

FACULTY SENATE MINUTES
February 8, 2007

The Faculty Senate of the University of North Alabama met February 8, 2007 in the Faculty/Staff Commons of the Guillot University Center at 3:30 p.m.

President Loew called the meeting to order and recognized the following proxies:

Donna Yancey for Senator Lindsey from Management and Marketing,
Dan Burton for Senator Rieff from History/Political Science,
Mitch Smith for Senator Fennell from Military Science,
Francis Menapace for Senator Richardson from Biology, and
Lynn Aquadro for Senator Leonard from Nursing.

Senator Adams moved the adoption of the agenda. Senator Adler seconded. The motion passed unanimously.

Senator Gaston moved the approval of the January 18, 2007 minutes. Senator Summy seconded. The motion passed unanimously.

President Cale reported that he has asked Terry Pace to temporarily fill Bill Jarnigan's position of Director of University Relations until a search can be made. Because we are currently searching for a Vice-President for advancement, the search for Director of University Relations will be postponed until the new Vice-President is on board. There are plans to make this search a regional one and to expand the role of this position to assist in the marketing of departments and the university as a whole.

President Cale stated that many shared governance committees have received the draft of the Strategic Plan and that he is looking forward to receiving input from these committees. President Cale reported the completion of the protocol for tuberculosis testing. The university is working on developing an institutional procedure to manage incoming international testing and how to fund this testing.

Vice-President Newson reported that he has just returned from an ASSCU meeting which emphasized the themes of teaching, learning and faculty work. He conducted a case study meeting and attended a session on how students learn with emphasis on freshman mathematics for minority students.

President Loew reported that Senator Paul Crandon from Communications/Theatre has resigned and Dr. Lynn Rieff was elected to replace Senator Makowski from History/Political Science.

ANNOUNCEMENTS AND COMMITTEE REPORTS:

- A. Craig Robertson presented a report from the Faculty Affairs Committee regarding the employment of foreign nationals (See Attachment A). Senator Ferry moved to accept the report. Senator Adler seconded. The motion passed unanimously.

- B. Craig Robertson presented the plans for the Faculty Attitude Survey Committee. They plan to make the survey available online March 12 and hope to have the data collected by spring break with a report by the April senate meeting. They also plan to show data for the past three years to demonstrate trends. He asked that if there is any suggestion for changes or addition of issues to be given to the committee by February 28. He also asked the Shared Governance Committee for input.
- C. President Loew presented a report from the Academic Affairs Committee in the form of a resolution concerning honor cords (See Attachment B). Senator Ferry moved to accept the report. Senator Summy seconded. The motion passed unanimously.
- D. Shared Governance Reports:
 - 1. President Loew reported that the Strategic Planning and Budget Committee has elected Anna Lott as Vice-Chair. She also reported that \$19,000 was allocated from the Nontechnology funds for Biology. Funds were also allocated for student services specialists funding by the international student services.
 - 2. Senator Adams reported from the Faculty/Staff Welfare Committee. The Faculty Development Leave Policy has been approved and placement into the handbook is being considered. President Loew presented a copy of an email (See Attachment C) for information concerning remission of fees. There were questions raised concerning the requirement of waiting for late registration.
- E. Senator Adams reported from the Higher Education Partnership and the benefits of each level of membership. He also reported that there will be a luncheon February 28 to discuss the benefits. Whitney Woods will be available to answer questions. He also reminded the members of Higher Ed Day, April 5.
- F. President Loew presented an update and timeline concerning the Attendance and Withdrawal policies (See Attachment D). Senator Adams moved to table the issue until an Academic Affairs Committee representative is present. Senator Bates seconded. The motion passed unanimously.
- G. President Cale requested feedback concerning the issue of background checks for new employees which was suggested by the new Human Resources Director. The use of credit checks for all positions or only certain specific positions could be possible. Criminal background checks were also proposed. President Cale wanted the faculty to know that it was being considered. Most institutions are moving in this direction. He stated that he would like to come back to the senate next's meeting and get their thoughts. Questions concerning who would be allowed to see the results of these checks and how the results would be used were raised.

ADDITIONAL ISSUES:

Senator Gaunder recommended that the minutes be sent out earlier to the entire faculty. He moved that the executive committee be charged with coming back with a plan. Senator Adams seconded. The motion passed.

Senator Adams moved the meeting be adjourned. Senator Roden seconded. The motion passed unanimously.



TO: UNA Faculty Senate (for the Feb. 8, 2007 meeting)

FR: Faculty Affairs Committee (members: Joy Brown, Jon Clark, Richard Hudiburg, Doris McDaniel, Craig Robertson [Chair], Jeremy Stafford, Patti Wilson)

RE: University Statement Regarding Employment of Foreign Nationals (VER. 1)

The Faculty Affairs Committee has examined the existing policy (beginning on p. 3 of this document) and presents a revised draft policy (beginning on p. 6 of this document) for your review. The following points were central to our discussion and are expressed in the revised draft policy or mentioned here for discussion purposes:

1. The original policy does not state clearly enough what UNA's immediate and ongoing legal obligations are relative to the employment of foreign nationals.
2. The original policy uses the term "department" to describe the hiring entity. We have changed this language to "cost center" since the term "department" appears to restrict the policy to faculty.
3. Current law requires that employers maintain the foreign national's legal status and never pass on to the foreign national employee **any costs** associated with employment-based petitions related to an extension of existing status or actual change in status. This would also apply to retaining legal counsel to assist the University in meeting its legal obligations. Petitioners (i.e., the University) must bear the costs associated with employment-based petitions because only the employer can file such petitions. The University should perhaps begin soliciting bids from law firms specializing in immigration law.
4. The University must decide if it wishes to financially assist employees in obtaining citizenship. The Faculty Affairs Committee recommends that employees **not** be extended offers of financial assistance by the University to pursue citizenship unless the law requires a university position to be filled by a citizen.
5. The committee recommends that UNA's Office of Human Resources and Affirmative Action develop and implement a mechanism whereby it can track employees relative to the expirations of visas and green cards. Such a mechanism will effectively allow the University to meet its legal obligations.

6. If the University awards tenure to a foreign national employee, the University becomes responsible for ensuring that the employee remains in status. Therefore, the University is legally responsible to apply for the next legal category beyond the H-1B. The next category is called employment-based permanent residency.

7. The original policy specifies dollar amounts. Currently the cost associated with filing an H-1B petition is approximately \$200.00 and, unless exempt, an additional fee of probably \$1,500.00. A related \$500.00 Fraud Prevention and Detection Fee may have to be paid. These may fluctuate and since they **must be paid by the employer** we cannot set a minimum amount of financial support. The committee's understanding is that the university must never pass on to the foreign national employee any costs associated with H-1B or TN visa filing fees as well as any costs associated with employment-based permanent residency. In no way can these fees be tied to any quantity of service/employment performed by the foreign national. Thus the language is changed accordingly in #4 of the first page of the draft revised policy statement.

ORIGINAL POLICY STATEMENT REVIEWED BY
THE FACULTY AFFAIRS COMMITTEE

UNIVERSITY STATEMENT REGARDING
THE EMPLOYMENT OF FOREIGN NATIONALS

UNA is an equal opportunity employer committed to achieving excellence and strength through diversity. The employment of foreign nationals in faculty and staff positions is an accepted practice for achieving diversity. UNA and foreign nationals, however, are subject to federal laws and regulations of the Departments of State, Labor, and Homeland Security (specifically, USCIS). Failure to adhere to such laws subjects the University to potentially serious sanctions; therefore, UNA has established the following procedures that shall apply to all University departments:

1. The department desiring to hire a foreign national must obtain approval from the appropriate vice president for any expenditure associated with the employment of the foreign national *prior* to an offer of employment. Vice presidents will advise the Executive Council of pending employments.
2. During the job search phase, the Office of Human Resources & Affirmative Action will ensure that international applicants are advised of the eligibility requirements for employment in the U.S. The department seeking to employ the foreign national will work through its vice president and with the Office of Human Resources & Affirmative Action during the post-offer/pre-employment phase to ensure that the foreign national is eligible and qualified both for the position and for the appropriate work visa. The department will continue to work with these offices throughout the visa application process.
3. Each foreign national accepting a position at the University will be assisted by UNA in the visa process and, subject to approval by the respective vice president, may receive up to a maximum of \$5,000 toward visa application costs. This assistance applies only to the employee. Assistance for dependents is not included.
4. A foreign national granted financial assistance from UNA (up to \$5,000) as provided above, shall commit by contract (see attachment) to reimburse UNA at the rate of one year of service per \$1,000 (or any fraction thereof) of assistance provided. Such reimbursement shall commence beginning with the next full semester following the commitment of funds to be expended on the employee's behalf. Thus, if a foreign national employee has worked at UNA for a period of time and then requests additional financial outlay from the University from his or her \$5,000 balance, reimbursement through a new commitment of service is required from the point of any such subsequent financial commitment. Should the foreign national's employment be terminated for any reason prior to completion of full reimbursement, the foreign national shall reimburse UNA proportionately.

IMPORTANT INFORMATION

The classifications which have been used most frequently to appoint immigrant faculty and staff at UNA are the:

- a. H-1B Temporary Worker – used to employ foreign nationals who qualify as individuals engaged in “specialty occupations,” defined by immigration regulations as the “professions” (i.e., university professors and other teachers, engineers, systems analysts and other computer professionals, financial analysts and others in advanced business specialties, accountants, lawyers, architects, and other service professionals, health care professionals, etc.). The position may be of a permanent nature; however, the employment of the foreign national must be considered temporary. An individual may be employed for up to six years in H-1B status, approved in flexible increments not to exceed three years each. At present, H-1B application fees are approximately \$4200.
- b. TN (Trade NAFTA) - restricted to nationals of Canada and Mexico, and limited to specific professions as defined by the North American Free Trade Agreement. Admission to the U.S. in TN status is granted in one year increments. The number of years an individual is allowed to remain in TN status is unlimited, provided an application for extension is made each year; however, TN status is not to be used for permanent employment.

Work visas such as the H-1B and TN are applied for and issued to the University with the foreign national as the beneficiary. Since UNA is the sponsoring employer, the foreign national may only be employed by the University while in the United States under such visas as granted.

The following procedures will be used in implementing the immigration documentation requests:

1. A foreign national employed by the University who desires to obtain the next level of immigration documentation should submit a request to his or her department chair/supervisor.
2. Upon receipt of such request, the department chair/supervisor should discuss the continued employment of the employee with his or her dean/administrative vice president.
3. If it is determined that it is in the best interest of the University for the employee’s employment to be continued, a request should be prepared by the department chair/supervisor requesting that the appropriate administrative actions be taken to provide administrative and financial assistance by the University in obtaining said immigration documentation. This request should be forwarded to the employing vice president for his or her approval.
4. The vice president should determine that the employment of the foreign national employee will be continued and notify the Office of Human Resources of the approval.
5. Upon receiving approval of the request from the vice president, the Office of Human Resources will:

- a. determine how much money has previously been spent on the employee's behalf;
- b. advise the Vice President for Business and Financial Affairs of the request for assistance and obtains approval of funding;
- c. obtain from the applicant a certification that he or she understands the obligation set forth in Paragraph 4. of the above referenced policy;
- d. coordinate with Ogletree Deakins Attorneys at Law on behalf of the University regarding the employee;
- e. notify the applicant of the application procedures through Ogletree Deakins Attorneys at Law and his or her option to select another law firm of his or her own choosing;
- f. if the applicant elects to go with Ogletree Deakins, the Human Resources Office will contact the employee and provide necessary information to begin the process;
- g. act as a liaison between the applicant and Ogletree Deakins;
- h. if the employee elects to go with a different law firm, the applicant must seek approval from Human Resources prior to contracting with the firm. The applicant will be responsible for handling the process himself/herself;
- i. keep the appropriate employing vice president informed of the status of the application and any other action required by the employing vice president's office; and
- j. the Office of Human Resources will initiate and recommend all payment requests and forward said request to the Vice President for Business and Financial Affairs for processing.

DRAFT REVISED POLICY STATEMENT

Presented to the UNA Faculty Senate for the Feb. 8, 2007 meeting

**UNIVERSITY STATEMENT REGARDING
THE EMPLOYMENT OF FOREIGN NATIONALS**

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1. The cost center desiring to hire a foreign national must obtain approval from the appropriate vice president for any expenditure associated with the employment of the foreign national *prior* to an offer of employment. Vice presidents will advise the Executive Council of pending employments.
2. Vice presidents will then inform the Office of Human Resources & Affirmative Action of the cost center's desires and that office will, in writing, appraise that Vice president and cost center head of current law related to employment of foreign nationals.
3. During the job search phase, the Office of Human Resources & Affirmative Action will ensure that international applicants are advised of the eligibility requirements for employment in the U.S. The cost center seeking to employ the foreign national will work through its vice president and with the Office of Human Resources & Affirmative Action during the post-offer/pre-employment phase to ensure the foreign national's eligibility for the position and for the appropriate status. The cost center will continue to work with these offices throughout the visa application process.
4. The University will apply for the H-1B or TN visa. Upon receipt of tenure, the University will apply for employment-based permanent residency on behalf of the employee. If the employee has family, the employee must, if necessary, retain legal counsel to make the necessary petition on behalf on those family members.

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and others in advanced business specialties, accountants, lawyers, architects, and other service professionals, health care professionals, etc.). The position may be of a permanent nature; however, the employment of the foreign national must be considered temporary. An individual may be employed for up to six years in H-1B status.

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Work visas such as the H-1B and TN are filed by the employer on behalf of the employee and are issued to the employee.

Approved by Faculty Affairs Committee 2/7/07

ATTACHMENT B

Faculty Senate Resolution –Honor Cords at Commencement

WHEREAS the Student Government Association (SGA) has requested a policy allowing students to wear one honor cord (in addition to the Phi Kappa Phi honor cord) at commencement, and

WHEREAS allowing additional honor cords will allow more students to be recognized for their hard work and accomplishment at the University of North Alabama, and

WHEREAS this policy would be in keeping with those for universities throughout the southeast,

NOW THEREFORE BE IT RESOLVED BY THE FACULTY SENATE OF THE UNIVERSITY OF NORTH ALABAMA THAT

A STUDENT WILL BE ALLOWED TO WEAR ONE HONOR CORD OF HIS OR HER CHOICE AT COMMENCEMENT (IN ADDITION TO THE PHI KAPPA PHI CORD WHERE APPLICABLE) PROVIDED THAT THE CORD IS FROM A NATIONALLY RECOGNIZED HONOR SOCIETY.

ATTACHMENT C

----- Original Message -----

From sfpool@una.edu
Date Thu, 08 Feb 2007 13:18:36 -0600
To Sandra Loew <salow@una.edu>
Cc Douglas Barrett <jdbarrett@una.edu>
Subject Remission of Course Hour Fee Policy Revised by Faculty-Staff Welfare Committee

Sandra,

FYI, I have included the motion that that was sent to the Executive Council that they are currently reviewing. This has gone through the Shared Governance process and forwarded to the Executive Council. The Faculty/Staff Welfare Committee believes this would be of great benefit to the faculty and staff employees at the University.

- To allow staff to receive tuition remission for nine semester hours or three continuing education classes or a combination of academic and continuing education courses not to exceed three (3) courses or nine semester hours per semester. Also dependent children and spouses of University employees will receive 75% tuition remission of course hour fees up to 16 semester hours per semester with the (9) semester limit removed.

ATTACHMENT D

Approved by Faculty Senate on 2/23/06

Withdrawal from a Course. Students who wish to withdraw from a course during the registration period will receive a grade of RW (Registered-Withdrew) for the course. After the registration period, a student may withdraw from a course with a grade of “W” up to and including the Friday that falls one week after the designated midterm date. After this deadline, the student must initiate the withdrawal process by obtaining the permission and signature of the instructor. Note: This does not apply to clinical courses taken in the College of Nursing. Students who are failing a clinical class in the College of Nursing at the time they withdraw from the class will receive an F for that class.

Approved by Academic & Student Affairs committee on 3/10/06

Withdrawal from a Course. A student who withdraws from a course during the registration period will receive the notation of RW (Registered-Withdrew) recorded on the transcript. From the end of the registration period up to and including the Friday that falls two weeks after the designated midterm date, a student may withdraw from the course with the recorded grade of **W**. It is the responsibility of the student to initiate the withdrawal process by obtaining the signature of the course instructor.

Concerns: Students may have legitimate reasons to withdraw after the withdrawal period. How will they go about doing that?

Approved by Academic & Student Affairs committee on 10/31/06

Withdrawal from a Course. A student who withdraws from a course during the registration period will receive the notation of RW (Registered-Withdrew) recorded on the transcript. From the end of the registration period up to and including the Friday that falls two weeks after the designated midterm date, a student may withdraw from the course with the recorded grade of **W**. It is the responsibility of the student to initiate the withdrawal process by obtaining the signature of the course instructor. Exigent circumstances may justify withdrawal after the above-mentioned date if presented in writing to and approved by the Dean of the college in which the course is taught. When approved, the student’s grade will be a **W**.

The above policy was approved by the VPSA on 11/2/06 and by the President on 11/7/06.

Concerns: The instructor has been removed from the decision-making process after the W period.