Faculty Senate
MINUTES
November 19, 2012

Absent: Vincent Anfara, Itamar Arel, Robyn Blakeman, Stan Bowie, Ernest Brothers, Hoan Bui, Feng Chen, Chris Cimino, Michael Clark, Jim Conant, Paul Crilly, Ruth Darling*, Lt. Brian Delamater, Todd Freeberg*, Alberto Garcia, Iris Goodwin, Matthew Gray, John Haas, Joanne Hall, Tom Handler, Federico Harte, Noriko Horiguchi, Baoshan Huang, Becky Jacobs, Ron Kalafsky, Kurt Lamour, Susan Martin, Kim Newkirk, Stephanie Noble, Randal Pierce, Tulio Prado, Nathan Preuss, Susan Ratliff, W. Tim Rogers, Amadou Sall, Fernando Schwartz, Christina Shepardson*, Curtis Stewart, Adam Taylor, Ahmad Vakili, Kenton Yeager

Alternates*: Anton Reece for Ruth Darling, Beauvais Lyons for Christina Shepardson, Matthew Cooper for Todd Freeberg

CALL TO ORDER
S. Thomas called the meeting to order at 3:30 p.m.

ANNOUNCEMENTS AND REPORTS
Establishment of a Quorum
S. Thomas noted that a quorum was present.

President's Report (S. Thomas)
S. Thomas noted that, subjectively, the bulk of his efforts for the previous four to six weeks have been related to the recently revised employee code of conduct (HR0580), either reading it, attending meetings about it, or reading and writing email messages about it. More will be said about this topic later in the meeting.

Thomas announced that the election of non-tenure-track faculty members had been conducted. Thirteen individuals had been nominated, with ten elected to serve for the remainder of this academic year. The new senators who were present were recognized.

Chancellor's Report (J. Cheek)
Chancellor Cheek commended the Senate on the action taken to include non-tenure-track faculty in the governance process and for changes made last year to provide a promotion process for lecturers.

The Chancellor noted that, in 2010, the model for state funding of higher education was changed from being enrollment-based to one that rewards performance-based outcomes (such as student retention and graduation rates). If this formula is funded and followed, we should be well positioned. In recent meetings with the Governor and other representatives of the Board of Regents institutions and the UT system, three points were stressed:

1) Quality is essential.
2) Fund the formula and let it run; reward those with improved performance.
3) Continued support of the capital projects is critical.

The Chancellor also noted that Ricky Hall from the University of Minnesota has accepted the appointment as Vice-Chancellor for Diversity, beginning June 1, 2013. Although an earlier starting date was offered, Mr. Hall wanted to complete additional work on his doctorate degree before assuming this position.

During the recent meeting of the Board of Trustees, productive discussions were held concerning our Top-25 Initiatives and our progress towards these goals.

Questions from floor:

- In the past, general funds have been used to support athletics when necessary. Will we be doing so with this round of buying-out of coaches' contract? *Chancellor Cheek: There are no such plans, at this time.*
- When will the promised letter concerning benefit equality be available? *Chancellor Cheek: A draft of the letter is being reviewed. A meeting has been scheduled to discuss this draft with the senate leadership on December 7th.*

Changes to Published Agenda (S. Thomas)
S. Thomas reported that (1) Chancellor Arrington had asked for his presentation to be rescheduled; (2) Provost Martin had informed him that she would not be present today; and (3) the visit by Anthony Haynes has been postponed.

MINUTES
Faculty Senate Minutes
S. Thomas asked if there were any corrections or additions needed to the minutes of the Faculty Senate meeting on October 22, 2012. When no revisions were suggested, P. Daves made a motion to approve the minutes as presented. The motion received a second and passed by voice vote.

Faculty Senate Executive Council
S. Thomas noted that the minutes of the Faculty Senate Executive Council meeting of November 5, 2012, had not yet been posted to the website and accepted full responsibility for the delay.

MINUTES POSTED ELECTRONICALLY
Undergraduate Council (M. Theriot)
M. Theriot presented and summarized the minutes of the Undergraduate Council meeting on October 30, 2012.

- Three new policies and four revised policies (presented Academic Policy Committee) were approved as presented or with minor revisions.
  - Credit hour definition (changed to match the Graduate APC's policy)
  - General Transfer Admission policy
  - Universal Tracking (UTracK) policy
  - Five-Year BA/MPPA Program
  - Academic Advising
  - Repeating Courses
  - Withdrawing from the University
- Curricular proposals from the College of Arts and Sciences and the College of Social Work were approved. The committee also reviewed the list of courses not taught in four or more years and approved the courses to be dropped.

Thomas noted that, since the motion to approve these minutes comes from a committee, a second was not needed. The motion to approve these minutes as presented passed on voice vote.

PREVIOUS BUSINESS

Code of Conduct (S. Thomas)

S. Thomas summarized what he had learned about the revised code of conduct (HR0580, Revision 8) since this issue was raised during the Senate's October meeting. The primary motivation for the revision was to bring the University into compliance with requirements contained in the *United States Sentencing Guidelines for Organizations*. He read brief sections from these guidelines describing the minimal requirements of "an effective compliance and ethics program." If an organization (such as the University) could demonstrate that it had such a program and that any "criminal violation presented an aberration," then any potential fine could be reduced substantially. Most of the changes in this revision of HR0580 directly addressed these minimal requirements.

Thomas provided the following pieces of new information, based on a video conference with other UT Faculty Senate presidents on October 29th, a memo from Katie High following that meeting, and a meeting with President DiPietro and the University of Tennessee Faculty Council (UTFC) on November 8th.

- A decision has been made to remove the "acknowledgement" requirement concerning the code
- President DiPietro has acknowledged that the exclusion of the faculty from the discussion of this revision of the code was an oversight
- There is a commitment at the system level to formalize a process to insure faculty representation in the development of policies that concern the welfare of the university community
- The current version of the policy contains changes necessitated by recent changes in the federal sentencing guidelines, making it impractical to roll back to the previous version and start over
- UTALK (http://president.tennessee.edu/utalk/) is available as an option for additional communication on this issue

Thomas opened the floor for discussion. In considering how to proceed, it was noted that the current code of conduct was the eighth revision since 1976. According to some reports, the current revision required approximately two years to finalize. Although the parties involved in this process did not realize that input by the faculty should have been included, that fact has now changed. So, we should have a voice in future revisions, but we have no way of knowing when the next revision may occur. HR0580, revision 8 is an official University policy and all employees are expected to abide by its requirements.

In response to a question, Thomas confirmed that David Patterson (our elected representative to UTFC) had participated in the UTFC video conference on October 17th and the UTFC meeting on November 8th with President DiPietro.

General frustration was expressed about the manner in which the whole matter had been handled. Concerns about some wording within the document were also mentioned. However, it was also noted that some of the problematic wording may have been present in earlier versions of the policy. Many of the current changes may be traced directly to the verbiage within the federal sentencing guideline.

In response to a question, Thomas confirmed that plans to announce and promote the revised code would be developed, at the system level, once each Faculty Senate had acknowledged that local discussion had concluded. A comment was made that it would be inappropriate "to approve" the

revision as it now stands, since it had been presented as a *fait accompli*. Would a simple "acknowledgement" be sufficient? It was noted that whether or not we "approve" or "acknowledge" the document as it now stands, is an official University policy.

R. Barrow offered this motion: "**We acknowledge receipt of the code of conduct. We understand this to be a working document subject to revision. We expect to be included in further revision and expect the instrument and the procedure for such a revision to be expeditiously established.**" The motion received a second by P. Daves and passed by voice vote, with one negative vote noted.

A motion was made by A. Sachs to task the Faculty Affairs Committee to solicit concerns about the contents of HR0580 and to prepare a list of such concerns for discussion by the Senate, in order to make recommendations for a subsequent revision to the policy. The motion received a second and passed by voice vote.

A motion was made by N. Mertz to ask the Faculty Affairs Committee to draft recommendations for how faculty input in such issues should be solicited. The motion received a second and passed by voice vote.

NEW BUSINESS
Proposed Revision to the *Resources Manual* (P. Daves)
P. Daves summarized the resolution, from the Faculty Affairs Committee, that would make two changes to the recently approved *Resources Manual*.
1) Revising the Introduction to include the steps (previously approved when the *Resources Manual* was created) describing revision process; and,
2) Revising the section entitled "Best Practices" to reflect the history of these documents.

Daves noted that the first change corrects an oversight made when the *Resources Manual* was created. That earlier resolution specified the revision process but did not include that process within the document itself. The second change explains that the current best practice statements were moved from the *Manual for Faculty Evaluation* to the *Resources Manual* in 2012.

On behalf of Provost Martin, S. McMillian moved to amend the previously-approved revision process, removing the step where "the document is forwarded to the Provost for his or her approval." The final step in the approval process would thus be an affirmative vote by the Faculty Senate. Daves provided a second to the motion. The amendment to the resolution passed by voice vote. The amended resolution then passed by voice vote.

Special Topic of Discussion (S. Thomas)
S. Thomas opened the floor for a general discussion concerning online education/distance learning. Various questions and concerns were addressed by S. McMillian, in her role as chair of the Online Learning Taskforce. She noted that the taskforce would be issuing a full report in the near future and would welcome the reactions of the senators at that time as well. General topics discussed were:
- Peer institutions are exploring new possibilities in online education, so we must do as well. New technology is having an impact on the overall educational process, which will look very different in twenty years. But there is no expectation that online education will or should replace the educational experience of a residential institution such as we have on this campus. What we must do is decide where the use of new technology will be appropriate in meeting our overall mission. We should look to areas where we have particular strengths or expertise

and build on those areas. Online education has been and will be implemented in many ways, from hybrid courses/programs to fully online courses/programs.

- Concern was expressed that the efforts to develop online course could amount to a diversion of resources from traditional courses and that the result would be a disservice to our students and to our mission.
- How might certificates from other educational institutions count toward course credit? Concerns about the verification process are real issues. Academic integrity is important. Burden must be on the granting institution to confirm the person doing the online work is the one getting the credit. If that institution wants to convert a certificate to course credit, we could accept it as we would transfer credits for traditional course work.
- Creating new online courses (or modifying existing traditional courses for the online environment) requires significant investment of time and resources. Currently, distance education students pay a DE fee in lieu of some other fees for campus-based students. Ideally, such fees could support online education with the additional staff and resources. But such details would need to be refined and better understood by all involved. While not all courses may be suitable for online education, many may be to some degree. We need to seek the right types of courses and the right balance. Some students learn better with online methods. Technology allows us to cater to different learning styles.

ADJOURNMENT
Adjournment was moved and seconded. The meeting was adjourned at 4:28 p.m.

Respectfully submitted,

Fritz Polite, Secretary