**ATTENDANCE:**

**College of Business:** David McCalman (2017), Kaye McKinzie (2018), Anthony McMullen (2019)

**College of Education:** Wendy Rickman-aa (2017), Nancy P. Gallavan (2018), Jud Copeland (2019)

**College of Fine Arts and Communication:** Larry Dilday (2017), Polly Walter (2018), Jane Dahlenburg (2019)

**College of Health and Behavioral Sciences:** Steve Forbush (2017), Denise Demers (2018), Duston Morris (2019)

**College of Liberal Arts:** John Parrack (2017), Taine Duncan (2018), Lynn Burley (2019)

**College of Natural Science and Mathematics:** Lori Isom (2017), Rahul Mehta (2018), Jeff Padberg (2019)

**At Large Senators:** Lisa Christman (2017), Lisa Ray (2017), Phillip Spivey (2018), Julia Winden-Fey- aa(2018), Kim Eskola (2019) and Becky Bogoslavsky (2019)

**Part-Time Senator:** Lee Sanders (2017)

**Meeting called to order at 12:45 pm.**

**Information Items:**

1. Comments – President Davis
   1. Off Campus today in meetings
2. Guest - Health and Wellness Promotion Committee
   1. Lindsey Green, Director of Wellness
   2. Gave an overview of the results of the survey that was sent out to faculty fall 2016
   3. The 450 Movement Challenge – see document on FS webpage
   4. Several initiatives throughout the year
      1. AHA Heart walk
      2. Coaches coming on campus
   5. Questions
      1. Senator Gallavan – how many months out of the year will the movement challenge be?
      2. Ms. Green - 12 months out of the year
      3. Senator Gallavan – Why did the Bear Bucks go away for everyone?
      4. Green – We wanted to offer some incentive but the former program had no accountability and it cost too much money.
      5. Senator Parrack – why did we keep this part if there was no accountability?
      6. Green - It was highly popular with UCA employees.
      7. Senator Morris – Why go below the minimum of what is recommended for physical activity?
      8. Green – We wanted the movement challenge to be inclusive and achievable for all employees.
   6. Be Well Wellness Program – health plan
      1. Discount and a surcharge
      2. See document on FS webpage
      3. Three requirements: Health Risk Assessment, biometric screening and registration to Wellvibe and Compass
      4. Senator Demers – You still get credit even if you do not participate with the research, correct?
      5. Green – yes you can check that you do not want your HRA to be used for research purposes.
      6. Senator Gallavan – Are you penalized for checking that you do not want to participate in having your HRA used?
      7. Green – you are not penalized. You would just check the box that you did complete HRA but not give consent to include it in research.
      8. Senator Burley – Can we use any doctor to conduct the biometric screening and annual physician visit?
      9. Green – Yes it can be any medical doctor
      10. Senator Ray – APN?
      11. Green - Yes
      12. Senator Forbush – may want to put that in your information because that question will come up.
      13. Provost Runge – If you get the physical with Biometric screening, you get a form from your doctor that is signed, how is that information put into the system.
      14. Green - You have a sheet with a bar code that is not identifiable. Send to Wellvibe and they will upload to your dashboard. No one will be able to see it except you.
      15. Senator Burley – what do they do with it?
      16. Green – Wellvibe gives us an aggregate report. They will tell us if we have a large portion that have high blood pressure or other issues. It will only tell us percentage of our participants but will not tell us if they are a certain age, gender, etc. We will have that information but it will be separate from the health status.
      17. Graham Gillis– we won’t know who specifically who it is.
      18. FS President McKinzie – will the results be used to fire people?
      19. Graham Gillis - No
      20. Senator Duncan – Is this data going to Stephens to use for premium increase?
      21. Graham Gillis - It could be.
      22. Senator Isom – Website where this is going to be housed, they do not guarantee that HIPPA will not be violated.

My insurance company does not ask for this information? So why should we be giving it?

1. Green - We veted the third party heavily and asked several questions before coming to the decision. We did not want to house data in-house.
2. Senator Gallavan - Why we are we doing this at all? I don’t think we need to waste money?
3. FS President McKinzie - Any question related to the security concern?
4. Senator Duncan – Is wellvibe committed to protecting HIPPA?
5. Green- Absolutely….
6. Senator Forbush – federal laws are extremely strict on HIPPA. If they violated HIPPA they would have massive penalties. No company can give you 100% that nothing will happen to your data.
7. Kimberly Ashley Pauley – The legal counsel at Stephens, their main concern was HIPPA. Everything we did HIPPA was in mind.
8. Senator Morris – What is the punitive for not participating?
9. Green – if you do not participate there is a surcharge.
10. Graham Gillis – When we went to self-insured, we saved 1.1 million dollars that would go to United Healthcare
11. Senator Demers – Notes on participation in the document. What does it mean that accommodations for people who are unable to participate?
12. Green – Special needs or genetic history would be some examples.
13. Senator Gallavan – Why are we doing this?
14. Green – UCA cares about the employees. If you can offer programming that means something to me then wellness increases and hopefully claims decrease. Wellness is not just about numbers but it is also about stress management, financial management is the holistic person. We are basically the insurance company.
15. Senator Forbush – We are not homogenous with Arkansas. We have a different aggregate than the United Healthcare pool and that is one reason why we need the aggregate data of UCA employees so we can better program and serve our employees.
16. Senator Christman – More trust from faculty and staff if the program and decisions were more transparent. Will there be a requirement for additional testing in the future for example mammograms, colonoscopy, etc.?
17. Green – We want to let you know what is to come but we do not have a concrete five year plan.
18. Senator Dilday – will it be a flat surcharge and discount for all employees.
19. Green – Yes a flat dollar amount.
20. FS President wrapped up this part of the meeting after 30 minutes of presentation and questions in order to keep the meeting moving and be able to adjourn at a reasonable time.
21. Comments – Provost Runge
    1. See notes on FS Webpage for full information
    2. Faculty Time Use Study
       1. April 19, 2017 – Faculty will receive a survey from University of Maryland about workload. Please take time to respond.
       2. Senator Morris – The task force is analyzing the workload in stages. It is an on-going process.
       3. Senator Copeland – Provost Runge, is this the same University of Maryland program that we looked at last year when we looked at workload analysis?
       4. Provost Runge– No it is a different program.
    3. Tenure, Promotion and Advancement
       1. Letters should be out by March 13th
    4. Ongoing search: Graduate Dean and Director of Sponsored Programs
    5. Ongoing search: Dean of Honors College Candidates
    6. Faculty Excellence Awards
22. Comments – President McKinzie
    1. Meeting will adjourn at 2:30
    2. Asked and Answered – See FS webpage
    3. Committees requiring tenure
       1. FS President McKinzie, Senator Duncan and Senator Spivey met to discuss committees that require tenure.
       2. Senator Spivey – Has five different motions to be proposed at the March 14th meeting.
       3. See Proposals on the FS webpage
          1. Senator Forbush –Proposal 3 – need to leave has tenure due to who can actual hold that rank.
          2. Senator Forbush – Motion 4 we need input from Library
          3. Senator Parrack – resolution rather than motions or proposals.
    4. Student Evaluation of Teachers Committee (Chapter 7)
       1. See resolution on FS webpage
       2. The resolution is to put the SET back into the handbook. It was an oversight issue. This language is what has been consistent but has received
       3. Senator Duncan moved to accept the resolution
       4. Senator Morris Second
       5. Senator Parrack - point of order – The FS did not have three days to review the resolution
       6. Senator Duncan moved to suspend the rules
          1. Senator Morris second
          2. Motion to suspend the rules passed
       7. Senator Forbush – any changes in wording?
       8. Senator Parrack – Do not see how the membership is populated. That is a fundamental question.
       9. Senator McMullen moves for a substitution to the resolution that one faculty member from 6 colleges appointed by FS. One unaffiliated appointed by FS.
          1. Senator Burley second
          2. Senator Parrack – Why are there almost as many students on the committee as faculty?
          3. Senator Burley – Gave history of the committee as she started it several years ago. They wanted a large body of students to provide feedback. However, in the beginning, they did not have a lot of student involvement.
          4. Senator Eskola – if they are not showing up to meetings then why that many students? Maybe we need to look at not having four students.
          5. Senator Duncan – it has been functioning. The new Director of Assessments has not indicated that it has not been functional or people have not been showing up.
          6. Senator Burley – If we are revising instrument, students would be interested.
          7. Discussion also ensued about the name of the committee.
          8. Senator Duncan – I would be open to the language change for alternate language
          9. Provost Runge – common language is Student Evaluation of Course. Student Course Evaluation committee.
          10. Motion on substitution has passed.
       10. Amendment to the substitution by Senator Demers to Student Course Evaluation (SCE)
           1. Amendment passed
       11. Senator Parrack – What has been the attendance for the committee?
       12. Senator Duncan – She has heard the attendance has been good.
       13. Resolution passed – **See update resolution with new wording on the FS webpage**
    5. Spring senator elections (Senators Duncan and Eskola)
       1. At-Large Faculty Senate Elections
          1. E-mail requesting nominations - March 13
          2. Spring break 20-24
          3. E-mail of nominees and bios - Monday, March 27
          4. Electronic election - Th/Fri, March 30-31
       2. College Faculty Senate Elections: Need them done before April 16 so we can invite them to Senate on the 23rd.
          1. E-mail requesting nominations - Monday, April 3
          2. E-mail of nominees and bios - Monday, April 10
          3. Electronic election - Th/Fri, April 13-14
    6. Senator Parrack – back on the previous resolution. We cannot act independently of the Handbook committee. Handbook as to approve from the senate.
       1. Senator Forbush – issue of amendments. If senate has already approved and handbook makes changes then it comes back to FS.
23. Academic Affairs – Senator McMullen, Chair
    1. Withdrawal Policy: The Council of Deans supported the withdrawal resolution to the extent that it eliminated the WP/WF grades and moved the W deadline to the 12th week of classes, but it did not support the creation of the "AW" (administrative withdrawal) designation. The thought was that employers looking at a transcript would always assume "worst case scenario" if it were on a transcript. In addition, the registrar's office can notify interested parties regarding the reason for a student's withdrawal if that information is desired.

However, a few members of the committee still saw value in at least a designation for a withdrawal for nonattendance (much more narrow than the committee's intent for the AW designation). Members of the committee are asked to think about the designation and whether we should put forth a recommendation to the full Senate at a future meeting.

* 1. Plus/Minus Grade System: While the Committee was charged with merely researching the grading policies of our peer and aspirant institutions, it has grown into broader conversations with faculty members about the pros and cons of such a system. Opinion across campus widely varies, with overwhelmingly positive responses from College of Liberal Arts faculty and overwhelmingly negative responses from College of Business faculty. It is thought that a simple campus survey, to truly gauge opinion on the issue, may be in order. I will contact institutional research and see if a simple survey can be put together and distributed (similar to that distributed by Faculty Affairs II regarding the starting day of the semester).

As for our research, it seems that the +/- grading system is popular in the North and East, not so in the South. None of our Southland Conference peers have such a system.

In Arkansas, John Brown University uses +/- grades. At the University of Arkansas, they are used at the School of Law, School of Architecture, and the College of Agriculture, Food, and Life Science. At the UALR Bowen School of Law has a system where specific grade points are assigned. Otherwise, Arkansas colleges generally do not use +/- grades.

Of our peer universities, 7 of our 16 peers have +/- grading systems: Appalachian State University, William Paterson University of New Jersey, CUNY Lehman College, Middle Tennessee State University, Eastern Michigan University, Northern Kentucky University, and Minnesota State University - Mankato.

Of our aspirant universities, 13 out of 20 have +/- grading systems: San Jose State University, Central Connecticut State University, University of Northern Iowa, Western Illinois University, Bridgewater State University, Grand Valley State University, Missouri State University, Kean University (NJ), Baruch College (NY), Brooklyn College (NY), Buffalo State SUNY, and West Chester University (PA).

* 1. Academic Integrity: Where there have not been any specific issues related to academic integrity, it has come up in several conversations. The Committee is recommending a review of our policy for next year's Academic Affairs Committee. Specifically, we should look at the process where integrity violations are filed and the sanctions therefor. Also, there should be a review of what happens when a student withdraws from a course to avoid an academic integrity sanction.
  2. Provost Runge – be specific on the letter grades. Some schools do a combination (A/B).
  3. Senator Gallavan – Can we be specific on the percentage?
  4. Provost Runge– disagree with that. That is up to the discretion of the faculty.
  5. Senator Burley – we have to report grades as A-F here.
  6. Senator Christman – Need to place the GPA points on the survey instead of the percentage scale.
  7. Senator Forbush – Discussion only if we have a resolution.

1. Faculty Affairs I – Senator Copeland, Chair
   1. Additional documents/information are located on the FS webpage.
   2. CHARGE # 1 UPDATE: Faculty Affairs I and the Senate Executive Committee have developed Survey Monkey to be used for voting on the Resolutions and Procedural Documents. A basic Test Ballot (without the Resolutions and Procedural Documents attached) was initiated and it was successful. Yet, due to formatting issues and the amount of wording for the Documents, the Documents will be put on the Faculty Senate webpage and a link to them placed in Survey Monkey. Faculty can click on the link, read, download, print, etc. and be ready to vote.

A timeline/schedule has been established for posting the voting information and process to the Faculty Association.

\*See documents on FS webpage for schedule and dates.

* 1. CHARGE # 3 UPDATE: Faculty Affairs I has received and reviewed the Athletics Department Draft Report from Dr. Brad Teague. Dr. Teague has responded to Faculty Affairs I’s comments with a revised Draft Report. Dr. Teague and Dr. Bill Bandy will present the Draft Report with Additional Supporting Data to the Faculty Senate on Thursday, February 23.

\*See document on FS webpage for the Draft Report and Additional Data.

* + 1. Bill Bandy, Chair of the Athletic Committee
       1. Has been the liaison between faculty and athletics for 15 years.
    2. Brad Teague, UCA Athletic Director
       1. 10 years with UCA
       2. Draft for communications between athletics and UCA faculty
       3. Three main areas: academics of student athletes, missed class procedures and finances.
       4. Senator Burley – who sets the budget?
          1. Dr. Teague – Diane Newton, SPARC is new funding
       5. Senator Parrack – Academic metric timeline is useful but we need a timeline with finances as well. Where the money is going and where it is coming from. Parallel to the academic metric timeline.
       6. Senator Burley – how much athletics cost us? When people say why are we spending so much on athletics and how can we spend less, who do we address to?
          1. Dr. Teague – definitely I can respond. 2006-2007 was first year for Division 1. We are in our 12th year. The best part is in academic performance. It is not about publicity but bringing in good academic students.
       7. Senator Duncan – ten year metric. Is there a way to use that comparison with D1 and D2?
       8. Senator Copeland – Missed class procedures. Communication to instructor first. The student should come first to talk to instructor. The back-up is the athletic department sends an e-mail with all of the dates.
       9. Senator Eskola – Set class schedule. How are the games decided (guidelines, how is it determine) to assist faculty in understanding how schedules are set and why.

1. Faculty Affairs II –Senator Spivey, Chair
   1. No report at this time.
   2. Meeting Friday, Feb. 23rd

**Action Items:**

1. Minutes from the last meeting - Secretary Eskola (Senator Ray)
   1. Motion to approve the minutes from Feb. 14th meeting by Senator Demers
   2. Second by Senator Mehta
   3. Motion passed
2. Resolution – veterans’ coins – **see FS webpage for resolution**
   1. Motion for the resolution by Senator Dilday
   2. Second by Senator Walter
   3. Motion passed
3. Faculty Handbook changes – moved to March 14th meeting due to time
   1. Chapter 3

**Other**

1. Committee Updates – VP Duncan
   1. Three committee where we will need three appointments
2. Faculty announcements and concerns
   1. ANNOUNCEMENT
      1. Two CLA faculty are hosting upcoming events of interest to the whole campus.

On Monday, February 27 at 6 PM in Doyne Auditorium, we will be so-hosting a preview screening and panel discussion of the American Masters film *Maya Angelou: And Still I Rise*. More information can be found:  <http://uca.edu/genderstudies/events-and-activities/>

* + 1. On Monday, March 6 at 7 PM in the Student Center Ballroom, Senator Phillip Spivey will be hosting *Witness to History: An Evening with Holocaust Survivor Susan Warsinger*.
    2. The UCA Big Event is March 11th. Be sure to volunteer!
  1. CONERNS
     1. Senator Morris – We need a double cross walk on Bruce Street by the new science building at Western Street.
     2. Senator Gallavan – Several constituents have shared with me that information has been distributed that 12-month employees (administrators and administrative assistants) are not allowed to wear jeans and t-shirts.  Casual Friday wear may consist of polo shirts and slacks.  This information seems to have started with the President.  The constituents want to know if this expectation applies to all 12-month employees, and if not, constituents want an explanation for inconsistency across campus and perhaps within units.  Also constituents want clarity regarding this regulation of 12-month employees that does not apply to 9-month employees.
        1. Provost Runge – President Davis wants to ensure that we put on a good appearance but it is not mandated. It is a suggestion to be professional.
     3. E-mail concern - I am very concerned about the HB 1249 Conceal Carry Bill. I feel very comfortable with UCA Police being able to do their job. I do not see the need to place unnecessary burdens on campus police while they doing their jobs. Having additional, untrained people on campus, such as faculty, staff and students, who do not carry or use firearms on a regular basis is not something the UCA Police should have to contend with while performing their duties.

I strongly urge the UCA Faculty Senate respect the public safety of those of us on campus and issue a statement rejecting the proposals forcing colleges to allow guns on campus.

* + 1. E-mail concern from COE - I recently learned that UCA lost $400, 000 in state funding. I don't know if it has been brought up in the Senate, but just wonder what kind of plan the Provost has to increase student enrollment in the future.
    2. Senator Isom, and Senator Parrack with many other senators echoing concerns and questions about the new UCA Wellness Program. Below are e-mailed concerns and/or questions brought forward to the Faculty Senate.
       1. Did Faculty Senate indicate that faculty wanted a program with mandatory participation?  If not, why was input not solicited prior to such a major change?
       2. Whose decision was it to implement this new punitive program without feedback from faculty?  The president, the board of trustees, etc.?  The party that made this decision should have to explain it to faculty.  This was a calculated decision to save money on the backs of UCA employees and should be explained by upper administration, not by a low-level employee (wellness coordinator).
       3. The implementation of this plan should be delayed until faculty/staff have a chance to offer feedback.
       4. The Wellvibe website makes repeated reference to employer ROI (return on investment).  That tells us all we need to know regarding the motivation behind this new program.
       5. The UCA Be Well information supplied to faculty is dishonest and deceptive.  It refers to a penalty and an incentive for participation, but really non-participation results in a defacto 50 dollar penalty.
       6. Will the base insurance rate increase in the coming year?
       7. Coercive programs such as this have met with opposition in the past.  Recently, Penn State had to discontinue a punitive program after faculty opposition.  Such programs are on the decline.  Why are we, as usual, behind the curve?
       8. Part of wellness is morale.  Was this considered before implementing this change?
       9. Do other universities in Arkansas have punitive and coercive programs such as this?
       10. We could undoubtedly lower premiums if we put cameras in everyone's houses to make sure they don't eat ice cream...but does that justify the invasion of privacy?
       11. How much is UCA paying for this product?  The Wellvibe company isn't in it for free.
       12. If you are like me, you've been getting a fair number of inquiries regarding the new Be Well program, specifically about the fact that our voluntary program requires us to give medical information to UCA or be charged a fee.  Is that even legal?  It appears so from what I can find.   I've pasted in below a link to an article that explains it better than I can (by Timothy Jost, Emeritus Professor of Law at Washington and Lee School of Law and Trump's campaign treasurer)

<http://healthaffairs.org/blog/2016/05/17/eeoc-rules-allow-significant-rewards-penalties-in-connection-with-wellness-program-participation/>

Our program is considered voluntary even though employees can be charged a fee for not participating.  The Americans With Disabilities Act doesn't apply because of something called "safe harbor" and not being in any way an expert on healthcare and law, I'm not sure what that is.  My understanding is that the health information to be collected will not be accessible to UCA people but only by the company that will keep it (Stephens, Inc.),  but I will check this with Ms. Green when she's at Senate.

* + - 1. I am writing to submit, for the record, my faculty concern related to the Be Well program.  I was able to touch on several aspects of this briefly yesterday but will try to expand on it today. Notwithstanding BOT action, I hope that continued conversation on this topic can improve the program and address some of the serious issues that it has.
      2. LACK OF CLARITY OVER PROGRAM REQUIREMENTS.  Due perhaps to the partial release of information about the program several weeks ago, it seems that the administration has sought to portray the simplicity of the program.  At the February 16th Campus Talk, Mr. Gillis reassured people that were three "simple requirements," which he defined as 1. completion of the HRA, 2. enrollment with Compass/WellVibe and 3. an annual physical.  No mention was made of submitting or uploading personal health data in connection with the second requirement.  Two days ago, one member of the Wellness committee sought to publicly reassure a colleague by indicating that there were only two requirements and that you do not have to share your data to earn the incentive.  Last week, the Faculty Senate President sought to reassure me by indicating that biometric screening would not be required this first year.   It appears, in fact, as the program literature clearly indicates that it is required.  This lack of clarity over a basic tenet of the program suggests to many that either the very people who are involved in the design or administration of the program do not fully understand it or that they are obscuring this fact because they know how unpopular it will be.  From a public relations standpoint, this is far from ideal as it will foster anxiety, suspicion, lack of participant buy-in, and resentment towards the program and our employer.
      3. FAIRNESS OF SURCHARGE.  The fact that BOTH adults on a plan must participate in order to avoid the $720/year surcharge does not validate or promote individual responsibility for one's health.  It simply penalizes an entire family for one member's unwillingness to participate. There is now zero incentive for the other adult to take ownership of his/her health--the purported aim of the program--if his/her partner declines to participate.  When I asked about this point, Ms. Green indicated that this was consistent with "best practices."  However, when I discussed this with another member of the Wellness committee, he was unaware of this determination/provision within the program.  I would suggest that this is fundamentally unfair and will contribute significantly to the resentment of the program and UCA by its employees.

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| --- | --- |
| Both adults participate | $40/month credit |
| One adult participate, one adult does not participate | $60/month surcharge |
| Both adults do NOT participate | $60/month surcharge |

https://ci6.googleusercontent.com/proxy/RnNZfQn2o2xpggJQqefCOervMbPIci5mujDPJnvl43kv6Rtxjyh5gHN_JKVzeU-aaGz3pePFgxfoAAtZJZNx8mveVTc-11j98EfuAJVcumUenA=s0-d-e1-ft#https://ssl.gstatic.com/ui/v1/icons/mail/images/cleardot.gif

* + - 1. FUTURE USE OF HEALTH FACTORS.  The administration--albeit inconsistently--indicates that the only requirement this first year is the submission of the biometric data.  However, there is cause for suspicion over future penalties in health insurance premium pricing based on other allowable health factors.  This suspicion is driven, in part, by faculty who remember being told that the switch to self-insurance would NOT result in punitive consequences or potential violations of our right to privacy, as it now will.  For some, the premium discount/surcharge that is worth $1200/year on the family plan is designed to compel an employee financially to voluntarily relinquish his/her family's right to privacy--in violation of earlier assurances from the administration.  Additionally, the administration has not--to date--provided any assurances that other health factors will not be used to create discriminatory premium pricing, based on tobacco use, diabetes, obesity, or claims experience--as allowed by the HIPAA exception.
      2. WORKERS' COMPENSATION CLAIMS.  The possibility exists, based on a developing area of litigation, that this wellness program could have the unintended consequence of increasing workers' compensation claims and premiums for UCA.  Based on the Torre v. Logic Tech decision in 2009, an employee successfully qualified for workers' compensation benefits in court due to an injury incurred outside of his official work duties at a private health club.  He  qualified because he was engaged in activities in support of his participation in his employer's wellness program and because the employer's program constituted "an affirmative act or overt encouragement by the employer to participate."  Voluntary though it may be, the Be Well program's $1200 (dis)incentive indicates clear encouragement by UCA for our participation.

1. Adjournment