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Indiana State University

Faculty Senate, 2021-2022

Executive Committee

September 14, 2021

3:30 p.m. via Zoom

Members present: A. Arrington-Sirois, S. Arvin, A. Badar, L. Brown, J. Frost, J. Gustafson, K. Hinton, K. Yousif

Absent Members: A. Arrington-Slocum

Ex-Officio Present: President D. Curtis, Provost C. Olsen

Guests: K. Butwin, D. McKee, J. Newport, T. Weinzapfel-Smith

1) Administrative Reports**a) President D. Curtis**

Zoomed with new Presidents Scholars, who are thrilled to be at ISU. Recognized G. Bierly for creating a great honors program here.

Attended a fundraising campaign event in Chicago with alumni and donors, Thankful for all the groundwork set for this. Always great to hear stories about how ISU set up our alumni for success.

As part of the fundraising, attended a pre-game (men's football) event at Northwestern. Our players made ISU proud. In conversations with people there, heard the buzz about ISU and the ISU Advantage messaging. They especially seem to be hearing the message that you can come to ISU and work with PhD faculty as an undergraduate.

b) Provost C. Olsen

Thank you to all who attended the implicit bias training. Dig into the slides and links for further information. Go work in smaller groups in your college and department to go deeper. R. Johnson will come to events on request. Good first step, but only a beginning.

Thanks faculty for submitting three-week attendance reports. However, less participation than usual among faculty.

Faculty searches will go forward as needed, but they will be fewer than usual. Enrollment numbers and budget dictate this. There are already a few underway.

2) Chair Report: K. Yousif

No report.

3) Fifteen Minute Open Discussion

Vaccine Mandate

K. Yousif: It has been asked that Senate pass a resolution asking for vaccine mandate. Senate meets at end of month. Want to make administration aware of it now.

D. Curtis: It is in the works. We can't just flip a switch. Mandate on experiential learning came out, and we have learned from the feedback on that. Maintains a commitment that we are heading there. However, we do not want to communicate it as a mandate, because it will remain a choice. Gently rolling out educational messages. Strategically planned to lead up to a bigger announcement. Messaging subtle for now, but will ramp up.

C. Olsen: We are working on logistics and timing of getting tested. These questions continually coming up. Not giving people a pass on it.

K. Yousif: I have only received positive feedback from faculty.

D. Curtis: Some faculty are actually contacting us upset that students who test positive are kept out of experiential learning experiences. Need faculty voices in this too, not just from administration.

A. Badar: Compared to last year, I am being notified more often than before. 2 or 3 students in my 18 person class are consistently out. Court cases [against IU vaccine mandate] did not advance. Many faculty members still don't believe vaccination is necessary. Need department chairs to be more consistent in their messaging to faculty too.

C. Olsen: Vaccine or testing requirement will apply to everyone. Our vaccination numbers among faculty are good, but not as good as some institutions have reported. But we actually require an uploaded, verified record. So while it is probably lower, the disparity is not as great as it seems.

A. Arrington-Sirois: We need to prioritize getting more people vaccinated with a targeted education campaign. Married to a non-faculty member, one of the very few who is vaccinated. In his unit, staff expressing strong opinions against vaccination and a vaccine mandate. How will we message to those groups?

C. Olsen: The policy will apply to everyone. Weekly testing will be an option. It will be expensive and take time, but it will be an option.

ISU Advantage

A. Arrington-Sirois: What does the four-year graduation guarantee mean for faculty? How does that translate to our teaching and advising? How will the experiential learning guarantee be supported and funded for opportunities beyond our campus? Advertising material says ¼ of our students are ethnic minorities, but our faculty is definitely not.

How can we address our representation? 18 to 1 student to faculty ratio good, but inconsistent. Some very large sections on campus too. Program coming out and has good goals behind it, but not sure how it will translate to us as faculty.

C. Olsen: Four-year guarantee has been around a while. Experiential learning stuff will begin with 2022 freshman class, starting in 2023 but probably picking up more in 2024-5. So we have two years to get it all in place. Study Abroad, for example, will have time to prepare for more students. Spoke with G. Bierly and T. Steiger about outreach for faculty to envision programs and activities to align with ISU Advantage. Takes time, but we have a little bit of room to work with.

Implicit Bias Training

A. Arrington-Slocum: What is next with implicit bias training?

C. Olsen: This came up quickly, but we want to do more and do better. Open to suggestions. Too much to cover in 90 minutes. Some smaller groups would be better for communicating and workshopping. The “implicit” part of this needs to be worked through more, especially at more local [department or college] level. Open to suggestions.

K. Yousif: K. Hinton and I were at a smaller session. Hope subsequent sessions will be more about reviewing other faculty.

K. Hinton: It would be helpful to have Dr. Johnson work with faculty to do this work with her.

C. Olsen: Told her not to really focus on scholarship. Too varied. But it would be a good idea to do in department with her in partnerships.

J. Frost: Will you continue to have this conversation mandated?

C. Olsen: Yes, we will.

4) Approval of Executive Committee Minutes (August 31, 2021)

Motion to Approve: A. Arrington-Sirois/A. Badar, 9-0-0

5) Informational Item: Employee ADA and FMLA policies

Tami Weinzapfel-Smith (Director of Human Resources)

Joey Newport (Workers' Compensation Coordinator)

T. Weinzapfel-Smith: J. Newport deals with ADA and FMLA requests.

J. Newport: FMLA provides for unpaid, job protected leave up to twelve weeks. Twelve weeks do not need to be consecutive. Eligible if you worked 1,250 hours over last twelve months. Covers child birth, adoption, care for family members, serious health condition, and military service-related exigency. ISU allows for employees to use accrued benefit time up to twelve weeks for sick leave, and/or twenty sick days per year for care of dependent. Sometimes we issue calls for donations of sick leave.

Two types of leave: *block leave* arises from conditions that incapacitate you or a family member for more than three consecutive days. *Intermittent leave* is used when an employee may need to

be out once or two per week over a period of time, For example. Medical provider will determine the needs for leave.

Requesting FMLA requires 30 days of notice if possible, or ASAP in an emergency. Employee Benefits determines eligibility, and communicates that a request was made as needed to chairs, supervisors, etc., whether it is approved or not. Need a “fitness to return” letter from medical provider to return to work.

K. Butwin: Note that FMLA is basically for job protection. Can’t terminate someone for missing work if they are out for FMLA. This is completely separate from stopping the clock for pre-tenure probationary period.

J. Newport: If someone is out for an extended time, they might be placed in an alternative assignment especially if they are teaching faculty.

K. Yousif: For faculty who take FMLA to care for a child who has COVID, should I continue to work during that FMLA period?

J. Newport: If it is block leave, you are not supposed to do any work. If it is intermittent, you can report the off hours as FMLA, and work whenever else you want. If one chooses to respond to email, we can’t stop them, but we can’t assign work.

K. Butwin: If you are on FMLA, it means you can’t work. Intermittent is a little more flexible. For the times you are incapacitated, you should not be working, because you are not able to work. For faculty, the reality is you have a lot of tasks like keeping up with scholarship and communicating with colleagues which counts as “work,” but not at any particular time.

J. Newport: FMLA Responsibilities: employees must keep a calendar, and it must also be maintained by the supervisor and reported to Employee Benefits. When they get close to 12 weeks, supervisor should notify employee. From there, long-term disability (180 days) could begin, unless one comes back to work during their leave, in which case the clock restarts. Employer cannot use FMLA for disciplinary purposes. “Fitness to return” letter necessary to return. Employee must get certification confirmed by a doctor, and some doctors do charge for this now.

For intermittent leave, employee must call in each day they plan to use FMLA, and may not attend any work activities. For block leave, employee must communicate updates to supervisor regularly, and from there to Employee Benefits.

Must use all paid leave before you can start taking unpaid leave. You pay your share of benefits while on leave.

K. Butwin: Taking care of children on quarantine may not be an FMLA-eligible activity. FMLA and ADA approach to COVID has been evolving. Thirteen pages of guidance have been issued. “Long COVID” now considered a disability. Hospitalization pretty much always signifies a serious health condition and would normally be covered. Staying home with a child, however, is not necessarily a serious health condition that would be covered by FMLA.

K. Yousif: Faculty know we must get our classes covered, but what else does an employee do if we are out ten days to take care of a child? What do I do about my own status as an employee? Could that absence be taken into account for review, if not formally taken as FMLA leave?

K. Butwin: You would take sick leave. FMLA has not adjusted for COVID from a regulatory standpoint. Last year we had flexible work arrangement issue as we tried to work this all out.

We recognize that stuff now institutionally. In this review year, I would avoid any consideration of quarantine time. We can think about how to deal with this more permanently going forward.

C. Olsen: Many of our accommodations rely on the good will of our colleagues. We are really all in it together and recognize the situation. Like with student evaluations, we are trying to just approach it reasonably. Balancing realities of teaching and faculty life with student needs.

J. Newport: ADA is a totally separate thing from FMLA. Don't always work together. ADA requires reasonable accommodations as they relate to equal opportunity in application process, enabling employees to perform essential functions of a job, and make it possible to enjoy equal benefits of employment. A disability may be physical or mental, one that impairs or limits a major life activity. Accommodations under ADA are only for the affected person, not for dependents. May include modifying policies, relocation to accessible site, providing aids and services, and accepting relay services. Personal services and equipment like hearing aids or motorized scooters are not required accommodations. Request an accommodation through office of Human Resources. There is a Qualtrics form and requirement for medical documentation.

Must suggest a reasonable accommodation that suits their needs. If an employee does not specifically request an accommodation, the University is not required to provide one. Interactive process: ISU is required to provide accommodations for full participation in activities.

Determining an appropriate accommodation, however, is an interactive process. Input and suggestions worked out between employee and employer. That information, except for private medical information, discussed with department to determine reasonable accommodation. If, for example, one cannot wear a mask, we might not allow for remote work, but we may offer an appropriate room with extra space to allow for proper distancing. Or, it may be determined that an accommodation is not reasonable. Some issues recently have come up with COVID things. Grounds workers can't work remotely, it is not reasonable. Moving a class to a distance format may seem reasonable for the person requesting it, but displacing 100 students who want to learn on campus may be unreasonable. If denied, ISU must give a reason why based on qualification or reasonableness. If it fundamentally alters the nature of the program or activity, or poses an undue administrative or financial burden to provide, it can be rejected as unreasonable. There is an appeals process that goes through Executive Director of HR, who may work with medical provider if needed. See ISU Policy Library and Employee Benefits webpage.

K. Butwin: Helpful to make the distinction that FMLA is used if someone cannot work; with ADA the person can work but needs an accommodation to perform essential functions.

Employees should work with disability services to explore options.

J. Newport: It may also be determined that an ADA applicant cannot fulfill the basic functions of the job and may be referred to FMLA.

6) Standing Committee reports

AAC: Arrington-Slocum: No report.

AEC: Gustafson: No report.

CAAC: A. Arrington-Sirois: No report.

FAC: L. Brown: Met last week and found regular meeting time. Started populating slates for committees, grievance pool.

FEBC: K. Hinton: no report

GC: J. Frost: No report.
SAC: A. Badar: No report.
URC: S. Arvin: No report.

Note: Next week's Executive Committee Meeting is informal.

Adjournment 4:47pm