

## **Fairmont State University Faculty Senate**

### **Meeting Minutes**

**December 1, 2020**

**Members Present:** Chuck Shields (President), Donna Long (Vice President, Humanities), Jason Noland (Secretary, SoEHHP), Tom Cuchta (Webmaster, Computer Sci & Math), Jim Davis (Exec. Comm., Business & Aviation), Todd Clark (Ex. Comm., Social Sciences), Paul Reneau (Ex. Comm., SoEHHP), Gina Fantasia (BOG), Dan Eichenbaum (Performing Arts), Denice Kirchoff (Nursing), Jim Matthews (ACF), Janet Floyd (Business & Aviation), Jennifer Satterfield (Nursing), Molly Barra (Library), Musat Crihalmeanu (Engineering Technology), Nathan Myers (Humanities), Nina Slota (Behavioral Sciences), Rachel Cook (Natural Sciences), Robert Niichel (Comp. Sci. & Math), Steven Roof (Academic Affairs), Tabitha Lafferre (Engineering Technology), Tim Oxley (Academic Affairs).

**Guests:** Rick Stephens, Deb Hemler, J. Robert Baker, Mirta Martin, Susan Ross, Amanda Metcalf, Troy Snyder, Amanda Sanchez.

### **Called to Order at 3:01pm**

#### **I. Reading & Approval of the minutes from the November 10, 2020 meeting**

**Motion to approve Reneau/Cuchta. PASSED**

#### **II. Reports of Officers, Boards and Standing Committees**

##### **BoG Representative, Gina Fantasia**

Not a lot to report. Did not have a meeting in November, but did have committee meetings. Full meeting next week on the 10<sup>th</sup>. Board book has been forwarded.

Items on the agenda Relevant to Senate: Resolution in support of the Arts programs is on the agenda. Chairman Goldberg and Adkins elected not to put it on the Academic Affairs committee agenda, but on the full agenda.

Since Faculty Senate in the last meeting authorized distribution of the Likert scores from the Presidential Perception Survey to the faculty, and also authorized the Likert scores and comments to BOG, those were forwarded to the BOG.

Question on behalf of Performing Arts: Resolution is listed as information item. Do you have an idea of what will happen with it?

Response: Wish I had more information, I wasn't a part of that. When I talked to with Ms. Adkins and Chairman Golberg I was told the decision was made to put it on the agenda for the December meeting. I don't know what that means. I assume it means they don't intend to take action in December, but I would guess there will be some board discussion is my assumption. I just looked at the agenda when I got the board book this morning.

Question: looks like the discussion will be public and not behind closed doors?

Response: It is posted on the agenda, and unless it meets some exception in the open meetings act it will be a public discussion.

### **ACF Representative, Jim Matthews**

Met the Friday before Thanksgiving. I have a lot of information items for you.

Political changes announced or know are coming:

National Joe Biden's 25 person transition team to USDE has committed to reverse all Betsy DeVos policies. In particular in the next few months we expect to see a flurry of Executive Orders. One will be to rescind current H1B Visa restrictions which could allow us to see an increase in international students post-COVID, as well as DACA. Should see a much more friendly environment for international students.

New regulations for loan forgiveness: Biden has spoken to the allowances that people don't seem to ever qualify for and make them more accessible. Has not embraced full loan forgiveness. Also expected to remove regulations that favored national accreditation over regional accreditation. This made the playing field more friendly to for-profit institutions.

Also creating a FAFSA simplification bill to make it more straightforward. Lemar Alexander who has been chair of Senate Education Committee is retiring, the name that I'm hearing the most is Rand Paul who has advocated eliminating USDE.

State Level: also transformed environment  $\frac{3}{4}$  majority for Republicans in both houses. No legislation has been announced. Campus carry is expected to come up and to pass since they have the numbers.

Statistics shared from HEPC:

Enrollment statewide is down 4.4% in 4 year institutions since last year.

First time freshman enrollment down 5.2%.

New adult student enrollment is down 32%.

Applications for Promise down 81% from this time last year.

1,800 fewer WV students filling out a FAFSA than last year.

Pretty clear that FSU is in the best position as far as state institutions and enrollment, but we will hear a lot about recruitment for fall.

Couldn't come up with a hard, fast list of bills to discuss since we don't have a legislative agenda yet. But talking points:

Identified highest priority to extend and improve broadband in WV, I think you will see a broadband bill.

How we have adapted to changes from the pandemic. Many legislators see Higher Education as incapable of change. We turned on a dime and as a state did pretty well with universities staying open

Expanded access to mental health for our students.

Encourage and support recruitment for post-secondary globalization initiatives. Not sure how

much support it will get.

Provide transparency in campus governance, asking to administer faculty evaluations of BOG's and administrators to the Dean level.

A few senators asked me to inquire about Confidentiality agreements across the state, will discuss that when that item of business comes up.

Question: Re: Promise was that related to students not having access to the SAT's/ACTs?

Response: That is certainly one of the factors. But, there has been a pretty broad waiving of those requirements this year.

Question: Any discussion on if students not having access to guidance counselors when they are at least partially online is one cause for reductions in Promise applicants?

Dr. Martin: According to HEPC lack of response for Promise was not for current year, but for fall of 2021, so we are still about 11 months from there. The reason now that it is speculated people are not applying is because students are operating in the here and now, they don't see going to school next year as of yet. We have an expectation that the Promise scholarships will increase in the spring, and HEPC is taking a proactive measure which is we have identified all students that, based on GPA alone, would qualify for the Promise. Rather than waiting on them to send us the information, HEPC is sending them a postcard so the parents can see it, and an email so the students can see it saying that they prequalify for the Promise scholarship. It tells them they need to take the ACT or SAT – we are not waiving those for Promise or merit scholarship because to do so would be virtually impossible financially. Many of us, have pivoted, FSU has led the charge thanks to Charley Hively we have residual tests that we will be able to provide our students for this year. Promise deadline for this year was extended to December, for next year it will be extended to October. They will have access to take it. It is of grave concern. It is telling of what may be coming down, but regrettably, is not a matter of access to internet or being remote but a matter of them not being able to see past today. So, We, the COP [Council of Presidents] are being proactive.

Question: COP?

Response: Council of Presidents. I happen to be the President. It involves all public institutions in WV. Meet three times a week, and bring in people from the chancellors and may have members of the admin, national guard, DHHR, etc.

### **Executive Committee (2020 PPS)**

Wanted to report back that at the last meeting you gave us directive to disburse the Presidential Perception Survey results to faculty, BOG, and Dr. Martin. That has been done. Comments do remain confidential aside from Dr. Martin and BOG. I don't know the process going forward in terms of what use will be made of them, but that has been done.

## **III. Reports of Ad Hoc Committees**

### **COVID Committee**

Refer to resolution 1.1

### **Faculty Handbook Revision Committee**

Dr. Baker, chair: What we submitted was a draft of 8 sections of the handbook we have been working on. Task was to update, revise, and reorganize the handbook. Also submitted a list of 8

recommendations for actions that need to be taken. Going forward, when we hear next month from you, Dr. Stephens, and admin that the plan is to hold 3 forums for faculty suggestions, then have an updated handbook delivered by the end of the Spring term.

#### **IV. Announcements/Information/Discussion**

##### **President Martin**

Quick update: First and foremost, thank you for all of you who participated in the commencement video. I hope you had the opportunity to see it. Made possible by Jared Tadlock and the work of URM. Many of you were able to record your greetings, and we are grateful. Received many notes from students and parents about how they appreciated us doing that for them.

Wanted to let you know we also celebrated the nursing pinning through a virtual ceremony. Face to face with social distancing for students while parents watched the live feed. Students were incredibly happy to be able to partake in that ceremony.

I am sure Dr. Stevens will speak about it, but I wish to thank those of you who are participating in the winter term. We were the first in March to create a new academic calendar that was based on the Covid model that predicted a spike in early November, that came to reality. By the time that came around, we were already finishing. That afforded us the opportunity to bring in the winter term. It is important because it affords the students who have not done well or not as well as they have wanted to take the class over while staying in sequence to be on target to graduate. Many of our classes are only offered once a year - if someone had to wait it would put them behind. This will do wonders for retention. Additionally, winter term affords us the opportunity to generate a little bit of income, which is critical these days. We are always looking to ensure the financial stability of the University. That means we can keep our jobs, not cut salaries, or furlough. I believe as of this morning we had approx. 278 student registered over approx. 50 courses. That is outstanding. For those of you who are spending this time teaching, I am grateful for that.

Professional Development week is underway. SOEHHP started yesterday, Nursing is today. I understand especially the HLC sessions have been lively and filled with questions. As you know, when I arrived here we started the journey to reaccreditation. They will be joining us in about 18 months. We are now in full blown accreditation mode. Our Accreditation is the lifeblood of the Institution. We are on route to be able to ensure that we not only get re-accredited but re-accredited very strongly for the next 10 years.

Athletics: Tentative calendar that we should be voting on in the next 25 minutes (MEC), long and short is the first contest would be January 8 for mens/womens basketball who will play 16 games. Most sports will be cut in half their playing time. All sports will play during spring semester. NCAA has pushed out strong and restrictive mechanisms by which we are allowed to play including determining which sports are high contact, or medium or low contact. High contact will be tested 3x a week while they are playing – NCAA requirement. Medium and low will be tested 25-50% of students 1x a week.

At the moment we have 4 scenarios for return to school to mitigate the impact of COVID-19, and the need to retest everyone upon our return. Yes, we will test all faculty, staff, and students. Most likely will follow the protocol from the fall. Most likely in the Falcon Center instead of the drive through format but are awaiting verification before we decide which scenario to implement. Should have information by end of this week or beginning of the following week.

Question: The PPS survey information data just came back, I was wondering how you would make use of the data. I am especially concerned about Questions 1,2,3 and 6.

Response: I have not seen any of that information. Once I receive it I will be happy to give an answer.

Question: I saw an ad from the Univ of Pitt where they are offering blanket in-state tuition for all students in WV. Is that something we can try to offer for people in Pittsburgh or Columbus?

Comment: No, under state code anyone outside the state cannot obtain in-state tuition. However, last year we passed a metro rate which is now being reformatted as a scholarship. All of our students from congruent states will receive 1.5x the in-state tuition. Granted, for parents obviously who want to say that my son got a \$20k scholarship, even though that's what they would have gotten for the rate difference, they don't have that to say. So, we are remarketing that metro rate, it's the same amount of money, but marketing it as a scholarship so individuals from outside the state are able to say I have a scholarship in the amount of xxx number of dollars.

Question in Chat: Did Senate not send Dr. Martin her surveys?

Comment: Yes, Dr. Martin did I not send you an email with the PPS survey information?

Response: Okay, I'm sorry I thought Dr. Eichenbaum was referring to another survey for PPE.

Clarification: No, I was referring to the Presidential Perception Survey

Question: Does that mean you have had a chance to look at it?

Response: Yes, but I am not prepared to answer the question I don't have the survey in front of me. We have an exceptional team over PPE who has been recognized across the state for their work.

Question: What I am interested in is that "The President budgets creatively, garners new resources, and makes choices about what programs are worthy of investment in an atmosphere of shared governance." We have 24 disagrees and 15 strong disagrees we have never had a statement form you about the cutting of the music and theater programs.

Response: Thank you for the question, I will tell you that the Presidential Survey is for me to understand the needs of the faculty and I have taken them into consideration, and that is what I am prepared to say.

### **Interim Provost Stephens**

Much of what I have to say will be covered under the business items on the agenda. I will be happy to report on what I see as my side of the process in relation to the faculty handbook. I will say it has been a pleasure working with Robert. I think we have a good process.

We are in the midst of submissions for faculty reviews for various purposes. Promotion and tenure is ramping up. The

President reported on winter term, today is the last day for those numbers to move a little bit, yesterday and today is the add/drop. Remarkable number for a first year that we didn't get started on until mid-September. Did not get to set up a dedicated registration for winter term, which caused some confusion, but it's an amazing number. There are a lot of faculty getting mid-year pay because of this, which is another benefit. Cancelled maybe 3-4 classes, due to no enrollment or faculty decided not to teach it for prorated pay. This gives an opportunity for a course to build from this year to next year. Continued to run the numbers by Jacob and Krista to make sure we are above water with associated costs: faculty pay and indirect costs. We are well in the black. Hopefully be benefitting the University generally with additional revenue, and a few other special projects.

Did ask the Deans if they were getting feedback on winter term, anything cropping up because students are in classes now, etc.

At the beginning of fall semester you received a number of Memos from me, probably way too many, one at least that I had to send out an "oops" where I got something wrong. We are going to be doing more of that in the next week or so as we get ready for the spring term, trying to reinforce face to face, rights, responsibilities, obligations to students, what's online, what's face to face, what we can say to students about attending class. One thing that has happened as students complete the semester and are now home, in conversation with Mom and Dad/others they will ask how it went. They may say they took a course but it was pretty much online, they will call to ask why they are being charged full tuition for an online class. Occasionally, we even misstate so we will be working on our vocabulary so we are all clear on what we are saying and how we are saying. By and large faculty hung in there this semester, we know there is going to be more traditional winter illnesses that will crop up that will probably move students in and out of the face to face, but we will be clarifying these things as we move forward.

Question: You mentioned sabbaticals and promotion and tenure are ramping up. Last senate you mentioned sabbaticals had not been reinstated. Can you be more clear on the situation with those?

Response: Not really since the last meeting. It is a value Dr. Martin and I have. They always depend on fiscal health of the Institution. We know we are going to be running into potentially grim numbers, potentially as early as spring but certainly next fall as we are projecting. My hope is to put a benchmark in that if we achieve X we can reinstate sabbaticals. One of the better things to do is to minimize the cost in the sabbatical semester or year to the I while supporting a faculty member on leave? If you have to cover every course with overloads or adjuncts that ramps up the cost? We need to make sure we are paying attention to the numbers.

Question: I was asked by some of the constituents to make a request that future semesters that the paperwork responsibilities like AFR, safe colleges, etc. be spread out better throughout the semester. A lot of faculty felt the stress of finishing the semester in this environment and were frustrated with how much came up.

Response: That's reasonable. I got my safe colleges done with 5 minutes to spare last Friday. I will mention, with Safe Colleges, the opportunity to complete that was way back in September. Like others, I procrastinated. The other pieces make good sense to me and it makes sense to spread it out. Next year we may even use part of Faculty Development week to get it done.

Comment from Chat: Safe colleges has been extended to this Friday.

Question: On the question of new PPE, President Martin said there would be testing. What about replacement masks, etc.?

Dr. Martin: At the moment, we are looking to see what we can do. We may be able to provide faculty with replacement masks. But we are looking, candidly, at faculty and staff with replacement masks. But, that would be the extent of it. The testing is supported by the state government so there is no charge to the Institution, only by means of volunteering which we requests people do – it is a massive undertaking especially at the beginning of the year to test 4k people over a short period. However, as far as PPE at the moment we are trying to see if we are able to secure masks to provide for all employees, but until such time as we are able to have a definite answer from providers I am not in a position to tell you that it will be done or not. I won't give you my word when I can't control it.

Comment: I appreciate your response. Speaking for myself, I wouldn't need replacement because I bought them. But a greater concern expressed at the last senate had to do with replacements for returning and incoming students.

Response: Yes. For new students we will have something, but that is for new students only. For returning, like all of us, masks have become a way of life no different than buying a shirt so most students have several. Either they bought them or have gotten them in the mail, but yes we are conscious of it and we will have something for new incoming students. It's a matter of timing and we don't know when that will happen. We have a few left over from the original shipment, but there's also more of an anticipation that because we have been in this new normal of having to wear masks and it is a mandate in WV that all individuals will have masks. Whereas in the fall it was still relatively new to all of us.

Question in chat: about the consequences for meeting safe colleges training was so disabling. [no further comment due to audio issues].

### **Student Government**

Not Present.

### **Sabbaticals**

Has been addressed, Executive Committee left these on here as a place holder.

### **Recording Classes**

Rick: I did a little checking with Jacki, we are doing research on that right now. All across the country depending on the kind of Institution: public, private, proprietary, there are different rules that seem to govern who owns the final product of an online, particularly recorded or video recorded lecture. In fact, there are Institutions who are not doing this as a feature of online but a feature of every class session where there is a camera in the classroom for a variety of reasons. It's not a consistent picture as to once that is recorded who owns the recording v. who owns the development of a course. That is being researched, it will take a bit of time before we get something before we can discuss reasonably about that.

Comment: One of my colleague who was at a previous I said they went through a 2 year wrangle

between admin/general counsel, and Union. What they came down on was anything that was uploaded to the Institution's database or server was property of the Institution but, that no faculty member could be compelled to record a course and any student could reject recording. So, I think there are a lot of wrinkles out there. I just wanted to share that bit of information.

Response: I think your characterization of a lot of wrinkles is a good one. It's going to be like general education. It will vary from school to school how they will approach it, and how the Institution is trying to position itself going forward. Wrangling may be what we have to do when we get some opinions and research.

Comment: The other thing I would say as someone who teaches primarily writing classes, there's not a lot lecture, it would be a boring recording. We need to consider that not every class lends itself to being recorded.

Question: My question is, is this being recorded and what benefit is that?

Comment: This is not being recorded on video.

### **Instructional Designer Job Announcement**

Rick: Update. We received earlier in the fall GEER money at about \$1M. One of the ideas for this money was to fund an instructional designer, in this case to facilitate our virtual delivery. Fully online, hybrid, etc. That person would have 2 buckets of responsibilities. One hand, help things like helping Rick teach a sociology class who has never taught online or in a hybrid environment – how do I do this so it runs smoothly? Like one on one hand holding. That could extend to schools and colleges. Other is to create a more systematic approach to the University orientation to virtual delivery in whatever percentage or format that may be. Including assessment and quality improvement over time. We have a lot of faculty who have figured things out and share with each other what works. We have others who are trying to catch up. With that funding, we are looking to hire that kind of position so we have that in-house capacity in those two basic buckets.

Comment: Sounds like something similar to what we had in the past. Used to have a support group for online teaching- Roxann Humbert and others who were there just for that purpose.

Response: I would imagine there would be some development of structure around this person both with IT and Academic Affairs in order to make sure we have the right kind of balance. It was the desire of the winter term ad hoc to have a kind of quality assurance gatekeeping for faculty to teach during winter term.

Question is this essentially what we used to call a center for teaching excellence position?

Response: Yea, schools have these kinds of things. They would have probably exposed faculty, helped them develop with whatever the latest bells and whistles were to make classes interesting and relevant. The whole idea of flipped classrooms, etc. those kinds of centers would facilitate that. This has more of a specific focus on the virtual delivery piece. I would expect on the far side of the pandemic we won't go back to the way things were. We will embrace some of the skills and delivery methods we have adapted to. Even in a heavily f2f class there will be a lot more of a virtual delivery aspect to it. This bleeds into our capacity to use academic content at a

reduction, OER [Open Educational Resources], etc.

Question: I wonder given the raft of Faculty Development we are doing this week on exactly these matters, that we need an additional person given the difficult financial situation we find ourselves, I guess I wonder if there isn't some redundancy?

Response: That could be an interpretation if we figure one week of FD and in some cases a day or two of training is sufficient. But to have someone here on external money, available year-round to help us polish not only individual courses but also help us become more systematic about how we approach the virtual component of course delivery it's too good to pass up.

Question: clarification this is money that is part of the COVID funding packages? Is this a position for a finite period while the funding last?

Response: At the moment it's funding available as long as the funding is available. Whether it's enough for just one year or extended beyond that I can't give you the detail. It is the case that as we have discussed, we are hoping to be able to produce net on winter term that I would expect there are some funds we can dedicate relative to the continuation of delivery of our programs. That net will only grow as our winter term grows. You have to start somewhere. Here we have an opportunity to start with money that isn't dedicated to something else at least for a year.

## **V. Unfinished Business**

Major Items

### **Academic Forgiveness Policy (second reading-tabled at the November meeting)**

**Motion to take off the table: Niichel/Long Passed.**

**Motion to consider it for section reading Niichel/Cuchta. PASSED**

Susan gave an overview of the policy. It does not change or alter anything in the BOG or HEPC policy. Just clarifies the process and procedures at FSU.

Question: did we table it last time because of a question Tom had?

Comment: Yes, there was vague language, but it was clarified in the chat and is reflected in the minutes.

**Motion to pass on second reading. Niichel/Fantasia. Passed.**

## **VI. New Business**

Major Items

### **Faculty Handbook**

Received this yesterday and sent it out. It is not the expectation you would have had the opportunity to review this before now. Just wanted this on the agenda and get the process started so you can see it as senators. Robert also sent it to the admin so they could consider it at the same time. Correct me if I'm wrong, the idea is we will come back together and if there are any issues we can work through them between faculty and administration. It would be most appropriate to move to table until January.

**Motion to table until January Cuchta/Niichel. Passed.**

Robert: Different sense of the process. Plan was for Senate to compile it's ideas and send them

back to the committee by end of January. Dr. Stephens would have his colleagues do the same. Committee would do another draft based on those reports.

Comment: We can talk about it first meeting in January, if we need to have something done by the end of January we can have 2 meetings in January if need be. One just dedicated to the handbook if need be.

Question: The question is how do we compile the list of questions from the senate. My suggestion was that senators can look at this, we can talk about it at the January meeting and if need be we can come back together later in January with just this one agenda item.

Comment: Reminder that the handbook portions is not for distribution outside senate and administration at this time.

Comment: It was emailed to all faculty

Comment: That's okay because it gives faculty an opportunity to voice concerns to their Senators.

Comment: I think, just as one would expect, given enough lead time we can choose to make it a minor item of business so it would only need one reading instead of two.

Minor Items

### **Faculty list-serve maintained by Senate**

Last time we had a discussion about this. We were asked to put this on the agenda as an item of business. If you recall the discussion it was that we were informed at the last meeting as a Senate we could maintain our own listserv of all faculty.

Question: The other part of this conversation was to get some kind of response from the admin as to why the ListServ is being restricted. I wondered if Provost Stevens has any update for us?

Rick: No, I don't have an update at this point.

I move that we move forward with creating a separate ListServ for faculty that can be administered off-site open to any faculty members who would like to join.

Question: What you do mean by offsite?

Response: A Gmail account or something? I don't know how to do it.

Comment: My only concern is if there are matters of propriety by administering it offsite. It seems to me that this could also be handled by someone emailing all faculty to see who wants to be a part of it and can just reply all.

Comment: Tom, you had mentioned the possibility of doing something like this

Response: My thought was to make a list in Office 365, but offsite would also work. If you have a list of email addresses that would do it, but if you also have a list so people could be blacklisted for spam then that can be done. We were told that was originally the reason for this to happen. We can do it in 365, but we don't have control off 365 so someone could delete it. So, to have

total control would require offsite.

Comment: Joy suggested a Teams group [in chat]?

Comment: Not everyone uses Teams

Joy: going offsite you do have proprietary concerns, and I cannot guarantee the security of it. I'm not sure where the blacklist came from, I thought everyone had access to it. There is a history, and it hasn't been managed correctly. Administrators right now are the only ones who can manage the groups. I would like Deans to have the access so they can edit as they get new faculty. But, we aren't there yet. With COVID right now, it may have gotten put on a backboard. If someone can't send to a listserv just send me an email and we will take care of it. No one should be restricted, in my opinion, unless it becomes a problem.

Question: Joy are you saying, we had access to the all faculty listserv, then it was turned off. Do we not know how to turn it back on?

Response(Joy): Good question, I'm not sure I know the answer. Our email admin has left, we have a new one coming in. I think we are trying to get so much done that we haven't had time to go back to that. We need to change the way the groups are done which means changing to a new platform. We could give Faculty Senate the ability to manage the faculty list. What happens is the SOB has a list serv, SOE, etc. and the big faculty list has everyone. So, it's a layering effect. We need a better way to manage it. It takes them days to turn something on for me, so I'm not sure how long it will take to turn it back on. I will commit to work with you to get the problems resolved.

Comment: This has been on the Senate agenda since access was first restricted. What we were told by then Provost Harvey is that it was done to reduce people sending emails because kids are selling Girl Scout cookies. I don't remember getting so many of those I was overwhelmed. So, it seems a moot point. I guess I find it odd that we don't know how to turn it back on. We don't know how to un-restrict it.

Response (Joy): I don't know the ins and outs of the technology. I know we can fix it, but not today or tomorrow. It will take some time to do it right.

Question: Do you have a rough time frame?

Response (Joy): I would say sometime next semester. We are also working on 2-factor authentication, I would guess all of that would happen at the same time.

Comment: Maybe the thing to do since Joy is looking at it. Let the motion die, then see if Joy or someone in January can figure out the all faculty list and move forward. But, the simplest thing would be best if we had access to the all faculty list.

Comment: With lack of second my motion will die, but, this has been a sore spot for some time. We ask repeatedly for information but don't get it. We will bring it back up in January.

## **ii. COVID Committee Proposal**

Todd Clark shared his screen. Proposal was sent out with meeting documents. It's a rehash of the proposal forwarded in October calling for greater granularity of the dashboard reporting.

Reason being as we go into higher positivity rates, people as we come back in early January they are looking at the dashboard, it is worthy. Just ask the number of hits it gets. In the committee's opinion it should be more granular. I have four examples of that from WV public institutions. Because the faculty, students, family, staff, would benefit from the granularly. What we are talking about in item 1 is to separate cases from students/faculty and staff. Number of quarantine cases, distinguishing positive from direct/indirect exposures. Really is something if you look at WVU, Marshall, Shepherd, WVSU, they are all doing this. Why can't FSU do this? I ask this because look at the constitution of the committee, we have nursing professionals, community health, etc. It's a no brainer, why it hasn't been done already defies me. All I am asking you to do is to adopt a resolution that the dashboard be altered to include this information.

Question: What are you asking we do?

Response: I am recommending it be adopted as a resolution that the FSU Covid-19 dashboard be updated to distinguish cases between students/faculty and staff, identify quarantined students,

**Motion to accept the recommendations and resolution of the COVID committee Dan/Smallridge. Passed.**

### **iii. Confidentiality Agreement (further direction from the body of the Senate)**

This is on here because as an EC we would like further direction from the Senate on how to proceed. As you know, Rick Stevens, Cindy, and I met. Cindy agreed to extend the deadline to December 10. But there were other concerns and I sent Cindy a series of questions that were sent to me by faculty and she has not responded yet. I don't know if that's unreasonable because there were 24 questions. That's where we are.

Comment: It was not December 10, it's December 7.

Question: Is there a penalty for not signing?

Response: That was a question sent to Cindy. Not anything that has been communicated to me (Chuck). I don't know. I don't know that there is or isn't, but the possibility is there. What it would be, I don't know.

Joy: If you cannot tell me that you're going to guard the records of our students confidentially, I am not going to give you access to those records.

Comment: It wasn't just FERPA, those weren't the concerns. It was the broad language that addressed other things "including but not limited to" the whole concept of how broad the agreement was. I don't think anyone objected to the confidentiality of the students.

Comment: It certainly was not the objection. Legal counsel said the question of anything on the Institutional servers or databases was something we don't know what that means. Does that mean my work product, I don't own a poem I wrote on my office computer? It's very broad and I think the questions we posed were fair. I am disappointed we have no answers.

Comment: (Chuck)I will tell you, I will follow up. That is the commitment I can make. With Cindy and Rick if necessary. At this point that's what I can do. As Executive Committee we

wanted to bring this to you as the Senate to see if there is any direction.

Question: To Joy, I think there was something last time I looked, 24 separate question dealing with various aspects of legality of the memo that did not deal with FERPA. One thing clear to me that by FERPA training we agree to abide by that, and it is federal law, and by taking the training the University tells the government we know and agree. So, there is no need for a memo to reach out to that. The concern is the other stuff that's mentioned. It's now 6 days until we have to sign this. I won't sign it, because I don't know what I'm signing. Will my access be cut off on Dec 7?

Response: (Joy)No, not for this. It's best practice to have a signed confidentiality agreement. I have all IT folks to sign one, they are looking at all kinds of stuff. I want to know they know they aren't taking you data. Same time, if Chuck does the same thing he has not confidentiality agreement that he's not going to do that. I'm sure there is questions, as there always is with legal agreements. It was never the intent to cut off your access. If we had a security breach today, it would cost us millions to recover, thankfully we have insurance to cover this. That is what we are trying to avoid.

Comment: Question is we as academics have things on what can be construed as University databases. I share things with law enforcement and intelligence daily without fail. Whatever I write as far as my own academic writings I share on Sharepoint, that could be construed as a U database that could be governed by confidentiality. We have serious problems.

Response: (Joy) I don't know what the questions are, but we aren't shutting anyone off in 9 days, but this is a step in the right direction. But, I do think there is work to be done.

Rick: I was in the meeting with Chuck and Cindy. Few observations, the meeting we had was not designed to try to rewrite the agreement, it was written by others. We did agree that we would try to come up with an explanatory email to try to address a number of the issues or questions that people might have. On the other hand, an observation is many of us already signed these relative to other tasks: search committees, staff, etc. The fact that it came out when it did – going back to things that hit at the end of the semester. I get it that this particularly form in the comprehensive way it was distributed and expected back was an awkward time, and caught people by surprise because it hasn't been done annually. There isn't anything nefarious here, we are just trying to sort it out. We will figure out a way to a common understanding on these things.

Comment: I am heartened to hear Joy say there is a compromise. There is no choice on federal law. I think if there was more narrowly tailored language – I haven't heard anyone have an issue with that. It just needs to be more narrow in terms of scope and reach.

Comment: I appreciate that, too, Joy. Just to hear there is an opportunity for ongoing dialog is good.

Comment: We will keep this on the agenda as an ongoing item and at the forefront so we can get some resolution.

Comment: I think questions have been raised as to what we are to do.

Comment: I haven't heard a thing.

Question: Do we have any resolution? What do we say to faculty about this?

**Motion that FS recommend faculty not sign the document until the questions are answered and any penalty or language issues are resolved Dan/Clark**

Comment: I am a little uncomfortable making a potentially legal recommendation to faculty in the form of don't sign this form

Comment: I would agree with this. I don't feel we are in a position to do that. I know that I have not done the research on this and wouldn't be comfortable advising, if you were my client, about what to do or not to do at this point. I'll also tell you that he's not the only one who signed it. I know others who have signed. But, there are choices to be made and these are legitimate concerns on people's part. I don't disagree with that.

Comment: I will say that my intention is to report back to my faculty what we talked about, that there is no penalty for not signing. That there seems to be an understanding on the part of the admin that the questions are not resolved and that there is an ongoing conversation but that there is not penalty for not signing at this time.

**I like Donna's response, I withdraw my motion and will respond the same to my faculty (Dan)**

Question: Is what Donna said as true accepted as fact?

Rick: It is fact that we are still working on it.

Question: Is it fact that we will not be penalized or have access withdrawn?

Rick: It is factual Joy will not restrict access. It was ambiguous what a penalty may be, but It would not be significant. When we met, we already had 350 faculty/staff already return them. That is why my intent was to get an explanation to accompany it to make people feel better about it. To go back and rewrite it is challenging at the moment.

Question: You said Joy is not going to "Withdraw" what does that mean?

Response: Joy is not going to remove your access on this. Safe Colleges is different, but not this.

Comment: I can say that I can confidently speak for every member of this senate that no one here would intentionally do anything to violate any confidentiality. I think we are all professional enough to know that. People's concerns are we need some specific explanation of what we should or should not be doing, and I think we can get there.

Question: On behalf of a colleague, can a signed form be withdrawn while we continue to discuss the agreement?

Rick: I don't know the answer, but, someone could always ask Cindy if they could have their form back.

**New motion, I motion to request an extension of the signing deadline to such point as our**

**questions have been answered satisfactorily. Eichenbaum/Clark**

Comment: I am concerned about the ambiguity of the motion just like the document. Answered to whose satisfaction? I don't know how you ask for an extension on that basis?

Response: My point is we should have at least some answers for the questions that have come up. Penalties for non-signature.

Comment: I would suggest asking for an extension of a date certain. I get what you are saying, but it would seem to me to be a more realistic approach to ask for an extension on a signature to a date certain so it gives Rick and Chuck, Joy a chance to talk back and forth to figure it out.

Response: I would suggest then, February 1.

Comment: I'm going to say, if we are going to choose a date, choose one shortly after our Senate meeting in February because I can easily see January getting away from us, we don't have answers, and no senate meeting at which someone could make another motion to extend the deadline.

Comment: February 12?

Question: What date is out February meeting?

Response: February 9

**Motion amended to motion to extend to February 12. Passed.**

## **VII. Open Forum**

**Motion to adjourn 5:15pm. Niichel.**

**Next Meeting: January 12, 2021 3-5pm**

**\*If you have items for the agenda please send your request to the Faculty Senate President ([Charles.Shields@fairmontstate.edu](mailto:Charles.Shields@fairmontstate.edu)) by Tuesday morning January 24, 2021 for consideration by the Executive Committee.**