FACULTY SENATE MINUTES
SAM HOUSTON STATE UNIVERSITY
24 October 2013
3:30 p.m. – 5:00 p.m.
Austin Hall

Members present:
Nancy Baker (CHSS); Helen Berg (COE); Tracy Bilsing (CHSS); Jonathan Breazeale (COBA); Don Bumpass (COBA); Kevin Clifton (COFAMC); James Crosby (CHSS); Mark Frank (COBA); Randall Garner (COCJ); Richard Henriksen (COE); Joan Hudson (COS); C. Renée James (COS); Mark Klespis (COS); James Landa (CHSS); Hayoung Lim (COFAMC); Paul Loeffler (COS); Dennis Longmire (COCJ); Sheryl Murphy-Manley (COFAMC); Diana Nabors (COE); Dwayne Pavelock (COS); Debra Price (COE); Lisa Shen (NGL); Stacy Ulbig (CHSS); Mary Anne Vincent (COHS); Anthony Watkins (COFAMC); Matteo (IT) was also present.

Members not present: Madhusudan Choudhary (COS); Donna Cox (COE); Jeff Littlejohn (CHSS); David McTier (COFAMC); Doug Ullrich (COS); Pam Zelbst (COBA); on leave: Tom Cox (CHSS).

Called to order: 3:30 p.m. in Austin Hall by Chair Renee James

Special guests: Jacob Chandler

Approval of minutes: October 10 minutes approved.

The University Curriculum Committee needs a new chair-elect. Dr. James asked the Committee on Committees to appoint someone within 24 hours.

Chair's Report
Dr. James reported on the latest meeting with the provost. The provost focused on the new Non-disclosure Agreement (NDA) and the flowcharts being created for policy revision and for the hiring process. The flowchart for the policy revision process should be complete by the end of the Fall 2013 semester. Effort certification for external grant recipients was discussed at that meeting as well; the provost will look into whether this certification process can be clarified or streamlined. One senator agreed that the process is in great need of being streamlined.

Tomorrow and Saturday, Dr.s James, Frank and Baker will be attending the Texas Council of Faculty Senates meeting in Austin. The provost has asked that we investigate how other universities are responding to the reduced powers of the Texas Higher Education Coordinating Board.

Committee Reports: Academic Affairs
The Academic Affairs Committee reported on the ongoing effort to revise FES 1 and 2. The analysis of data gathered at the two Town Hall meetings in 2012-2013 was summarized.

The committee suggested to the provost that: 1) the short form of the IDEA evaluation be used, and 2) for the FES 2 score, the adjusted scores be placed into categories rather than reporting a number. In addition, the report presented to the provost suggested that if a faculty member receives a score low enough to be of concern, that this score trigger a conference with the departmental chair to explore what factors could have contributed to the low score and what changes could be made. A senator expressed a hope that DPTACs would get more involved in mentoring faculty and coming up with creative ways to aid faculty in improving their teaching.

The provost has handed this off to the Faculty Evaluation System Committee, of which Dr. Dennis Longmire is chair. Dr. Longmire requested that anyone with specific comments on the Academic Affairs Committee report contact him. The provost told the Academic Affairs Committee that he planned to discuss the evaluation of teaching with the newly created Council of Chairs.

Several senators had thoughts to share regarding the IDEA evaluation forms. One senator commented that shifting from a numbered scale to four or five general categories could pose problems (for example, where to end one category and begin another). It was noted that the short IDEA form includes a question (for students) that should benefit some faculty at SHSU: "Do you feel that your academic background prepared you well for this course?"

One senator stated that his class sizes are often small enough that the IDEA evaluation results are labeled as "unreliable," yet the score is still used to evaluate this senator for merit and tenure/promotion, which seems unfair. Another senator commented that one standardized evaluation university-wide does not make sense when teaching varies greatly from discipline to discipline. This senator suggested that moving away from a single standard to varied standards makes more sense.

Expressing grave concern, another senator said that many comments are couched in terms of "the faculty wants X" when in fact a very small number of faculty attended the Town Hall meetings and expressed opinions. Furthermore, using the IDEA adjusted scores that do not reflect the students' evaluations of faculty but instead punish faculty whose students feel prepared to take their classes does not make sense. The senator said he is upset that the Academic Affairs Committee report went to the provost without a vote beforehand to make sure that this report represented the Faculty Senate's views. This senator vigorously disagrees with the conclusions and recommendations in the report.

A member of the committee explained that this is a courtesy report to the senate of a special charge from the provost to the committee, and the report does not imply the entire Faculty Senate's approval. Another senator stated that the Faculty Senate had discussed the matter at length in previous meetings. Dr. Longmire announced that the Faculty Evaluation System Committee he is chairing will pursue the matter with civility and fairness.

Non-Disclosure Agreement (NDA)
The new NDA has caused controversy. Mark Adams asked Jacob Chandler and others to attend today's Faculty Senate meeting to answer questions and explain the NDA.

Jacob Chandler offered to clarify some aspects of the NDA. Texas State code requires that all universities have an NDA. SHSU instituted this NDA in order to be compliant with the state code. The NDA policy went through the usual policy review process. However, the actual NDA document did not go through the policy review process. The university-defined "data owners" were the ones to create the NDA document; "data owners" are those involved in student records of sensitive information (grades, etc.). The NDA was intended to prohibit using one's user name or password in ways that put sensitive information at risk.

A senator stated that while Mr. Chandler's points were reasonable, there is additional language in the NDA that is problematic. Mark Adams had provided to the Faculty Senate a copy of the slides in the NDA training required of all SHSU employees, slides about which the senators asked numerous questions.

Several senators noted that there was a problem with slide #3, which says, "I am responsible for any computer transaction performed as a result of access authorized by use of my password." Compared to Texas State University's (TSU) NDA, this language is harsher. A senator asked, "Why am I responsible for the use of my password, if I did not give it to the person misusing it?"

Several senators pointed out a problem with slide #10: "other university policies" is not defined but is cause for immediate termination.

Further, as it stands the NDA suggests incidental use of technology is not allowed. This does not correspond to the language in the SHSU Information Security User Guide, which states that incidental use is allowed. Yet another senator commented that it is not clear who defines "authorized use" and yet we are responsible (and criminally liable) for anything that is not deemed authorized use. Jacob Chandler stated that incidental use is authorized by existing policies, which makes incidental use an "authorized purpose" under the NDA. One's supervisor defines incidental use (no one in IT defines this term).

More than one senator observed that the language used in TSU's NDA sounds more trusting and appears to assume good faith on the part of faculty; why does SHSU's NDA handle this in a manner implying a lack of trust in the faculty? A senator asked why

SHSU's NDA could not be the same as TSU's NDA, especially since both schools are part of the TSUS system. Chandler said he would need to review TSU's NDA more closely before he could comment on this.

As Jacob Chandler explained that the NDA has a different meaning than the senators were interpreting the NDA to have, one senator stated that the NDA is a binding contract. This senator further said that it doesn't matter what we are told the language is interpreted to mean, because we are legally bound by the language of the NDA. The language of the NDA needs to be softened. If someone signs the NDA as-is, that person is liable for all kinds of far-reaching problems, the senator cautioned.

Several senators felt the NDA's language in general was very harsh and implied that one can barely use one's computer for work: "I will not disclose information…" is simply too narrow. Slide #5 is too general: "data, information, contracts and/or agreements, and records (all hereinafter referred to as Information)…. is limited to my need for the Information in the performance of my officially assigned job duties." Another senator commented that on slide #12, information is not capitalized and therefore does not mean the same thing in legal terms as the previously defined (and capitalized) Information. One senator insisted that we need "information" more clearly defined, to make sure we all agree on the definition.

Some senators were concerned that the NDA training was not truly training, but something else. For example, when Jacob Chandler referred to IT-06 as a list of data classification that specifies what is public and what is not, a senator asked, why is this not included in the "training" re: NDA? He wanted to know, are we doing training, or are we signing off on something? He stated that, if it's training, all terms should be defined. Especially since, as another senator said, the risks to faculty are so extreme (i.e., loss of job). A different senator said that this NDA training is coercive (allowing only a "yes" answer at the end) and therefore not actual training. The senator further said the reminders to do the NDA training have been coercive in tone, which is not appropriate for training. Another senator said the language needs to be toned down and the other policies need to be referenced (for those who want to review them); changing the tone and referencing prior policies would better accomplish the same goal as the current NDA.

Dr. James requested of Jacob Chandler that the deadline for compliance with the NDA be extended to allow time for Chandler to review the NDA and revise some of the slides to reflect the Faculty Senate's input. Jacob Chandler said he thought this would be possible; he will check and e-mail Dr. James early next week.

Another senator asked why SHSU could not have a single-page NDA to sign, as TSU does. Chandler said that SHSU's NDA had started as a single-page and had become the training session of many slides in an attempt to create an opportunity for people to sign off electronically instead of individually signing a paper document which would then need to be collected.

A senator offered that slide #11 states all an NDA needs to state and suggested perhaps we could use that alone.

New Business

SANS training
A senator wanted to know why every single step in the SANS training needed to be evaluated (there are 15 different videos). Another senator also wanted to know why the announcement that we must do SANS training is sent in a manner that looks like spam.

Senate website
The website is in poor shape; it is very outdated. Dr. James says we now have an official go-to person, so please contact her to let her know if you have things you want to see added or removed to the site.

A senator observed that market and merit raises from the provost's office used to be posted on the Senate website and suggested it would be good to have those included again.

Barnes and Noble Faculty Enlight
Dr. James asked if, in placing book orders, faculty were experiencing problems. No senators volunteered complaints or comments.

Review of Academic Policies
Dr. James informed the Faculty Senate all academic policies need to be reviewed every three years. Dr. James encouraged all senators to look at the list of policies and see if there are specific policies that seem especially in need of review. This is likely to be something we will have to deal with in coming weeks.

Meeting adjourned at 4:59 pm.

Revised 11-01-2013 1:34:00 pm