The Faculty Senate was called to order by Professor Sarah Ellis, Chair-elect.

PRESENT: Anderson, Asprey, Barker, Bemben, Bradley, Bradshaw, Burke, Burns, Cheng, Cifelli, Coleman, Cox-Fuenzalida, Davidson, Demir, Ellis, Elwood Madden, Fiedler, Gutierrez, Hall, Hart, Houser, Jamili, Johnson, Karr, Koch, Lawson, Livingood, Markham, Martens, Martin, Pepper, Riggs, Safiejko-Mroczka, Schmeltzer, Scrivener, Shah, Sikavitsas, Sprecker, Stewart, Stock, Swinkin, Trafalis, Volz, Wang, Warren, Woodfin

Provost’s Representative: Provost Harper
ISA representative(s): Matthew Rom, Chris Cook, and Leslie Vennochi
SGA Representative(s): Daniel Pae, Timothy Crisp, Kade Kordonowy
Others: Cynthia Clegg, Breion Rollins, Julius Hilburn, Diana Biggerstaff

ABSENT: Barrett, Burstein, Churchman, Keppel, Moxley, Weaver

TABLE OF CONTENTS

State of the University Address by President Boren................................................................. 2
Announcements:
   Disposition by Administration of Faculty Senate actions for 2015-16 ......................... 3
   Joint meeting of Faculty Senate, Staff Senate, and SGA representatives .................. 3
   Oklahoma Women in Higher Education conference ................................................. 3
   Recently opened exhibit at Art Museum: “Picturing Indian Territory, 1819-1907” ......... 3
Remarks by Human Resources Staff ..................................................................................... 3
SGA’s proposed revisions to Final Exam Preparation Policy.............................................. 6
Election, councils/committees/boards .................................................................................. 7
Senate Chair’s Report:
   Faculty Advisory Council to the Oklahoma State Regents for Higher Education meeting .... 7
   FS Chair Meeting with SGA President ........................................................................ 7
   Dean’s Council Meetings ......................................................................................... 7

APPROVAL OF JOURNAL

The Faculty Senate Journal for the regular session of May 9, 2016 was approved with the following modification. On page 5, Prof. Fiedler suggested adding the rebuttal by Prof. Keppel of the change to the length of the diversity training. He noted that Prof. Keppel stated at the September meeting that he had recently attended the diversity training and it is still the same length.
STATE OF THE UNIVERSITY ADDRESS BY PRESIDENT DAVID BOREN

Prof. Riggs thanked President Boren for making his annual State of the University address at today’s meeting. The President thanked the faculty for their hard work in light of the budget concerns at a time when OU has its largest freshman class. He highlighted the high retention rate and stated that when he came to OU, the rendition rate was in the 50’s. A goal was made to reach a 90% retention rate. The counseling, tutoring, and financial aid programs that our faculty members have supported have allowed OU to reach that goal with a 90.4% retention this year. He expects the retention rate to stay strong and it will positively affect our graduation rate.

Pres. Boren said that OU’s new biomedical engineering program is funded by private donors. Biomedical engineering is a field that is sought after nationwide with very strong increases in enrollments. Both faculty and construction of facilities for the program were supported by private funds and OU has had a remarkable year in fundraising.

He noted that construction of the residential colleges is well underway. They will provide needed housing for upperclassman allowing them to live together and bond to create a stronger campus. It is expected that 3-4 times as many students will apply, as there will be space for.

The President said that the football stadium project was originally larger. However, the scope was reduced and the fundraising for the project has taken place and no university funds are being diverted to support it. He reminded the Senate that the Athletics Department donates to the university each year through the academic fee on athletic tickets. That goes towards the academic budget and helps support the library and the art museum as well.

He expressed concern about the state budget deficit and its effect on funding for both common and higher education. State support for the OU’s budget continues to dwindle. Twenty years ago, 54% of OU’s budget came from the state. Now, it is 12% for the Norman campus and only 6% for the medical school. Private donations each year are double what the state provides. The future of public education is uncertain and damage is being done by the lack of public funding. The ongoing trend in our state funding has necessitated raising more private donations and also increasing tuition and fees. However, he is concerned that these higher tuition and fees may reduce access to higher education for some young Oklahomans with much academic potential, but limited financial resources. Many of our first generation college students and their families are having a difficult time paying the increasing tuition and fees.

The President expressed concern about support for K-12 education in this state as well and noted the higher teacher salaries in surrounding states such as Texas. He sees this as a critical time for Oklahoma to support both common and higher education. All parts of the chain from early childhood to graduate school have to be maintained. There are thousands of children in Oklahoma schools that are taught by teachers that are not certified and roughly a quarter of the school districts in this state have 4-day school week. Oklahoma needs to lengthen the instructional period, not shorten it and the 4-day school week causes social problems as well, as for some children the hot lunch as school is critical to their health and development.

Last year, higher education in OK was cut $153 million as a system. The penny sales tax proposal would provide $100 million towards making up that shortfall. We have tried to close the gap in the OU budget through several routes including the recent voluntary retirement program. However, OU has 340 unfilled faculty and staff positions which we cannot afford to fill. We have tried to make every single dollar stretch, but the President is concerned about what will happen next year if we do not receive the $100 million generated by the penny sales tax. The President anticipates that the state could face a $600 million shortfall in the state budget. We are at a crossroads and we do not want to face the future
without that additional funding. We will have to struggle to maintain the excellence that we have worked so hard to achieve for the sake of our students and our entire community. We have already harvested all the low-hanging fruit and any further cuts could compromise our excellence. Polling data shows bipartisan support for the penny sales tax, but that could change if well-funded opponents come in. We have to be willing to fund what matters to the state and education is extremely important. Both OU and OU-HSC have a remarkable positive impact on this state and what faculty members are doing every day in the classrooms affects the entire state.

The President closed by noting that exciting things are happening at OU, even in difficult times. He thanked the faculty for the quality of what is going on at OU and for the feedback they provide to him. Pres. Boren asked if there were any questions or suggestions.

Prof. Burns asked if the President could speak to some environmental issues that we face both as a state and locally. He mentioned the pipeline that will be going through Norman and suggested that the university should be consulted on these types of issues. The President noted the experts that OU has on campus that study environmental issues and can assist in making these decisions and the importance of the watershed. Prof. Burns suggested that the Environmental Concerns Committee could be tasked with providing some of that guidance.

Prof. Fiedler asked about the possibility of OU becoming a private university. Pres. Boren noted that we would have to more than double the endowment in order to meet our expenses. In addition, there is the question about whether the university would have to purchase its own assets from the state. In addition, we would be forced to increase tuition and fees, making it more difficult for less affluent students to attend.

ANNOUNCEMENTS

The summary record of the disposition by the administration of Faculty Senate actions for September 2015 to August 2016 is attached.

The annual joint meeting of university governance organizations, the Faculty Senate, Staff Senate, and SGA representatives is scheduled for Tuesday, October 11.

The Oklahoma Women in Higher Education conference will be held Friday, November 18, at the University of Central Oklahoma. Further information is available at http://www.okwhe.org/ under the “Conferences” tab.

“Picturing Indian Territory, 1819-1907” recently opened at the Fred Jones Jr. Museum of Art. The exhibit surveys how the people, land, and history of Oklahoma were constructed visually by artists, illustrators, and journalists from the early decades of the nineteenth century before and after the creation of Indian Territory in 1834; to the inception of Oklahoma Territory in 1890; and finally to the unification of Indian and Oklahoma Territories to create the state of Oklahoma in 1907.

REMARKS CONCERNING BENEFITS BY HUMAN RESOURCES STAFF

Prof. Riggs introduced Interim Human Resources Director Cynthia Clegg and turned the presentation over to her. She introduced Breion Rollins and Julius Hilburn to discuss the benefits plan and Diana Biggerstaff to discuss the staff classification issue.
Mr. Hilburn served as Chair of the committee that evaluated proposals for medical, dental, and life insurance providers. He noted that OU received a good response and most companies are actively pursuing our business. The committee had both faculty and staff representation. For medical insurance, among several strong finalists the committee selected Cigna for several reasons. They are providing a saving on their administrative costs and have some good participant engagement and education tools to help users navigate through health care decisions. He said that OU would not have changed providers unless the committee felt that there are significant benefits to switching to Cigna.

For dental insurance, OU will stay with Delta Dental. They had an aggressive bid and provided a 4-year rate guarantee. For life and disability coverage, the committee recommends changing from the Standard to Lincoln Financial. This will save both OU and participants money, while providing the same level of coverage. The committee went through a pretty extensive process when making these decisions and the Regents approved these changes at their September meeting.

Human Resources does not anticipate any significant changes to the benefits structure. OU will have both a PPO and a high-deductible plan, but has eliminated the HMO plan. The rates for next year are not yet finalized, but should be finalized in the next week and will be communicated broadly to the university community. Faculty and staff should receive an email this week with information about Cigna and what they offer. There will also be benefits fairs.

Prof. Cifelli asked if most doctors would accept Cigna. Mr. Hilburn said that Cigna currently accepts about 95% of the doctors that our employees currently use and would be pursuing those doctors that do not contract with Cigna.

Prof. Burns said that many of the problems with changing medical insurers are in the practical details, such as the formulary for prescription medications. Mr. Hilburn said the prescription benefit design is very similar to the current plan, but there may be specific medications in a different tier.

There were questions about Cigna’s coverage internationally for faculty that travel on both short trips such as to conferences as well as for longer trips that may last the entire semester or academic year. Mr. Rollins said that OU is working with Cigna to assure international coverage. There were no additional questions about the benefits update.

Prof. Riggs said that at the end of the last Faculty Senate meeting there were questions about the reclassification of some staff from exempt to non-exempt and thus from salaried to hourly. Human Resources has provided Diana Biggerstaff to explain that process and answer any questions.

Ms. Biggerstaff said the changes were federally mandated and had to do with the ‘white collar exemption’. Three requirements affect exemption from overtime: salary basis, salary level, and standard duties. The last time these regulations changed was 2004, but the changes then were small. In May 2016, the final rule came out which raised the salary threshold from $23 thousand to $47 thousand in order to make more employees eligible for overtime. The government plans to reevaluate this salary threshold every three years. There were no changes to the standard duties test. These rules are effective December 1, 2016, but OU elected to make the change effective October 1 since that is a better time in the semester.

Ms. Biggerstaff noted that there are still some exemptions that are not affected by the rule. Teachers, doctors, and lawyers do not have to meet these rules, but teachers must be doing teaching as their primary duty. Graduate assistants and resident advisors are not affected by this rule. There are also some exemptions for specific administrative personnel whose duties are directly related to teaching such as academic advisors and intervention specialists. The change means that for employees making
less than $47,476 per year, they were able to keep their current title. They are also now eligible for overtime compensation, so must track their actual hours worked.

Prof. Houser asked if the reclassification would affect retirement contributions and paid leave calculations. He also wanted to know about the communication process to affected employees. Ms. Biggerstaff said that there was no major change to retirement or leave. However, Ms. Clegg noted that hourly employees accrue leave based on hours worked while monthly employees receive a flat amount per month. Thus, hourly employees do not accrue leave while on a ‘leave without pay’ status. Mr. Rollins said that retirement contributions are based on actual earnings. In terms of communication, Ms. Biggerstaff said that there were informational meetings and there is information for employees and managers on the Human Resources website. She also noted that OUHSC recently transitioned to bi-weekly pay for all its employees, both exempt and non-exempt. In addition, OU provided 8 hours of administrative leave to help bridge the gap for affected employees because of the timing of the biweekly pay schedule.

Prof. Bemben asked what should be done if an employee accrues overtime hours and the department does not have funding to cover those hours. Ms. Biggerstaff said that once overtime is accrued, the employee would be paid for those hours. She noted that overtime is accrued within the workweek, so managers could make adjustments to an employee’s schedule within that week, if must work more hours on one day than they normally do. In addition, OU can pay employees for overtime at time and a half or they can offer them comp time, which is also at time and a half.

Prof. Barker stated that Ms. Biggerstaff might not be the person to answer some of his questions then asked whether Ms. Biggerstaff knew who developed OU’s implementation plan, which she had described. Ms. Biggerstaff said that OU already knew which positions fell under the white-collar exemption, so HR looked at who under that exemption would be affected by this change. She said that some departments asked HR to review position classifications and for some positions, departments opted to give small raises to employees whose salaries were just below the borderline. Prof. Barker asked if there was any recourse for the employees being affected by this change. Answering for Ms. Biggerstaff, Ms. Clegg said that once the rule came out, HR pulled the list of employees that could be affected and it was about 1,600 employees. They then removed those that met the special exemptions, such as the graduate assistants and the number went down to 1,000. She also noted that departments had the discretion to make changes for specific employees. Prof. Barker said there was a change of status in going from salary to hourly and asked if HR consulted legal staff when determining who would be affected. Ms. Clegg answered “No”, and said HR determined who was affected was based on salary level. Prof. Barker asked if the university considered raising all the affected employees’ salaries to put them above the salary threshold. Ms. Clegg said that was not considered as far as she knew.

Prof. Barker asked why the number of employees affected reported in emails to the faculty changed from 2,000 to 1,200 and ultimately 1,000. Ms. Clegg responded that the initial number of affected employees reported likely included employees at the Health Science Center in addition to Norman Campus. The lower numbers reported later in the process reflect only employees on the Norman campus. In addition, some departments did raise some salaries, moving employees out of the group affected, further lowering the number.

Prof. Barker said that some employees had concerns that they would no longer be able to work flextime and asked if this is still an option for employees. Ms. Clegg said that up to 40 hours per week, employees could still be scheduled for what hours meet the best interest of the department, but over 40 hours, they should be paid time and a half. Ms. Clegg stated that contributions to retirement or leave should not be affected by the reclassification, except that leave must now be accrued during the 40-hour week.
Prof. Barker said that at the same time that the first emails about the FLSA changes were sent, the university sent emails announcing an option for 12-month employees to move voluntarily to a 9-month classification and that employees are concerned they will be compelled to make that change involuntarily. He asked HR staff to state categorically that this would not take place. Ms. Biggerstaff said that those two changes were not related to each other.

Prof. Barker asked about plans to purchase software to track employee hours. Ms. Clegg said that the university is considering that type of software but the decision would be made by Payroll, which is now in Financial Services and is not a part of HR. Prof. Barker asked about the status of a specific court case, to which the State of Oklahoma is a party, to repeal this mandate. Ms. Clegg said that she did not know how to respond to this question. Ms. Clegg replied that OU has more risk in treating non-exempt employees as exempt than in treating exempt employees as non-exempt. Prof. Barker asked for clarification of the risks associated with being out of compliance. Ms. Clegg responded that the Department of Labor starts with the assumption that all employees are hourly. Therefore, the risk of misclassification to an employer is back pay. Prof. Barker said that this policy has had a negative effect on employee morale and OU runs the risk of losing some highly qualified staff members that have been moved from salary to hourly. Ms. Biggerstaff said that the university had to come into compliance with the new federal standards. She stated that the changes in federal rules were designed to benefit employees, not employers. Prof. Riggs thanked Ms. Clegg and her staff for speaking at today’s meeting.

**SGA’S PROPOSED REVISION TO THE FINAL EXAM PREPARATION POLICY**

Prof. Riggs introduced the President of the SGA and stated that the Faculty Senate would be voting on the SGA’s proposed revisions to the Final Exam Preparation Policy. He noted that there had been discussion of the changes at previous Senate meetings.

The SGA request included the following changes:

1. Added a clause encouraging no exams or quizzes during Pre-Finals Week.
2. Adding a chain of approval for special cases deviating from the policy asking that professors report their designate due to the ability of a chair, dean, or provost being the professor of a course.
3. Adding a clause asking for the Pre-Finals Week policies to be placed in the course syllabus.
4. Changing the name of the Student Government Association to properly reflect the change in name from UOSA to SGA.

Prof. Riggs noted that the student themselves have some amendments to suggest and a list of these was handed out to senators. Prof. Burns spoke in support of exempting quizzes from section 4.10.1(A) and made an amendment to that effect. That amendment was voted on and passed by a large majority.

Prof. Volz raised the issue of final exams for undergraduate classes that start after 4:30 pm. Currently, those classes have their final exams during the last week of classes. He would like the current wording to stand. Thus, he does not want to alter that section of the policy, as the university does not schedule a final exam period for evening classes. There was some confusion about the meaning of the current wording and Prof. Riggs suggested changing the wording to “This policy does not apply to classes meeting one day a week for more than one hour or to classes without a university-scheduled final exam time during finals week.” That amendment passed unanimously.

Prof. Burns requested adding “and graduate courses” after laboratory classes to the line “All university laboratory classes are exempt from this policy.” That amendment passed unanimously.
Prof Bemben asked if there is any exemption for capstone classes. The SGA representative said that capstone classes were not considered. Prof. Sikavitsas said that often capstone classes do have final presentations which serve as a final exam and they are not during the final exam period scheduled for that class time. Prof. Riggs said that this information would need to be on the course syllabus.

The SGA’s proposed revisions to the Final Examination Preparation policy with the revisions by the Faculty Senate was approved by a majority of the senators present. The final wording is attached.

**ELECTION, COUNCILS/COMMITTEES/BOARDS**

The Faculty Senate approved the Senate Committee on Committees’ nominations to fill vacancies on university and campus councils, committees and boards and nominations for Faculty Senate standing committees (attached).

**SENATE CHAIR’S REPORT, by Prof. Wayne Riggs (delivered by Chair elect Prof. Sarah Ellis)**

“On September 30, the Faculty Senate Chair attended a meeting of the Faculty Advisory Council to the Oklahoma State Regents for Higher Education. Two items were discussed. First, Past FS Chair Tassie Hirschfeld presented a revised version of the Regents’ annual Faculty Opinion Survey, a slightly revised version of which will be sent to OU faculty members very soon. Second, data about the effectiveness of current approaches to remedial courses in colleges and universities in Oklahoma were presented and discussed.

On October 3, the FSEC met with Provost Harper, representatives from Human Resources, and the chair of the IT Council, Patrick Livingood. Dr. Livingood gave a report on the various university committees with oversight over OU IT practices and policy. These committees have proliferated recently and he presented information about their responsibilities and potential overlap. The HR representatives gave the FSEC an overview of this year’s changes to faculty benefits. Provost Harper drew our attention to a press release stating that Dr. James Pappas is retiring as Dean of OU Outreach. From the press release, “Belinda Biscoe, Associate Vice President for University Outreach, Public and Community Services, will be appointed as Interim Vice President for University Outreach; Martha Banz, currently Associate Dean of the College of Liberal Studies, will be promoted to Interim Dean of Liberal Studies and appointed Associate Provost for Continuing Education; and Shad Satterthwaite, Assistant Vice President for Continuing Education Academic Programs, will be appointed as Associate Dean of Liberal Studies.” Provost Harper said that Martha Banz would also have the title of Associate Provost for Continuing Education.

On October 5, the Faculty Senate Chair attended the Deans’ Council meeting. Provost Harper again delivered the news about Dr. Pappas’s retirement as Dean of Outreach and the consequent administrative changes. The only other item on the agenda was a discussion of the Faculty Post-Tenure Review policy. Vice Provost Simin Pulat has been charged with considering changes to that policy to make it more effective and less onerous. Those present at the meeting were invited to discuss the current policy and how it might be changed to accomplish those ends. Many of the Deans seemed enthusiastic about the prospect of modifying the procedure. This seems to be the very beginning of a process that could result in significant proposed changes to the Faculty Post-Tenure Review procedures and standards. The Faculty Senate Executive Committee will follow up with the Provost about this.

The Faculty Senate Executive Committee was unable to meet with President Boren this month due to conflicts with his schedule.”
ADJOURNMENT

The meeting adjourned at 5:24 p.m. The next regular session of the Faculty Senate will be held at 3:30 p.m. on Monday, November 14, 2016, in Jacobson Faculty Hall, Room 102.

Stacey L. Bedgood, Administrative Coordinator

Megan Elwood Madden, Faculty Senate Secretary
# RECORD OF DISPOSITION BY ADMINISTRATION OF FACULTY SENATE ACTIONS

(September 2015-August 2016)

<table>
<thead>
<tr>
<th>Date of Senate meeting</th>
<th>Item*</th>
<th>Origin</th>
<th>Disposition by administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 9-21-2015</td>
<td>Faculty appointments to the the Publications Board, Research Council, and Academic Programs Council</td>
<td>Faculty Senate Committee on Committees</td>
<td>Appointed</td>
</tr>
<tr>
<td>2 12-07-2015</td>
<td>Faculty appointments to councils/committees</td>
<td>Faculty Senate Committee on Committees</td>
<td>Appointed</td>
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<tr>
<td>3 4-11-2016</td>
<td>Faculty appointments for end-of-the-year vacancies on university and campus councils/committees/boards and Faculty Senate standing committees</td>
<td>Faculty Senate Committee on Committees</td>
<td>Approved</td>
</tr>
<tr>
<td>4 4-11-2016</td>
<td>Formal Policy for Academic Assessment of Student Learning</td>
<td>Provost’s Advisory Committee for Learning Outcomes Assessment (PACLOA)</td>
<td>Notified</td>
</tr>
<tr>
<td>5 5-09-2016</td>
<td>Reapportionment of the Faculty Senate for 2013-16</td>
<td>Faculty Senate, Ad Hoc Committee on Reapportionment</td>
<td>Notified</td>
</tr>
</tbody>
</table>

*Full text of recommendation can be found in Faculty Senate Journal for date indicated at left
Changes to the Faculty Handbook recommended by the Student Government Association regarding the Final Exam Preparation Period Policy, including additions/modifications made by the Faculty Senate

Version approved at the October 10, 2016 meeting of the OU-NC Faculty Senate

4.10 FINAL EXAM PREPARATION PERIOD

Pre-finals week will be defined as the seven calendar days before the first day of finals. Faculty may cover new course material throughout this week.

4.10.1 Student-Faculty Policies and Information

(A) Assignments, examinations, or projects worth less than 10 percent combined total of a student's grade may be assigned at any time prior to pre-finals week and may be due during pre-finals week. However, no assignments, examinations, or projects may be due on the last two days of pre-finals week. Quizzes may be given during pre-finals week, but cannot account for more than 3% combined total of the final grade. Exams may not be given during pre-finals week.

(B) Assignments, take-home examinations, in-class examinations, or projects worth more than 10 percent of a student's grade must be scheduled at least 30 days prior to the first day of finals and must be due or given prior to pre-finals week. Any assignment that is to take the entire semester to complete may be accepted or presented during the first three weekdays of pre-finals week provided the syllabus explicitly states that the assignment can be turned in prior to pre-finals week. In-class presentation of semester assignments due before pre-finals week may be scheduled for any day other than the last two days of pre-finals week.

(C) Special cases deviating from this Final Exam Preparation Period policy must be clearly stated in the course syllabus and approved by the chair of the department through which the course is offered. If the professor is the chair of the department, the professor must have these special cases approved by the dean of the college in which said department resides. If the professor is the dean of the college in which the course is taught, the professor must have these special cases approved by the Senior Vice President and Provost.

(D) Special requests made by a student for an extension of assignment deadlines into pre-finals week may be granted subject to the discretion of the instructor.
(E) Final Exam Preparation Period policies must be placed in the course syllabus underneath the University Policy section.

This policy applies only to 16-week courses during the spring and fall semesters.

This policy excludes make-up assignments, make-up tests, and laboratory examinations. It also does not apply to classes meeting one day a week for more than one hour with a start time before 5:00 p.m. and evening classes, or to classes without a university-scheduled final exam time during finals week.

All University laboratory classes and graduate courses are exempt from this policy.

No University of Oklahoma Student Association (UOSA) organization Student Government Association (SGA) Registered Student Organizations (RSO’s) may hold meetings, banquets, or receptions or sponsor or participate in any activity, program, or related function that requires student participation during pre-finals week.

Violations to this policy should be reported to the chair of the department in which the course is taught or, in special circumstances, to the dean of the college and may be grounds for grade appeal.

This policy shall remain in force until reviewed no sooner than 2014.
Academic Programs Council:
complete 2016-19 term of Chris Sadler as of January 2017: Ben Alpers (Honors College)
complete 2014-17 term of Jason Houston: Priscilla Griffith (Instructional Leadership & Academic Curriculum)

Campus Tenure Committee:
complete 2014-17 term of Michael Ashby: Liorah Golomb (University Libraries)

Faculty Appeals Board:
complete 2014-18 term of Nick Harm: Deepak Devegowda (Petroleum & Geological Engineering)
complete 2013-17 term of Kim Milton: Barry Weaver (Geology & Geophysics)

Faculty Awards & Honors Council:
complete 2014-17 term of Dick Henry: Ying Wang (Mathematics)

Honorary Degrees Screening Committee:
complete 2014-17 term of Victor Youritzin: Michael Bemben (Health & Exercise Science)

Legal Panel:
complete 2014-17 term of Michael Scaperlanda: Laura Palk (Marketing & Supply Chain Management)

Research Advisory Committee to the Vice President for Research:
complete 2016-19 term of Claude Miller as of January 2017: Zev Trachtenberg (Philosophy)

Research Council:
complete 2014-17 term for Humanities of Ronald Schleifer: Rebecca Huskey (Classics & Letters)
complete 2016-19 term for Social & Behavioral Sciences of Claude Miller as of January 2017:
Jeanette Davidson (Social Work / African & African-American Studies)

University Libraries Committee:
complete 2015-18 term of Claude Miller as of January 2017: Barry Weaver (Geology & Geophysics)

Faculty Senate Faculty Welfare Committee:
complete 2014-17 term of Chris Sadler: Chris Ramseyer (Civil Engineering & Environmental Science)