

**Meeting of the Villanova University
Academic Policy Committee**

Wednesday, February 26, 2020
9:00 - 10:10 AM
Fedigan Room (SAC 400)

Minutes

Present: Kathy Byrnes, Scott Dressler, Elizabeth Greco, Stacey Havlik, Marylu Hill, Stephanie Katz, Christopher Kilby (chair), Stefanie Knauss, Eric Lomazoff, Betti Mariani, Christine Kelleher Palus, Elizabeth Petit de Mange (by phone), Javad Siah, Ani Ural, Craig Wheeland (called away shortly after start), Emory Woodard (for Adele Lindenmeyr)

Absent: Jennifer Altamuro (NIA), Sherry Burrell (sabbatical), Matt Clarkin, Zuyi (Jacky) Huang, Rory Kramer (NIA), Adele Lindenmeyr (NIA), Stephen Napier, Michael Posner (NIA), Joyce Russell (NIA), John Shindelar, Andrea Welker (NIA)

Administrative Items

- 1) Stephanie Katz volunteered to take notes.
- 2) Minutes for 1/23/2020 approved with no negative votes and four abstentions.

Old Business

3) Subcommittee Reports

A) Add/Drop: Eric Lomazoff (Chair) submitted a reported (attached) from the subcommittee's meeting with Hedy Aryani from the General Counsel's Office, Nancy Mott and Nicole Subik from Learning Support Services (LSS), and Greg Hannah and Steve McWilliams from the Offices of Disability Services (ODS). The main topic was non-specific accommodations included in some accommodation letters sent to faculty by LSS and ODS. The general consensus was that knowing whether requested student accommodations are appropriate can be difficult. The faculty member often has little information (due to privacy laws) and none of the parties involved have sufficient medical expertise to know the range of possible challenges the student might face. In the event of a disagreement between the faculty member and the student, ultimately General Counsel would decide the university position. Three important points came out of the discussion. First, all involved must proceed on a case-by-case basis; situations are too varied to have hard and fast rules. Communication with the student and LSS/ODS is vital (although some noted the latter is not always productive). Second, there is a tension regarding keeping detailed records since litigation is possible; such records might be an asset or a liability. (Some APC members expressed distress at the suggestion that they not keep detailed records.) Third, if disputes escalate to litigation, the legal issue is whether the university complied with applicable federal law and so the faculty member would not be directly involved, e.g., as the target of the litigation.

- Regarding next steps, Stephanie (Stef) Katz suggested more faculty training. Emory Woodard said that the Graduate Program directors had recorded a conversation with LSS/ODS that would be useful for faculty; that recording is currently being reviewed by General Counsel and subsequently should be available. Christopher Kilby suggested that LSS/ODS make a presentation at new faculty orientation (if they do not do so already) and that they have a similar presentation (or training session) available for other faculty who request it.
- B) Course Attributes: Scott Dressler (Chair) solicited feedback on a draft email survey for department/program chairs. The survey will determine the extent of issues with mis-assignment of course attributes and with their faculty making commitments to teach outside their home department without prior chair approval. APC members provided some editing advice and were given until the following day (2/27) to send additional edits to Scott via email. Christina and Betti Mariani informed Scott where to send the survey for CPS and FCN (respectively) since these colleges do not have departments.
- C) CATS: Stefanie Knauss directed APC members attention to the report (attached) outlining the subcommittee workplan. After a brief discussion, Stef Katz noted that students who WX do not fill out CATS for the course. While it would not be appropriate for them to fill out CATS, a brief survey that determined why they chose to withdraw might be informative. Christopher suggested that the CATS subcommittee (or Stef) raise this with Jim Trainer (OPSIE); Kathy Byrnes suggested also contacting Craig Wheeland and Brian Galloway (Director of Student Retention Services).
- D) Out of College Programs: Christopher Kilby (Chair) presented a second revised draft proposal of guidelines for Out of College Programs and walked the committee through the substantive changes (name changes, dropping the probationary committee, specifying how faculty are added to or removed from the steering committee). Responding to questions, Christopher noted that: student representatives involved in the program would be on the steering committee but not the proposal committee; the requirement for at least 50% full time faculty teaching in the program was intended to insure a sufficient level of commitment to the program by the participating departments and the university; and handling of the finances of individual programs would be spelled out in their proposals. Because a number of APC members either were unable to attend or had to leave early, Christopher postponed a vote on the proposal until the next APC meeting.

New Business

4) Independent Studies

Alice Dailey (Chair, Faculty Rights and Responsibilities Committee [FRRC]) requested that APC consider an independent study policy, possibility jointly with FRRC. The issue at hand is faculty compensation for independent studies. Christopher noted that policy currently varies by college; for example, in VSB 10 independent studies count as one

course (and accumulate over time until the faculty member reaches this threshold) while in CLAS there is no compensation. In some settings (e.g., small majors where required courses may not always have sufficient enrollment to be offered), independent studies can be essential to improve academic outcomes; in other settings (e.g., a student who wants to avoid an early morning course, a demanding course, or a particular instructor), independent studies are not appropriate. The consensus was that inappropriate independent studies should be prevented by the existing oversight mechanism—the requirement that chairs/program directors approve independent studies—and that appropriate independent studies should be encouraged through some form of compensation. Christopher suggested that FRRC first make a proposal that would appropriately safeguard faculty rights. APC would then review its academic impact and forward a recommendation to the Vice Provost for Academics.

Thanks to Stef Katz for thorough meeting notes!

Attachments:

- 1) Minutes from meeting regarding Accommodation Letters (2/19/2020)
- 2) CATS Subcommittee report (2/16/2020)

Meeting of Subcommittee of the Academic Policy Committee (APC)
on Issues Pertaining to Accommodation Letters

Wednesday, February 19, 2020
11:30 AM to 12:40 PM
2nd Floor SAC, PSC/SOC Conference Room

In attendance: Hedy Aryani (General Counsel's Office), Kathy Byrnes (APC), Matt Clarkin (APC), Greg Hannah (ODS), Eric Lomazoff (APC; chair), Steve McWilliams (ODS), Nancy Mott (LSS), Elizabeth PetitdeMange (APC), Nicole Subik (LSS), Ani Ural (APC)

The goal of the meeting was to generate greater clarity about how faculty members make use of accommodation letters that come from either LSS or ODS, especially letters that have non-specific provisions. (In this vein, an accommodation for 50% additional time on exams is considered "specific." By contrast, an accommodation suggesting that flare-ups in the student's condition may call for instructor flexibility in terms of the timing of assignment submission is "non-specific").

Some general propositions were discussed that are worth communicating to a broader audience.

First, Hedy Aryani noted that the goal of federal disability law in the university context is to "level [the] playing field" for affected students (i.e., to place them in a situation similar to peers taking a course). In this vein, Nancy Mott stressed that the law guarantees students "access" to education on said playing field, not "success" in a given course.

Second, what emerged from the discussion was a sense that non-specific accommodations will not lead to ODS or LSS staff mandating that faculty do certain things and/or refrain from doing others. Greg Hannah noted in this regard that it "is not for us [i.e., ODS] to decide" how a faculty proceeds to implement a non-specific accommodation. Similarly, Nancy Mott volunteered that "we (i.e., LSS) can't be exact."

Third, a few principles for faculty implementation of non-specific accommodations could be inferred from the discussion. For example, Nancy Mott conceded that "it's scary" for faculty to operate in this context and encouraged them to be in communication with the relevant office (i.e., ODS or LSS) as they proceed with implementation. Hedy Aryani suggested that faculty should be careful to engage in an "individualized assessment" of the student. That is, they should avoid employing blanket rules or relying upon stereotypes and instead consider all that they know about the individual student's condition. (She frankly volunteered that litigation, should it ever come to that, would likely include queries about whether the faculty member had done this.) The author of this report (Eric Lomazoff) openly construed these suggestions as an invitation for faculty to keep a careful written record of both their implementation decisions and their rationales for them. Interestingly, Hedy Aryani responded to this by noting that "[s]ometimes what you put in writing can get you in trouble." (The author of this report respectfully submits that the issue warrants further discussion.) Hedy also clarified that in the event of (1) faculty-student disagreement as to the implementation of the accommodation and (2) student or parent elevation of the dispute to the General Counsel's Office, that office would in fact resolve the

disagreement or otherwise make the final in-house subjective judgment. Finally, she noted that in the event of litigation (e.g., if the General Counsel's resolution proved unpalatable to the student and/or his/her parents), there would likely be greater deference toward the University in cases where an unmet accommodation demand (1) compromised something "fundamental to the academic purpose of the course[,]" (2) was inconsistent with minimum standards for future performance as a professional in the field, or (3) otherwise imposed an "undue hardship" on the University's academic enterprise.

Fourth and finally, the issue of accommodations beyond those listed in an ODS/LSS letter was addressed. The hypothetical raised was that of a student citing his/her condition to the course instructor as a basis for asking for accommodations beyond those listed. Nicole Subik suggested that faculty members need not accommodate on these terms and should send the student back to the relevant office (i.e., ODS or LSS) in order to determine whether an updated accommodation letter should be issued.

CATS Subcommittee of the APC
Report from Rory Kramer (chair), 2/16/2020

The CATS subcommittee met a few weeks ago to go through a more detailed version of the presentation the whole APC will receive in March. Ken is making some revisions based on our suggestions and the goal is for the whole thing to be about 15-20 minutes in March. There did not appear to be any surprises in the data, though there continue to be a large number of courses that have very low participation (the 25th percentile is somewhere in the high 50s for participation rate). Ken is looking into if there are trends within those low-response courses, hopefully this is because short courses/1-credit courses that used to not be counted as doing CATS before going online are driving this drop. To be determined. The D&I questions were very consistent with prior year's results.

The committee's March meeting will be a follow up on that presentation and work on D&I guidelines for faculty. We hope to have a draft of those for the April meeting to present to APC for discussion.