

The University of Tennessee Faculty Senate  
MINUTES  
April 2, 2012

Absent: Katherine Ambroziak, Itamar Arel, Caul Beyl, Robyn Blakeman, Stan Bowie, Hoan Bui, Feng Chen, Michael Clark, Jim Conant, Paul Crilly, Ruth Darling\*, Lloyd Davis, Lt. Brian Delamater, Seddik Djouadi, Jerzy Dydak, Todd Freeberg, Alberto Garcia, Matthew Gray, Michael Handelsman, Federico Harte, Joan Heminway, Jennifer Hendricks, Baoshan Huang, Wonjae Hwang, Robert Jones, Ron Kalafsky, Kurt Lamour, Baldwin Lee, Lane Morris, Lynne Parker, Nathan Preuss, Joan Rentsch, W. Tim Rogers, Fernando Schwartz, Michael Sims, Robert Sklenar, Carla Sommardahl, Carrie Stephens, Otis Stephens, Michael Stewart, Sam Swan, Mark Windham, Mike Zemel

Alternates\*: Anton Reece for Ruth Darling

V. Anfara called the Senate to order at 3:30 p.m.

### **ANNOUNCEMENTS**

Establishment of a Quorum (J. Deeken)

J. Deeken announced a quorum was present.

President's Report (V. Anfara)

In addition to the four items included in his written President's report, V. Anfara reported he had attended a TUFSS (Tennessee University Faculty Senates) meeting last weekend. This group is composed of the Presidents of the Faculty Senates of all University of Tennessee and all Board of Regents schools. Anfara reported that all of the schools, regardless of size, were struggling with the same issues that UTK is. He specifically mentioned the issues equality benefits (domestic partners), academic freedom, and academic misconduct. He then yielded the floor to Elaine Wynn, staff ombudsperson.

E. Wynn explained that the faculty ombudsperson, Bill Nugent, was ill and unable to attend the meeting. Wynn reminded the Senators that she and Nugent were appointed ombudspersons in January 2010. People come to the ombudsperson when they feel stress from the work environment. All discussions with an ombudsperson are confidential and the ombudsperson is an impartial, non-judgmental person. Sometimes all that a person needs is for someone to listen to him/her and to help them refocus on the real issues. The ombudsperson can help them find direction and may refer them to the appropriate university process. They act as a sounding board. Sometimes they do fact finding to gather information about the issue. Everything is totally confidential. Since being appointed, the two ombudspersons have handled approximately 50 cases. Sometimes they handle multiple cases at once. There have been more faculty cases than staff cases. Wynn believes that is because the Faculty Ombudsperson position has operated longer and is better known than the Staff Ombudsperson.

D. Birdwell suggested if the records would remain confidential only until a Freedom of Information Act (FOIA) request is made. Wynn replied that the ombudspersons do not write notes or keep files/documentation. Thus there is nothing to give in response to a FOIA request. B. Lyons thanked Wynn for the work she and Nugent do. He asked if there were any policy or programmatic changes that needed to be made. Were there any patterns to the issues? Wynn replied that patterns are seen. For faculty, there is a pattern with tenure and retention review issues. She is willing to discuss staff patterns if asked to do so. The issues are often systemic. J. Hall asked if the report from the ombudspersons will include proactive suggestions. Wynn replied that they will make

recommendations. Anfara concluded by stating that many campuses do not have ombudspersons. He thanked the Chancellor for his support of the program.

#### Chancellor's Report (J. Cheek)

Cheek began by referring everyone to the very good website maintained by the Ombudspersons. Everyone is encouraged to visit it. He then apologized for his short appearance and report. He had a conflicting meeting he needed to attend. He said that the General Assembly now has the State budget. To date, they have left intact the \$6.2 million in new money for UTK. If approved, this would be the first increase in Cheek's 3 year tenure. It's not great, but it is better than it has been. The budget also still contains money for a 2.5% raise. He will work with the Board of Trustees in June to see if that can be increased. The money for Strong Hall is moving forward. If approved, only the façade of the building will remain and everything else will be rebuilt. Planning money for Jesse Harris Building is also included in the budget as is \$3million for deferred maintenance. There will be a complete renovation of HSS this summer. The results will be outstanding. Since the last Senate meeting, the Min Kao building was dedicated. Dr. and Mrs. Kao were extremely pleased. This is the first new engineering building in almost 50 years. We are way behind in our building. They are starting work on a new dorm and have the first views of the new Student Center. That building will be completed in 2014.

The System is making progress on developing its Strategic Plan. He encourages the Faculty Senate to look at the plan. We all have the responsibility to ensure it correctly and completely defines what the System does and what the campuses do. Provost Martin was at a meeting on the plan last week. The process is dynamic and changing. The next iteration will be important to examine. All are encouraged to look at both large and small ideas. An example of a little idea that we are encouraged to look at is a system wide email list for all faculty and staff.

The Chancellor's annual report was recently sent via email. He hopes we all looked at the entire report, including the pictures. It really shows what is happening on campus. Amazing things are happening.

The Bredesen Center with Lee Riedinger in charge is moving forward. For the second class, we received 104 applications; 56 were interviewed; 38 offers were extended. So far, there have been 25 acceptances, 3 rejections and 10 are still considering the offer. This is a tremendous success ratio for a program only in its second year. The quality is even better than the superb class that entered last year. The program is also helping some colleges. After interviewing, a few candidates decided they preferred a disciplinary focus (as opposed to the interdisciplinary focus of the Bredesen). Those have been referred to the specific college that better matches their preference.

The Chancellor then took questions. The first dealt with the development of the Wal-Mart shopping center. Cheek replied that UTK has concerns about traffic. The plan calls for a bridge from the center to Joe Johnson. That street currently has a lot of bicycle and pedestrian traffic. The additional traffic from the shopping center could be a problem. However, that road belongs to the state and not to UTK. The state will make the final decision, but the issues have been discussed with them. In the past, UTK was offered the opportunity to develop the property but turned it down in part because of the environmental concerns.

Anfara thanked the Chancellor for his report. He joined Cheek in asking Senators to read the System Strategic Plan. There is a link to it on the Senate web site. There are four goals included in the plan and Anfara has problems with 3 of them—they appear to be campus, not system specific. He will mostly likely ask the Executive Council to respond for the Senate. He encourages all Senators to respond individually.

### Provost's Report (S. Martin)

Provost Martin began by continuing the discussion on the Strategic Plan. That plan was written by consultants. They are developing a revision based on a meeting last week. If any/all want to be involved with the process, there will be another draft. The Plan still needs work. The Chancellors and the President are discussing the lines between campus and system responsibilities.

The Chancellor's Office has been allocating the money from tuition. The \$5.7 million is being used to ease the path to graduation. They are concentrating on removing bottlenecks. S. McMillan is working with all the colleges to identify those bottlenecks. \$4.2 million is being allocated to academic units to support instruction and a "strategic instruction fund." Non tenure-track faculty will be hired to reduce bottlenecks. Some tenure track faculty and graduate students will be hired in departments like Chemistry and Biology. Support of lecturers and GTAs may be given. Both tenure-track and non tenure-track faculty will be hired. Academic support will also be shored up. More advisors will be hired, especially to support those who are undecided on their major and to support first year programs. Dr. Cheek is working with the Legislature to get additional allocations for support of the Top 25 quest. Tuition money may also be going to IT support for information technology support and faculty/staff raises. She believes we will make good progress next year. Finally, she announced that S. McMillan is chairing the search for a Vice-Provost for Academic Affairs.

### **MINUTES**

#### Faculty Senate Minutes

Approval of the minutes of the March 6, 2012, meeting was moved by D. Birdwell, seconded by Carter-Zagorski, and approved as submitted.

#### Faculty Senate Executive Council

The minutes of the March 12, 2012, Executive Council meeting were distributed as an information item.

### **MINUTES POSTED ELECTRONICALLY**

#### Undergraduate Council

The Undergraduate Council did not meet within the time period. No minutes were approved.

#### Graduate Council (V. Anfara for M. Zemel)

In the absence of M. Zemel, Anfara moved acceptance of the minutes of the March 1, 2012, Graduate Council. The minutes were accepted unanimously.

### **PREVIOUS BUSINESS**

There was no previous business.

### **REPORTS OF STANDING COMMITTEES**

#### Nominations and Appointments Committee (S. Thomas)

S. Thomas reported on the recent Senate elections. Twenty-four open Senate positions were filled. There is one candidate for President-Elect, David Golden, a professor of food science at UTIA. A ballot for that office will be created and distributed shortly. There are no candidates for Secretary of the Senate.

#### Faculty Affairs Committee (P. Daves)

P. Daves presented three resolutions from the Committee:

1. A resolution on Freedom of Speech. This resolution was written because of the Supreme Court's decision in *Garcetti vs. Ceballos*. In that case, the court ruled that public employees do not have freedom of speech protection in the conduct of their duties. While faculty members are protected by the policy of academic freedom, this protection is granted only in research and in most teaching. Anything said in shared governance, for instance, would not be covered by the First Amendment. The resolution is asking for the Board of Trustees to review its policy on academic freedom and to consider this extension. The resolution will need to be approved by the Office of General Council before being sent to the Board, seeking to extend this protection to speak that is related to shared governance. The resolution passed unanimously.

2. A resolution creating a faculty *Resources Manual* (RM). This new document would contain items currently in the *Manual for Faculty Evaluation* (MFE) or *The Faculty Manual* (FM) that don't affect a faculty member's contract with the State of Tennessee. Since both the MFE and FM are considered part of the faculty's contract with the State, any changes to either of them must be approved by the Office of General Counsel (OGC) and then by the Board of Trustees. That puts many things that are solely procedural and not contractual needing approval by those bodies when any changes are made. If we have all procedural items removed from the MFE and FM and moved to the RM, then procedural documents would not have to be held up for review. There were discussions on including or removing the word "Knoxville" (e.g., UT Knoxville) from the title of the document. The Senate first voted to remove and then to include the word. "Knoxville" will remain in place for now. Anfara is concerned about a possible perceived exclusion of UTIA and UTSI. Anfara brought up the "Teaching and Advising Policy" as an example of a document that has been delayed for a lengthy period of time. The University needs to define "best practices." Anfara also brought up issues such as peer evaluation of teaching, a document that has been in circulation on campus for a long time, but which has never come before or been approved by the Senate. By having a *Resources Manual* that is adopted by the Senate, this would not happen. Lyons stated that the RM would be a separate document located on the Provost's web site. Birdwell stated that he has found OGC helpful in getting advice. The Senate could still continue to use them for this purpose. M. McAlpin asked what would happen if there was a denial of tenure because the Department Head was not following best practices. Could the affected faculty member still sue? Daves replied that suits are based on a breach of contract. Since the RM is not part of the contract, the faculty member could not sue solely on those grounds. L. Han asked how we would define best practices. Daves replied that best practices are a guide, but are not prescribed. Use will help us mark the defining lines, but anything we want to be prescribed must be included in FM or MFE.

The resolution passed unanimously.

3. The third motion removed items from MFE and places them in the *Resources Manual*. Birdwell asked if that change in the FM would necessitate approval by the OGC. Daves said everyone agreed that the Board of Trustees would have to approve the moving of these documents. C. Shepherdson asked when the changes would go into effect. The RM would exist immediately after our vote today. However, moving the documents from FM or MFR would take a vote by the Board.

#### Benefits & Professional Development Committee (A. Taylor)

A. Taylor introduced a resolution on benefits equality as well data from other universities. The data showed how many state institutions have more benefits than UTK does for domestic partners. He stressed the resolution only asks the Chancellors to describe how they would move forward in granting these benefits for domestic partners of UTK faculty. Shepherdson asked if the resolution as written might take away rights in the attempt to give rights to the faculty. Taylor replied that there had been no discussion on that point by the Committee. McAlpin asked whether the Committee had discussed a timeline for a response. Lyons suggested asking for the Chancellors' responses by the

first meeting of the 2012/2013 Faculty Senate. The Senate voted unanimously to amend the document to include that response deadline. Birdwell suggested the University might need to look at the nepotism policy and how it might affect or be affected by this resolution. Taylor said it would be better to get everything written down before any action on that policy is studied. M. Griffin reported that state law defines partners. Taylor agreed but is convinced that many actions can be taken that are not regulated by the Legislature. He reiterated, though, that this resolution is only asking the Chancellors to respond to the information in the resolution, and not asking they implement any specific action.

The measure passed unanimously.

### **NEW BUSINESS**

Anfara introduced a discussion on Non Tenure-Track Faculty (NTTF). He reminded everyone that this body represents a large number of NTTF, especially from the Vet School and UTIA. He would like to discuss a proposal to include them in a more inclusive manner. The Faculty Affairs Committee will examine this issue. Please send any comments on the subject to P. Daves or to the Faculty Senate office. This is not a new issue. NTTF have come to the Senate for the last 3 years. Anfara is now taking action on their request.

Please send any comments you have on the System Strategic Plan to Keith Carver and President DiPietro.

The final Senate meeting of the year will be held on May 7, 2012. There will be refreshments.

### **ADJOURNMENT**

C. Myers moved adjournment, D. Birdwell seconded. The Senate adjourned at 4:35 p.m.

Respectfully submitted,

JoAnne Deeken, Secretary