

Faculty Senate Executive Council
MINUTES
February 20, 2012

Present: Donna Braquet (for A. Taylor), Jimmy Cheek, Phillip Daves, JoAnne Deeken, Scott Gilpatric, Joan Heminway, Greg Kaplan, John Koontz, Beauvais Lyons, Susan Martin, Bruce MacLennan, Carole Myers, Stefanie Ohnesorg, Lloyd Reinhart, Steve Thomas

Guests: Nicholas Jackson and Liz Tramm

I. CALL TO ORDER

In the absence of V. Anfara, S. Thomas called the meeting to order at 3:30 p.m.

II. REVIEW OF MINUTES

A motion to approve the minutes of the January 23, 2012, meeting was made by B. Lyons and seconded by C. Myers. Minutes approved unanimously.

III. REPORTS

President's Report (S. Thomas for V. Anfara)

S. Thomas reported that the Graduate and Undergraduate Council were reviewing policies on courses not taught in 4 or more years. V. Anfara has met with both groups.

Thomas also reported that Keith Carver will meet with the Executive Council at their March meeting to discuss System Strategic Planning.

The order of the meeting was changed to allow a report from the Faculty Affairs since P. Daves had a conflict and had to leave the meeting.

Faculty Affairs Committee (P. Daves)

P. Daves reported on a suggested change to Section 5.43 of the *Faculty Handbook*. The changes were suggested by the Appeals Committee. See the attachment to the agenda. Under the new wording, if a faculty member or administrator wishes to appeal a report of the Hearing Committee on the grounds currently specified in the *Handbook*, the appeal will be made to the chair of the Appeals Committee. The current wording has the appeal made to the chair of the review panel. The proposed amendment passed unanimously.

Daves then introduced a second issue. He mentioned several cases, including the Garcetti ruling, where the courts have ruled that freedom of speech is limited to in-class speech and not to speech critical of the university OUTSIDE the classroom. The Faculty Affairs Committee spoke with the Office of General Counsel and they will NOT consider or support any change to the *Faculty Handbook* that grants additional free speech rights. They would veto any such change. Therefore, the group has decided that TUFs (Tennessee University Faculty Senates) should address the issue. Heminway was at the TUFs meeting where the group drafted a model statement. It does some of the things covered in the Faculty Affairs original resolution. Heminway will send Daves a copy and suggests he read what that resolution says about contact with 3rd parties. She believes TUFs should work with the General Counsel. She feels a compromise supported by all can be reached.

B. Lyons suggested a statement be attached to all job postings. B. MacLennan felt it should be included in all recruitment. Is there an AAUP statement on the issue? While there is, Daves feel it is very confrontational and he feels it would be best not to include it with any transmission to the Office of the General Counsel. All hope that a negotiated change in wording can be discussed at the April Executive Council meeting and May Senate meeting. J. Koontz suggested that we concentrate on wording from within the state and not include wording used in institutions from outside the state. C. Myers suggested that information from other states be distributed to the Senate, but not to other entities. Lyons stated that the *Faculty Manual* speaks about academic freedom only in connection with the speaker's academic discipline. This wording seems to allow the university to limit freedom of speech to intellectual aspects of the university. The Board of Trustees has the freedom to decide on other terms protecting more or less free speech than that related to academic disciplines.

There has been a meeting with Human Resources on the Electronic Hiring Process for Post-Docs. There is another one scheduled on February 21, 2012. All expect a friendly solution where Post-Docs do not go through the same process as support staff do. There will be separate processes.

Chancellor's Report (J. Cheek)

Chancellor Cheek distributed a handout with highlights from the Governor's budget proposal. Cheek was pleased with the increased allocation in the budget for salaries, but it isn't enough. He will try to get authority for the campus to add to the proposed increases. In addition, the campus was allocated almost \$4 million extra because of the new outcomes based formula. If that formula had been totally implemented, UTK would have received a \$6 million increase. UTK received \$94,000,000 for Strong Hall. UTK will pay 20% of the debt service on that building. The student support (evidenced in their agreeing to pay a building fee) convinced the Governor of the need. He supported that need with the additional funding. The Governor's budget also included \$3 million for planning on the next building. Some of the other buildings needing restoration are Walters Life Sciences, Melrose, Hoskins Library, and Nursing. HSS will have a major renovation done this summer.

The UTK Campaign officially ended in December; \$840 million was raised. We immediately launched a drive targeting funding for faculty chairs, professors, scholarships and infrastructure.

Progress is being made on beginning the search for a Vice Chancellor for Diversity. An announcement is pending. The only thing holding them back is making a decision on whom will be direct reports to this new position.

B. Lyons asked which Knoxville campus issues would be discussed at the Board of Trustees meeting to be held next week. S. Martin will be discussing the "One Stop Shop." The focus of this meeting is not on UTK.

Lyons followed up asking about system level planning. Cheek responded that the meeting would focus on key priorities and what the system can do to help UTK function better. UTK will have more campus specific issues at the June meeting.

S. Martin stated that the Strategic Planning Task Force will be reporting at the Board meeting next week. The focus of the meeting will be on fairly high level items. Consultants will be reporting from "the 30,000 foot level."

Cheek said the Chancellors had met with President DiPietro to try to develop a shared vision. Some of the other campuses want more university-level involvement; UTK wants only very high-level involvement.

Cheek says that he wants to focus on closing the wage gap for full professors. He wants to hire at market value and look at the total package we can offer. Full professors are furthest away from the mean. The only way to provide higher salaries would be some kind of post-tenure review. When compared to our peer institutions, this year associate professors (on average) moved \$5000 closer to the mean; full professors (on average) moved \$8000 closer to the mean. This is the first year we've made progress on the gap. Cheek will be speaking with the Legislature this week.

Provost's Report (S. Martin)

S. Martin spoke on the new wording to include advising as an important part of teaching and the issue of best practices. P. Daves suggested a mention of best practices and referred to a separate document. Martin said that best practices change over time. If the "best practices" are in a separate document, we can revise them easier and the changes would not have to go through the Office of General Counsel (OGC). By inserting 5 words into the *Faculty Manual*, the OGC will most likely support the change.

TALEO (new on-line hiring system). HR is taking seriously the issues raised regarding post-docs. They are willing to continue present practices for hiring post-docs until the system is modified to handle faculty hires.

"One Stop Shop". The campus is repurposing the ground level of Hodges Library to offer expedited and technologically advanced student services dealing with transactions and money. Services to be included are registration, financial aid and bursar's office. There will be counselors trained on services currently performed across campus. The process will elevate service levels and reduce lines for student services. Waiting time will be decreased. Currently, there are long lines at the Bursar's office every semester.

S. Martin said Anbara had referred problems with the campus directory to her. There were listings in the directory for people who had retired, stopped working or even died. Those will all be removed. Emeritus faculty will remain listed. Staff who have left (but still have active NetId accounts) will be suppressed from public access.

J. Koontz asked if there was progress on the noise problem from the Stadium that had been raised at the last Senate meeting. Martin replied that problem was fixed. There will be no loud noise during class hours.

The Budget and Planning Committee was concerned with the age of the data that the Office of Institutional Research is releasing. S. Gilpatric said they had tried to get recent information on salaries (to do a comparative study on progress) but the latest data OIR had was from October 2010. There's no way to measure the impact of raises with the old data. Martin replied that

the OIR was “up to their eyebrows” on the status study. There are challenges caused by Banner.

IV. OLD BUSINESS

There was no old business.

V. NEW BUSINESS

S. Thomas reported on a conflict between the Senate Bylaws and the Bylaws of the University of Tennessee System Faculty Council (UFC) with respect to the process for replacing the elected representative if they are no longer able to serve in that role and offered a suggested change in our Bylaws to remove that conflict. J. Heminway offered alternative wording that was acceptable to S. Thomas. By common consent, the revised wording will be presented to the Faculty Senate for consideration. See handout for the differences.

Nicholas Jackson, Apartment Residence Hall Senator, was recognized and discussed making UTK a smoke free campus. Mr. Jackson had gathered information about other universities (including some state universities) who had made their campuses smoke free. J. Koontz pointed out that our state legislature usually does not consider actions of other states in making decisions. Mr. Jackson gave a list of Tennessee higher education institutions which are smoke free. These include Pellissippi State, MTSU, and Chattanooga. Mr. Jackson will present a resolution to the Student Senate. He is asking the Faculty Senate to forward a resolution and vote on making UTK a smoke free campus. He recognized that the campus had created smoke free entrances to buildings, but noted several areas of concern. These included the smoking outside Hodges Library and walking outside behind people who smoke. The ban would not have to be immediate. MTSU took 2 years to implement their ban. The Student Health Center offered smoking cessation aid. The Administration worked with the faculty and the Student Council on devising the best way to implement. Mr. Jackson is open to considering a few designated outdoor smoking areas if the majority of campus becomes smoke free. Cigarette butts are unsightly and make campus unattractive. Mr. Jackson is asking the Faculty Senate to take up the subject again. He feels that faculty support would make the student request stronger. C. Myers suggested Mr. Jackson contact the Knoxville Smoke Free Alliance for additional support and information resources. Koontz asked if he had any idea how many students were smokers. J. Cheek said the Freshman Council, the Student Senate and the Faculty Senate have expressed interest in this type of action, but the Attorney General has said all the campuses that currently ban smoking are breaking the law. Personally, Cheek supports a smoking ban. J. Heminway applauded Mr. Jackson for trying. B. Lyons pointed out that no one can stop the bookstore from selling cigarettes. Banning would violate individual rights. In addition, how could we reconcile the tobacco related research done at UTIA? The non-smoking entrance was one attempt to limit smoking. But would a ban affect the tobacco and agriculture research we do?

N. Jackson said the ban would not stop research. There are constitutional rights issues, which is why he personally supports the few designated smoking areas. Appeals to free speech and pursuit of happiness have failed. Myers pointed out that passing laws is great, but they are not enforced. Heminway suggested that Jackson needs to be very clear on his objective. Perhaps a resolution addressed to the President or the Chancellor asking them to work to change the law. She also thought including the Staff Council in the discussion would be useful. S. Thomas

summed up the discussion saying that the Executive Council applauds his efforts and supports them.

D. Braquet spoke for the Benefits and Professional Development Committee in the absence of A. Taylor. The Committee has passed a resolution asking for benefit support for LGBT partners and heterosexual couples who chose not to marry. B. Lyons expressed support but state law again prevents the campus from adopting. Attached to the resolution is a spreadsheet on how our peer institutions support coverage. The spreadsheet lists many different types of benefits. Most of our peers support at least some of them and others support most of them. Data was collected only from publically accessible web sites. Of the 33 types of benefits, support among the top 26 Universities ranged from no support found on 2 campuses (William and Mary and Texas A&M) to 25 benefits supported on two separate campuses (UC-B and Wisconsin). Braquet suggested that some of the benefits may be under campus control. The situation is not just black and white. J. Heminway asked what the purposes of the data collection and resolution were. They didn't present a plan to get from where we are now to the full realization of total benefits. We need a stage 1 to begin working. It can't all be implemented at once. Braquet said the resolution ties in with the Vol Vision Task Force on Benefits, the Equity Commission and the recent survey on satisfaction with benefits. This data is part of a plan. One like it helped consolidate efforts at Texas A&M and is helping them make an active push forward from grass roots groups. If the plan moves forward, the Benefits and Professional Development Committee will begin looking at implementation costs. Some changes might be made that require no state approval. Heminway expressed the feeling of the Executive Council in calling the report an incredible, wonderful piece of work and applauded the Committee for their work. S. Thomas said that a vote on the resolution would be held at the next Executive Council meeting.

S. Thomas reported for the Nominations and Elections Committee. They have not yet finalized the slate of candidates for Senate officers. All are encouraged to continue sending suggestions to him.

VI. ADJOURNMENT

C. Myers moved and S. Gilpatric seconded a motion to adjourn. The meeting was adjourned at 5:00 pm.

GOVERNOR'S BUDGET HIGHLIGHTS

Increase	Decrease	Capital Outlay	Deferred Maintenance
\$4,068,200 2.5% salary increase (partially funded)	\$3,273,300	\$94,000,000 Strong Hall renovation	\$11,000,000
\$3,933,900 formula improvement		\$3,000,000 Planning for second building	
\$1,273,700 2012-13 group insurance funding			
\$108,800 TCRS retirement funding			
Total: \$9,384,600			

Appendix to Faculty Senate Resolution: Freedom of Speech Provisions at Some Peer and Aspirant Institutions.

University of Georgia

<http://provost.uga.edu/index.php/statutes/>

Section 5: Academic Freedom

a. University Faculty members are entitled to full freedom of expression in research, teaching, and publishing, subject only to those restrictions that are imposed by professional ethics and respect for the rights of others. University Faculty members have the right to criticize and seek alteration of both academic and non-academic University policies, whether or not those policies affect them directly. University Faculty are free from institutional censorship, discipline, or reprisal affecting their professional careers for exercising freedom of expression.

University of Minnesota

http://www1.umn.edu/regents/policies/academic/Academic_Freedom.pdf

ACADEMIC FREEDOM AND RESPONSIBILITY

SECTION II. ACADEMIC FREEDOM.

Academic freedom is the freedom, without institutional discipline or restraint, to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, and to speak or write on matters of public concern as well as on matters related to professional duties and the functioning of the University.

University of Michigan

<http://www.provost.umich.edu/faculty/handbook/1/1.C.html>

1.C Senate Assembly Statement on Academic Freedom

In January 2010, the Senate Assembly endorsed a statement that defines the standards of academic freedom as follows.

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Academic freedom includes the following specific freedoms:

- freedom of research and publication. *Within the broad standards of accountability established by their profession and their individual disciplines, faculty members must enjoy the fullest possible freedom in their research and in circulating and publishing their results. This freedom follows immediately from the university's basic commitment to advancing knowledge and understanding. Restrictions on research and publication should be minimal and unobtrusive.*
- freedom of teaching. *This freedom is an outgrowth of the previous one. Faculty members must be able not only to disseminate to their students the results of research by themselves and others in their profession, but also to train students to think about these results for themselves, often in an atmosphere of controversy that, so long as it remains in a broad sense educationally relevant, actively assists students in mastering the subject and appreciating its significance.*

• freedom of internal criticism. *Universities promote the common good not through individual decision or bureaucratic calculation, but through broad-based engagement in the scholarly endeavor. Faculty members, because of their education and their institutional knowledge, play an indispensable role as independent participants in university decision making. By virtue of this role, they are entitled to comment on or criticize University policies or decisions, either individually or through institutions of faculty governance.*

• freedom of participation in public debate. *Both within and beyond their areas of expertise, faculty members are generally entitled to participate as citizens in public forums and debates without fear of institutional discipline or restraint, so long as it is clear that they are not acting or speaking for the University.*

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University of Florida

<http://www.hr.ufl.edu/labor-relations/moa/ARTICLE%2010.docx>

10.2, Academic Freedom. Consistent with the exercise of academic responsibility described in Sections 10.3 and 10.4, below, a faculty member shall be free to discuss all relevant matters in the classroom, to explore all avenues of scholarship, research, and creative expression, to speak freely on all matters of university governance, and to speak, write, or act in an atmosphere of freedom and confidence.

**Resolution from the Faculty Senate Executive Council
Concerning Revision of the Bylaws of the
Faculty Senate of the University of Tennessee, Knoxville**

WHEREAS, the Faculty Senate contributes to the membership of the University of Tennessee System Faculty Council (UFC) through the election of a campus representative to the Council serving a term of three years; and

WHEREAS, an examination of our Faculty Senate Bylaws and those of the University of Tennessee System Faculty Council (UFC) has uncovered differences in the procedures to be followed when a campus representative is unable to complete his or her term of office, with our Faculty Senate Bylaws calling for the selection of a new representative to serve a new, three-year term and the UFC Bylaws calling for the selection of a new representative to serve the completion of the present three-year term;

THEREFORE, BE IT RESOLVED, that to bring the Faculty Senate Bylaws and the UFC Bylaws into agreement, ARTICLE IV, Section 6 of the Faculty Senate Bylaws are revised by changing the second paragraph of that section to read in full as follows:

If for any reason a representative is not able to complete his or her term, the Faculty Senate Executive Council shall appoint an individual to complete the remainder of the current three-year term.

Domestic Partnership Benefits at the Top 25 Public Universities
 Full report available at: <http://web.utk.edu/~bmehra/domesticpartnershipreport.pdf>

data from websites - only recall find specific info

*Univ. Identification ↓ Assessment Criteria	UC-B	UC-LA	Virginia	Michigan	UNC-CH	W & M	GaTech	UC--SD	UC-D	UC--SB	UC-I	Washington	UT Austin	Wisconsin	Penn State	UI-UC	Florida	Ohio State	Purdue	Georgia	Maryland	Texas A&M	Clemson	Rutgers	Minnesota	Pittsburgh	UTK	Total
1. HEALTH CARE	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓			✓	✓	✓		20
1.1 Medical	✓	✓		✓			✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓			✓	✓	✓		
1.2 Vision	✓	✓		✓			✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓			✓	✓	✓		
1.3 Dental	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓		✓			✓	✓	✓		
1.4 Health care, vision, dental: Child	✓	✓		✓				✓	✓	✓	✓	✓		✓	✓	✓		✓	✓						✓			
1.5 Flexible spending accounts	✓	✓						✓	✓	✓	✓	✓													✓			
1.6 Student health services	✓				✓									✓			✓		✓									
2. LEAVE	✓	✓		✓				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓					✓	✓	✓		18
2.1 Family medical leave	✓	✓		✓				✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓					✓	✓			
2.2 FML partner's child(ren)	✓	✓						✓	✓	✓	✓	✓		✓	✓	✓		✓	✓					✓	✓			
2.3 Sick leave	✓	✓		✓				✓	✓	✓	✓	✓		✓		✓	✓	✓	✓					✓	✓			
2.4 Bereavement leave	✓	✓		✓				✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓					✓	✓	✓		
2.5 Bereavement leave (child)	✓	✓		✓				✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓					✓	✓			
2.6 Parental leave (adoption/birth)								✓						✓	✓			✓	✓						✓			
3. FINANCIAL ASSISTANCE	✓	✓		✓	✓			✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓				✓	✓	*	18
3.1 Financial planning assistance																		✓										
3.2 Tuition partner															✓			✓	✓		✓					✓		
3.3 Tuition partner's child																		✓	✓		✓					✓		
3.4 Discounts																		✓		✓								
3.5 Adoption assistance																												
3.6 Non-resident tuition remission	✓	✓						✓	✓	✓	✓			✓					✓						✓			
3.7 Dual career couple assistance program	✓			✓	✓			✓	✓	✓	✓	✓		✓			✓		✓		✓				✓	✓	*	

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*Univ. Identification ↓ Assessment Criteria	UC-B	UC-LA	Virginia	Michigan	UNC-CH	W & M	GaTech	UC--SD	UC--D	UC--SB	UC-I	Washington	UT Austin	Wisconsin	Penn State	UI-UC	Florida	Ohio State	Purdue	Georgia	Maryland	Texas A&M	Clemson	Rutgers	Minnesota	Pittsburgh	UT	Total
INSURANCE	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓		✓			✓	✓	✓		19
4.1 Accidental death and dismemberment insurance	✓	✓			✓			✓	✓	✓	✓	✓		✓					✓									
4.2 Life insurance partner	✓	✓		✓	✓			✓	✓	✓	✓	✓		✓					✓		✓				✓	✓		
4.3 Life insurance partner's children	✓	✓		✓				✓	✓	✓	✓	✓		✓					✓						✓			
4.4 Long term care insurance				✓										✓										✓	✓			
4.5 Student health insurance program	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓					✓	✓	✓		
4. COUSING	✓			✓				✓		✓	✓	✓	✓	✓	✓		✓	✓	✓	✓					✓	✓		14
5.1 Couples counseling	✓			✓							✓	✓	✓	✓	✓		✓	✓	✓	✓						✓		
5.2 Employee assistance programs (EAPs)	✓			✓					✓			✓	✓	✓				✓	✓						✓	✓		
5.3 EAP for partner's child	✓			✓					✓			✓		✓					✓							✓		
5. CAMPUS SERVICES	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		*	23
6.1 Athletic department ticket	✓											✓		✓					✓									
6.2 Recreation membership	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓			✓	✓	✓		*	
6.3 Library privileges	✓			✓			✓	✓				✓	✓	✓			✓			✓	✓						*	
6.4 Child care												✓					✓	✓							✓			
6.5 University housing	✓	✓		✓			✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓					✓	✓			
6.6 Legal assistance	✓	✓		✓				✓	✓	✓	✓						✓											
Total out 33 criteria	25	18	1	20	7	0	8	21	21	18	20	22	6	25	12	12	15	19	24	5	8	0	1	12	21	11	3	

[Data retrieved from websites during December 2011 – February 2012 using U.S. News & World Report 2011 rankings]

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Full report available at: <http://web.utk.edu/~bmehra/domesticpartnershipreport.pdf>

In order of 2011 ranking:

U--B	University of California—Berkeley
UC--LA	University of California—Los Angeles
Virginia	University of Virginia—Charlottesville
Michigan	University of Michigan—Ann Arbor
UN--CH	University of North Carolina—Chapel Hill
W&M	College of William and Mary
GaTech	Georgia Institute of Technology
U--SD	University of California—San Diego
U--D	University of California—Davis
U--SB	University of California—Santa Barbara
U--I	University of California—Irvine
Washington	University of Washington
UT Austin	University of Texas—Austin
Wisconsin	University of Wisconsin—Madison
Penn State	Pennsylvania State University—University Park
UI--UC	University of Illinois—Urbana-Champaign
Florida	University of Florida
Ohio State	Ohio State University—Columbus
Purdue	Purdue University—West Lafayette
Georgia	University of Georgia
Maryland	University of Maryland—College Park
Texas A&M	Texas A&M University—College Station
Clemson	Clemson University
Rutgers	Rutgers, the State University of New Jersey—New Brunswick
Minnesota	University of Minnesota—Twin Cities
Pittsburgh	University of Pittsburgh

NOTE: Check marks indicate that websites specifically mention access to benefits for domestic partners; Universities may offer additional benefits than those able to be discerned through this website analysis; The 2011 U.S. & World Report rankings listed 26 universities as being the top 25 since two schools shared the same position.