**Academic Senate Executive Committee Minutes**

**MONDAY, April 13, 2020**

**By Zoom**

**(Approved)**

***Call to Order***

Academic Senate Chairperson Susan Kalter called the meeting to order.

Senator Kalter: So, we only have, it looks like we only have one Oral Communication, and the approval of the Senate agenda, but there are actually three things that we need to talk about. One of them is… or actually, I’m on the old Senate agenda. Sorry, I’m not on the one that Cera sent around second. So, it looks like there are two things. So, one of them is the nominating procedures for the Chairperson, Secretary, and Exec, and the virtual election, one of them is the ReggieNet recording, and one of them is the arrangements for the Presidential Commentary. So, I’m good starting wherever we want to start. You know, the Recording Statement might be the easiest one to start with, but, you know, where should we go first?

Senator Mainieri: We can start with the recording statement if that’s where you prefer to start.

Senator Ferrence: Yeah.

***Distributed Communications:***

***04.10.20.01 From Susan Kalter: Possible change to ReggieNet recording statement***

***04.10.20.02 From Susan Kalter: Videotaping Class statements***

***04.10.20.03 From Susan Kalter: Permission to record form***

Senator Kalter: Let’s do that then. So, what happened with this (the Recording Statement) and I can’t remember when it got put up. And just because I happen to be in English, I saw that there was some controversy about the statement in my department. And so, what was interesting about that discussion was that there were two people complaining about it, and four to five others who were like, what are you complaining about, or trying to sort of explain what they thought was Legal’s intention in putting that up on ReggieNet. But one of the things was, obviously, did they get any faculty input on actually putting this statement up? Another part of it had to do with intellectual property concerns, which was interesting, because the property concern was actually “hey, I want to share this, I want to be able to share the stuff that I’m doing because everybody around the country is, you know, sort of hobbling through all of this, and the statement makes it looks like I can’t use my own class to help other people.” And I’m trying to remember if there, it seems like there was the obverse of that also, like people concerned on a more long term level about intellectual property and students potentially misusing stuff that’s online.

But in any case, what happened was that I just happened to have a meeting with Lisa Huson a couple weeks later, maybe a week and a half later, and we didn’t have a ton of stuff on the agenda, so I asked her about that, and she had sent it to Wendy Smith, who then sent the potential revision, which is what we should probably talk a little bit about. And so then, the other thing that I did was I asked (because Dimitrios is the chair of the Academic Affairs Committee) I asked him, do you think Academic Affairs needs to talk about this? Should Exec talk about this, you know, exactly who should talk? So, that’s why we’re here, because he recommended that we talk. And, David, you have your hand up, so, I’m going to go to you, Senator Marx.

Senator Marx: Yeah. I was just going to say that one of the issues that I think people had with that statement was it sounded as if it were coming from the instructor, rather than to just be a more general statement. So, when it popped up, I believe it was the first day of classes, if I’m not mistaken, but when it popped up, I read it, and it took me a little bit to understand what it was trying to communicate, but then I did understand it, and then I moved on, so. But other people may have had trouble with the fact that it looked like it was from the instructor.

Senator Kalter: And I wasn’t very worried about it, because I knew that we had helped Legal (like a year or two ago) construct a similar statement. So, I knew that they were working off of that, and that they needed to do it quickly, because, I think you’re right, David, that it was the first day of classes.

Senator Mainieri: Yeah. I just wanted to get some clarification. So, if we talk about it today, what would be the next step? That is goes to the floor, or what would be the process here, just so I understand the context for my comments.

Senator Kalter: I’m not sure that it needs to go to the floor of the Senate. I think if anything, and as Dimitrios pointed out, many of the people on Academic Affairs Committee are actually also on this committee, it’s sort of more giving advice to Legal about the potential revision that they came up with. And you know, do we see anything else? And whether or not I need to circle back to the two people in my department who brought up the concerns in the first place.

Senator Mainieri: It seems to me that you were talking about some of the comments relating to wanting to share our own materials with other colleagues, maybe in the same discipline. I’m not sure I see in the revisions where that is allowed. It still seems to say that it’s only allowed for use by other students in the class for purpose of individual and group study.

Senator Kalter: Okay.

Senator Mainieri: So, that would be, if that was one of the reasons for these revisions, I’m not sure I see that reflected in the changes that I see in front of me, unless I’m missing it.

Senator Kalter: Okay. And I’m trying to remember, at one point, my department chair was working with Legal to clarify the statement, and they did come back with a clarification for our department. It may be that there’s a distinction between sharing the video of a classroom, because that obviously is student permissions, versus sharing things that you have produced like voice over recordings and things like that. So, I can double check that, but I have written that down. So, Dimitrios had four things that he had, that I don’t think I sent that around, but he can articulate those, and then I put yours, Tracy, on as a fifth item to just ask them, do you need to clarify that in the statement or is this a distinction that needs to be clarified. And then, Dimitrios.

Senator Nikolaou: Yeah. So, I think you were going to mention the four points. So, yeah. When I read the statement at the beginning (similar to David), I also didn’t find a problem. But then when I reread it after we got that email, the way that it was phrased it gave me the impression that… where it says that, “I may be recording each class,” it gives the impression that if I have discussions on ReggieNet, once the student goes on ReggieNet they are automatically recorded. So, I thought that probably what they meant is, probably they had in mind that synchronous Zoom meeting, instead of the asynchronous meetings. Because already, even when we’re doing our summer online classes, we do have voice overs of our lectures. So, these ones we can serve them freely. But then, because for the synchronous meetings the students are going to be talking, or they’re going to have videos, I think that that’s what they wanted to capture, the more synchronous where students are exposed, compared to any other online material that we, as the instructors, we may be recording, and make accessible to the students. That was the main one.

And I think there was another question on, if the statement should appear on ReggieNet or not. And I thought that the instructors should have the option of opting out of said statement, because not everyone is going to have video component, or voiceovers. And then, for instructors who are actually using videos in their classes, it should automatically generate on ReggieNet, and there should also be a link to the form that Wendy created for, you know, giving information.

And the fourth item that I had, because I went to CTLT’s website where they have the recommended statement for the syllabi, and there was a slight difference, because on ReggieNet it said the students may not photograph visual materials that accompany them. But this is not included in the new statement. So, then I was thinking, well, okay, we say that you cannot record what you’re seeing on the screen, but you can easily take a picture, and especially if it is a Math course, an Econ course, a Physics, where there are formulas on the whiteboard, well, that’s the thing that you would want to take a picture of, or the graphs that we are creating.

Senator Marx: Yeah.

Senator Nikolaou: So, these are the comments that I had.

Senator Kalter: Those were the comments that I had that you had, so that’s good.

Senator Ferrence: So, my only concern with it, I mean, I think it’s generally good, but it feels like a legal CYA in the sense that, you know, best practices in consenting is generally not the way I see this is done, because it’s a onetime popup right at the beginning, and if you say yes, and don’t remind me, and so the likelihood you forget… So, in circles of ethics, they would say, “well, a consent where you, the first time you log in, it says either consent now or you can’t proceed, a lot of people are just going to click it without even reading it to get on, and then they’re going to forget that it was there. So, I’m not sure it’s real consent. It’s just making sure a button was clicked. On the other hand, I don’t want to necessarily every time be reminded, but what I did myself on it was, I’ve chosen to click the remind me later, and I’ve been pleased that ReggieNet doesn’t remind me even every day, but I think it’s important to have that reminder, because just because on the very first day a course is rolled out, a student clicks something, doesn’t necessarily mean they’re gonna be…. That they’re going to have an awareness moving forward. So, that would be my only thing is, I don’t know what good it does. I mean, who’s going to just look at it, and read it, and go, oop, I’m dropping the class, right. They’re just going to click it and proceed. Is that the same thing as consent?

Senator Kalter: By the way that CYA part was one of the comments out of my department. One of the things that Dimitrios pointed out in his email back to me was that Zoom, I think at some point after the statement came out, Zoom started setting up a thing where when you get recorded, you have to consent, or you have to leave the meeting. I think that that was afterwards because of all the Zoom bombing stuff that’s been going on. And then it is something, as far as I can remember, that comes up every single time that ReggieNet comes up. So, in that way, it may, Greg, it may be a little bit different from what you’re…

Senator Ferrence: Oh. That’s interesting. Because I get in ReggieNet this box that pops up, and it always has that I can either accept with a reminder me later, or do not remind me anymore, and I haven’t tested what happens when I click the do not remind. When I click remind, it doesn’t remind me more than once every couple days.

Senator Kalter: Interesting.

Senator Ferrence: But it might be that somehow, I’m staying logged in, and so it reminds when I effectively get logged out or something.

Senator Kalter: So, do we think that Academic Affairs needs to discuss it? And if not, should we just send these five points to them and ask… but otherwise the way they refined their statement seems good. Because one of the reasons we were talking, you know, it’s been… this is the beginning of the fourth week of online instruction for spring, so I wasn’t that worried at this point for that. But as Dimitrios also pointed out to me, the summer classes are now online, so we should probably get something revised by the time summer comes up. So, is it okay with everybody if we just send this feedback to Legal or does it need to go through Academic Affairs?

Senator Ferrence: Well, the only thing is, I do think it’s really important to capture what somebody brought up here, that it makes it sound like the only purpose is for students in the class. Because what struck me is, so, that means we couldn’t use it for ASPT purposes, right. We couldn’t provide a recording as an artifact of something that we did because the members of the DFSC are not enrolled in our class. And so that statement specifically says it is only allowed to be used by the students in the class.

Senator Kalter: So, we should ask them to clarify that part in the statement.

Senator Ferrence: Yeah. I mean I’d like to think that I could at least provide it to my ASPT if I wanted to as an example of how I’m teaching. I’m not recording my lectures live, so it’s a non-issue for me, but I can imagine somebody may want to.

Senator Horst: Yeah. I mean, Music does these kinds of waivers for concerts all the time for each student that performs, but then the performance is used by the professor. I guess, going back to your original question, I’m a little confused what is popping up that’s not already covered by the policies, it’s just the uniqueness of the recording of the Zooms, is that the thing that isn’t covered by our policies? Or what’s not covered by our current policies?

Senator Kalter: I don’t think it was a question… coming out of my department, it wasn’t a question of what was or wasn’t covered. People were just annoyed, first of all, that it had an I statement because it sounded like it was coming from the professor at hand, rather than from the university. That was one of the comments. And then the other one was having to do with intellectual property and sort of, I don’t really remember the quote, it was just sort of thinking that it came up as the university being preoccupied with protecting itself, rather than sharing in a time of crisis, that was one side of it. And then there was the flip side from the exact same person that was concerned that Legal wasn’t protecting faculty enough in their intellectual property. And so, really, this isn’t about a policy issue at all, it’s about a legal statement, and whether, you know, we can refine it the way we did with the original, like the one that has the permission form attached to it, and it went into our syllabi, and through the CTLT site. We at some point a couple years ago, you know, they had written up a statement and we gave some feedback.

Senator Horst: So, maybe the suggestion is to frame the tone a little bit differently, and they could say “per these policies of the university” and remind people that it’s really, it’s not the instructor’s decision, it’s based on the policies of the university.

Senator Kalter: Right. So, it looks like everybody’s comfortable with it just going from here, back to Legal for summer? Great.

***Discuss the transmission of the Commentary on the President report***

Senator Kalter: Let’s see. Presidential Commentary arrangements. We’ve already talked about this a little bit, but let me hand this over to David just with letting everybody know that Cera checked out about the Teams site capabilities whether or not we can keep things confidential if we put the commentary on Teams. Now this is something we have never ever done before. But I wanted to ask David to sort of preface this and then have a discussion about it.

Senator Marx: Okay. Our committee finished the report last Monday. We’d like to now bring it to, well, is it some members of the Exec?

Senator Kalter: It always goes to all of Exec.

Senator Marx: Okay. And so, we need to deliver that somehow. One possible way is to do a screen sharing, you know, from my computer, I can do a screen share during our meeting. That’s the one that I thought of. I don’t know if anyone else has any idea about it.

Senator Horst: There’s going to be some turnover in the members of Exec, but could we possibly postpone this discussion to the fall and bring back those members in some sort of video capacity?

Senator Kalter: So, usually Alex, Isaac, and Jalyn will stay for not only this Exec but for the next one where we would usually do the commentary. And I should have said, by the way, the only person who doesn’t get the President’s commentary is the Provost, because that’s obviously a conflict of interest to have your direct report seeing how you did. So, the only issue with that, Martha, is that usually this is supposed to go to the Board of Trustees after us, and it’s during the summer that the Presidents always get their performance review, which is sort of like an ASPT process, where this is just one piece of it. So, doing it in the fall would mean that the Board does not have comment from the campus about the President’s performance.

Senator Horst: But with there being extenuating circumstances, could we ask the Board if we could postpone.

Senator Mainieri: You said that Cera looked into using Teams, what was the outcome of her investigation? Would it be secure, or how?

Senator Kalter: To be honest with you, I don’t think so. So, what I had asked her was is it possible to disable the download where you might put something in a confidential Teams folder and not be able to actually download it. The answer is yes, but as I sort of had thought through by the time she came back, the AT person had said there’s nothing that would prevent anybody from screenshotting, from, you know, doing…what do you call it… like taking a picture.

Senator Ferrence: That would be true in any online format, regardless of whether you… if I can see it, I can take a picture of it.

Senator Kalter: Which is the problem with the online format. The way we’ve… we’ve always done this in the dark age technology, you know, where we have people come into the office, read the physical copy, pass that around during the meeting, collect it again when the meeting’s over so that nothing ever goes out, hopefully, of Hovey 419. And so, all of it, even a screen share (which is a really good idea actually) but even that is potentially open to, you know, an insecure…

Senator Ferrence: So, let me offer the counterpart then. We’re trusting a lot of our students not to cheat on online exams proctored. At what point do we have to… is it reasonable to say, you know, if the Exec is a group of people that are not trustworthy enough to promise not to look at this, we’ve got a serious problem.

Senator Kalter: Yes.

Senator Mainieri: I would advocate sharing it in Teams for however long we need it, and then removing it, and then us doing some type of blood oath that we’re not going to download or take pictures of it. Because I’m not sure postponing until the fall is the best option given the timeline of the Board, even in it’s extenuating circumstances. The only other thing that I can think is printing it out and mailing it to all of us, and then we have to mail it back, but we can still take pictures of it. So.

Senator Horst: I don’t think it is the taking pictures, it’s just the fact that it would exist in the digital universe, and anyway…

Senator Ferrence: It was collected online; it already exists in the digital universe. Sorry, Larry.

Senator Marx: That’s true.

Senator Horst: I read the commentary, did anybody else? David did.

Senator Marx: Of course.

Senator Kalter: I don’t understand how you read it, Martha.

Senator Horst: I read it in February.

Senator Marx: In the office. Yeah.

Senator Horst: In the office.

Senator Kalter: Okay. Okay. Because I read it too, but I had thought that it had not been released yet.

Senator Horst: No, it was released.

Senator Kalter: How many people feel comfortable with Teams? Let me just ask that first.

Senator Campbell: I feel comfortable with Teams.

Senator Kalter: I see Alex, Isaac, Greg, and Tracy. And Jalyn. How many people feel uncomfortable with Teams? Dimitrios and David didn’t say anything.

Senator Marx: I was using the yes/no buttons. I said yes to your first question.

Senator Nikolaou: Yeah. I’m also fine with Teams or the screen share, whichever.

Senator Kalter: All right. Seems it is. And we’ll probably also, David, do screensharing because, by that point, it won’t matter. And we’ll just trust everybody that this is, you know, obviously, very confidential, Executive Session material. That sound good? How does Larry feel about it?

President Dietz: I trust all of you. It’s not an issue about me not trusting the folks that are on this phone call at all. You know, once things are out digitally, you know, people can hack and get access to all kinds of stuff. But my experience of six years in this role, and several years before that as a Vice President is that it gives you meaningful feedback, it’s not a scientific type of survey by any stretch, but it gives you some feedback about what people are thinking generally, and I felt fortunate to get the feedback, and for the most part, it’s been very positive. I appreciate that. So, whatever this group decides, I’m fine with. I will say, to Martha’s point, that the Board is… the timeframe really is supposed to be that an evaluation occurs in the summer. That’s rarely been the case. Matter of fact, the evaluation… there’s language in my current contract about bonus, and the bonus decision was made, I think, in March for the last fiscal year. And so, the timing has not been really great on that piece of it by any stretch. And so, I don’t think the evaluation piece really, typically has not been timely in the summer. We have a new Board Chair who wants to make that a more timely and so it might be something to our new Board Chair and we have some (two or three) new Board members and so I think they want to do things more timely fashion. But there’s also been some really weird things that’s happened over the six years—we had two years of budget impasse, and now we’re in the middle of a pandemic—and so, you know. But I’m fine with whatever this group decides. I trust this group and appreciate any feedback you want to give me about the feedback that you’re receiving.

Senator Marx: Great. Yeah. I think this will work. So, is the plan to do it in two weeks?

Senator Kalter: Yes.

Senator Marx: Okay. Great. I’ll ask Cera about transferring it to the Teams secure folder, I suppose, however she sets that up.

***Nominating procedures for Chairperson and Secretary; Virtual election process***

Senator Kalter: All right. And so, then the other thing is the one that was on the Oral Communication, the Nominating Process for Chair, Secretary, Exec and virtual elections. So, as you remember back at the first meeting since COVID, the March 16 meeting, Caucus took all of their elections online. So, we’re currently doing the nomination and election process there, rather than April 22. That makes it actually a lot easier if we were to have a Senate meeting, which I, at this point, am not expecting but it would… we were thinking that it would be pretty hard to go from an Orientation, to a Caucus, to a Senate meeting on Zoom. So, those are proceeding as usual. I’m thinking that at the May Senate meeting we’ll just either do our usual vote or Cera can set up a Qualtrics page for everybody to vote into, sort of. I tested the polls out in Zoom a couple days ago and it takes you out to Explorer for some reason, I’m not sure why. So, that seems like a weirdly complicated way to do it. So, in the Caucus in the past, we’ve done Qualtrics polling so that you can actually make sure that you’re recording every person’s vote, so we could do it like that. So, anybody want to say anything else about that?

Senator Mainieri: Could you speak a bit more about the timeline that’s being used to solicit the nominations, and the reasoning behind it. I had a couple people ask me about it.

Senator Kalter: Sure. When we first talked about it, Cera and I were looking at it and the calendar… basically, we need to have the… So, if you’re in a face to face Caucus you have to first do the election for the chairperson so that whoever is the nominee out of the Caucus for the chair is not being elected for Secretary or Exec. And then the same thing is true for the Secretary position, you want to put that person in place before you have the election for the other four Exec members. So, that meant that we had to sort of spatially spread it out on the calendar, and we had originally planned five days approximately for each one, two days of nominations, two days of election out of the Caucus, with kind of a wiggle room day in case there were difficulties getting the announcement out or what have you. That took, I think if I remember correctly, starting on the 9th, I think it would have gone to, I think, the 29th. So, that gave us a little more wiggle room, so we added a third day. So, it’ll be three days of nominations for each position, and three days of election and then go to the next one.

Senator Mainieri: So, we are not doing elections during a possible May Senate meeting?

Senator Kalter: No, we are. So, this is the Caucus election. Then those nominees go to the floor of the Senate, for the election from the full Senate. That’s just the normal way of business. That’s always been the way it’s been done as long as I’ve been here. (Pause)

***\*\*Approval of Proposed Senate Agenda – See pages below\*\****

***Cancelled***

***~~Proposed~~* ~~Academic Senate Meeting Agenda~~**

**~~Wednesday, April 22, 2020~~**

**~~7:00 P.M.~~**

***~~Call to Order~~***

***~~Roll Call~~***

***~~Housing Presentation by Vice President Levester Johnson~~***

***~~Chairperson's Remarks~~***

***~~Student Body President's Remarks~~***

***~~Administrators' Remarks~~***

* ***~~President Larry Dietz~~***
* ***~~Provost Jan Murphy~~***
* ***~~Vice President of Student Affairs Levester Johnson~~***
* ***~~Vice President of Finance and Planning Dan Stephens~~***

***~~Advisory Item:~~***

***~~Action Items:~~***

***~~Information Items: None~~***

***~~Consent Agenda Items: None~~***

***~~Academic Affairs Committee: Senator Nikolaou~~***

***~~Administrative Affairs and Budget Committee: Senator Marx~~***

***~~Faculty Affairs Committee: Senator Crowley~~***

***~~Planning and Finance Committee: Senator Mainieri~~***

***~~Rules Committee: Senator Seeman~~***

***~~Communications~~***

***~~Adjournment~~***

Senator Kalter: All right. If there’s nothing further on that, we’ve got approval of the proposed Senate agenda, which is cancelling the Senate meeting. How’s everybody feel about that?

Motion by Senator Horst, seconded by Senator Marx, to approve the cancellation of the Academic Senate meeting for April 22, 2020. The meeting was approved.

***Adjournment***  
Motion by Senator Mainieri, seconded by Senator Campbell, to adjourn. The motion was unanimously approved.