in the air. I don't think there is a reason not to have it, but, there are some IT and other confidentiality concerns we may want to resolve before we get to that point. What's right and good for ListServe content, etc. I think at some point it will be resolved that way.

n. COVID Committee/COVID dashboard

Unfinished Business

o. Major Items

i. Faculty Handbook (tabled at December meeting)

Remains tabled

New Business

p. Major Items

Curriculum Proposal 20-21-01 (first reading)

Curriculum Proposal 20-21-02 (first reading)

Motion to consider them as a group (Long/Cuchta). Passed.

Motion to approve for first reading (Long/Cuchta). Passed.

Question: These are not adding credits?

Response: No. First one allows for two courses so nurses know how to give correct dosages. Seemed like an important skill.

Comment: It is broken into two sections. One is more basic, one is more critical care. It will be an elective, not a requirement for the ASM program.

Question: Will it contribute to the majors?

Response: Not sure I understand.

Question: Will it be an elective that counts toward the major?

Response: No, the credits are full for the ASN, if they take the RN to BSN it could count toward elective credit.

q. Minor Items

i. Approval of ACF Legislative Agenda

I was asked to get feedback from the faculty, and if possible a vote. Nothing binding about that vote.

Motion to approve the ACF agenda (Reneau/Long). Passed.

Comment: #6 campus governance. Is a crucial element going forward for H.E. as I noted earlier regarding the HEPC having any kind of oversight on program reviews, apparently they don't, which means our BoGs have no oversight, so we need something in place.

Question: Would you clarify? I think because you mentioned this in December, there was a passing reference in BoG, this is an initiative that is a collective desire and action on behalf of the reps of Institutions around the state, it is not some peculiar FSU item.

Response: No, in our discussions, the concerns about the autonomy of BoGs was pretty universally spoken.

Comment: I'll make sure to clarify that at the next BoG meeting.

Question in chat: In post-Capital riot what is the status of campus carry?

Response: Your guess is as good as mine, but, we have a supermajority of Republicans in Charleston. I think it will reappear and it's more likely to pass than it ever has. I'll let you know.

Open Forum

Is there a deadline to sign the agreement?

Today, I did not hear an extension. But, reach out to Cindy as suggested so you have the opportunity to discuss it. I don't know what to tell you about this, we all have to make our own decisions. I think there were legitimate concerns that were raised. I appreciate the concerns that were raised, and the questions.

Motion to Adjourn (Long)
Meeting Adjourned 5:08

Next Meeting: February 9, 3-5pm

***If you have items for the agenda please send your request to the Faculty Senate President (Charles.Shields@fairmontstate.edu) by Tuesday morning February, 2020 for consideration by the Executive Committee.**