

**AGENDA FOR  
UNIVERSITY SENATE MEETING**

*(Meeting #3, 2015-16)*

**December 3, 2015**

**4:00 p.m.**

***LB (Letterman Building) Room 125***

Approval of senate minutes of September 3, 2015

I. Announcements

- A. Overview of Senate System – Karen Kessler, Vice Chair, University Senate
- B. Next Scheduled Meetings  
Senate Agenda Committee – Monday, January 11, 2016, 2:00 p.m., Letterman Building (LB), Rm. 104  
University Senate – January 21, 2016, 4:00 p.m., Letterman Building (LB), Rm. 125
- C. Academic Posting, 2015-16, Volume XLVII-1 and 2 (Enclosure #1)
- D. Editorial Revision of ex officio membership of Teaching Evaluation Committee (Enclosure #2)
- E. Notice of Change in Office/Department Name  
Current Name: Fisher Institute for Wellness and Gerontology  
Proposed Name: Fisher Institute for Health and Well-being
- F. Study Soup – (Enclosure #3 and email attachment)  
Debbie Rodgers, Deputy Associate Provost  
John Bowers, Director of Institutional Equity and Internal Investigations

II. Recognition of Deaths

Lee Engstrom  
Professor Emeritus of Biology  
University Media Services  
29 Years of service

Joseph P. Goodwin  
Assistant Director Emeritus of Career Center  
Retired, 2013  
31 years of service

Lathrop P. Johnson  
Professor of German Emeritus  
Department of Modern Languages  
Retire of Ball State (36 years)

Jon Lewis  
Director of Campus Dining Services  
Nine years of service

III. Committee Reports

- A. Governance and Elections Committee – Karen Kessler, Chairperson
- B. Faculty Council – Michael Hanley, Chairperson

- C. University Council – Derek Berger, Chairperson
  - D. Campus Council – Rachel Johnson, Chairperson
  - E. Student Government Association – Jack Hesser, President
- IV. Report by Chairperson of Senate – Amy Harden (Enclosure #4 - Issues in the Senate System)
- A. Final Report – Task Force on Use of Personal Data (Enclosure #5)
- V. Questions Directed to the President
- VI. Question and Answer Period
- VII. Unfinished Business
- VIII. New Business
- IX. Other Items
- X. Adjournment
- /mt

MINUTES OF THE SECOND MEETING OF THE 2015-16 UNIVERSITY SENATE  
Thursday, September 3, 2015

Members Present: 53

Members Absent: 10

1. The meeting was called to order by the chairperson of the University Senate, Amy Harden, at 4:00 p.m.

Roll Call was taken by initialing the roster located at the entrance to LB 125.

Members Present: E. Agnew, A. Beane, J. Becker, D. Berger, R. Bernot, B. Chang, M. Chiuni, J. Christman, A. Crow, W. Donohoe, P. Ferguson, J. Fitzgerald, B. Frankel, J. Gruver, M. Hanley, A. Harden, M. Hill, M. Holtzman, S. Hsieh, J. Huff, J. Jemiolo, T. Jitpaiboon, J. Johnson, R. Johnson, T. King, K. Koch, R. Kraus, M. Lee, M. Maggiotto, T. Mahfouz, C. Marlow, K. McCauliff, S. McFadden, C. Munchel, E. Nesson, C. Pak, S. Pattison, M. Quick, S. Rice-Snow, K. Ritchey, S. Shim, J. Sponseller, J. Stroh, C. Thomas, B. Wagner, M. Warter, D. Wheeler, R. Wijesinghe, S. Zhuk, E. Zygmunt

Substitutes: Don Nicholas for S. Aegisdottir (Fall, 2015), Drew Vidal for K. Kessler, Denise Seabert for J. Khubchandani (Fall, 2015)

Members Absent: R. Aby, A. Brown, R. Brown, J. Hesser, L. Julian, R. Kovac, I. Livshits, C. Luchs, K. Rosenberger, K. Warren-Gordon

A motion was made and seconded (Beane/Fitzgerald) to approve the minutes of April 23, 2015.

The motion carried.

2. Announcements

Items I. A. (Reaffirmation of Standing Rules - Enclosure #1), I. B. (Statement on conservation of paper), I. C. (Schedule of Meetings in the University Governance System-Enclosure #2), I. D., (Next scheduled meeting), I. F. (Approval of Senate Actions), I.G. (Notice of Change in Office/Department Name), and I. H. (Business approved by Senate Agenda Committee on behalf of University Senate-Enclosures #3, 4, 5) were reviewed by the Senate membership.

Item I. E. (Overview of Senate System), will be added to the agenda for the next meeting of the University Senate.

3. Recognition of Deaths

There was a moment of silence to recognize the deaths of William S. (Bill) Bryant, Raymond Dean, and Tracy Hopkins Norris.

4. Committee Reports

- A. Governance and Elections Committee – the committee met today and elected Julie Stroh secretary of the committee. They reviewed editorial revisions to several committees and discussed the procedures for populating a college. The next meeting is Thursday, October 8.
- B. Faculty Council – Michael Hanley, Chairperson. The Council will meet for the first time next Thursday, September 10, and elect members to the Governance and Elections Committee.
- C. University Council – Derek Berger, Chairperson. The Council will meet for the first time on Thursday, September 17.
- D. Campus Council – Rachel Johnson, Chairperson. The Council will meet for the first time on Thursday, September 24.

5. Report by Chairperson of Senate – Amy Harden (University Senate Agenda, 9/3/15, Enclosure #6)

Amy reported several items carried over from last year, but many will be resolved soon. There were no questions pertaining to the GANTT Chart.

6. Questions Directed to the President

President Ferguson reported total student enrollment is up by approximately 2.5 percent. He is excited at the overall commitment by the faculty here on campus. Freshman numbers down and have been for several years, but the numbers look good. He thanked the members for all they do to encourage success for our students.

Academic Excellence Grants – this is the first year for these awards and there many excellent proposals submitted. There were 76 full proposals submitted out of 105. Sixteen proposals, accounting for \$4.2M were funded. He appreciated the effort of Provost King for working through a number of accounts to direct additional funding for these excellent grants. This first round is exciting, but he is looking forward to how we use this process to promote faculty development, community engagement, etc.

There were no questions for the President.

7. Question and Answer Period

There were no questions.

8. Unfinished Business

There was no unfinished business.

9. New Business

A. Members of Councils/Committees in University Governance System (University Senate Agenda, 9/3/15, Enclosure #7)

A motion was made and seconded (Fitzgerald/R. Johnson) to approve the membership of the councils and committees.

The motion carried.

B. College of Health (Power Point presentation)

Mitch Whaley, Dean of the College of Applied Sciences and Technology, as well as Denise Seabert, chair of the department of Physiology and Health Sciences, and co-chairs of the Proposed College of Health Implementation Task Force were present at today's meeting. Dean Whaley reported the representation of the task force was broad and there was significant input from faculty members to get the task force to this point, as well as endorsement from many major corporations across the State of Indiana. The Senate is not approving a structure yet, only to create a college. The presentation also includes the process of populating a college.

A motion was made and seconded (Frankel/R. Johnson) to create a college.

Dean Whaley went on to say that the creation of a College of Health has been an ongoing discussion for many years. It has, however, been under academic planning since two years ago. There was a health-related subcommittee formed during AY 2013-14, conducting research to bring together a plan. This is a timely conversation because of the increase of health-related jobs in Indiana.

The following questions were raised by members of the Senate:

- Facilities? Are departments staying where they are or is there going to be a new facility?

*There will not necessarily be a mass movement of departments until there is a design for a new building. It is also not foreign to many people to have departments/centers in different buildings.*

- Is it part of a long-range plan to have a new building?

*Yes, a new building related to health. The size would depend if everyone who votes comes to the new college. The number would determine the size of the building.*

- What is "Allied Health Completer?"

*Denise Seabert stated there is a demand to help health professionals with an associate degree to complete a bachelor's degree, because of teaching, etc. The same thing is happening in terms of supervision in units, training, clinical education, etc. An online program is more than likely because most of these individuals work jobs during the day. This would train them in education/professional development/management. It would add different skills beyond their clinical practice.*

- What about affiliation with IU Ball Memorial Health?

*We have affiliation agreements and interaction with them already. This would not end, but the area of medical education at the hospital would have some interest in the simulation lab we will have. Provost King added we already*

*have a medical school on campus – IU medical degree. It is taught here in Muncie with two years coursework and then two years in medical practice, etc. They will build the education aspects together and work with social workers, etc. This is a key feature making it attractive to our partners around the state.*

- Has population occurred already?

*Population has not occurred. It would be in the timeline that we recommended, the logical timeline would be this fall if we get through step one. There could be other programs that express interest through a voting process.*

The motion to create a new College of Health carried.

10. Other Items

There were no other items.

11. Adjournment

A motion was made and seconded to adjourn. The meeting adjourned at 4:35 p.m.

Respectfully submitted,

Rachel Kraus, Secretary

/mt

Academic Posting, 2015-16, Volume XLVII-1 (New and Revised Programs) (Enclosure #1)

- College of Architecture and Planning
  - Department of Architecture
    - (NEW) Certificate in Social and Environmental Justice (Pending ICHE Approval)
- College of Sciences and Humanities
  - Department of English
    - (NEW) Minor in Teaching English to Speakers of Other Languages (TESOL)
    - Minor in Linguistics
  - Department of Physiology and Health Science
    - Minor in Public Health

Academic Posting, 2015-16, Volume XLVII-2 (New and Revised Programs)

- Interdepartmental Programs
  - Sustainability
    - Minor in Sustainability
- Miller College of Business
  - Department of Management
    - Minor in Entrepreneurial Management
    - Major in Human Resource Management
    - Minor in Entrepreneurial Management
- College of Communication, Information, and Media
  - Department of Communication Studies
    - Major in Communication Studies (BA/BS)
- College of Fine Arts (NEW, Pending ICHE Approval)
  - School of Music
    - Certificate in Entrepreneurial Music (14 hours)
    - Certificate in Entrepreneurial Music (17 hours)

11. Teaching Evaluation Committee <sup>36</sup>

11.1 Membership – The membership of the Teaching Evaluation Committee shall consist of the following:

11.11 Voting

11.111 Seven faculty members, one representing each college appointed by the Faculty Council, one of whom must be a member of Faculty Council, for staggered two year terms;

11.112 Two members appointed by the University Council for staggered two year terms;

11.113 One undergraduate student and one graduate student appointed by the Student Government Association for one year terms;

1.1114 One member appointed by and from the Online Distance Education Committee for a one year term.

11.12 Non-Voting

11.121 A representative from the Office of Educational Excellence, ex officio, or a designee;

11.122 The Director of Unified Technology Support, ex officio, or a designee;

11.123 The Director of Research and ~~Design~~, Academic Effectiveness, ex officio, or a designee.



# Academic Senate

## UNIVERSITY OF CALIFORNIA, SANTA BARBARA

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September 23 2014

Dear Colleagues,

I write following concern on the part of some faculty about for-profit businesses such as Study Soup, Course Hero and similar, that encourage students to post course materials developed by faculty. While students are only supposed to post material that they have created or for which they have permission to post, in many cases faculty-authored material is posted and commercially distributed on these sites without permission.

These organizations recruit students as note takers from our classes, and hire them to post lecture notes, completed study guides and other finalized assignments onto their company websites. In one instance, note takers have been directed to a private YouTube site that demonstrates how to retrieve email addresses of their classmates from GauchoSpace to promote the sale of posted items.

It is self-evident that this is not the way university education should proceed. Below are some thoughts from faculty:

- When students purchase completed study guides and other finalized homework, they might think they do not need to attend lectures, do the readings and/or complete other requirements for that course.
- Accessing and using student campus-based email addresses for commercial purposes is contrary to university policies, including the University Electronic Communication Policy (<http://policy.ucop.edu/doc/7000470/ElectronicCommunications>).
- Buying and selling instructors' lecture notes and other course materials without permission is in violation of United States Federal Copyright Law and the California Civil Code. Further, UC Policy 102.23 (<http://policy.ucop.edu/doc/2710530/PACAOS-100>) **expressly prohibits** anyone, including students, from recording lectures or discussions and from distributing or selling lectures notes and all other course materials without the prior written permission of the instructor.

UC General Counsel will contact the companies to officially complain about their business practices, and faculty and instructors can also discourage these activities. Many students do not realize that the activities violate university policies. For that reason you might consider the following:

- Add a statement to your syllabus such as this:  
All course materials (class lectures and discussions, handouts, examinations, web materials) and the intellectual content of the course itself are protected by United States Federal Copyright Law, the California Civil Code. The UC Policy 102.23 expressly prohibits students (and all other persons) from recording lectures or discussions and from distributing or selling lectures notes and all other course materials without the prior written permission of the instructor (See <http://policy.ucop.edu/doc/2710530/PACAOS100>). Students are permitted to make notes solely for their own private educational use. Exceptions to accommodate students

with disabilities may be granted with appropriate documentation. To be clear, in this class students are forbidden from completing study guides and selling them to any person or organization. The text has been approved by UC General Counsel.

- Make an announcement in your classes.
- If your course materials have been posted, you are free to use this template notice: [https://studysoup.com/copyright\\_and\\_ip\\_policy](https://studysoup.com/copyright_and_ip_policy). The letter instructs Study Soup (or similar companies) to take down the materials due to copyright violation. If you have questions, you may also contact Tessa Mendez, Policy Coordinator, Office of the Vice Chancellor Administrative Services. Her contact information is: [Tessa.Mendez@vcadmin.ucsb.edu](mailto:Tessa.Mendez@vcadmin.ucsb.edu).

Best wishes for the Fall.

Kum-Kum

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**Kum-Kum Bhavnani**

Chair, Academic Senate

Professor, Sociology

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**UNIVERSITY OF CALIFORNIA SANTA BARBARA**

ISSUES IN THE SENATE SYSTEM, 2015-16

Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<b><i>FACULTY COUNCIL</i></b>												
Telecommuting (On Hold until Fall, 2016)	Salary&Benefits, to Business Affairs	11/19/12 3/19/13		[Cross-hatched]								
Special Assigned Leave Policy	Special Leave	11/4/13		[Cross-hatched]								
Policy on Consensual Sexual Relationships	Academic Freedom & Ethics	6/16/14		[Cross-hatched]								
Undergraduate GPA	Postponed	3/12/15										
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<b><i>UNIVERSITY COUNCIL</i></b>												
Telecommuting	Salary&Benefits to Business Affairs	11/19/12 3/19/13		[Cross-hatched]								
Evaluation of Online Courses	Distance Education/ Teaching Evaluation	9/16/13		[Cross-hatched]								
Responsible Conduct of Research	Agenda to Research	9/15/14		[Cross-hatched]								
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<b><i>CAMPUS COUNCIL</i></b>												
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<b><i>AGENDA COMMITTEE</i></b>												
University Use of Personal Data	Faculty S&B, PP S&B, VP for Business Affairs, General Counsel TF on Personal Data	11/6/14  10/1/15	6/15/15	[Cross-hatched]								
Per diem rates	To Business Affairs	11/23/15										
Issues	Committee	Start	End	10%	20%	40%	50%	60%	70%	80%	90%	100%
<b><i>GOVERNANCE AND ELECTIONS</i></b>												
Revision of Membership of Senate and Councils		4/2015	11/5/15	[Cross-hatched]								

## Final Report

Ad Hoc Committee on Use of Personal Data  
University Senate

November 20, 2015

A committee meeting was held Oct. 1 to discuss issues related to the use of faculty and employee personal data by the university and its vendors.

Members Present: Jonathan Becker, Dom Caristi, Michael Hanley (Chair), Loren Malm, Scott McFadden, Todd Meister; Guest Present: Terry King, Provost and Vice President of Academic Affairs; Members Absent: Karen Kessler, Rebecca Olson, Marie Williams

The committee was formed after a faculty member, in November 2014, expressed concerns to the Senate Agenda Committee regarding how personal information was being used and shared by the university with its vendors and how vendors were using and protecting the information, especially related to health care and employee benefits. After forwarding these concerns to the Administration, a working group representing all key areas of the Administration was assembled to collaborate on data security and address the request. The Senate Agenda Committee received a response from the working group in June 2015. The Ad Hoc Committee on Use of Personal Data was formed in fall 2015 to address issues in the working group's response.

In this report, the term "employee" is used collectively to reference faculty, professional staff and employees.

The ad hoc committee reviewed four key discussion issues:

1. Determine how the personally identifiable (PI) information and data of faculty, professional staff and employees are currently being protected.
2. Review the need for the university to establish a policy that governs the use of employee personal data.
3. Determine the current status of voluntary benefit vendor communications and how the university plans to actively promote the availability of the "Opt-out" Provision for Voluntary Benefits Communications.
4. Review the need to establish a responsive, one-stop communication contact within the university for questions concerning the use of employee personal data.

The following discussion took place regarding the key issues:

- After the initial concerns were raised, the university made immediate changes in November 2014, primarily with MetLife. Information will not be submitted voluntarily by the university to this vendor. Loren Malm reported this

vendor did not need to have employee information up front to provide the current services they are providing to the university.

- MetLife is still an active vendor with the university. Other vendors in the insurance side of the vendor list are called, “opt-in” vendors. He added they are not transferring a lot of data because of that.
- One issue of concern submitted by a faculty member was the birthday card he received from MetLife, especially since he subscribes to no supplemental types of products from that vendor. One of the overall questions was if this has happened with other vendors (to which the university has submitted or provided personal information) and will it happen in the future?
  - Malm reported that the MetLife contract is one of the standard contracts of the university and this type of vendor cannot use it in any other form (such as sell it to another vendor, etc.). MetLife is marketing its own services and is not necessarily prohibited in providing birthday cards. Other questions concerning this issue:
    - How can they have a birth date unless I’m buying a product from them?
    - How many opt-out vendors do we have as opposed to opt-in?
    - How many vendors are receiving an opt-in status that I have the chance to opt-out of?
      - Malm reported there are certain vendors where coverage by the campus community is required, but there are others that are opt-in.
    - It was concluded that employees of the university have already opted into this since it is insurance-related.
- Malm shared a chart (Data Interchange with External Vendors) that was initially created by Payroll and Employee Benefits and expanded by the Business Affairs administration to include more information. The chart was segmented by the type of information the university has to provide to vendors since employees receive these benefits by default (such as AD&D), and information we provide to the vendor. He reviewed the list with the group. The information in the chart provided much clarity to the committee about the data sharing relationships the university has with its vendors. He indicated there are more vendors on the student side of this list because of the enormous amount of vendors available because of the student services area.

Examples of the type of information in the chart:

- Healthcare info – only sent to the vendor when employees sign up for coverage
  - Hartford Life – must be sent to the vendor because employees are enrolled by default. If you are an employee of the university, you automatically receive coverage by this vendor.
  - MetLife – do not give date of birth, etc.
- Provost King asked 1) who reviews this information, and 2) can we invent a mechanism where there would be better understanding and have the information available to the campus community?
  - Malm believes the only way to offer a voluntary benefit would be to have a mechanism in place to contact employees. We ship the vendor a subset of data. If you are not on a list of employees who are eligible to receive this type of service, then you as the employee cannot call and ask for the service because you are not on the original list of eligible individuals.
  - It was established that many faculty members know you can opt-out, but they don’t know how to do it. The majority, however, don’t care. Seamless communication would take care of the issue. An opt-out option should be available to the university community.
  - How do we inform the campus community?
    - Insurance meetings for new employees?

- Provost King mentioned the Council of Deans, University Senate, etc. Communication Center notices by email probably won't work as many employees have prescribed to not receive this information.
  - Provost King addressed the issue of a one-stop communication contact by saying he believes this is going to be an issue around for a while and perhaps there could be suggestions to have more continuous communication between security and the university.
  - But how can we respond to the employee's immediate questions? It was suggested to have one person as a key point of contact to whom an employee could contact concerning their personal data.
  - It was suggested the Benefits Office or University Human Resource Administration (UHRS) would be the best spot for this informed employee to reside. This would be the first point-of-contact employees have with regard to use of personal data questions.
  - It was suggested to check with the benefits office to inquire how opting-out can be accomplished. Vendors cannot opt-out an employee. An opt-out action needs to be instigated from this end.
- Provost King offered to write up suggestions to accomplish this task and forward to this ad hoc committee for review. He will then take it to the President's Cabinet and make suggestions on communicating the information to the campus community. In the meantime, please direct questions or concerns via email to Provost King (tking@bsu.edu).

It was the consensus of the group that this issue has been resolved in one meeting. It was determined no further meetings were necessary.

Action item:

- Provost King will develop suggestions on how to create a one-stop employee information contact point within the university.

Respectfully submitted,

Michael Hanley