

Professional Concerns Committee

Minutes for February 1, 2024

Hybrid Meeting (SU 109 and Zoom Conferencing Software), 3:15 pm

Members in Attendance: S. Alexander, K. Ankem, R. Brice, W. Darnell, K. Fuegen, J. Gilbert, T. O'Callaghan, P. Hare, K. Katkin, J. Kim, R. McDade (for J. Elliot), A. Miller, M. Nakamura, J. Nolan, M. Providenti, H. Riffe, K. Sander, J. Wasburn-Moses, M. Washington, M. Whitson, M. Zacate

Guests in Attendance: J. Bloch, J. Farrar, G. Hiles, K. Horine, S. Kim, D. McGill, S. Sloan, J. Vest

Members Not in Attendance: R. Gall, J. Mader-Meersman, L. Manchise, I. Saad, J. Sanburg

1. Call to Order, Adoption of the Agenda
 - The meeting was called to order at 3:17pm.
 - The agenda was approved as amended with updates from the two PCC Subcommittees: (1) proposed revisions to NTT faculty policies and (2) grievances policy.
2. Approval of the minutes from the November 16 meeting
 - The January 18 minutes were adopted as distributed.
3. Chair's Report and Announcements
 - Election Results

Faculty Senate elections were held on Monday.

 - Holly Riffe was elected by acclamation to be the next chair of the PCC.
 - Michael Providenti was elected by acclamation to a regular term as Faculty Senate Secretary.
 - Jacqueline Emerine was elected to serve as the next president of the Faculty Senate.
 - Chris Curran is the new vice-president of Faculty Senate.
 - Becky Elkins is the new chair of the Faculty Benefits Committee.
 - Faculty Senate Business
 - The Senate voted to approve two new policies: Inventions and Patents, Copyrights. These policies replace the existing Intellectual Property policy. These new policies are more faculty-friendly than the existing policy in several ways. Notably, the new Copyrights policy explicitly states that faculty have ownership of work we create, including materials created for courses. The university will not claim ownership of this work. All revenue from copyrighted works belongs to the Creator. A faculty member's work will not be deemed a Work for Hire by virtue of the faculty member's receipt of instructional design support, unless otherwise agreed to in writing by the faculty member.

- Faculty Senate Guest Reports
 - President Short-Thompson is watching bills in the KY legislature that would limit diversity, equity, and inclusion work at universities. She is also meeting with Staff Congress, SGA, and the Inclusive Excellence Committee. She requested that faculty address any concerns to herself, Eric Gentry, Jenny Sand, Diana McGill, Sandra Spataro, or John Farrar. More information is coming for faculty members who would like to write directly to legislators. Do not send email to legislators from your NKU email.
 - The Provost clarified the issue -- we can't use NKU resources to do anything that could be construed as lobbying. K. Katkin suggests using your private email, your rights are protected in your private capacity, don't use public resources to politick, a gmail account is free.
 - The political communication issue is discussed in the Acceptable Use policy on p. 6 under "Non-Organizational Use": "Political or lobbying activities not approved by the Office of the Provost/Vice President for Academic Affairs" - <https://inside.nku.edu/content/dam/policy/docs/Policies/AcceptableUse.pdf>
 - Spring enrollment is up slightly. Total admits are up 32% for fall, and total confirmations are up 65% year-to-year. There are concerns about inflated confirmation numbers and the new FAFSA process.
 - Budget assumptions for FY25 include increased insurance costs; money dedicated to athletic expansion; increased housing loan service; and increased electricity. There may be a 2% tuition increase, as well as increases in room and board. President Short-Thompson is gathering information about whether tuition for some AP programs may be increased.
 - Provost McGill is gathering information about the Academic Commons.
 - Coordinated Care presentation led by Abdou Ndoye. Do faculty and staff know where to send students who need assistance (i.e., Help-A-Norse), and how can this process be improved?
- Policies under review
 - There are five university policies open for comment: tailgating, records and information management, credit card processing and security, bring your own device (BYOD), and acceptable use.
 - BYOD is a new policy. This policy defines the acceptable use of personal electronic devices for University-related purposes.
 - The Records and Information management policy includes major revisions, including a link to FAQs.
 - Here are the policies currently available for comment: <https://inside.nku.edu/policy/policies-under-review.html>

- The Acceptable use policy revision simplifies the policy.

- DISCUSSION:

- Question: Is there an update from the Senate subcommittee looking at Senate representation? ANSWER: No, not recently. Faculty Senate anticipates a report soon.

4. Subcommittee reports

- Subcommittee on revisions to policies regarding NTT faculty (J. Wasburn Moses). 3-4 issues have been identified to address: 1) name and number of ranks; 2) hiring, supervision, promotion guidelines; and 3) contract length. Please forward any additional issues or contributions to the subcommittee. A revision of the proposal should be shared in time for the 2/15/24 PCC meeting.
- Grievances Subcommittee – generating a list of problems about the process, e.g., why are there two categories of grievances (those that are heard by a peer-review committee and those that are treated as complaints)? The subcommittee is asking how people determine to file a grievance or complaint. Exploring the question: can multiple faculty members jointly file a grievance if they share a concern. Looking at what happens to a grievance if it concerns an RPT recommendation and an RPT recommendation is overturned. Recommendations from this subcommittee should be brought back to PCC before the end of this semester.

5. New Business: Discussion of ways to facilitate communication between instructors of AP courses and university administration

BACKGROUND: There is a new AP contract. Issues faculty have experienced in the past will likely continue. What can we do to improve communication and concerns coming from the faculty. This includes general poor communication, how students are admitted and advised, and the scheduling of classes. The AP subcommittee recommended working groups within departments or schools to solicit feedback from faculty in their units and liaise with UCC. It was also recommended the UCC should make recommendations to the AP point person (Sam Langley) who should report back to UCC. What might improve communication?

DISCUSSION:

- The original AP draft recommendation had tenure-lined faculty as the relevant body to communicate with. Now it is the entire faculty. NTT faculty teaching in AP are vested in keeping AP. This is having negative impact on quality.
- A PCC member who was developing an AP course and experienced problems, contacted Sam Langley. The problem was corrected. An issue might have been the member knew that what AP wanted was wrong. Maybe the issue is

education – making sure AP instructors are aware and feel empowered to reach out.

- Not all faculty have had a positive experience with Sam Langley in this regard. Some faculty in programs removed from AP have been concerned there will be retribution regarding marketing.
- Example: AP did not originally want Organizational Leadership (OL). When students contacted AP and asked about OL, AP would respond “we don’t have that.” AP didn’t have OL but NKU did have an online OL degree.
- Provost: Clarification – AP wanted OL. OL didn’t want to be in AP. What retribution are departments concerned about? What can we do to avoid that retribution?
- The broad issue is communication. Faculty have had problems with AP questioning things they want and have not perceived support from the university. There is perception from faculty that they should not push back and just work within what they have been given. These faculty could be new and not recognize that isn’t how faculty operate. E.g., AP can’t prohibit us from providing orientations to our students.
- Faculty who reach out with concerns are met with resistance. The perception is that NKU administrators support AP, not the NKU faculty. Even small changes have been frustrating, so faculty just work with what they are given. Comments or suggestions about marketing programs and enrollment are met with resistance.
- This can have a negative impact on faculty morale. And that can damage student success.
- J. Vest: The theme is communication and collaboration. Institutions that have paired with an online partner have regular monthly collaborative programmatic meetings with online instructors. Clarification of comment about quality of online courses – there is a *perception* that online course quality is lower, but is this anecdotal, an assumption? Do we have data that supports this perception that student success rates are lower?
- If the data for student success in an online course is not as good, we don’t know if the issue is the modality or the part-time online instructor. Data published in higher ed lit shows student retention and performance rates are higher with full-time professors compared with part-time instructors.
- Policies regarding admissions have changed. We are now accepting students we would not have before AP.
 - J. Vest: Admission standards are completely controlled by NKU, not AP.
 - PROVOST: AP cannot change our admissions standards.
- AP courses need to be updated. Now there is an 8-week course development workshop (that’s fine). Instead of being paid to (re)develop a course, there is *maybe* a \$500 flat payment. Not aware of input from

faculty who teach in AP about changes to procedures. Some programs *might* use adjuncts who make the courses easier – however, this is not the case in Criminal Justice. Departments with harder classes get worse student evaluations. Why doesn't AP pay us for the work to update courses?

- Do individual instructors interact with AP, or just program directors?
 - Adjuncts run the courses as they were designed, there aren't problems there. The problem is with the program director trying to communicate issues to NKU point people about AP.
 - Communication with AP point people ought to be at the program director, chair level. Not individual instructors. That part is fine.
 - A challenge with the assessment of online AP courses is that some traditional students are also mixed into these courses. The university needs to help programs develop a method to gather and assess that data.
- Question for J. Vest about the composition of monthly meetings with AP addressed at the 2023 AACU conference:
 - J. Vest: they are called “monthly academic programmatic subcommittee meetings.” Leaders of fully online undergraduate programs meet with the people who coordinate the AP program for the university.
 - For NKU that would be all the leaders of AP programs and Sam Langley, Stephanie Songer, and could involve the Associate Provost.
 - While meetings may not be great for faculty productivity, the advantage is that minutes are taken, issues are recorded, and communication is improved.
 - J. Vest: the representatives from AP do not perceive wide participation in the governance of AP here. AP programs here are administered like a funnel through one person.
 - Quarterly meetings with AP would be a good thing.
 - Provost: The chairs would meet quarterly with an AP representative. Sam Langley, Deans, and Provost would attend. Program directors were not at those meetings.
 - Clarification – the funnel is through Sam Langley.
 - Provost: from AP's perspective, having a single point of contact is preferable. Is the issue that there is low confidence that information placed into the funnel is getting through? ANSWER: Yes.
 - Provost: the problem could be with the funnel, with confidence, or both. We need to determine that the information in the funnel is accurate and then grow confidence.
 - Thank you given to Provost for essentially saying “let's think this through and figure it out.” This will help grow morale and

confidence.

6. New business: Discussion of higher education bills under consideration in the Kentucky legislature

- House Bill 9 (diversity, equity, and inclusion):
<https://apps.legislature.ky.gov/record/24rs/hb9.html>
- House Bill 228 (performance evaluation of faculty):
<https://apps.legislature.ky.gov/record/24rs/hb228.html>
- Senate Bill 6 (divisive concepts):
<https://apps.legislature.ky.gov/record/24rs/sb6.html>

BACKGROUND:

The language in these bills is still being developed. President Short-Thompson said at Faculty Senate that a response at this stage is premature. The President is working with Faculty Senate President, Faculty Regent, and others on determining what an appropriate response should be to this developing issue. The Provost is gathering information from the faculty. What are the faculty's concerns about how these bills would affect scholarship, creative activity, teaching, and our values as an institution?

DISCUSSION

- Is there a group of institutions working on a unified statement? ANSWER from Provost: Yes. CPE President Aaron Thompson is working with the university presidents to create a statement. The email president@nku.edu is for faculty to tell their stories and concerns so that a unified statement can be drafted. NKU's campus is diverse, and some NKU people may support these bills. The president will have the ability to hear all these voices. We can share what we do to support our students, such as low-income students or the veterans center. We don't need to limit our response to what we do with the Center for Student Inclusiveness. The argument is stronger if we show what groups of students won't be served if we stop providing certain services.
- The President has indicated that she cannot guarantee that staff positions, like those in Center for Student Inclusiveness, are safe if these bills pass. There are a lot of Q+ students who come to NKU because they are acknowledged as they exist. That would be a hit to enrollment.
 - Provost: The president has said the work our staff does in these spaces is important and must be continued. It is who we are, caring for and offering belonging to students who are important to all of us. It's difficult for any administrator to say no one will lose their job when we don't know what our budget will be.
- K. Katkin addressed the potential impact of these bills on teaching and scholarship. Freedom of speech and academic freedom are not the same thing. Academic freedom is about creating a framework where discovery of truth, the production and dissemination of knowledge can happen. Freedom of speech

includes those things but also includes self-actualization and self-expression from the discovery of truth. The AAUP provides model policies about academic freedom that includes language about responsibility as well. These model policies suggest that one should not unnecessarily inject controversial or provocative political opinions into teaching or scholarship if they have nothing to do with the substance of what one is teaching or creating scholarship on. These model policies would address KY's legislation. The trigger for content would be, is it relevant to what you are teaching or doing scholarship on? If the controversial content were relevant, it would be protected under the concept of academic freedom. Concerning the faculty review bill, we are already compliant. There is already 4-year process leading to post-tenure review and termination triggered by bad APRs. There is nothing in the bill that would stop the president from delegating that authority to a post-tenure review committee. Looking at the number of tenured faculty as a percentage of total faculty, we have an extreme amount of vetting (departmental committees, chairs, deans, provost, president) so it would follow that only small number of faculty are determined to be at highest level of excellence. Given the vetting, it would be unlikely the next year the same person would be determined to be incompetent.

- There are also the faculty who receive negative reviews and decide to retire.
- K. Katkin: There is also a separate faster track to remove faculty for crimes or moral turpitude.
- Question: will the DEI bill create a threat of lawsuits? ANSWER, K. Katkin: We are already governed by the First Amendment. It's harder to win those suits than to bring them.
- Regarding SB 6, consider a candidate for a position who is asked to provide a statement on DEI and says "you can't ask me that question." K. Katkin responds that a committee could ask "what kind of obstacles have you overcome?" and let the candidate frame the response.
- SB6 – bans anyone from profiting from any research that promotes discriminatory concepts of DEI and doing research in that area. RESPONSE K. Katkin: The First Amendment would make that unenforceable. Anything infringing on faculty's ability to teach their expertise or share their knowledge through scholarship is at the core of first amendment protections.
- If there is a challenge against what a faculty member is teaching, will the university defend them? ANSWER: If you are acting within your employment, the university must support you.
- Comment: Chairs, directors, and deans should have to teach to keep them close to the profession which would help them evaluate other faculty and should also open them to the possibility of post-tenure review.

7. New business: Discussion of meaning of academic freedom at NKU

- Discussion postponed.

8. Future Business

- None at this time.

9. Adjournment (4:42pm)

Submitted,

M. Providenti, Secretary

Faculty Policies and Procedures Handbook

16.3. ACADEMIC FREEDOM

Northern Kentucky University strongly adheres to the long-standing tradition and practice of academic freedom. In order for the University to fulfill its mission and be of service to society, the recognition of the free search for truth and its free expression is paramount. The University has an obligation to recognize and protect freedom of inquiry, teaching, and research in all facets of the academic community. The right of academic freedom will be the right of every faculty member.

The University recognizes that all faculty members are private persons and members of their respective learned professions. When they speak or write as private persons, they have the same rights and obligations as other private persons. Although faculty members are free, in public activities and statements, to identify their University affiliation, they have special obligations to be accurate, prudent, and respectful of others so that no false impression of University sponsorship or endorsement is created.

While the University will vigorously defend the concept of academic freedom, no special immunity from the law will be sought for administrators, faculty, students, or staff. The University does not, however, assume the authority of prosecutor or judge of criminal or civil misconduct that is beyond the jurisdiction of the University or that is not directly related to legitimate University interests. That is the prerogative and duty of appropriate law enforcement agencies and the courts.

If anyone at the University violates the law, that person is subject to the penalties of the law as are all other persons. In general, the University will not impose administrative sanctions for acts that violate the law beyond the civil or criminal penalties imposed by the appropriate law enforcement agency or court. However, some acts that violate the law are also acts that endanger the physical or emotional safety and well being of students, faculty, other members of the University community, or visitors, or are acts that endanger the safety of University property; persons who commit these acts may also be subject to appropriate University sanctions, consistent with due process.

The University recognizes the need for all parties charged with the responsibility of allocating University resources (money, space, personnel, equipment, library resources, etc.) to make such decisions in a fair and unbiased manner, consistent with established University priorities. Resource allocations made with punitive motivations against an academic unit or individual faculty member for positions taken in controversies within or outside the academic community will be considered unauthorized and incompatible with academic freedom. The University will not condone or support such a decision and will make every reasonable effort to correct any inequity that such a decision produces.

Faculty Senate Recommendations Regarding the University's Agreement with Academic Partnerships

Approved May 5, 2023

We strongly recommend that an analysis be conducted *on every AP program* at NKU to determine how many students must be enrolled for the University to generate revenue. Such an analysis should be done with input from the program and/or school director. If the enrollment in any program does not meet the break-even point, that program ought not be included in a contract renewal. Programs that have sufficient enrollment to generate revenue for the University, *and that attract students who are unlikely to enroll in a traditional or hybrid program*, ought to be renewed, pending the agreement of the program and/or school director and the faculty who teach in those programs.

We strongly recommend that NKU administrators and faculty not acquiesce to high-pressure tactics that would weaken NKU's admissions standards or program curricula. "Quality matters" must be more than lip service. Actions that erode the quality of the educational experience harm students, faculty, the degree program's reputation, and the university's long-term viability.

We strongly recommend that NKU exercise greater oversight regarding the marketing of AP programs. AP must be held accountable for increasing enrollment in *every* program. Those NKU individuals responsible for the oversight of course mapping, marketing, and general oversight must be clearly identified. Such individuals must incorporate faculty input, including that of school or program directors, into their interactions with AP to ensure that programs are being marketed appropriately.

We recommend the creation of working groups within departments whose purpose is to solicit feedback from instructors of AP courses and to liaison with the university curriculum committee (UCC). The UCC should make recommendations to the university's AP point person, and the university's AP point person should be responsible for reporting back to the UCC.

We recommend that NKU exercise greater flexibility in making decisions regarding low-enrollment courses offered through the AP program. If low-enrollment courses must be offered, such courses ought to be made available to traditional students. If traditional students enroll in these courses, care must be exercised to ensure that these traditional students are not counted as AP students.