**Faculty Senate Minutes**

Wednesday, September, 2020

Zoom Meeting, 4:00 p.m. – 6:00 p.m.

**Attending Senators:** Gwynne Ellen Ash, Stacey Bender, Janet Bezner, Dale Blasingame, Rachel Davenport, Peter Dedek, Jennifer Jensen, Lynn Ledbetter, Vincent Luizzi, Benjamin Martin, Stan McClellan, Roque Mendez, Andrew Ojede, Michael Supancic, Nicole Wesley

**Guests:** Aidan Bea, Amy Benton, Eugene Bourgeois (Provost), Mary Brennan, Emilio Carranco, Kelly Clary, Ricardo Delgado Ahumada, Shannon Duffy, Jaden Edison, Valarie Fleming, Kym Fox, Geneva Gano, David Gibbs, Jeff Helgeson, Lisa Kay Lloyd, Cristian Lieneck, Tina Marie Cade (Senate Fellow), Dwonna Naomi Goldstone, David Nolan, Mary Odum, Judy Oskam, Scott Pope, Sean Roche, Kim Rossmo, Aimee Roundtree, Chris Russian, Joni S J Charles, Daniel Schumacher, Christine Sellers, Karen Sigler, Lucia Summers Rodriguez, Debbie Thorne, Erik Timmerman, Stephanie Towery, Denise Trauth (President), Julie Weng, Lijun Yuan

Meeting called to order at 4:02 p.m. by Senate Chair Bezner

**President’s Academic Advisory Group (PAAG)**

**COVID-19 Dashboard**

Per the agenda provided to the PAAG, the senate thought the dashboard needed to be more robust and include data related to the factors that the university is going to use to determine when/if it becomes unsafe to be on campus (number of deaths, hospitalizations, on-campus transmission, etc.). Compared to other universities (UT, TX A&M) and the county dashboards, the Texas State dashboard appears amateurish and inaccurate. Additionally, the location at the very bottom of the Roadmap to Return website is difficult to find.

Dr. Lloyd explained that they have added a dashboard button to the top of the Roadmap to Return website and they will add active cases as part of the dashboard reporting. Dr. Carranco explained that the university has started surveillance testing through an opt-in survey sent to several thousand students. Dr. Carranco also explained that health departments are moving to a date-based kind of reporting for active cases and that a ten-day infectious period is considered by Texas State as an active case.

A senator asked about providing the positivity rate on the COVID-19 dashboard. Dr. Carranco urged caution when reporting the positivity rate for campus because the positivity rate may appear skewed. He provided an example that if a county is not testing enough, then their positivity rate will be artificially high because they depend on how much testing is being done and that positivity rates at Texas State would most likely be skewed because the SHC is only testing symptomatic or close contacts.

Dr. Carranco explained the university’s effort to conduct surveillance testing. He has worked with the Office of Institutional Research with the intention to conduct random-sampling testing and anticipates the first sample of 400 students to be completed in the next week. The surveillance testing will be used to establish a baseline of infections on campus. The frequency of continued surveillance will depend on the results of the baseline sample of 400 students. Dr. Carranco anticipates a few additional testing cycles, but the university will not want to test often if the incidence rate is very low. Conversely, if incidence rate is high, they will test more frequently. Dr. Carranco does not anticipate more frequent testing than every couple of weeks.

A senator asked for clarification on which active cases are going to added to the dashboard. Dr. Carranco explained they will be using the 10-day infectious period as an active case definition.

A senator asked to make the dashboard mobile-friendly. Dr. Lloyd said she would take it back to the team. Dr. Bourgeois asked Dr. Carranco to explain why faculty and staff were not part of surveillance testing. Dr. Carranco explained that most people are concerned about risk from students, who constitute the largest high-transmission rate group on campus. A senator commented that anyone who is meeting face-to-face on campus is at risk and whether testing faculty staff was off the table as far as being included in surveillance testing. Dr. Carranco reiterated the focus is on the students, but they will reevaluate in the future.

A senator asked what percentage of the 400 students would participate in testing. Dr. Carranco said it would take about 4,000 invitations to obtain a sample size of 400 students though it may take 10 times as many invitations. A senator asked if students from both campuses are being invited to test. Dr. Carranco explained they are focused primarily on the San Marcos campus. A senator asked if the SHC was doing rapid PCR or PCR testing. Dr. Carranco said that when the SHC eventually gets all their rapid PCR testing machines (they have some in right now but are waiting on a few more) they will be able to do rapid PCR testing. Texas State is currently not doing any rapid PCR testing but is working with a reference lab. He described his excitement about a potential inexpensive rapid antigen test not in use at Texas State and he thinks the testing strategy will likely evolve over the semester.

A senator followed up with a question of how Dr. Carranco will ensure the population of students participating in surveillance testing is going to be representative, especially between responders and non-responders. Dr. Carranco stated that they begin with a representative sample and once they know who has tested, they can dig deeper; they have the data available to them that will allow that. The senator asked how students opt-in to participating and how their privacy will be guaranteed. Dr. Carranco explained they developed a consent form that students must sign prior to testing. The senator pointed out that the nonresponding population may consist of people that did not consent. Dr. Carranco explained they are doing the best they can since testing is a medical procedure that requires consent. A senator pointed out that some universities are requiring all students undergo testing as a condition of attending class. Dr. Carranco explained that as a state university they cannot require students to be tested.

Dr. Bourgeois discussed a situation where a student who tests positive or a close contact of a positive case comes to class on campus. Dr. Thorne prepared guidelines for what to do in that scenario. She explained the process they use to update information, which is primarily via the Roadmap to Return as well as the Provost’s training document (PowerPoint) available on the Provost’s website. Dr. Thorne said if a student who is supposed to be in quarantine shows up to class, they should be told to leave class. If the student refuses to leave the class, they recommend that the professor dismiss the class and report the student to the Dean of Students Office.

A senator had a follow up question about surveillance testing that addressed sample bias. They pointed out that if the university is sending invitations to ask students to participate, then students who engage in risky behavior may be more likely to decline the invitation while students who are being more careful may be more likely to get tested. The senator asked Dr. Carranco if he thinks that is a problem with testing and obtaining a truly random sample. Dr. Carranco explained that they cannot compel people to get tested. The senator followed up with concerns that if the number of positive cases comes back low, then that is what is going to guide future decisions. Dr. Carranco reiterated that the university is not making decisions based on one datapoint.

A senator brought up that there is general confusion about communicating cases and telling students who may have been exposed. They asked for clarification on instructions to not communicate potential exposure to students in class. Dr. Carranco explained that if someone has first-hand information about a student (e.g., a known close contact) and the student is attending class, then the faculty member can discreetly inform the student of potential exposure. He emphasized being very careful with personal information and not creating unnecessary alarm, potentially identifying a positive case, or sharing information with people who do not need to know as in the case of a classroom of students not in close contact with a positive case. The senator followed up that the guidance for supervisors, who are able to share with staff that they may have been exposed, is different from that for faculty who cannot talk about exposure with students based on the guidance in the Roadmap to Return. The senator expressed concerns that the university is trying to prevent faculty from talking about exposure. Dr. Carranco reiterated the importance of safeguarding information and that it would not do any good or provide additional benefit to people who would not need to do anything differently. He acknowledged that he understands people do worry about if they are going to be notified if they need to be. He said they are constantly looking for linkages as to whether the university’s mitigation strategies are working or not. He provided an example of how the Clery Act requires information be shared broadly if they believe there is an ongoing threat to the larger campus community. Dr. Carranco explained that they are not trying to hide information, but to safeguard people’s privacy. He acknowledged that they could do a notification for common areas where close contacts cannot be identified. Dr. Llyod followed with a request to let her know if the Roadmap to Return needs clarification.

Dr. Carranco explained the Bobcat Trace process. After submitting information, students are notified that they need to go into isolation or quarantine. They get an email from SHC Covid. He explained that the challenge is that the contact tracing does not happen right away and there are several hours of delay between positive reports and when a case investigator can contact trace. Dr. Bourgeois explained that Dr. Carranco will draft a message to explain the contact tracing process. The message will be distributed from the Provost’s office.

A senator asked how positive cases are being reported and what the criteria for inclusion of positive cases is for reporting on the COVID-19 Dashboard. Dr. Carranco explained that current faculty, staff, or students who test positive at the SHC are included on the dashboard as well as any currently enrolled student, faculty, or staff member who is tested off campus and reports through Bobcat Trace.

**Mask Policy**

President Trauth explained that she and members of the President’s Cabinet have been walking around campus and have not observed students without masks on, except when she saw two students outside together. However, once she asked the students to put their masks on, they complied. Dr. Bourgeois described his experience walking around campus and in buildings and explained that he has only encountered three students who have not had their masks on. The students complied once he asked them to put their masks on. Dr. Bourgeois also explained they are tracking the numbers of students reported to the Dean of Students Office for not complying with mask requirements. So far, there has been one student referred in the first eight days, but he does not know if the referral was from a classroom experience or a common area on campus. Although there have been some reports of groups of students not wearing masks (e.g., in Mitte Building), Dr. Bourgeois is not aware of the issues the senate has reported.

A senator brought up the difficulties of teaching online and in-person at the same time and asked if they are assessing the situation faculty are going through. Dr. Bourgeois said he would follow up with the topic when they discuss the plan for Spring 2021.

A senator explained that while their experience with students complying with the mask policy has been positive overall, there are certainly some people that are not wearing masks or wearing them incorrectly. They asked for additional guidance on what faculty can do with non-compliant students. Dr. Bourgeois suggested that faculty try to determine the identity of the students by asking for student ID (students are required to present their ID to faculty or staff upon request) or finding out where the student’s class is and speaking with the instructor. They can also report the student to the Dean of Students Office. Dr. Thorne suggested going to a department chair or other administrator to ask them to talk with a non-compliant student.

A senator asked for an update from the student ambassadors and whether their experiences are aligned with what the senate is hearing from faculty. The PAAG did not have an update from the student ambassadors but will ask Mary Ellen Cavitt. The President said they would get a status report if the senate wanted one.

**Plans for Spring 2021**

Senate Chair Bezner asked Dr. Bourgeois to address the A/B class schedule and that faculty are struggling to serve in-person and online student simultaneously. Dr. Bourgeois said there will be additional workshops and faculty development sessions to address this. He discussed two surveys asking faculty and students to report on different aspects of the start of the semester. They are evaluating the feedback from the two surveys. On September 11, a short 5-6 question survey about instruction will be distributed to faculty and students. The results from the September 11 survey will help inform what Faculty Development does and what the Continuity of Education workgroup will contemplate moving forward with the remainder of the Fall semester and for Spring 2021.

Dr. Bourgeois said schedules currently due at the Registrar’s office look like schedules made last spring and there are many face-to-face sections. On September 14, the President’s Cabinet will meet to discuss and communicate guidance for what to plan for Spring 2021 schedules. Dr. Bourgeois thinks Spring 2021 will look like this current Fall semester. Academic units should start making projected changes to the Spring 2021 schedule for hybrid, face-to-face, and online sections. The Spring schedule should be similar to this Fall semester and that CDC-based accommodations should be carried over to the Spring semester. Chairs, directors, and faculty should communicate about additional workplace modifications and whether the circumstance that qualified a faculty for a modification is still relevant for the Spring semester. Students will start to register on October 19, but the schedule will go live on September 18 so between now and September 18, chairs need to update changes with the Registrar. Dr. Bourgeois said departments should begin their course inventory and work with the Registrar and he asked that academic units hide sections until the official change is made with the Registrar’s office. He also urged chairs to think about classroom changes to improve social distancing in the classroom. Dr. Trauth brought up the challenge of planning for January in September but that they are taking a conservative, cautious approach and want to provide some certainty for student and parents.

A senator asked if refunds for electronic course fees will continue in the spring. Dr. Bourgeois said he did not have an answer at the time. President Trauth said they are continuing to think through it and ultimately resolve this question, but they are not sure if they can resolve it by the Spring semester.

**Universal tolling of tenure clock due to COVID-19**

The senate asked the PAAG to provide feedback on the value of making a decision to universally toll the tenure clock for all tenure-track faculty; allowing faculty to opt out if they want to stay on the timeline they are on. The senate believes this action would provide a mechanism to protect faculty who may have other reasons to toll the clock in the future (e.g., pregnancy, illness, etc.), given the pandemic is impacting everyone now.

Dr. Bourgeois explained that tolling the tenure clock is a rule in place per Texas State University System Regent’s Rules and Regulations. The rule states that it is the responsibility of the individual faculty member to request to toll their tenure clock. Dr. Bourgeois said they are not necessarily in favor of universal tolling because of COVID and that the system is working well. Dr. Bourgeois said since mid-March, 12 requests have been processed through his office and the TSUS system office. All 12 requests were approved (10 were COVID-related). Senators were provided guidance to let faculty know they have the opportunity to toll the clock and if they choose to do so, they need to let their chair know.

A senator clarified that the pandemic is not a controlled event and that the senate proposal for universal tolling was because they did not want faculty to have to use one of their two tolling opportunities for COVID. Dr. Bourgeois is going to do more research into the possibility given the published rules implemented by the TSUS system. President Trauth expressed a concern that universal tolling may be perceived by some as an effort to reduce the number of tenured faculty by pushing back tenure for a year. She explained that during difficult budget years, people often question whether large numbers of faculty should be tenured. She stated that she adamantly believes that they should be tenured, but by tolling the clock, it may appear that they are trying to put off tenure. A senator clarified that the proposal was for a universal tolling that faculty could opt-out of if they want to continue with their current tenure review timeline. Dr. Thorne offered to examine looking into a third tolling opportunity after a senator mentioned that women disproportionally are impacted by childcare responsibilities. Another senator pointed out that in addition to women being disproportionately impacted by childcare, there are also factors such as eldercare or caring for anyone affected by COVID-19. A senator suggested that it makes more sense to have the administration communicate to faculty that asking to toll the clock because of COVID is an acceptable request. Dr. Thorne explained they will communicate that information with faculty entering the upcoming review cycle. Dr. Bourgeois will explore options with the system office to determine if it is possible to get a dispensation for a third year. A senator asked about a timeframe and Dr. Bourgeois said it must be soon. Dr. Trauth emphasized that she wants to remain progressive on this issue.

**PAAG update on allegations of racially insensitive remarks made by Coach Kaspar**

Dr. Trauth described the timeline and process of addressing the allegations. She explained she had no substantive input to the process. On June 4, an allegation was posted on Twitter which was immediately reported to the Title IX coordinator, Alexandria Hatcher. An investigation was started immediately, and a formal Title VII complaint was filed on June 12. Ms. Hatcher has the responsibility to produce and distribute a report to the complainant, respondent, and athletic director. The athletic director has 15 days to make a determination and decide whether to impose a sanction. The respondent cannot appeal the determination but may appeal the sanction through a regular grievance. President Trauth emphasized that once it went to Ms. Hatcher, she assumed full control of the process. She stated the report has not come out yet.

President Trauth explained that a discrimination complaint against a faculty member would be handled the same way. Senate Chair Bezner explained that the concern by the senate is that nothing has been said by the university about this issue since it happened. President Trauth explained that there is nothing to be said by the university because it was turned over to the Title IX coordinator and that the university made a statement that it was turned over to Ms. Hatcher’s office.

A senator asked about the current employment status of Coach Kasper and whether he is currently meeting with players on the men’s basketball team. President Trauth said he has no contact with the students. The senator followed up for clarification on his employment status. President Trauth said Coach Kaspar is on leave with pay. The senator expressed concerns that the situation is being shoved under the rug and provided examples of other situations around the state where coaches were immediately dismissed. President Trauth disagreed with the senator’s characterization and reiterated that she has not had any interaction with Ms. Hatcher nor has there been any action by the university to interfere with the investigation. Dr. Lloyd explained the thorough nature of Ms. Hatcher’s investigation. The senator continued to express concern that students and San Marcos community have not heard any updates about the situation. Dr. Lloyd explained that the university came out immediately and said Coach Kaspar was suspended and could not contact players and that they were very explicit about that. The senator asked for clarification that the suspension and no-contact rule with players was public information. Dr. Lloyd said that yes, they were very explicit about that and President Trauth said it was in a press release.

A senator explained that a reliable source told them that the report was completed and that Kaspar has been back at practice with the players since July. Dr. Lloyd stated that all that information is inaccurate. She stated the report has not been finalized.

**Recording Personnel Committee meetings via Zoom**

The senate asked the PAAG for guidance about recording Personnel Meetings via Zoom and whether the current policy needs to be revised or if the administration needs to emphasize the confidentiality of PC meetings. Dr. Bourgeois explained that they do not support recording PC meetings and that they will look at the various policies to determine where they can include that information. President Trauth suggested that it may need to be stated at the beginning of every PC meeting that the no one may record the meeting.

**Tenure and Promotion policy revisions**

Senate Chair Bezner suggested adding the Tenure and Promotion policy revisions to the senate agenda on September 9 and asked Dr. Thorne for guidance on the kind of feedback she would like regarding the policy revisions. Dr. Thorne described substantive changes and that schools, colleges, departments have the authority to develop their own guidelines about PC meetings. She explained that they are formally recognizing that a large group of clinical faculty are now eligible for promotion and asked units to develop a way of obtaining feedback for evaluating them for promotion. Another substantive change involves creation and distribution of supplementary materials prior to a PC meeting. The senate should expect to see a lot of changes in structure of the policy, particularly sections that have moved around to better align with the roles and actions of PCs. Revisions are due on September 18. Dr. Bourgeois wants the policy adopted soon so it is effective for this current cycle. Dr. Thorne explained that units will need to revise their policies after adoption.

Dr. Trauth thanked everyone for the time they devote to the issues and to the university. Dr. Bourgeois encouraged senators to solicit feedback about group A/B course modalities.

**Texas State Community Safety Oversight Committee**

Senate Chair Bezner discussed the new Texas State Community Safety Oversight Committee and asked senators to reach out to colleagues to find another faculty member who is interested in serving on the committee.

**PAAG debrief**

Senators briefly discussed the PAAG meeting. Senator Martin volunteered to draft a list of questions on behalf of the senate to submit to Dr. Carranco for clarification.

**Policy review**

UPPS 08.01.12 Scheduling Facilities at Freeman Center, due September 9 (Senator Ledbetter)

UPPS 08.01.08 Scheduling Round Rock Campus Facilities, due September 15 – Senator Bezner
AAPPS 04.02.20, Tenure and Promotion Review, due September 18 (senate at large)

**Approval of minutes**

Senators approved the minutes for the August 26, 2020 meeting.

Meeting adjourned at 6:22 pm

Minutes submitted by Jennifer Jensen