

Faculty Affairs Committee (FAC) – Faculty Senate

Meeting Minutes

April 14, 2013

Opening

The meeting of the Faculty Affairs Committee (FAC) – Faculty Senate was called to order at 3:45 pm on 4/14/14 in Hodges Library, 220E, by Jenny Fowler.

Present

Jenny Fowler, Phillip Daves, Phillip Ye, John Schwartz, Jo Ann Cady, Irene Goodwin

Unable to attend: Chris Cherry, Eleanor Read, Bonnie Ownley, David Harper

Approval of Minutes

Minutes of previous meeting were not available at this time

Old Business

“Academic Freedom” as it pertains to shared governance proposal: after obtaining input from concerned faculty via the open forums in February, the document was edited (via email) and then was shared with John Zomchick in a meeting with Jenny Fowler and Phillip Daves. After this discussion, some additional wording was changed. The document was again shared with the committee via email and majority approved the new draft. John Zomchick shared the new draft with the Office of General Counsel, who requested that the statement be moved from Section 2: Academic Freedom to Section 1.5: Shared Governance. Those in attendance at the meeting agreed to this change and the document was edited (see appendix). This version (May 5, 2014) will be presented at the next Executive Council meeting and hopefully voted on at the last Senate meeting of the year. The document will also be shared with John Zomchick and India Lane as a draft prior to the vote.

The “Romantic Relationships” between students and faculty change to the Faculty Handbook was edited by the Provost’s office (see below). The edits were circulated to the committee who voted to approve those edits via email. The Board of Trustees should approve the changes before the end of this semester.

...”Thus, a faculty member must not initiate or accept such a relationship with a student over whom such faculty member has an advisory, mentoring, evaluative or supervisory role, OR CONTINUE SUCH A RELATIONSHIP WITH A STUDENT SHOULD THE FACULTY MEMBER SUDDENLY BE PLACED IN AN ADVISORY, MENTORING, EVALUATIVE OR SUPERVISORY ROLE WITHOUT FIRST ESTABLISHING . ~~Should such a~~

~~relationship exist between a faculty member and a student, the faculty member must establish alternate evaluative or supervisory arrangements.”~~

Open Issues

None were discussed at this meeting.

New Business

None.

Agenda for Next Meeting

The next meeting was not set.

Agenda for Future Meetings

Several changes to the Faculty Handbook are open issues to be discussed next year:

Retention Review policy changes for Faculty Handbook

Tenured Faculty Termination policy changes for Faculty Handbook

Including language on outreach and engagement in chapters 2 and 3 of the Faculty Handbook

Adjournment

Meeting was adjourned at about 4:30 pm by Jenny Fowler.

Minutes submitted by: Jenny Fowler

Appendix 1: draft statement

The Faculty Senate of The University of Tennessee, Knoxville Resolution

May 5, 2014

WHEREAS, The University of Tennessee, Knoxville intends to be the preeminent public research and teaching university linking the people of Tennessee to the nation and the world; and

WHEREAS, The University of Tennessee, Knoxville seeks to be competitive in efforts to recruit and retain the highest quality faculty; and

WHEREAS, The University of Tennessee, Knoxville, as an institution, respects the constitutional rights of freedom of speech and association and practices shared governance through the collaborative engagement of faculty and administration in the operation of the campus; and

WHEREAS, a necessary component of shared governance is the ability of faculty members to engage in wide-ranging discourse of department, college, campus, and university policies and governance without fear of institutional censorship, discipline, or retribution; and

WHEREAS, a necessary component of the effective performance of teaching, scholarship, and department, college, campus, and university service duties is the ability to engage in wide-ranging discourse on department, college, campus, and university policies and governance without fear of institutional censorship, discipline, or retribution; and

WHEREAS, the opinion of the Supreme Court of the United States in *Garcetti v. Ceballos*, 547 U.S. 401 (2006) has been interpreted by federal courts to permit adverse employment decisions and actions to be taken against faculty members for engagement in wide-ranging discourse on department, college, campus, and university policies and governance; and

WHEREAS, other top-ranked state universities such as University of Minnesota, University of Wisconsin, University of Georgia, University of Michigan, University of Florida, and others have adopted academic freedom language for faculty that extends protection to speech and other conduct in which faculty engage in the course of shared governance and other employment-related duties;

THEREFORE, BE IT RESOLVED THAT Sections 1 and 2 of the *Faculty Handbook* for The University of Tennessee, Knoxville, be amended and restated as set forth below (with new language underlined and deleted language struck through):

1.5 Shared Governance

The responsibilities of the faculty in the governance of the university are important and varied. They are discharged in two basic ways: (1) through the work of the Faculty Senate (regarding the general policies of the campus as a whole), and (2) through the work of faculty and faculty committees within departments, colleges, and the university as a whole. Faculty members should be active participants in deliberations and decisions on all policy and procedure committees.

Faculty members have the right to contribute to the campus and university discourse that is at the heart of the shared governance of the campus and the university. When contributing to campus and university discourse, at any level within the university or the community at large, faculty members have the freedom to raise and to address, without fear of institutional discipline or restraint or other adverse employment action, any issue

related to professional duties; the functioning of academic units, the campus, or the university; and department, college, campus, or university actions, positions, or policies.

~~At the same time, †~~The perspectives of administrators, students, and professional and support staff are also essential to shared governance. It is the responsibility of the faculty to work collaboratively with these and other university constituencies.

The university practices shared governance. It acts on principles derived from in-depth conversation among faculty representatives and academic administrators that are in accordance with the following principles:

1. communication—regular and timely sharing of information among faculty, staff, students, administration, and trustees
2. faculty responsibility—primary role in determining curriculum, educational policy, standards for evaluating teaching and scholarship, selection of new faculty, and promotion and tenure
3. faculty representation in university decision-making that directly or indirectly affects faculty ability to function effectively
4. timely consultation between faculty and administrators on academic matters
5. peer nomination of faculty to serve on university committees

The process of shared governance depends upon

1. 1.transparency—of information and responses of others, so that constituents are able to fully understand policy and related issues
2. accessibility—to information and the responses of others, so that constituents are able to consider various perspectives
3. adequate time—to reflect on information and the responses of others as well as share one’s own response, so that constituents can fully participate
4. opportunity—to communicate collaboratively, so that constituents can reach decisions that serve the common good
5. consistency—in the process of shared governance, so that an atmosphere of openness and trust prevails

Dissemination of information is only one part of the process. Responses from constituents need to be shared as appropriate, where a record of these responses is available to everyone who chooses to review this information. The open sharing of constituent responses requires that gathered information be put in a useful form accessible to the community. In many cases, face-to-face dialogue provides the best opportunity to communicate collaboratively. While the senate and other university committees provide a major source of faculty representation in shared governance,

faculty should have the opportunity to share their input prior to the establishment of policy related to academic matters and the welfare of the university community. All faculty members are expected to accept the responsibility of shared governance and act as good university citizens through service on committees, task forces, and the senate.

2.13 Freedom as a Citizen

When faculty members communicate as citizens on matters of public concern, they operate independently of the university. In this situation, faculty members have rights common to all citizens, including the rights to organize associations, join associations, participate in public meetings, run for and serve in government offices subject to applicable state and federal laws and university personnel policies, demonstrate, picket, and voice their opinions. ~~To exercise~~ When exercising their rights as citizens, faculty members must also respect the university by not claiming ~~institutional support or involvement~~ to represent the positions or views of the University, and by not using institutional resources.