Approved Minutes  
Meeting of the University of Dayton Academic Senate  
21 April 2017  
Kennedy Union Ballroom, 3:30-5:30 pm.  
Joseph M. Valenzano III, President

Present: James Robinson, Joel Whitaker, Joe Valenzano, Caroline Merithew, Todd Smith, Carissa Krane, Shuang-yu Wu, Lee Dixon, Laura Leming, Jeanne Holcomb, Mark Bain, Jim Dunne, Jeffrey Zhang, Rebecca Wells, Matthew Peters, Kevin Kelly, Corinne Daprano, Phil Anloague, Mary Kay Kelly, Elizabeth Kelsch, Eddy Rojas, Charles Edmonson, Markus Rumpfkeil, Deo Eustace, Andrea Sieelstad, Dori Spaulding, Kathy Webb, Emily Hicks, Ann Biswas, Mateo Chavez, Paul Benson, 

Absent: Jason Pierce, William Trollinger, John Goebel, Minh Ho, Mark Jacobs, Ben Bonne, Andrew Strauss, Amy Krug 

Guests: Lawrence Burnley, Paul Vanderburgh, Carolyn Phelps, Jim Farrelly, Kim Trick, David J. Wright, Wiebke Diestelkamp, Serdar Durmusoglu, Aaron Altman, Allen Bruce, Marguerite Wallace, Philip Appiah-Kubi, Maher Qumsiyeh, Eric F. Spina, Cilla Shindell, Michelle DiFalco, Shannon Driskell, Angie Jabir, Fran Rice, Peter Hansen, Diandra Walker, Anne Crecelius, Suki Kwon, Tom Skill, Jana Bennett, Linda Hartley, Sam Johnson, Mary Ellen Dillon  

1. Opening Prayer: Sr. Laura Leming  

2. Minutes of 17 March 2017  
   a. Approved with correction by unanimous consent.  

3. A motion was made and seconded to amend the agenda to allow President Spina time to address the Senate. The motion was unanimously approved.  
   a. Eric Spina presenting  
      i. Update on the UD Arena renovations  
      ii. The Arena is essential to the University  
      iii. Three possible levels of renovations were discussed  
      iv. Infrastructure repairs are needed in near future  
      v. Funding for any additional renovations under discussion  
      vi. Some initial work may start as soon as this summer  
      vii. Question was raised about the potential impact of this work on other projects such as a performing arts center or science center. Impact should be minimal.  

4. Committee Reports  
   a. APC—Markus Rumpfkeil reporting  
      i. He thanked the committee members for their hard work and noted that they met almost weekly  
      ii. Accomplishments include:
1. We added annotations to senate document 2010-04 to illustrate clarifications approved by APC and the full senate in the spring of 2016.
2. We discussed and recommended approval of the process developed by CAP-C for the Review and Renewal of CAP Courses.
3. We reviewed and recommended approval of an Undergraduate Academic Certificate in Applied Creativity for Innovative Transformation, which the senate subsequently unanimously passed. This was the first undergraduate certificate to be successfully reviewed and passed.
4. We reviewed an Undergraduate Academic Certificate in International and Intercultural Leadership (carry over to next year).
5. We reviewed an Undergraduate Academic Certificate in Sales Leadership (carry over to next year).
6. We conducted a fact finding mission on experiences with the Post-Tenure Review Policy (Final report will be send to ECAS).
7. In addition, we also fulfilled our role of overseeing CAP-C
   iii. See Appendix A for the full report.
   b. SAPC—Jeanne Holcomb reporting
      i. The committee’s work focused on the diversity & inclusion report that was delivered to the Academic Senate in March 2017. They have no carry-over items (to next year) at this point.
      ii. See Appendix B for the full report.
   c. FAC—Andrea Seielstad reporting
      i. She thanked the members for all their hard work this year.
      ii. Highlights include the now approved clinical faculty promotions policy and extensive discussion on the outside employment policy and the application of the 100% compensation practice.
      iii. See Appendix C for the full report.
   d. ECAS—Joe Valenzano reporting
      i. ECAS consulted with a variety of individuals and groups this year, including
         1. Larry Burnley on diversity issues
         2. Jason Reinhoel on enrollment management & diversity
         3. John Leland on research/Seed grants
         4. Steve Wilhoit on vocation implementation team work
         5. Steve Wilhoit, David Wright and Deb Bickford on SET issues
         6. Br. Ray Fitz, SM and Amy Anderson on executive orders and international students, staff, and faculty.
ECAS discussed a variety of issues and documents this year, including
1. Reengaged the Information Literacy Task Force
2. Investigated the Code of Regulations issue raised by a faculty member
3. Various CAP-C nominations
4. MS in dietetics
5. MS in music therapy
6. Maternity leave report
7. Engaged UNRC to solicit nominations for the merit task force
8. Participated in visioning discussions
9. Participated in interview processes as appropriate
10. Consulted on some facilities projects with administration
11. Updated clerical changes to Senate constitution
   a. After discussion, a motion for the Senate to accept the changes made by ECAS was made and seconded. The motion was approved (27 for, 0 against, and 3 abstentions)

5. Resolution on Installation and Strategic Vision
   a. Emily Hicks presenting
      i. RES 2017-01 recognizing Eric F. Spina’s installation as the 19th President of the University of Dayton and encouraging him to continue to engage the Academic Senate in the strategic visioning process.
      ii. A motion was made and seconded to approve the resolution. The motion was approved (28 for, 0 against, 2 abstentions)

6. Revised Processes and Procedures of the Academic Senate
   a. Emily Hicks presenting
      i. The proposal to amend DOC 2007-05 Processes and Procedures of the Academic Senate was reviewed.
      ii. A motion was made and seconded to approve the amendments as presented, including RES 2017-01. The motion was approved (29 for, 0 against, 1 abstention)

7. Student Athlete Successes
   a. Angie Jabir (Associate Director of Athletics) presenting
      i. 85% of student athletes receive partial financial support while about 1/3 receive no support (i.e., football, rowing)
      ii. Four values
1. We Fully Embrace the Values, Mission, and Identity of the University
2. Recruit Relentlessly
3. Meaningful Education
4. Do The Right Thing For the University and Our Athletics Brand

iii. Challenges include scheduling: 10 out of 14 A-10 schools are on the east coast; the students hate to miss classes
iv. The last two slides list various academic accomplishments of student athletes
v. She thanked professors for working with the athletics department to help athletes
vi. See Appendix D for full presentation.

8. Student Evaluation of Teaching and their Impact on UD’s Campus
   a. Jana Bennett (Special Advisor to the Provost on Women, Equity and Climate) presenting
      i. Research prompted by recent articles in Inside Higher Ed and The Chronicle as well as anecdotal concerns of women faculty, especially inappropriate student comments
      ii. Literature is mixed about whether SET has positive or negative impact on women faculty
      iii. A significant concern in the literature: the degree to which SET is linked to merit pay, tenure and promotion, and contract renewal
      iv. Surprised that UD does not currently examine SET data for potential bias by gender or race, nor does it mark the data with those categories to enable that kind of analysis
      v. Quantitative analysis of SET in relation to gender and race would provide a helpful benchmark
      vi. Preliminary results of chairperson survey include:
         1. Most chairpersons contextualize numerical and comment data on SET when writing their reports, emphasizing general trends they notice
         2. 77% report noticing 0 or very few inappropriate comments
      vii. Preliminary results of faculty survey include:
         1. Two-thirds of respondents: report numerical scores for annual merit; compare themselves to department averages; find SET to be useful for their own teaching
         2. Faculty worry that:
            a. SET has too much influence in PT committee decisions
            b. Student response rates are too low for useful data
c. SET is used inappropriately to rank faculty numerically without proper context

3. 90% of faculty perceive no inappropriate student comments

4. Women perceive more inappropriate comments in some areas, especially related to body appearance, dress, gender, and race

5. People of color perceive more inappropriate comments in some areas, especially related to nationality, race, and accent

viii. Preliminary Recommendations
1. Provide more transparency regarding use of SET data by chairs and PT committees.
2. Offer specific information about whether and how scores and comments are contextualized in annual merit, contract renewal, and PT reports.
3. Pay particular attention to supporting minority and women faculty, and untenured faculty, who may feel especially vulnerable regarding use of SET
4. Explore more formative avenues for using SET

ix. See Appendix E for full presentation

x. P. Benson stated that multiple measures are used by T&P committees and more faculty development is needed concerning the use of SET data.

9. Last meeting of the 2016-2017 Academic Senate adjourned at 5:10 pm. Joe Valenzano thanked the Senators for all their hard work.

10. First meeting of the 2017-2018 Academic Senate commenced with Provost Paul Benson presiding. He thanked the outgoing Senators for their service and welcomed the new Senators to the table. C. Merithew thanked Joe Valenzano for his leadership as Senate President. K. Webb thanked Emily Hicks for six years of service on the Academic Senate.
   a. Brief introductions of new Senate

11. ECAS elections
   a. 2017-2018 ECAS
      i. Lee Dixon
      ii. Corinne Deprano
      iii. Deo Eustace
      iv. Fran Rice
      v. Andrea Seielstad
      vi. Joe Valenzano
      vii. Todd Smith
      viii. Mark Jacobs (sabbatical replacement needed for Fall)
      ix. Eddie Rojas (Dean)
x. Paul Benson (Provost)
xi. Michelle DiFalco (graduate student)
 xii. Mateo Chavez (SGA)
b. 2017-2018 Officers
   i. President—Joe Valenzano
   ii. Vice-President—Corinne Daprano
   iii. Secretary—Lee Dixon
c. 2017-2018 Committee Chairs
   i. APC—Anne Crecelius
   ii. FAC—Andrea Seielstad
   iii. SAPC—Todd Smith

Respectfully submitted,
Emily Hicks, Secretary to the Academic Senate 2016-2017
Appendix A

APC Final Report for Academic Year 2016/2017

April 21, 2017

respectfully submitted by Markus Peer Rumpfkeil, Chair APC

Members: Phil Anloague, Lee Dixon, Jim Dunne, Amy Krug, Sr. Laura Leming, Matthew Peters, Jason Pierce, Markus Rumpfkeil, Bill Trollinger, Kathy Webb, Rebecca Wells, Shuang-ye Wu, Deb Bickford (ex officio), Jim Farrelly (Faculty Board Guest)

I would like to start by thanking every member of Academic Policies Committee (APC) of the Academic Senate 2016-2017 for their hard work, dedication and spirited discussions over the past academic year. We met almost every week to complete our tasks, and as a result here is a list of what has been accomplished:

- We added annotations to senate document 2010-04 to illustrate clarifications approved by APC and the full senate in the spring of 2016
- We discussed and recommended approval of the process developed by CAP-C for the Review and Renewal of CAP Courses
- We reviewed and recommended approval of an Undergraduate Academic Certificate in Applied Creativity for Innovative Transformation which the senate subsequently unanimously passed. This was the first undergraduate certificate to be successfully reviewed and passed.
- We reviewed an Undergraduate Academic Certificate in International and Intercultural Leadership
- We reviewed an Undergraduate Academic Certificate in Sales Leadership
- We conducted a fact finding mission on experiences with the Post-Tenure Review Policy
- In addition, we also fulfilled our role of overseeing CAP-C which is a subcommittee of the APC

In more detail, APC examined the issue of CAP course review and assessment since the first batch of courses due for review came up in the fall of 2016. According to the relevant senate document (DOC 2010-04), CAP and its component courses must be assessed, reviewed and evaluated on a periodic basis. The existing CAP-C guidelines, established under the authority given to that committee by the senate, called only for departments who submitted the original course proposal to certify that the course continues to meet the CAP requirements for those components for which it was approved. This process was deemed flawed, inadequate and in need of change by both APC and ECAS in the previous academic year. Thus, CAP-C worked hard during the summer of 2016 with the various stakeholders to revise the process. In brief, the process now involves a narrative by the proposers/department chair describing how assessment has informed changes or improvements to the course, if any have been made. They are then to make any edits to the course inventory management (CIM) document that reflect those changes and have a
developmental consultation with the CAP-C regarding the course. The CAP-C then may recommend renewal of the course for the appropriate category of CAP, request changes to the course in order to renew it for a category of CAP, grant renewal for a limited time (typically two years) during which assessment must be conducted, or not renew the course. This proposed process was vetted by APC and unanimously approved on November 1st and presented to the full senate on November 11th for informational purposes.

An Undergraduate Certificate in Applied Creativity for Innovative Transformation was proposed by The Institute of Applied Creativity for Transformation (AALI) with academic sponsorship by the School of Engineering. This was the first proposal based on the newly created Undergraduate Academic Certificate Program (DOC 2015-04). All APC members saw value in the proposed certificate for our undergraduate students and we went through 3 iterations with the proposer until we were comfortable the final proposal met all the requirements. The proposal was unanimously approved on January 27th by APC and on February 17th by the full senate.

APC received two more Undergraduate Academic Certificate proposals namely “International and Intercultural Leadership” and “Sales Leadership”. We sent our response with concerns and suggestions to the proposers requesting another draft proposal from each on March 30th and April 6th, respectively.

With regard to the fact finding mission on experiences with the Post-Tenure Review Policy, APC had informal discussions on February 17th with the Associate Provost for Faculty and Administrative Affairs, the Associate Dean for Faculty Scholarship, Internationalization and Inclusive Excellence in the College for Arts and Science, the Associate Dean for Faculty and Staff Development in the School of Engineering as well as the Dean of the Libraries and interim Dean of the School of Business. We also engaged Department chairs via a Chair’s Collaborative event on April 18th to discuss the policy. The themes, concerns, challenges, and other pertinent information from all these responses have been submitted as a separate report to ECAS.

Lastly, we had a brainstorming session on April 7th and APC would like to recommend to look at the following items in more detail during the next academic year:

1. Clarifications are needed to be able to better distinguish minor vs certificate vs concentration vs emphasis. Especially the distinction between minor and certificate needs to be better defined by potentially amending DOC 2015-04 with a checklist for proposers that indicates certificate requirements and the necessity for a certificate (as opposed to a minor) are met. Currently, it appears that the only difference between a minor and a certificate is that a certificate is a set of courses that can be taken by themselves (stand alone) -- not only by students pursuing an undergraduate degree. Such students, of course, must have needed academic preparation and/or prerequisites.

2. The policy for awarding academic credit for UDI designated courses should be reviewed and potentially modified. This came up since the Undergraduate Academic Certificate in Applied Creativity for Innovative Transformation wanted
to count some UDI courses as does the International and Intercultural Leadership certificate. APC members felt that the current UDI approval process needs to be clarified and improved for that to be realistic. In particular, academic credit should only be awarded based on the judgments of qualified faculty. It appears that this requirement is not met in the case of UDI courses. However, it should be pointed out that there needs to be a good balance between rigor/thoroughness vs nimbleness in the approval process. A potential solution could be a two-tiered or two-phase system with easier initial approval but more rigor once the course is more established.

3. When initially introduced to ECAS on April 8, 2011, plans for the University of Dayton China Institute (UDCI) included limited academic programs. A year later, plans were in place to increase the academic offerings at UDCI. Current communications about UDCI suggest that sources of revenue generation have shifted from reliance on corporate partners to reliance on the delivery of academic courses and programs. Given this, it is within the scope of senate responsibility and authority to investigate the following:
   ◦ Considering the courses and/or programs scheduled at UDCI since 2012, what has been the process for the selection of UDCI's academic offerings?
   ◦ What specific involvement do members of the University Faculty have in this process?
   ◦ Through what processes are assurance of learning (AOL) standards assessed?
   ◦ Through what process do members of the University Faculty assess the qualifications of those hired by UDCI to deliver academic content in the name of UD?

4. Is a university–wide policy on academic matters associated with the online delivery of courses, degree programs, and certificates required? Given the likelihood that these offerings will be extended it is probably a good time to look at policies regarding the delivery and assessment of online courses.
Appendix B

Student Academic Policies Committee (SAPC)
End of Year Report 2016-2017
Submitted by Jeanne Holcomb

Members: Mark Bain, Charlie Edmonson, Myrna Gabbe (Fall), Mary Kay Kelly, James Robinson (Spring), Eddy Rojas, Todd Smith, Dori Spaulding, Andy Strauss, Sarah Webber (Fall), Jeffrey Zhang (Spring)

Major Activities: Report on Diversity, Equity, and Inclusion
Between October 2016 and March 2017, members of SAPC worked to address the charge that asked us to identify current initiatives on campus related to diversity, equity, and inclusion, and to offer suggestions for actions that the Academic Senate could take related to these areas. We consulted with numerous individuals across campus, wrote a final report, and presented the report to the Senate.

While there is no direct ongoing work that must carry into the next academic year, efforts should be made to follow up on items within the report.
Appendix C

To: Members of the Academic Senate
From: Andrea Seielstad and Faculty Affairs Committee
Date: April 8, 2017
Re: Final Report on FAC Charges: “Outside Employment” and “Additional University Services, or 100 Percent Practice”

I. Introduction and Background:

In addition to the Clinical Promotion Policy drafted by this committee, which was voted upon and approved by a full vote of the Senate, the Faculty Affairs Committee discussed two other charges assigned to the FAC by ECAS at the beginning of the year. These included review of the outside employment policy and what has been referred to as a “100 percent” practice that the administration has been imposing in recent years. Specifically, the charges were:

- to re-examine the Faculty Outside Employment and Additional University Services Policy, revised in May 2013, to determine if the policy is too prohibitive, and in what way it might be so, if any. See https://udayton.edu/provost/_resources/docs/Faculty%20Outside%20OutsideEmployment%20And%20Additional%20Services_May%202013.pdf [Note: this link has now been changed. The best place to view the policy is presently on p. 87 in the faculty handbook, https://udayton.edu/provost/_resources/facadminaffairs/documents/August_2014_UD_FacultyHandbook_Final.pdf]

- to examine the “100% rule” regarding faculty compensation for teaching, research or other duties beyond their regular contract, determine what is already in place regarding outside compensation, and determine whether any changes and/or a new policy expressly on the matter of extra compensation should be recommended by the Senate. See Policy For Extra Compensation Of Employees Supported By Sponsored Research Programs, https://www.udayton.edu/policies/research/extra-compensation-employees-policypage1.php; and Faculty Handbook Section IX

While the first of these issues is embodied in an actual written policy that was adopted by the Office of the Provost, the second has been applied in practice but is not embodied in a written policy. Accordingly, they will be referred to in this document as the “outside employment policy” and “100 percent practice.” Since the “100 percent practice” is an effort to regulation additional services provided by faculty to the university over and beyond their annual contracts, the issue and alternative approaches are referred to herein as “additional university services.”

FAC Process of Review. At the beginning of the year we circulated and reviewed the applicable policies regarding both issues. We also reviewed all university policies related to the subjects, canvassed and reviewed selected policies of other universities, and consulted extensively with the Office of the Provost through discussion and presentation
of information and material by ex officio members, Carolyn Phelps and Paul Vanderburgh, who participated in all FAC meetings.

There is a specific policy called “outside employment and additional university services” that was imposed by the university in 2013. See above. That policy by title and content does deal with the broad issue of “additional activities, but primarily focuses on activities performed outside of the university. It does not reference a “100 percent” cap or other limitation based on full-time salary. Moreover, as we have discussed as a committee for several meetings, while the Provost’s Office has attempted to impose a “100 percent” practice in recent years, there is no actual written policy on the matter, outside of the policy which applies to sponsored research. The additional documents that may related to the issue are discussed below in the section on “Additional University Services.”

Interconnection between the two issues: The outside employment and 100 percent practice for additional university services address similar concerns insofar as they impact faculty conditions of employment and attempt to exert authority over faculty performance of additional activities beyond the normal workload and contractual periods in a way that has an impact on faculty workload, pay and conditions of employment as well as the overall quality and offerings of our academic programs and research. Actually, they are really seeking to address the same thing: namely, what guidance should there be with respect to additional workload that may be undertaken by a faculty member in addition to his or her defined annual contractual duties, whether that may be for compensation by the University of Dayton or another entity.

Because of this overlap, the committee considered whether it would make sense to address the two issues in the same document. Since there already exists a policy entitled “Faculty Outside Employment and Additional University Services,” the committee considered whether it would make sense to propose modifications to that document, merging the outside and inside additional work concerns into one policy. A draft proposal merging the two issues was crafted by two FAC members in an effort to advance the discussion, and FAC considered whether to merge them. However, the FAC ultimately determined they should be handled separately.

While it there may be a logic and efficiency behind such an approach, the FAC determined in the end that there were enough differences in practice as well as concept that the two issues should be treated separately. We therefore proceeded to consider the merits of each issue in an effort to ascertain whether agreement could be reached on the proposal of a specific policy. In the end, it was not possible to develop precise policies or proposals for amendment, but considerable progress was made in identifying what the salient issues would be and approaches for each separate policy concern. FAC therefore recommends that the matters of policies related to outside employment and additional university services be continued to the next academic year, with FAC being charged to continue with these topics in consultation with the Office of the Provost, for the purpose of proposing specific policy.

Senate Authority over the Issues: Although the “100 percent practice” regulates an aspect of compensation, i.e., by placing a limit on the amount of compensation for additional services that may be paid to a faculty member, both considerations also have an impact on the quality of the educational programs as well. They require assessment of and potentially impact faculty workload. They may create limits on and impact the
assignment of teaching, have an impact on whether certain courses in the curriculum may be offered, and whether they will be done by full-time faculty or adjuncts and which full-time faculty would be available to do it and the extent to which outside research is supported or limited, among other things. They also impact faculty compensation and conditions of university employment. Therefore, while aspects may fall within the purview of administrative decision-making, policy regarding both issues also fall within the authority of the Senate and the FAC to either legislate or comment upon policies proposed by others, or “to propose or to comment upon policies.” Academic Senate Constitution, II(B)(1)(c) and II(B)(2)(3). The authority pursuant to which FAC and the Senate proceed is an issue that will have to be discussed and resolved, depending on what is eventually crafted and recommended by way of policy and/or revisions to existing policy.

The following sections outline the particular issues and considerations discussed and identified by FAC for each policy.

II. Outside Employment

The “Faculty Outside Employment and Additional University Services” policy was crafted and implemented by the Office of the Provost in 2013. Although the Senate was consulted at that time and, in fact, voted against the policy, the Provost implemented it anyway and included it in the Faculty Handbook. While it does not exist in every university, there are universities, i.e., Oregon, Washington, Arizona, Virginia Tech, George Mason, that require approval and set a one day per week limit on the total amount of outside compensated work that may be undertaken.

A variety of concerns have been raised by faculty about this policy, leading to ECAS’ assignment to our committee. The concerns communicated that led to the referral to FAC, include but are not limited to the following:

- concerns about the administration and approval of the policy, i.e., whether the Provost needs to be involved with each decision or it may be best resolved between the faculty member and chair with Provost review for the general criteria;
- whether there is good cause to include the 8-hour (or any other hourly) limit on the amount of outside employment that may be allowable;
- the need to better delineate between contract and non-contract distinctions for faculty on contracts of less than 12 months;
- whether instructional staff are intended to be included in the policy;
- the need to better define terms such as “perform any other activity on a regular basis” and “other entities which compete with the university” and “conflict of interest;
- the need to remove oversight during non-contractual periods beyond the prohibitions against use of facilities, resources and conflicts of interest that are defined in the policy.

Some committee members, who participated in the process of Senate review in 2013, initially expressed a feeling of futility about engaging in a renewed process of reviewing and/or proposing changes to the policy. They reminded FAC members that the Senate had voiced concerns in 2013 identical to the ones being identified now, but that the Office of the Provost had not acknowledged those perspectives, implementing the
policy over the vote of the Senate. However, after further discussion, FAC agreed that new administrative leadership, a visioning process that identified more entrepreneurial and outward-oriented action by faculty and the university as an emerging priority, and experience actually implementing the policy warranted change.

It was reported by the Office of the Provost that implementation of the policy has been smooth overall with the process providing an opportunity for review of potential conflicts of interest and commitment concerns. Most faculty who submitted requests have been approved. Less than 5 out of 74 requests to engage in outside employment have been denied in the last three years – most for teaching at competing institutions and one because the chair had raised certain issues with respect to that person’s performance under its contractual workload. At least some have been approved for more than 8 hours of work, although the policy sets 8 hours per week as a presumptive limit. The Provost also reported that very few faculty have been identified as falling short on their contractual commitments to the university, and there are processes in place for identifying and creating performance plans to address such shortcomings.

FAC members expressed concern about the principal behind the policy, to the extent it seeks to regulate faculty time and opportunities outside their contractual hours and workloads and discourages faculty from engaging in some of the outward-thinking and community-based entrepreneurial initiatives identified in the visioning process. There is a strong sense shared by faculty members of FAC that they should be able to contribute their time and expertise to outside activities, for compensation and as volunteers, without approval by the university so long as it does not conflict with identified interests of the university or cause the faculty member to fall short in performing his or her workload. Moreover, “Conflict of commitment” and “conflict of interest” are defined concepts that may be addressed in other ways, as they must be already with respect to other outside activity or faculty performance deficiencies that may from time to time occur. Members also expressed concern about the chilling effect this may have on faculty pursuing and actually submitting requests to for approval for outside employment opportunities.

Aside from these core concerns with the policy, specific issues of concern identified by way of group consensus included (1) the 8-hour-per-week threshold is arbitrary and unnecessary, (2) the lack of specificity about what activities require approval and the rationale for identifying those that are included, (3) that the requirement of advanced approval for each and every outside activity was excessive and could be accomplished by annual reporting versus approval or approval only beyond a certain level of engagement, (4) the absence of an appeal process for those denied,

**Approaches considered by FAC:** The faculty considered two approaches: (1) whether to approach the issue with a specific incremental amendments addressing the specifically identified concerns, i.e., eliminate the 8 hour requirement and/or convert to an annual reporting requirement rather than advanced department and Provost-level approval, or (2) whether to undertake a holistic rewrite of the policy modeled after strategic visioning given the different administration and campus climate. A vote was taken at the March 24 meeting, and FAC unanimously supported the second approach. Wright State’s Policy on Outside Consulting was identified as a possible alternative approach insofar as it set out more aspirational guidelines that encouraged outside consulting by faculty and provided protections from university involvement and with
respect to intellectual property. See https://www.wright.edu/research/research-and-sponsored-programs/guidelines-for-outside-consulting-agreements. It was noted that our current climate for research, community-based engagement, and interdisciplinary and entrepreneurial development was more in keeping with a holistic and aspirational new approach to outside employment.

III. Additional University Services and/or “100 Percent Practice”

As indicated above, there is no written “100 percent” policy. Although it is not exactly clear when the practice exactly came into effect or from what source it was derived, it has been implemented in recent years as a practice by the Office of the Provost with varying uniformity across campus.

There are existing policies that have a bearing on the underlying issues that the Provost has been trying to address, however. These include, as reflected and entitled in the Faculty Policy & Governance Handbook, most recently updated in August 2014:

- Outside Employment and Additional Services. Handbook, Section IV(16) at 87. Although the document has a title and certain concepts like “conflict of commitment” that are relevant to the issue of additional university services as well, its substance is primarily devoted to employment with entities outside the university.

- Recommendations for Revision to Faculty Workload. Handbook, Section IV (8) at 58. These guidelines describe the parameters for setting faculty workload.

- UDRI Extra Compensation Policy. Handbook, Section VII(4) at 114

- Compensation of Faculty for Teaching During Third Term. Handbook, Section IX (7) at 150

- Determination of “Full-Time Effort” and “Part-Time Effort” in the Third Term. Handbook, Section IX (8) at 150

- Overload Compensation Due to Illness or Death. Handbook, Section IX (9) at 150

- Finally, it was pointed out that there may be additional unit or departmental policies related to the issue of additional compensation. See College of Arts and Sciences, Operations Manual, https://udayton.edu/artsandsciences/about/ops_manual/policies-procedures-admin/extra_compensation.php. States the introduction of the policy: “The College adheres to the general University policies regarding extra compensation (Faculty Handbook Sections IX. F., G., and I.). However, there is an additional guideline in the College which does not permit a full-time faculty member to teach during both sessions of the third term, except under unusual circumstances. This exception may not be continued the following year. This guideline is based on the conviction that intense
teaching over a long period of time will result in professional deterioration. For this reason, a faculty member who has taught full-time for two and one-half terms should spend the remaining half-term in some other activity, such as research, reading, travel or relaxation.”

**Stated Administrative Objectives for “100 Percent” practice:** With respect to the “100 percent practice,” two principle concerns were identified by the administration as the reason why the 100 percent practice should be applied and converted to a formal policy. First, administrators are concerned about the possible impact on faculty workload imposed when faculty do extra, or at least too much extra, work over and above their contractual obligations. This could be manifested if a faculty member were to replace their normal already-compensated workload with extra compensation (and not actually do extra work), if a faculty member took on too many extra responsibilities such that the quality of the teaching or other work was compromised, or if the faculty member took on so many extra responsibilities for such an extended time, that he or she experienced burnout. The second concern was regarding the equitable distribution of extra workload and extra pay over faculty members willing to do it such that one or a few faculty members could not “hog” all the extra compensated activity available or, conversely, have to bear the burden of doing it. It was pointed out that a number of other universities have adopted some kind of “100 percent” practice. It was conceded also that there needs to be a written policy that resolves inconsistencies and misunderstandings that have existed regarding application of the “100 percent” practice.

**Administrative Description “100 Percent” Practice**

Although the absence of a written policy has resulted in uneven application and it has been difficult to ascertain exactly the exact contours of the practice, the intended practice of the Office of the Provost as articulated to FAC was as follows:

A base salary is determined for every faculty member. It may include faculty pay and any administrative stipend that is included as part of the annual contract, and it represents the compensation for full-time workload. That base salary should be what is reflected in every faculty members’ annual contract.

The practice is, then, to limit compensation for additional services to not more than 100 percent of the base salary in any calendar year. For those on 9 month contracts, additional compensation cannot exceed 1/3 of the annual salary. For those on 12 month contracts, no additional compensation can be earned, even if the faculty member performs additional services such as leads a study-abroad experience while chairing a department.

For those on less than 12-month contracts, the practice has been to count toward the 100 percent anything additional to the base salary, including but not limited to extra teaching, stipends, research grants, or anything else paid by the university, even when the faculty is off-contract.

Certain exceptions have sometimes been granted, and the Provost’s Office has indicated it would intend to have interest in defining those exceptions, such as awards, incidentals, requests to perform short-term or occasional overloads, certain fellowship stipends, LTC grants, etc.
Problems and Concerns Identified with the Practice

A variety of problems and inequities were identified by FAC members and other faculty who have been impacted by the policy as well as those who have fundamental objections about the use of such a method of limiting faculty workload and attempting to regular also activity performed outside of the normal workload. Interestingly, most members of FAC have personally been impacted by application of the 100 percent rule in ways that limited compensation for prizes or additional services, caused them to have to forego certain opportunities, and/or increase their normal workloads without additional pay. Problems that have occurred include but are not limited to:

- Faculty members were uncompensated or under-compensated for teaching loads that exceeded the 100 percent cap.
- Classes were cancelled or assigned to adjuncts when the faculty member with expertise had exceeded the cap due to other obligations, thereby impacting the curricular offerings and quality.
- Ability of departments to deliver required courses or revenue-generating online or summer courses is sometimes impinged, as classes have to be cancelled or offered to graduate assistants or part-time and adjunct faculty rather than available full-time faculty.
- With respect to compensation that is not based on a percent of salary, such as set stipends, awards, or classes that are compensated with a fixed amount, those with lower salaries are allowed to receive less compensation than those with higher salaries, creating and exacerbating other kind of inequities that exist within departments.
- Faculty members with 12-month contracts, including department chairs, may be required to do additional uncompensated teaching or other service, i.e., in summer months, outside the ongoing administrative duties and expected teaching assignments.
- There is a disparity between the 100 percent cap that is intended to be applied to all full-time faculty and instructional staff and the 120 percent cap listed in the policy for sponsored research.
- At least one faculty member was denied an award because she had exceeded the cap with compensation for other additional activity, including administrative and sponsored research.
- High performing faculty members who contribute robustly under their full-time contract and also may be called upon to perform additional services especially may be limited by this cap.

Members of FAC had a difficult time understanding how the 100 percent policy effectuated the stated administrative goals. Conflicts of commitment may exist with or without additional compensation, and rates and methods of compensation are not necessarily connected to a 100 percent limit. Additionally, it was noted that the policy does not fit the principles and organizational structure of our leadership, which localizes to departments and units the setting of most standards, and works fundamentally negative restrictions on faculty performance, workload, external activity and morale. Some members felt that the policy works against encouraging faculty to excel and be fully compensated for their contributions insofar as it caps pay for productive and efficient members of the faculty who are able to perform additional services without conflict of
commitment. It was also emphasized by several members of FAC that summer or third term compensation, which is already addressed by a separate university policy, should be treated as a separate matter altogether. Finally, members pointed out that concerns about quality of teaching, faculty burn-out, or faculty replacing contractual responsibilities with additional activities without actually performing anything extra may be addressed in other ways and/or are already provided for under existing university policy defining workload, conflict of commitment, third term compensation, etc.

For these and other reasons, the majority of the members of FAC expressed deep concern about the 100 percent practice as a viable policy at our university and suggested that there would be other means and other policies that could be developed to address the Provost’s stated goals.

Alternative ways of monitoring University-compensated additional activities:

In an effort to reconcile the administration’s stated goals with faculty concerns, FAC discussed alternative approaches to the “100 percent” practice. A Draft Faculty Supplemental Salary Proposal was prepared and considered by the Office of the Provost that embodies the concepts described above regarding the existing practice.

Another proposal considered and formulated by some members of FAC did not impose any cap in compensation, but rather focused on the relevant considerations, already existing in our policies and reiterated by the Provost as the objectives behind the 100 percent policy – conflict of interest and conflict of commitment. It also addressed the concern about equitable distribution, requiring that departments develop an equitable means of identifying additional compensation and distributing it to full-time faculty who are willing to perform it. For example, it provided: “Time spent on additional activities is in addition to, rather than a part of, the full extent of a faculty member’s responsibilities at the University. Additional activities should not impinge upon the time necessary for the proper and effective performance of the member’s responsibilities to the University, whether those responsibilities are definite or implied, regularly scheduled, or performed when convenient. The faculty members’ engagement in additional activities should not cause the member’s colleagues to carry some of the member’s duties (e.g., teaching, research, committee work or student advising). The department chair, evaluating the facts and circumstances of each individual case, will determine if University responsibilities are or may be compromised.”

That proposal also addressed the issue of additional university services between and across units, encouraging that kind of work and describing how payments would be arranged between units and departments. Primary review and decision-making, under that proposal, as well as criteria, were left at the departmental level in consultation with Deans and the Provost. For example, the proposal provided: “Each department, through its Chair, or in the case of the Law School, the Dean, in consultation with the Deans and Office of the Provost, shall develop guidelines for determining (a) the level of compensation appropriate to the additional services that are required during the third or summer term or during the academic year, (b) for equitably distributing the additional services to full-time faculty willing to perform them, and (c) a maximum additional services workload that may apply to all faculty, i.e., no more than 3 or 4 additional courses in summer months, or a means of ascertaining on an individual basis that faculty members are able to perform them without a conflict of commitment.” Departmental faculty consultation might also be included and prioritized in a proposal of this nature.
FAC did not have time to settled upon a particular approach or comment upon the details of each of the ones it did review. However, FAC did determine that there are a variety of possible approaches that might be utilized, including one embracing the “100 percent” concept and ones that did not and offers these details by way of example. There are policies at other universities, i.e., University of Alabama, St. Mary’s, Chaminade, that utilize different approaches to the problem of additional university services and compensation.

Faculty workload v. compensation. Because of the charge as well as the actual impact and concerns that the 100 percent generates for faculty at the University of Dayton, a primary goal of this committee should be to try to craft a workable policy that seeks to address the administrative concerns as well as those of faculty. Because the “100 percent” practice may be used, at least in part, as a proxy for monitoring or increasing faculty workload, members of FAC expressed concern about this possibility and urge next year’s committee to clearly differentiate between workload and compensation and ensure workload is not impinged in the name of compensation regulations.

IV. Conclusion.

Given the priority of the Clinical Promotion Policy and the length of time it took to draft, get feedback, and work that document to the full Senate, FAC was unable to craft precise policy recommendations regarding the outside employment and additional university services compensation and workload issues. Based upon our findings and deliberations, however, FAC recommends that these issues be continued into the next academic year and that next year’s FAC be charged to, in further consultation with the administration and other affected constituencies, to consider, draft and recommend policies related to these issues.
VALUES

• **We Fully Embrace the Values, Mission, and Identity of the University**
  
  — We support the Catholic and Marianist vision of education by connecting athletics to learning, leadership and service. We are committed to inclusion, diversity and equity. We are active and engaged in our community. Athletic contests build community through the engagement of students, alumni and fans. We strive to work closely with our campus partners and integrate ourselves and our activities with theirs when appropriate.
VALUES

• Recruit Relentlessly
  – We purposefully recruit high performing student-athletes and individuals who fit the values of the University. All employees have a responsibility to support recruiting efforts and present a welcoming environment. We are only as good as the coaches, students and staff we have.

VALUES

• Meaningful Education
  – and graduation of student-athletes. We provide student-athletes an authentic opportunity for a meaningful education that leads to successful graduation and an opportunity for employment in their chosen professions. We integrate student-athletes into the general student body and are committed to the Academic Honor Code and all aspects of academic integrity. Employees are expected to support the educational pursuits of all students, cooperate with faculty and represent athletics well to all academic offices.
VALUES

• Do The Right Thing For the University and Our Athletics Brand
  – We have high ethical standards and demand integrity of all employees and student-athletes. We comply with University of Dayton, NCAA, conference, state and federal regulations. We simply do the right thing. We vigorously represent our brand. It defines who we are and what we stand for as a Division. Our brand should be reflected in our daily work and interaction with employees, staff, students, fans and all those who interact with our Division.

**FLYER STUDENT-ATHLETE ACADEMIC SUCCESS - 2015-16**

- 376 STUDENT-ATHLETES
- 71 NATIONAL ACADEMIC HONORS
- 3.31 GPA AVERAGE THIS YEAR
- 80% WITH CUMULATIVE GPA 3.00 OR HIGHER
- 256 ATLANTIC 10 COMMISSIONER’S HONOR ROLL ACCOLADES
- 81 NAMED TO THE PFL HONOR ROLL
- 991 APR WELL ABOVE NATIONAL AVERAGE
- 30 CONFERENCE ALL-ACADEMIC HONORS
Appendix E

Impact of Student Evaluations of Teaching on Women at UD
A Preliminary Report

Introduction

Two main factors led to this study:

- Recent articles from *Inside Higher Ed* and *The Chronicle of Higher Education*
- Anecdotal concerns of women faculty, especially inappropriate student comments
Beginning: Sampling of Research Articles

- While there are clear cases of evaluations of teaching negatively impacting women...
- There are also clear cases of evaluations benefitting women.
- And murkier cases where it is unclear the degree to which gender is a factor.

Some of the difficulty is the numerous confounding factors that affect some data in some studies. There is likely gender bias in some of these additional confounding factors.

- A significant concern in the literature: the degree to which SET is linked to merit pay, tenure and promotion, and contract renewal.

Beginning: Further Conversations

LTC SET Team (Deb Bickford, Susan Brown, Steve Wilhoit, and David Wright)

- Emphasizes SET as formative
- Examines SET research, to raise questions, concerns, and points needing clarification on UD's SET
- Focuses on research that argues students can and do have good judgement about what facilitates their own learning. Good SET questions help elicit student judgements.
- Hosts a variety of workshops and offers a variety of reading material aimed at helping faculty develop teaching skills.

Beginning: Further Conversations

- UD does not currently examine SET data for potential bias by gender or race, nor does it mark the data with those categories to enable that kind of analysis.

- Quantitative analysis of SET in relation to gender and race would provide a helpful benchmark.
Initial Research Concerns

1. Determine key concerns regarding SET across UD's campus, especially in relation to its impact by gender. Because the general research literature was inconclusive, and the results dependent on other university communities, I thought that focusing specifically on our campus and its practices would be most beneficial.

2. In response to concerns raised about SET, seek best practices for the university community.

Preliminary Results:
Chairperson Survey (Fall 2016)

30 Respondents

Chairpersons primarily use SET data in the following ways:
- To provide information in writing annual evaluations of pre-tenure faculty.
- To provide information in determining contract renewal for part-time faculty.
- To observe patterns of teaching and respond as appropriate.

Most chairpersons contextualize numerical and comment data on SET when writing their reports, emphasizing general trends they notice.

77% report noticing 0 or very few inappropriate comments.
Preliminary Results: Chairperson Survey

Chairs seek to support faculty encountering inappropriate comments in the following ways:

- Some respond when/if faculty request support
- Some directly seek out faculty for face-to-face conversations
- Some will email faculty and ask if there are questions or concerns
- Some speak with faculty about when to ignore mean spirited comments

About half of chairs specifically seek out low scoring faculty and do some of the following:

- Suggest working with the LTC
- Suggest using MIDs or alternate form of assessment
- Direct suggestions for improvement

Preliminary Results: Faculty Survey
(January 2017)
Faculty Use of SET

26/ respondents (of 112 teachers in Spring and Fall 2016)

- Two-thirds of respondents report numerical scores for annual merit; compare themselves to department averages; find SET to be useful for their own teaching
- 80% of faculty read comments, but only 25% contextualize comments.
- About 1/3 seek help from within their department to make improvements. About 10% seek mentoring or other advice outside their departments.

Of the third that do not find SET useful, some of the reasons include:

Low student completion rate; perceived student bias; belief that SET is an inappropriate evaluation method

Preliminary Results - Faculty Survey
Faculty Perception of Chair/PT Committee Use

- Over half of faculty see SET as having high or medium importance in annual merit reports and promotion and tenure reports. Numerical data takes special place in importance for these reports.
- There is a significant difference by gender and race: women and people of color especially perceive a link between annual merit reports and SET. People of color also see a link in contract renewal.
- There is some indication that, overall, comments seem less important for these reports than numerical scores.
- There is a trend toward untenured faculty additionally seeing comments as significant for promotion and tenure reports, and expressing some anxiety about comments.
Preliminary Results - Faculty Survey
Faculty Perception of Chair/PT Committee Use

Faculty worry that:

- SET has too much influence in PT committee decisions
- Student response rates are too low for useful data
- SET is used inappropriately to rank faculty numerically without proper context

Many faculty additionally express having no idea at all of how SET is used.

- In relation to SET, respondents who are people of color and/or international faculty feel strongly supported (66%), or strongly unsupported (33%) by chairs and administration.
- Among white respondents: strong support (65%), mixed support (25%), strongly unsupported (10%)

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Preliminary Results: Faculty Survey
Faculty Perception of Student Comments

- 90% of faculty perceive no inappropriate student comments
- Mean number of inappropriate comments = 1-2 for the year, in 2016. There is no significant difference in mean by gender or race.
- **Women** perceive more inappropriate comments in some areas, especially related to body appearance, dress, gender, and race.
- **People of color** perceive more inappropriate comments in some areas, especially related to nationality, race, and accent.
Continuing Research Angles

Focus groups (April 2017)
Quantitative analysis of SET scores (July 2017)

Preliminary Recommendations

- Provide more transparency regarding use of SET data by chairs and PT committees.
- Offer specific information about whether and how scores and comments are contextualized in annual merit, contract renewal, and PT reports.
- Pay particular attention to supporting minority and women faculty, and untenured faculty, who may feel especially vulnerable regarding use of SET.
- Explore more formative avenues for using SET.

Particular thanks to: