



VILLANOVA UNIVERSITY
FACULTY CONGRESS

Academic Year 2022-2023

January 25, 2023

11:30 am to 1:00 pm

via Zoom: <https://villanova.zoom.us/j/94432808002>

MINUTES

Present

Tina Agustiady, Theodore Arapis, Aronte Bennet, Paul Bernhardt, Joe Betz, Sherry Burrell, Cheryl Carleton, Kerry San Chirico, Col. Vincent Ciucoli, Joseph Drury, Kathryn Haymaker, Gregory Hoskins, Kamran Javadizadeh, Ann Juliano, Stephanie Katz Linkmeyer, Michelle Kelly, Amanda Knecht, Jared Paul, John Sedunov, David Shaffer, John-Paul Spiro, Mark Wilson

Absent

Jennifer Altamuro, Farshid Baghai, Gerald Beyer, Samantha Chapman, Eric Hamberger, Jeremy Kees, Rachel Skrlac Lo, Michelle McKay, Sue Metzger, Sergei Nersesov, Frank Pryor, Jennifer Ross, Lisa Sewell Lo, Troy Shirangi, Raka Shome, Bridget Wadzuk, William Wagner, Qi Wang

Housekeeping

- Welcome

Joe Drury reminded FC about the town hall meeting on divestment and invited faculty to sign a petition for greater transparency about and commitment to fulfilling the goal of carbon neutrality.

- Approval of minutes from December, 2022 meeting

Minutes approved

Standing Committee Reports (*reports submitted in advance; please see appendix; this time set aside for elevated issues and/or questions*)

1. Awards Committee (Andrew Scott [chair, external member], Sherry Burrell) – update on timing of the presentation of the Facultas award to spring staff awards event

Amanda Knecht, Ann Juliano, Aronte Bennet, Bridget Wadzuk, Cheryl Carleton, Col. Vincent Ciucoli, David Shaffer, Eric Hamberger, Farshid Baghai, Frank Pryor, Gerald Beyer, Gregory Hoskins, Jared Paul, Jennifer Altamuro, Jennifer Ross, Jeremy Kees, Joe Betz, John Sedunov, John-Paul Spiro, Joseph Drury (Vice Chair), Justinus Satrio, Kamran Javadizadeh, Kathryn Haymaker (Chair), Kerry San Chirico, Lisa Sewell, Mark Wilson, Michelle Kelly, Michelle McKay, Paul Bernhardt, Qi Wang, Rachel Skrlac Lo, Raka Shome, Samantha Chapman, Sergey Nersesov, Sherry Burrell, Stephanie Katz Linkmeyer, Sue Metzger, Theodore Arapis, Tina Agustiady, Troy Shirangi, William Wagner

2. Adjunct Faculty Representatives (Tina Agustiady, Eric Hamberger)
3. CNT/FTNTT Faculty Representatives (Frank Pryor, Sue Metzger, John-Paul Spiro)
4. Election and Credentials Committee (Q Chung, Jen Palenchar, Qi Wang, Bob Styer [emeritus])
5. Research Policy Committee (RPC; Jared Paul, chair)

Proposed change to have 5 members from Faculty Congress on RPC.

6. Faculty Rights & Responsibilities Committee (FRRRC; Amanda Knecht, chair)

FRRRC noted that they will be voting on CNT representation for Dean's selection committees. They are also working on language regarding Universal Lecture Capture that might be included in the Faculty Handbook.

7. Retired faculty members (Joe Betz) /

Committees with Faculty Representation (*reports submitted in advance; please see appendix; this time set aside for elevated issues and/or questions*)

1. Academic Policy Committee (Bridget Wadzuk, chair) –See appendix A

New Business

1. Faculty Congress Constitution motions (Bob Styer) - see appendix D

Faculty Congress discussed modifications of the FC Constitution that would take effect in 2024, including changes to the total number of members and their representative constituencies across the committees. Lacking the necessary 2/3 membership quorum, a vote on changes will occur virtually and if approved submitted for vote to the full faculty.

2. FCEC letter on Universal Lecture Capture and response from the Provost's office (Katie) – see appendix B and C

Concern was expressed about what occurs with classrooms changes when the opt-in or opt-out has already been established. Suggestion for FRRRC to meet with General Council and Student Life to consider feasible and agreeable sanctions for illicit redistribution of class recordings.

3. Support for robust discourse about abortion rights on campus (Katie & Joe) – repeat call for volunteers to help organize panels in spring 2023 on topics of academic freedom, abortion issues, and health insurance information for faculty

Seeking membership for panels to discuss academic freedom. Alice Dailey noted that she having a panel to discuss faculty use of social media, which dovetails with academic freedom.

4. Vote to approve University Council appointments: Joe Drury and Camille Burge (Katie)

Approved unanimously

5. Townhall for fossil fuel divestment (Joe) – see attachment

Open Suggestions

- *Pursue more open access to classrooms and facilities for faculty members*

- Request modernized process and protocol for creating personal websites, as they are often unprofessional
- Need expressed to prepare for the possibility that Affirmative Action is overturned

Reminders

Upcoming Congress events:

FC leadership meetings with Provost & Vice Provost

(Katie, Joe, Bridget, Amanda)

- TBA

Fall 2022 Faculty Congress general meetings (Zoom)

Spring 2023 Faculty Congress general meetings

- Wednesday, January 25, 11:30am – 1:00pm (Zoom)
- Monday, February 20, 11:30am – 1:00pm (Hybrid)
- Wednesday, March 22, 11:30am – 1:00pm (Hybrid)
- ~~Monday, April 24, 11:30am – 1:00pm~~ Thursday, May 4, 10:00am – 11:30am (Hybrid)

2022-23 Spring Faculty Fridays, 2:30 p.m. to 4:30 p.m. (*The Refectory*)

- January 27,
- February 24,
- March 31,
- April 28

Appendix A: Standing Committee Reports

1. Academic Policy Committee

APC approved changes to the APC Protocol, which is still under discussion as the Faculty Congress Constitution evolves. APC also discussed with Mr. Kevin Grubb, Associate Vice Provost, Career & Professional Development, and Dr. Alice Dailey, Director of Faculty Affairs, professional development skills as part of curricular skills for students.

Appendix B: FCEC Letter on Universal Lecture Capture

Dear Provost Maggitti, Vice Provost Wheeland, and Vice Provost Weinstein,

As you know, 2022 saw a significant expansion of the Universal Lecture Capture (ULC) system used to create retrievable video recordings of classes on campus. As of Fall 2022, ULC is now available in 83 classrooms, about half of all the rooms on campus. While many faculty members regard the ULC as a valuable teaching tool and are glad to have it available in more classrooms, others have raised significant concerns about its implementation. We are writing to inform you of these concerns and present recommendations that have come out of the conversations we have had with faculty this semester about ULC.

First, the recordings create new risks for violations of privacy, of both faculty and students. While recordings are not shared with students unless the instructor actively makes them available through My Mediasite, once they are made available, there is always the possibility that a student may post them to social media or other online platforms, in a way that could embarrass, harass, or be otherwise harmful to the instructor and other students in the class. Although Faculty Congress has been assured that such an action would be considered a violation of the Code of Student Conduct, there is currently no language in the Student Handbook specifying that this is the case. Similarly, while we have been assured that the recordings are the property of the instructor, there is currently no language in the Faculty Handbook specifying this. Even were faculty ownership to be specified, University Counsel informed us that, in the context of legal proceedings or a criminal investigation, the recordings would be discoverable, and the university would be obliged to produce them, with or without the instructor's consent. Privacy issues were a particular concern for Counseling and Nursing faculty, who noted that recordings of their classes could in some cases constitute HIPAA violations. Faculty also expressed concern that students may not be aware that they are being recorded, including during their private discussions before or after class. While the rooms with ULC have signs indicating that recordings may be in process, they are not always clearly visible. Meanwhile, some rooms that do not have ULC have signs saying that recordings may be in process, though they refer to Zoom recordings.

A second major concern was that instructors in Mediasite-enabled rooms are currently required to opt out of having their classes recorded, rather than actively opting in. As the system is currently set up, the office of the VPTL sends instructors an email prior to the beginning of the semester^[1] that informs them that they are teaching in a classroom with ULC capacity and provides them with a link to the form they need to fill out if they do not wish their classes to be recorded. An additional email is sent before the first day of class. If the instructor does not opt out, recordings are automatically made of their classes and populate their My Mediasite page, where they are stored for 18 months unless actively deleted. Given the privacy risks, many faculty felt that the recordings should only be made if an instructor had explicitly requested them. Many also expressed concern that the opt-out system had been introduced without consultation with faculty.

Other concerns have been raised by faculty members this semester, including questions about the cost of the program and the strength of the evidence for student and instructor demand for class recordings, as well as equity concerns about the impact on evaluations and survey results for instructors who choose to opt out. Team taught courses present a unique challenge since currently only the lead instructor is given Mediasite access to the recordings. The lead instructor is then responsible for providing video access to students, even during a portion of the semester when they are not actively teaching the class. Faculty members in the Charles Widger School of Law also reported that they had not been given the choice to opt out of the system, although it has now been clarified that they do have the right to opt out. In addition, we have received reports from faculty who use the recordings and do not have issues with the current ULC system; we note that no one with this view has objected to the idea of changing the system to opt-in.

Given the concerns reported as well as the complexity of the task of reworking the ULC system to make it opt-in, we have formed two lists of recommendations regarding ULC on campus.

Short-term recommendations:

- Consult with the Faculty Congress and other faculty governance committees prior to major changes to the ULC program or other classroom technology changes.
- ULC emails to instructors should be sent at least *two weeks* before the semester starts. We recommend continuing the practice of sending additional emails before the first day of class. The opt-out link should be clear and early in the email announcement.
- Explore mechanisms that would allow for entire departments or programs to opt out.

- Provide My Mediasite access to all instructors in team-taught courses that use ULC.
- Improved signage should be placed in all Villanova classrooms with ULC, clearly informing occupants that the ULC is in place and that they may be recorded. Additionally, the room signage could be clearer about whether the potential recording is automated or instructor-initiated (ULC vs. Zoom recordings, for example).
- Language should be added to the Student Handbook specifying that sharing recordings of classes without the instructor's permission is a violation of the Code of Conduct with appropriate consequences. Faculty Congress will discuss specific wording suggestions with the Dean of Students.
- Language should also be added to the Faculty Handbook specifying that recordings of classes are the property of instructors and cannot be accessed by any other member of the Villanova community without the instructor's permission. The Faculty Rights and Responsibilities Committee is currently working on a first draft of these changes.
- Improve the boiler-plate language^[2] provided to faculty to include in their syllabi, explaining the ULC system and the use of automated recordings during in-person courses for undergraduate and graduate courses on campus.
- Continue to provide opportunities for synchronous and asynchronous Mediasite training for faculty and advertise the sessions in Campus Currents and in the beginning of semester emails from the office of the VPTL.

Long-term recommendations:

- UNIT should be tasked with developing a cost-effective, efficient method for faculty to opt in to ULC to replace the current opt-out system.
- As part of a new opt-in system, automatic emails should be sent to students enrolled in a course that has been opted in to ULC; the email should inform students that the class will be recorded and that recordings may be shared with students in the class at the discretion of the instructor.
- Could there be a light added to ULC rooms that turns on when the system is recording and turns off when it is not? This would alert students and occupants of a room precisely when a recording is being captured.
- Could there be a button added to ULC classroom systems that allows recording to be paused, in case of sensitive discussions or during breaks in the class?
- A robust cost-benefit analysis of the ULC system should be conducted in two or three years to ensure that the system is worth the expense of running and maintaining it.

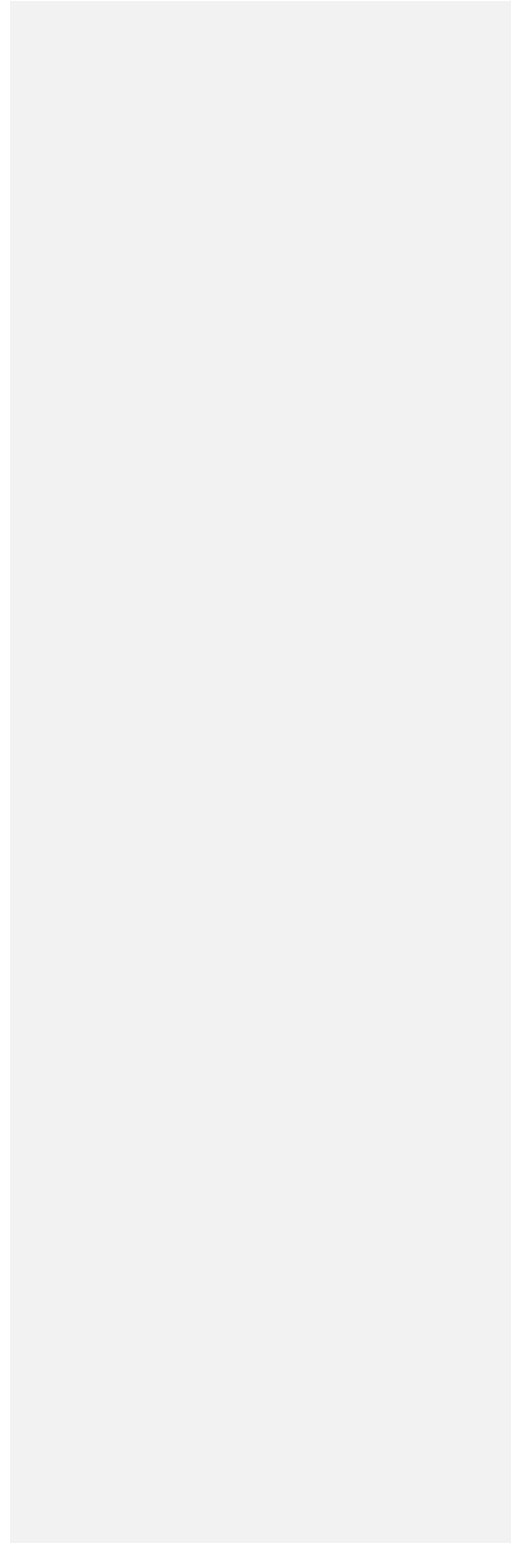
We appreciate the open communication this semester between Faculty Congress and the Vice Provost for Teaching and Learning on the topic of ULC. We regret, however, that these conversations have been taking place after the campus-wide roll out of ULC has occurred. We look forward to working together to ensure that faculty input into instructional technology and its classroom implementation on campus is robust and productive.

Sincerely,
Faculty Congress Executive Committee

^[1] In Fall 2022 the initial email was dated August 16, 2022, eight days before the start of semester.

^[2] The current recommended syllabus inserts

(<https://d31hzhk6di2h5.cloudfront.net/20220816/eb/d3/c5/bf/110623bd5f28db77a5137150/suggestrecordclass012722.pdf>) apply to: (1) situations where the recording can be stopped - not ULC; (2) online courses; (3) situations governed by the school of law student handbook, which does not apply to undergraduate ULC courses.



Appendix C: Provost Response to FCEC Letter on Universal Lecture Capture

1/4/23

RESPONSE TO RECOMMENDATIONS FROM FACULTY CONGRESS IN LETTER OF 12/15/22

Action items and time line:

Short-term recommendations:

- Consult with the Faculty Congress and other faculty governance committees prior to major changes to the ULC program or other classroom technology changes.

I would recommend a once a semester update from the VPTL to faculty congress leaders on projects and initiatives that are in discussions. This could be brief memo or a meeting, whichever faculty leaders prefer. Randy will also be available (as he has been through these discussions) as needed by faculty congress. He will also report on progress of these action items. Randy Weinstein will be the lead on this action item.

- ULC emails to instructors should be sent at least *two weeks* before the semester starts. We recommend continuing the practice of sending additional emails before the first day of class. The opt-out link should be clear and early in the email announcement.

Since its inception we have attempted to contact faculty as soon as possible about their assignment to a ULC classroom and the opt out process. The process requires that room assignments for the semester be completed by the registrar's office which strives to do as early as possible, but as you are aware we do not have a large inventory of classrooms and the popular time slots often require a significant amount of human intervention to accommodate all the class sizes, room requests, LSS/ODS accommodation needs and more. Notification at least two weeks prior to the start of classes will always be attempted (and the registrar's office has been made aware of this request) but will not always be met. For example for the spring 2023 term it would require notification on January 3. This is the first day staff return to work after a long holiday break, and it is also the day grades are due. The list of faculty assigned ULC rooms and their courses must be generated by the registrar's office and supplied to UNIT who then sets up the system and launches the email in Randy Weinstein's name to those teaching in ULC rooms. This takes some time to accomplish. For the spring 2022 term it would have required notification by December 27.

Since we may not be able to always meet the 2 week request we will put notice in Campus Currents as soon as possible (it does not run over breaks/holidays) about ULC in general and tell faculty to be on the lookout for an email if they are teaching in a ULC room. Randy Weinstein will be the lead on this action item.

- Explore mechanisms that would allow for entire departments or programs to opt out.

All this requires is contacting Jennifer Pohlhaus or someone on her team. It must be done prior to the pulling of data for the semester for which it starts. Jennifer Pohlhaus will be the lead on this action item.

- Provide My Mediasite access to all instructors in team-taught courses that use ULC.

We have previously looked into this. In the Mediasite system, there is only one "owner." Other professors can be added as editors, with similar control; the only difference is that they would have to go to MyMediasite and search for the class recordings. They will only automatically appear in

MyMediasite for Banner's course owner/primary faculty. For now, adding the other faculty as editors would be a time-consuming manual process. We will look to automate it in the future. Jennifer Pohlhaus will be the lead on this action item.

- Improved signage should be placed in all Villanova classrooms with ULC, clearly informing occupants that the ULC is in place and that they may be recorded. Additionally, the room signage could be clearer about whether the potential recording is automated or instructor-initiated (ULC vs. Zoom recordings, for example).

We should be able to complete this task by the fall 2023 semester. Jennifer Pohlhaus will be the lead on this action item.

- Language should be added to the Student Handbook specifying that sharing recordings of classes without the instructor's permission is a violation of the Code of Conduct with appropriate consequences. Faculty Congress will discuss specific wording suggestions with the Dean of Students.

FRRC is working with Alice Dailey to draft language for both the Faculty Handbook and Student Code of Conduct regarding penalties for the inappropriate sharing of class recordings. Amanda Knecht and Alice Dailey are the point persons on this item.

- Language should also be added to the Faculty Handbook specifying that recordings of classes are the property of instructors and cannot be accessed by any other member of the Villanova community without the instructor's permission. The Faculty Rights and Responsibilities Committee is currently working on a first draft of these changes.

FRRC and Alice Dailey are collaborating on the language for and appropriate placement of such statements in the Faculty Handbook. Amanda Knecht and Alice Dailey are point persons on this item. Please note that UNIT administrators may need to access digital items on any of Villanova's systems, including Mediasite, to trouble shoot and fix technological issues or assist students with LSS/ODS accommodations. They will not share content.

- Improve the boiler-plate language ^[2]provided to faculty to include in their syllabi, explaining the ULC system and the use of automated recordings during in-person courses for undergraduate and graduate courses on campus.

Randy Weinstein will update this document before the start of the summer 2023 term.

- Continue to provide opportunities for synchronous and asynchronous Mediasite training for faculty and advertise the sessions in Campus Currents and in the beginning of semester emails from the office of the VPTL.

These sessions have been continually advertised to faculty through campus currents as well in the email faculty receive who are teaching in a ULC room. The trainings typically have low attendance, but those who do attend find them helpful. We will continue to place training opportunities in Campus Currents as well as in the email notification. Randy Weinstein will be the lead on this action item.

Long-term recommendations:

- UNIT should be tasked with developing a cost-effective, efficient method for faculty to opt in to ULC to replace the current opt-out system.

This is one of the most challenging of the suggestions, but we will have Jennifer Pohlhaus investigate its possibility and develop a timeline and cost estimate for consideration. I wish I could say we could do this quickly and effectively for faculty.

- As part of a new opt-in system, automatic emails should be sent to students enrolled in a course that has been opted in to ULC; the email should inform students that the class will be recorded and that recordings may be shared with students in the class at the discretion of the instructor.

We will explore with the opt in system in the action item above.

- Could there be a light added to ULC rooms that turns on when the system is recording and turns off when it is not? This would alert students and occupants of a room precisely when a recording is being captured.

We have previously investigated this with general counsel, and they recommend against this system. They approved the signs in the classrooms. If a light fails (system failure, bulb issues, etc.) we open ourselves up to possible legal issues. They prefer the blanket statement that there may be recording taking place and not rely on a specific indicator that the recording is on or off.

- Could there be a button added to ULC classroom systems that allows recording to be paused, in case of sensitive discussions or during breaks in the class?

We have previously investigated this action item and it is a bit of a challenge with our systems and a significant cost to include additional hardware, programming, and reprogramming of all the in-room control panels. We also believe that faculty would be more likely to forget to restart the recording. However, Jennifer Pohlhaus will present some options for discussion and consideration by the start of the fall 202e semester. Faculty have the ability to edit any of the recordings using the web based editor in Mediaite and can remove portions of recordings if they desire.

- A robust cost-benefit analysis of the ULC system should be conducted in two or three years to ensure that the system is worth the expense of running and maintaining it.

Randy Weinstein will put this on his long-term list of things to do.

Appendix D: Motions for Changes to Constitution and By-Laws

Suggested Motions for Changes to the Constitution and Bylaws of the Faculty Congress.

January 25, 2023

<https://www1.villanova.edu/villanova/facultycongress/constitution.html>

Constitution minor changes:

Motion for minor changes:

Article 2 Section 1: replace “Full-time non-tenure track” by “Continuing non-tenure track”.

Article 2 Section 3: replace “terms begin” with “term begins”.

Article 5 Section 2: Add Research Policy Committee to this list. NOTE: this should be contingent on faculty approving to add members of the Research Policy Committee to the Congress.

ByLaws minor changes

Motion to include all minor changes:

Article 1 Section 1, part h: Delete “after which he or she shall serve the normal term as Chair.

Article 1 Section 2, part e: Replace “Section 1.f” by “Section 1.h”.

Article 1 Section 2 part f: Delete the last sentence.

Article 1 Section 3 part c: Replace by “The Secretary may prepare and transmit unofficial summaries of the Congress minutes or other Congress matters to the Faculty at Villanova University.”

Article 1 Section 3 part d: Delete “until the next regular election, when a successor elected at the regular general election shall take office for the unexpired portion of the term or until a successor qualifies.”

Article 1 Section 4 part d: Delete “until the next regular election, when a successor elected at the regular general election shall take office for the unexpired portion of the term.

Article 3 Section 1: Assuming a new part e is added, then change the following items to f and g.

Article 3 Section 2: Move “Research Policy Committee” to the end to be consistent with the ordering of the committee sections below.

Article 3 Section 3 part a: Add the sentence “The term of office is two years.”

Article 3 Section 3 part b: Delete the final sentence and replace the rest with “The Elections and Credentials Committee shall have authority to administer the elections for the members of the Faculty Congress, the University Rank and Tenure Committee, the University CNT Promotion Committee, and other committees as directed by the Faculty Congress. It shall also solicit nominees for the appointed faculty members to all committees advising the University Council and present those nominees to the Executive Committee of the Faculty Congress which will, in turn, select a nominee for each committee seat.”

Article 3 Section 4 part b first sentence: Replace with “The Faculty Rights & Responsibilities Committee consists of thirteen elected faculty members plus the Vice Chair of the Faculty Congress, who serves as an *ex officio* voting member.”

Article 3 Section 4 part b: Insert sentence “The term of office is two years.”

Article 3 Section 4 part b: Replace “re-eligible” by “eligible again”.

Article 3 Section 4: move part b to become part a and renumber part a as b.

Article 3 Section 4: add part c:

. Faculty membership on the Faculty Rights & Responsibilities Committee will be as follows:

Arts Humanities (2 seats, from different departments)

Arts Social Science (1 seat)

Commented [ck1]: Can we really call an ex officio member "elected"? Rewrite as:
The Faculty Rights & Responsibilities Committee consists of thirteen elected faculty members plus the Vice Chair of the Faculty Congress, who serves as an *ex officio* voting member.

Commented [MD2R1]: I agree on this suggestion

Sciences (2 seats, from different departments)

Engineering (2 seats, from different departments)

VSB (3 seats, from at least two different departments)

Nursing (2 seats)

Law (1 seat)

Vice Chair of Faculty Congress, *ex officio*

Article 3 Section 5 part c: Replace “re-eligible” by “eligible again”.

Article 3 Section 6: move part b to become part a and renumber part a as b.

Article 3 Section 6 part b: Replace “Faculty members are” by “A faculty member is”.

Article 3 Section 6: Replace “are eligible” by “is eligible”.

Article 3 Section 7: add a title: “Other Committees”

Article 3 Section 8: add a title “Discontinuing Committees”

Article 3 Section 8: Add the Elections and Credentials Committee and the Research Policy Committee to this list since they are embedded in the ByLaws.

Article 4 Section 1: Change the April 15 date to April 1.

Article 4 Section 2: Replace old Section 4 with new Section 2 “Except for the Chair and Vice Chair, the newly elected Faculty Congress, at its first meeting in the spring of even numbered years, shall elect all other members of the Faculty Congress Executive Committee.”

Article 4 Section 3: Delete old Section 2. Renumber Section 3 as Section 4 and replace first sentence with “The Elections and Credentials Committee will oversee voting for members on the Faculty Congress.”

Article 4: add a new Section 5: “The Elections and Credentials Committee will oversee voting for members on the University Rank and Tenure Committee and the University CNT Promotion Committee. Elections will be conducted by secret ballot using approval voting.”

Constitution major changes

[Some issues need to be resolved before considering the following motions]

Motions for substantive changes:

Regarding Article 2 Section 1:

1. Increase faculty representation on APC from 16 to 18.
2. Reduce “at-large” adjunct seats from 2 to 1 (with the assumption that an adjunct is added to APC).
3. Add five seats to the Congress with five elected faculty members on the Research Policy Committee.
4. Add four seats to the Congress, one elected representative to serve on the Athletic Advisory, Budget, Mission and Social Justice, and Student Life committees.
5. Remove the six at-large seats.
6. An alternative to 5: in light of the discussion to add an AAUP officer, who often has served in an at-large seat, perhaps retain 2 or 3 of the at-large seats to allow an AAUP officer access to a seat on the Congress without needing to add another committee to their busy schedule.
7. An alternative to 5 and 6: create a new Congress seat for an AAUP officer. This seemed to be less favored during the discussion???

Regarding Article 7 Sections 2 and 3:

Replace the current sections with:

Section 2. Nonsubstantive name changes in this Constitution may be proposed by any Faculty Congress member. Such amendments must be proposed and debated at a Faculty Congress meeting, with further debate and a vote at the following meeting. Ratification requires at least two-thirds approval of the membership of the Faculty Congress present and voting.

Section 3. Amendments to the Bylaws may be proposed by any Faculty Congress member. Such amendments must be proposed and debated at a Faculty Congress meeting, with further debate and a vote at the following meeting. Ratification requires at least two-thirds approval of the membership of the Faculty Congress present and voting.

Alternative Suggestions: One person thinks we should establish a minimum quorum for such changes, say 15 or 20 persons. This would require an amendment to Article 4 Section 3. Another person suggests using a higher threshold than two-thirds, say 80%.

[Note: Consideration of Bylaws major changes will occur at a later meeting]