

FACULTY SENATE
Minutes
October 16, 2017

Absent: Joe Bailey, Tami Bland, Stan Bowie, Chris Boyer, David Butler, Vincent Carilli, Lt. Col. Matthew Castillo, Jiangan Chen, Chris Cimino, Islam El-Adaway, Holly Greene, Martin Griffin*, Heather Hartman, Qiang He, Silke Hecht, David Icove, Asafa Jalata*, Jackie Johnson, Juan Jurat-Fuentes, Hyun Kim, Nicole Labbé, Andrea Ludwig, Tomás Martín-Jiménez, Lisa Muller, Katherine Newnam, John Orme, Greg Reynolds*, Arthur Ruggles, Reza Seddighi, George Siopsis, Jennifer Stokes, Ahmad Vakili, Stewart Waters, Brian Whitlock, Shellen Wu, Ling Zhao, Steven Zinkle

Present by Zoom: Sadie Hutson, John Schmisser

*Alternates: Aaron Buss for Greg Reynolds, Helene Sinnreich for Martin Griffin, Raja Swamy for Asafa Jalata

I. ESTABLISHMENT OF QUORUM

E. Bernard established a quorum.

II. CALL TO ORDER

B. Lyons called the meeting to order at 3:31 p.m.

III. ANNOUNCEMENTS

President's Report (B. Lyons)

B. Lyons expressed faculty appreciation for Chancellor B. Davenport's message on the importance of civil dialogue and her commitment to diversity and inclusion during the Investiture Ceremony. He quoted from her 2004 article, *Reclaiming Civil Discourse in the Work Place*, and presented her with some posters that were created by students for a class project about civility and free speech.

B. Lyons thanked Phyllis Thompson for serving as Secretary for this meeting, noting that she will do the same for the November 20 meeting.

On Wednesday evening, October 18, 2017, the UTK chapter of Young Americans for Freedom will host a student sponsored speaker, Ben Shapiro, Author of *Bullies: How the Left's Culture of Fear and Intimidation Silences America*. The office of Student Life and our campus police have made extensive plans to ensure that the event, which will take place the same night the Rock Band Foo Fighters are performing in the Thompson Boling Arena, will go smoothly. Ensuring that our space is both safe and full of market ideas is important. It makes it possible for a diversity of speakers and events to take place on our campus and in our classrooms. He explained that in the context of a campus that is going to host a controversial speaker his hope is that we see this as emblematic of the University being open to ideas even if they are ideas that are abhorred or strongly objected. B. Lyons stated that that the variety of speakers on our campus is what makes UTK exceptional.

Since last month's address, the shared faculty governance fund was reactivated which was established in 2003-2004. The fund conserve is a resource to allow Faculty Senate to advocate

for faculty concerns independent of the Office of the Provost. The fund currently has over \$6,000.00. Any expenditure over \$100.00 requires approval from the Faculty Senate Executive Council. A message will be sent out for those who would like to designate the fund for regular giving.

President Elect Misty Anderson and Communications Officer Robert Spirko has established a Faculty Senate Twitter account @UTFacultySenate. There are currently over 80 followers.

Through the work of Faculty Senate Graduate Research Assistant Brooke Killion, the audit of colleges and department bylaws will be posted on the Senate website and sent to the Provost and Academic Deans this week. An email will be sent out once this has been completed so we can all take ownership of the bylaws. The Provost has shared this project with the Deans so they are also sending updates.

B. Lyons noted that he is still collecting feedback on Elements, a component of the new Faculty Annual Review system. While revisions to this system this year may be limited, President Lyons will advocate for improvements that can be made.

He thanked those for volunteering to serve on the General Education Implementation Task Force. As the process proceeds forward, he hoped we would all be accountable for thinking through in our degree programs how to best embody this new general education set of goals. He hopes that it can be part of our Tennessee Difference.

Lyons explained that today's agenda reflects recent and needed changes to add a resolution in response to the outsourcing bid from JLL. After months of a lack of transparency regarding the vested outsourcing process, he thanked UT President J. DiPietro for making the proposals from JLL open for review by the campus and local community. What motivates many colleagues to be against outsourcing is not only the concerns about returning to an inferior level of service and lack of institutional control that we had previously under the custodial contracts, but the fate of current and future workers and their families. Many faculty members believe that we should make a decision that is consistent with our service and engagement mission: *To improve the quality of life for the people of Tennessee* and regard this decision in this larger social and economic context.

UTK Chancellor's Report (B. Davenport)

Chancellor Davenport thanked everyone for his or her attendance at the Investiture Ceremony and for the support she has gotten since then.

Cluster hiring. Currently ready to begin our first cluster hire in Data Science, which Oak Ridge National Laboratories is providing half of the funding.

E-learning. UT currently generates 3% of revenue from online programs. Nationally, 14% of average of college credit hours are generated online. There is a plan to hire a consultant to begin growing our E-learning programs, which will help to increase revenue. Chancellor Davenport stated that support would be provided to help those who are interested and willing to do this.

Chancellor Davenport thanked those who agreed to serve on both the Smoking and Alcohol Taskforces. She stated that the Smoking Taskforce has been mostly driven by our undergraduate student leadership and hopes that faculty will help support them. The Alcohol Task Force may be a little more complicated, and they are currently examining all the aspects including how the SEC Policy has been interpreted. External individuals are also serving on the taskforce including UT alumni Mr. Graham who has agreed to serve as Chair of the Alcohol Taskforce and who previously served as the Commissioner for Taxation for Georgia in the past.

Ben Shapiro. Pleased that they began looking at how to manage potential controversial speakers this past summer and security is prepared.

The Tennessee Board of Education who has not met on our campus for a very long time, will meet on our campus on Friday, October 20, 2017.

Update on Search Committees for the Vice Chancellor for Research and the Vice Chancellor for Academic Affairs and Provost. Chancellor Davenport is pleased with the progress for both searches. The search for Vice Chancellor for Research is moving quickly and there is a robust pool of candidates.

Davenport stated that she has been working hard to raise money for the Chancellor's Transformation Fund. When Chancellor Davenport first arrived there was no pool of discretionary money to use for anything, whether it was for supporting faculty or student projects or micro grants for students that supplement scholarships. During Investiture Week, Chancellor Davenport made an award for \$25,000.00 to the Student Government to start a scholarship to create a micro grant program for students who are engaged in service and leadership.

J. Williams noted that veterans are in need of e-learning programs and that many who go to for-profit universities are unhappy. He stated that UT could fill their needs for education and also provide another revenue stream. B. Davenport agreed.

Provost's Report (J. Zomchick)

Enrollment. As of the 14-day count, we have 22,317 undergraduates. There are 4,895 new first year students. Out of state students increased which helps bring geographical diversity to campus and increases revenue. Minority enrollment increased but our international enrollment of students decreased from 72 students last year to 44 students this year. The plan this year is to build our international recruitment in order to increase international student enrollment. This will help to bring much needed diversity to our campus. The quality of our class remains very high (all time high of average of ACT and high school GPA). Graduate enrollment is also up from 2016. We will be working hard to continue to increase our graduate enrollment.

Retention. There are intrinsic and extrinsic reasons for the importance of retention. Focusing on the extrinsic reasons, UT loses about 5% of students on average by end of the fall semester. That is about 245 students not returning for spring semester and equates to ~\$1.5 million of loss in tuition. Last year, by the end of spring semester, UT lost another 10% of our students which meant another loss of ~\$5.58 million of tuition being generated for the next year. Provost Zomchick explained that a 3% salary increase for faculty and staff costs UT about \$8 million and these are the extrinsic reasons that faculty is being asked to make extra efforts to

reach out to students who might not be doing well. He stated the retention rate goal has increased from 85.51% last year to 88% this year and urged faculty to talk to their colleagues about the need to increase our retention rates.

Provost Zomchick reviewed Early Alert, which is one way that we reach out to Instructors to see how students are doing. He asked Senators to please encourage their faculty colleagues to fill out early alert requests as early intervention is proven to be a way to help students stay in college.

Cluster hiring. The Academic Council will meet this Thursday. They are partnering with Interim Vice Chancellor for Research, Robert Nobles. Dr. Nobles' research development team will lead a discussion on how to move forward in order to identify clusters and begin to generate proposals for clusters. Provost Zomchick said they intend to launch two more clusters before the end of the year. They will put a process in place that will facilitate a ground up approach that comes from the faculty.

Regarding Early Alert, B. Lyons asked if Department Heads are aware of the sections in their departments where faculty need to make sure they monitor them? Provost Zomchick confirmed they do. He further explained that the information goes to the Vice Provost for Academic Affairs, then he sends the information to the Deans, and they send the information to the Department Heads. He stated there had been a good response over the weekend, which demonstrates people are responding to Early Alert but again urged that we still need to continue to try to do better.

M. Madhukar asked if inadequate high school preparation could be affecting retention. Provost Zomchick noted the high ACT scores and GPAs of incoming students and also encouraged faculty to meet students where they are and reach out to them and give them the help they need to succeed.

K. Gehrman shared department concerns regarding the cluster hire process. The first concern was related that the timeframe was extremely accelerated. Provost Zomchick stated that the date came from a draft proposal that was circulated when it was not supposed to be and that date is no longer being considered. Gehrman expressed concern that some departments and individuals in the university community have received detailed information about what is being called for in these proposals already. This is raising concern of the perception of a rigged allocation system. Another concern is that there does not yet seem to be a plan for putting people in touch with one another across departments and colleges. Two questions were asked 1) Will programs be given an equal opportunity to compete for these resources; and 2) What's the process going to be for standardizing this so that people will have a process of communication that is equally available for everyone? Provost Zomchick replied that one of the things they hope to accomplish at Thursday's meeting is to address these questions. He stated there will be a level playing field.

J. Shefner asked how cluster hiring will be balanced with traditional hiring processes, so that departments can continue to serve the students that we have, as well as students that need to do innovative research. He noted that there are certainly a number of departments that are not necessarily looking towards clusters and there are others that are maintaining the same enrollment that are being denied because of clusters. Provost Zomchick responded that the

university will strive to fulfill its education mission. The seven lines that were held by the Office of the Provost because he and his staff were not convinced that there was a strategic need for those lines. He said that there is now a council of six deans that are charged with looking at what the criteria will be for all lines being awarded.

N. Hristov asked what efforts are under way to expand international initiatives and exchange programs. Provost Zomchick replied that just this fall we moved international recruitment into enrollment management. They are beginning to build a more robust international recruiter cohort there. They are also going to try work through the Office of Enrollment Management to increase our enrollment of undergraduate students. Previously UT had one recruiter for the entire world and he left. They recognize the need to do more and they continue to talk to other institutions to see how they can use exchange programs to help.

S. Hudson asked if the Board of Trustees (BOT) vote on the e-learning tuition rate took place in November. Provost Zomchick stated that all of the key changes will go to the BOT in March. They were asked to submit them all together. That particular modification will change the fee basis for the e-learning degree programs by taking away the out of state tuition and all enrollees in the e-learning programs will pay a maintenance fee and whatever program fee the individual departments assess to them.

AAUP Chapter Report (M. Black)

M. Black shared reasons why it is imperative that every faculty becomes a member of the AAUP. Local dues are \$20.00 a year and national dues are based on income. AAUP's local chapter just had an open house and about 30 members attended. She invited everyone to join and will assist with the process. Read more about the AAUP [here](#).

IV. APPROVAL OF MINUTES

The Faculty Senate Meeting minutes of September 18, 2017, were moved for approval by N. Hristov and C. Craig seconded. Minutes were approved unanimously.

The Faculty Senate Executive Council Meeting Minutes of October 2, 2017, were provided as an information item.

V. REPORTS OF STANDING COMMITTEES/COUNCILS

Graduate Council (J. Morrow)

J. Morrow summarized the minutes of the Graduate Council meeting of August 24, 2017. B. Lyons asked J. Morrow how the subcommittee of the Graduate Council is looking at the credentialing process and explained that UT has had some rather distinguished new faculty join UT and feel that this process is burdensome. He also asked if there are any possible revisions to the credentialing process? J. Morrow stated that they are looking at peer institutions and comparing policies to UTs. They are planning on collecting data from faculty so they will be doing some open meetings to talk about opinions about the credentialing process but it is still a work in progress. Minutes were unanimously approved.

J. Morrow next summarized the minutes of the Graduate Council meeting of September 28, 2017. Minutes were unanimously approved.

Undergraduate Council (R. Chen)

R. Chen summarized the minutes of the Undergraduate Council meeting from September 19, 2017. Minutes were unanimously approved.

VI. NEW BUSINESS

JLL Business Case Outsourcing Resolution (L. Gross)

L. Gross explained that the role of the Budget and Planning Committee is charged by the Board of Trustees through the *Faculty Handbook* to provide input on budgetary needs of the campus. Last spring the Committee reviewed the earlier information on outsourcing and composed a report to the Senate while also holding an open forum. That report was presented to the Faculty Senate on May 1, 2016, and focused on the variety of costs associated with outsourcing that were not included in the Jones Lang LaSalle (JLL) bid. As of last Thursday, President DiPietro released the formal Business Cases for UT campuses from JLL, and the committee reviewed the case for UTK and developed a resolution for this meeting. L. Gross made the following arguments in favor of the resolution:

First, as any member of the Haslam College of Business will tell you, a potential new contractor should know their client's needs. The Business Case presented by JLL completely ignores the issues raised by the Faculty Senate in the report last year, though this report was open and widely available. The Business Case states nothing in response to the Committee concerns regarding costs of annual leave payouts, increased TennCare costs, extra time for evening events, risk management and loss of institutional knowledge, and no discussion of loss of academic connections. As a Business Case appropriate to the needs of the University of Tennessee Knoxville, IT FAILS.

As a second aspect of completely misunderstanding UTK as a potential client, This Business Case uses as its case studies for its success in management of situations such as ours, General Motors, Bristol-Myers Squibb, and Merck. We are not a huge multinational corporation, so this does not at all speak to our needs as higher education institution and a potential client. As a Business Case appropriate to the needs of the University of Tennessee Knoxville, IT FAILS.

The potential savings outlined in this Business Case has dropped by over 37% or \$3.2M from the estimates we were provided last year, indicating that JLL drastically overestimated the financial benefits to UTK initially, and this gives us little confidence that the current version does not also overestimate these benefits. As a Business Case appropriate to the needs of the University of Tennessee Knoxville, IT FAILS.

The potential savings to UTK in the Business Case includes over \$2.2M due to utilities savings in the first year, yet provides absolutely no basis for this reduction except to state that it arises from unspecified "efficiencies." In fact, UT did not provide any information to JLL on utilities because the entire topic was out of the scope of the contract – the JLL contract says nothing at all about utilities. So where they are getting these supposed savings is completely speculative. As a Business Case appropriate to the needs of the University of Tennessee Knoxville, IT FAILS.

Furthermore, the Business Case states that savings from utilities will double to \$4.5M in the third year of the contract, again with no evidence for this. It is difficult to understand how this savings will arise given that compared to the 2016 baseline year,

UTK has a large amount of new buildings coming on line which will require additional utility costs even though they are perhaps more energy efficient than the current building stock. As a Business Case appropriate to the needs of the University of Tennessee Knoxville, IT FAILS.

There is a lack of care in putting together this Business case – for example the case misstates the major maxim saying, “If you can measure it, you can’t manage it,” rather than, “If you can’t measure it, you can’t manage it.” More importantly, in the final section, which summarizes The Value JLL will Deliver, they discuss UTC, not UTK – stating they will “position UTC at the front rank of US colleges and universities.” So if you were the CEO of a local company, and received a Business Case for a critical part of your enterprise that summed up by noting how strong they will help one of your competitors become, would you accept a contract from this firm? As a Business Case appropriate to the needs of the University of Tennessee Knoxville, IT FAILS.

The Business Case is also not consistent – it states that all UTK employees will be offered a position as a transferred employee, yet they are cutting 90 positions so how can they offer everyone a position and still cut positions? As a Business Case appropriate to the needs of the University of Tennessee Knoxville, IT FAILS.

They state, "The key elements used to define Total Equitable Compensation include base salary, longevity pay, health insurance, pension/retirement planning, sick pay, paid vacation time, and tuition benefits." Yet they say nothing about tuition at all except "Education assistance will be offered according to the current benefits program". As a Business Case appropriate to the needs of the University of Tennessee Knoxville, IT FAILS.

L. Gross read the resolution ([click here](#)). The resolution came before the Senate having been previously approved by the Budget and Planning Committee and the Executive Council of the Faculty Senate.

J. Shefner stated the outsourcing policy has also been opposed by the Graduate Student Association, the Undergraduate Student Government Association, by 22 vendors who will lose long standing business with UT, by hundreds of faculty, by hundreds of workers, by faith leaders, by 17 East Tennessee legislators of a letter from last fall, by 75 legislators of a letter from last spring. In two sets of public comments yielding 1,600 responses, only one was in favor. No one is in favor of this policy other than Governor Haslam, the Vice Chair of the Board of Trustees, and the Office of Customer Focused Government. Everyone else is against this effort. The job of the land grant institution is to raise up everybody in the State of Tennessee and that includes its workers. To address the needs of workers, faculty and students, and to maintain the autonomy and integrity of the University of Tennessee, he urged the Faculty Senate to once again vote for the resolution. The resolution passed with no one opposed and two abstentions.

Tennessee University Faculty Senates (TUFS) Constitution Revision (B. Ownley and M. Griffin)
B. Lyons formally acknowledged and congratulated B. Ownley, Immediate-Past President of the Faculty Senate on her recent election as President of TUFS beginning next August.

B. Ownley brought two resolutions to the Senate floor. Both of them regarding organizations that the UTK Faculty Senate belongs to. Both of these organizations were formed about 10 years ago and they are now in the process of reinventing their Constitution and looking at their mission and values.

TUFS. This is the organization in which all 10 of the Faculty Senates of public universities of Tennessee belong. B. Lyons is currently the voting member of TUFS and M. Griffin is our campus representative. A document with the changes is posted on the Senate website ([click here](#)). The new Constitution of TUFS was unanimously approved.

Coalition on Intercollegiate Athletics (COIA) Bylaws Revision (B. Ownley)

B. Ownley explained this is an independent organization that we are associated with. This is an alliance of 64 different faculty senates from NCAA football bowl subdivision schools. The organization was established about 10 years ago and there were lots of concerns regarding student athletes. COIA completed major revisions of their bylaws last year and this comes forward with a few important updates. B. Ownley attended a meeting in February 2016 that allowed them to focus on their mission, core values, and beliefs. A summary of the revisions is posted on the Senate website ([click here](#)). The bylaw changes were unanimously approved.

VII. ADJOURNMENT

B. Lyons adjourned the meeting at 4:53 p.m.

Respectfully Submitted,

Phyllis L. Thompson