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Faculty Affairs Committee Minutes of the Academic Senate 2012-04-10

University of Dayton. Faculty Affairs Committee

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Faculty Affairs Committee of the Academic Senate

Meeting Minutes

Tuesday, April 10, 2012, 1:30 – 3:00, St. Mary's 113

Present: C. Daprano, P. Donnelly (ex-officio), L. Hartley (Chair), E. Hicks, D. Johnson, P. Vanderburgh, R. Wells

Absent: P. Banerjee, S. Hughes, K. Kelly, A. Jipson, C. Merithew, K. Regan, A. Seielstad, K. Trick

1. The minutes of the March 29, 2012 meeting were not approved because we did not have a quorum. They remain posted on the Porches Group for FAC.
2. Update of "University Guidelines for the Allocation of Faculty Responsibilities" proposal from FAC:
 - a. Dr. Hartley revised the proposal according to FAC's discussion at the March 29 meeting.
 - b. The revised proposal was sent to FAC for further comments.
 - c. The final revision was sent to ECAS on April 2.
 - d. ECAS is questioning if the proposal action should be changed from Legislative Authority to Consultative.
 - e. ECAS will be sending this proposal to all faculty for feedback.
 - f. The proposal is to be presented at the April 27 Senate meeting for discussion, and a possible vote.
3. Outside Employment revision proposal discussion:
 - a. There is some question whether or not the action of this proposal should be legislative or consultative. This should not prevent FAC from sending the document forward.
 - b. Question – why should the faculty have a policy that parallels staff policy on outside employment? (especially since reasons for and types of outside employment can differ greatly between faculty and staff) Dr. Donnelly said that the President's Council decided that Human Resources policies apply to all faculty and staff (such as benefit packages). Dr. Wells stated that currently we have policies that differ between faculty and staff.
 - c. The benefits of such policy for faculty provide supervisors/administrators with a base line. The policy does allow for flexibility and suggests the average amount of time allotment (8 hours a week) for outside employment if approved.
 - d. Question – is the current outside employment policy working for staff? It was suggested that a follow-up with HR could help determine this.
 - e. Prof. Hicks and Dr. Johnson suggested that the first sentence of the rationale (version 3-21-12a) be removed and restructure the rationale.
 - f. Dr. Wells stated that there is a lack of clarity with competitive issues, conflict of interest, and conflict of commitment. Perhaps these aspects could be better defined.
 - g. An outside employment policy needs to exist to avoid legal challenges, such as competing institutions and companies.
 - h. Dr. Vanderburgh stated that faculty have flexibility and latitude in their weekly schedules that staff do not. Without a number (such as 40-hour work week), faculty could challenge the commitment. The policy would help provide a boundary.

- i. Dr. Johnson brought up the issue of 'on-going' vs. occasional and irregular outside employment. The proposed policy could be problematic due to the approval process for each and every outside employment opportunity (what happens when there is not much notice?). Could the policy cover 'as needed' outside employment? Dr. Donnelly mentioned that a blanket approval could not oversee competing organizations and conflict of interest. The hands of the supervisor/chair/dean should not be tied.
 - j. Dr. Wells stated that the policy is designed to protect the university and not to restrict faculty members from outside employment opportunities. However, approval should be limited to requests exceeding the 8-hour limit. Dr. Donnelly said that this would not prevent the conflict of interest and non-competing aspects. Faculty must have permission to avoid conflict of interest and competing organizations. Dr. Donnelly gave the example of a faculty member being asked to teach a course for Wright State University each week. Even though it would likely be within the 8-hour limit, this is clearly in conflict with a competing organization. Dr. Wells suggested that a legal official should make the decision of competing organizations and conflict of interest. Should/would the Provost's office be aware of every competing organization? Dr. Donnelly reminded us that Legal Affairs is not an academic unit.
 - k. Dr. Daprano asked the question - who would keep track of the 8 hours? If the eight-hour limit cannot be enforced, why should it appear in the proposal? Dr. Donnelly said that the Department Chair would need to be accountable. Dr. Vanderburgh said that if a supervisor sees a problem, they should address it with the faculty member through a conversation, and will need a policy for back up. Timecards are not likely.
 - l. As it now stands, will this policy as it stands protect the university? Will it avoid conflict?
 - m. Dr. Vanderburgh said that a policy is something that can be enforced. Prof. Hicks articulated that this policy provides a framework for supervisors and faculty, and that it does include an appeal process.
 - n. Dr. Donnelly will revise the current proposal with a new rationale as suggested. The proposal will then be sent to FAC for final feedback. Dr. Hartley will then send the proposal to ECAS. ECAS will likely send the final proposal to faculty for feedback. It is anticipated that this document will be moved forward to the Senate for presentation, discussion, and possible vote on April 27.
4. On behalf of FAC, Professor Hicks thanked Linda Hartley for her leadership as chair of FAC this year.

The meeting adjourned at 2:48 pm.

Respectfully submitted by Linda Hartley (in absence of Sheila Hughes)