

Faculty Senate Executive Council
MINUTES
August 29, 2011

Present: Vincent Anfara, Phillip Daves, Lloyd Rinehart, Steve Thomas, Beauvais Lyons, Becky Jacobs, Lee Han, Bruce MacLennan, Conrad Plaut, Stefanie Ohnesorg

Guests: India Lane, Liz Tramm

I. CALL TO ORDER

V. Anfara called the meeting to order at 3:35 p.m.

II. REVIEW AND APPROVAL OF MINUTES

Recognizing that a vote approving the May 9, 2011, minutes was needed, Anfara directed the meeting to the Reports discussion (see below), in hopes of buying some time and eventually meeting the quorum requirements.

III. REPORTS

President's Report (V. Anfara)

- i. *TUFS Update.* Anfara attended the two-day retreat in Johnson City on August 12-14, 2011. The retreat resulted in successful discussion of issues affecting institutions of higher education in the UT and TBR systems.
- ii. *UTFC Update.* A meeting took place on August 17, 2011. S. Thomas will be conducting an election to elect the UTFC representative to replace I. Lane. The two candidates running are D. Patterson and C. Peterson. Both candidates will be at the September 19 Faculty Senate meeting to make a brief statement in accordance with our bylaws. The election is among faculty senators, not the entire faculty, and will hopefully take place in late September or early October. Patterson is currently serving in the interim. There was then discussion of whether the elected representative would begin a whole new three-year cycle or if the representative would finish the remaining portion of Lane's term. Thomas indicated that the Faculty Senate bylaws and the bylaws of the UTFC are in conflict. UTFC bylaws state that if someone cannot complete his or her term an appointment is made to complete the term. The Faculty Senate bylaws state that someone is appointed to complete the year and then an election is called for the newly elected person to complete a three year term. In the situation where the bylaws conflict, ours will trump. B. Lyons suggested that we elect someone to at least complete Lane's term and be aware that we need to communicate with UTFC as this could affect the membership of the UTFC. Thomas concluded that he was willing to amend the motion that he has planned to make.
- iii. *Background Check Policy Update.* An email from S. Gardial's office from March 2011 addressed specific categories of people who did not have to undergo background checks for UTK employment (in reality, UTK's background checks would not be necessary if the person is not in contact with students or if their employment at ORNL has already included a background check). This information was to be reflected on Human Resources' website but was never posted. Anfara is working with the Provost's Office to make sure that it is reflected on the site. Additionally, there has been concern on the part of some faculty members that the statement

that faculty members must sign allowing for the background check to commence is too intrusive and over-reaching. Anfara does not think that we will be successful in changing the statement since it is a system policy. We have accomplished some movement on the matter of background checks, though. There will be some wording added to appointment letters that address background checks and provide potential hires with needed information about the background check process. The Provost is trying to avoid sending out two letters for every new hire. This has to go through General Counsel still and Anfara did not have exact wording yet for inclusion in the appointment letters; however, the language will come before this body.

- iv. *Faculty Senate Website Update.* The Faculty Senate website was redone. There have been some issues with links but Anfara will try to get it sorted out.
- v. *LGBT contact about domestic partner benefits.* Anfara was contacted by Lauren Hill concerning domestic partner benefits. Anfara will put her in contact with the committee chair of Benefits and Professional Development. The issue is that state law prohibits the university from providing domestic partner benefits using public money. Lyons suggested that the exact Tennessee law is found which prohibits this to check wording and intent.
- vi. *Posting of revised Faculty Handbook (August 19, 2011).* New handbook with revisions was posted on August 19, 2011. However, S. Ohnesorg attempted to access the new *Faculty Handbook* during the meeting and was unsuccessful. The old version was still up. This may be because the link from the Faculty Senate website needs to be updated. Anfara had accessed the new one directly from the provost site.

Chancellor's Report (J. Cheek) and Provost's Report (S. Martin). There was no Chancellor's Report or Provost's report as both Cheek and Martin were attending the DDDH retreat. Both are planning on attending next month's Executive Council meeting and will be at the September 19 Senate meeting to present the information that was going to be presented today.

Minutes Issue

Anfara then raised the issue of the way that the minutes are being produced for Executive Council and full Senate meetings. He wants to streamline the production of these minutes, making the process more efficient and less time-consuming. Other concerns included the cost (which will have to be checked/approved by Betsy Adams/Provost's Office), the loss of expression and the identity of the speaker, the fact that a transcription does not make a good set of minutes necessarily, the fact that people might not speak if they knew they were being recorded, and that the recording might be subject to the TN open records act. The questions were raised regarding other governing bodies on campus and how they were dealing with the same issue and how they were adapting to new technologies. The conclusion was reached that Anfara should look into what other bodies are doing on campus and ask Lela Young. Anfara noted he would discuss all of this with the Secretary, J. Deeken.

IV. OLD BUSINESS

No voting on OLD BUSINESS because there was no quorum. Those in attendance wanted to continue with the discussion so that we would be ready for the September 19 Faculty Senate meeting.

Faculty Affairs Committee Updates (P. Daves & S. Thomas)

No action required on summary by Thomas. Thomas will make this summary at the Senate meeting on September 19.

Resolution from Faculty Affairs on Revisions of *Faculty Handbook* and *Manual for Faculty Evaluation* regarding advising and mentoring (P. Daves & S. Thomas)

New language to be added has been determined. A vote has to be conducted electronically to bring this before the full senate, and will be included in the email about the antidiscrimination statement (see below).

Budget and Planning Committee Updates (C. Plaut)

The Living Wage Resolution was not acted upon at May 3, 2011, meeting of Faculty Senate. C. Plaut, without going through all his concerns with the living wage resolution, wants the full Senate to decide the issue by voting on the Resolution. No Executive Council action was required as the resolution is coming from the Budget and Planning Committee as a seconded motion. The Living Wage Resolution is on the September 19 agenda. Lyons stressed his hope that the listserv would be used as a tool to discuss possible amendments or concerns before the Faculty Senate meeting to speed along the discourse.

The Budget and Planning Committee is still working on the issue of Assessment of non-Academic Programs. It is hopeful that this will come before the Executive Council and the full Senate sometime this academic year.

V. NEW BUSINESS

Changes to the March 7, 2011 resolution (passed by Senate) regarding discrimination/ New Resolution coming from the Faculty Affairs Committee (P. Daves & S. Thomas)

Although no vote could be taken, Daves wanted to have discussion on Faculty Affairs Committee updates. Daves then called I. Lane in for discussion. Faculty Affairs passed a resolution that added issues of gender identity and sexual orientation to the *Faculty Handbook*. It passed through the Senate and has been advised by the General Counsel to bring the resolution into accordance with HR 220. The General Counsel's concerns were that the resolution would expand beyond HR 220, which could create issues. Adding gender identity is not a problem, but to be consistent with HR 220 a second paragraph needs to be added. That paragraph contains all the legal caveats and could be included as a footnote in the *Handbook*. General Counsel still needs to approve the language. Daves then read the new language. New language provided broad general protections and in that sense Daves thought it was in accordance with the intent of the resolution passed by the Senate. Daves address the second paragraph of HR 220 that needed to be added, the legal limitations. Discussion turned to the "University and its employees" language and B. Jacobs mentioned that probably addressed the concept of respondeat superior. Lyons asked Lane about the VOLVision value statement which was more broad than HR 220. Lane said as a value statement it was acceptable to be more broad than HR 220. These changes can be addressed without bringing it to the full Senate; if General Counsel deems the changes to be OK, then it can be handled administratively. Anfara suggested that Daves prepare a resolution to come before the full Senate. Lane said they wanted this language to be approved by the Senate by September. To get an amendment before the Faculty Senate meeting, the Executive Council would have to either have an emergency meeting or conduct an electronic vote to vote on whether to place the amendment before the full Senate. It was determined that this could and would be handled electronically.

Discussion of role of Committee/Council Chairs

Committee chairs are responsible for: posting of meeting dates, minutes, and other reports on Senate Website. There is sufficient website space for all the Committees/Councils. Send anything to be posted to Sharonne (dates, location and documents).

Election of UTFC Representative (S. Thomas)

Election needs to be called. Thomas read the motion he was going to make today. Thomas will bring the motion to the Senate as chair of Nominations and Appointments. Both candidates will be there at the September 19 Faculty Senate meeting and will make statements to the full Senate membership. Then voting will occur the following week.

Corrections to May 9 minutes will be handled through an email that will be sent out by Anfara, addressing the antidiscrimination statement and advising and mentoring.

Those present restated their desire to have business conducted at the September 19, 2011, Senate meeting. In order to do this, Anfara would call an electronic meeting of the Executive Council to ensure a quorum and get the votes on the two issues mentioned immediately above.

No motion for adjournment was required. Meeting ended at 5:00 p.m.