

FACULTY SENATE MEETING  
MONDAY, SEPTEMBER 20, 2021 3:30 PM VIA ZOOM  
<https://tennessee.zoom.us/j/99890762864>

Louis Gross, President; Beth Schussler, President-Elect; Millie Gimmel, Secretary; Ernest Bernard, Parliamentarian; Robert Spirko, Communications Officer

**AGENDA**

ESTABLISHMENT OF QUORUM (E. Bernard)

Senators not in attendance (and who did not have an alternate serving)

Reza Abedi, Cristina Barroso, Stefanie Benjamin, Jeremy Chandler, James Chyz, Chris Cimino, Frank Cuevas, Neal Eash, Lt. Col. Tony Estep, Kyung Han, Matt Harris, Jon Hathaway, Melissa Hinten, David Icove, Julia Jaekel, William Jennings, Lucy Jewel, Brian Krumm, Xueping Li, Brian Long, Scott Mackenzie, Madhu Madhukar, Miguel Madurga, Stacia Martin-West, Chris Parigger, Alex Rodrigues, Joe Scogin, Zhilli Zhang

List of alternates and who they served for:

Robin Bedenbaugh, alternate for Michelle Brannen; Tracy Lynn Brewer, alternate for Samereh Abdoli; Claudia Kirk, alternate for Darryl Mills; Vitaly Ganusov, alternate for Stephanie Madison; Robert Sauveur, alternate for Rossy Toledo

CALL TO ORDER at 15:32

The president asked if there were any objections to suspending the senate rules to address the honorary resolutions before the rest of the senate agenda. There were no objections. The rules were suspended to consider these resolutions.

HONORARY RESOLUTIONS

Resolution Honoring Past-President Shawn Spurgeon ([link](#))

Motion made by Beth Schussler and seconded by B. Lyons to accept the resolution. The president read the resolution. There were no objections to general consensus approval of the resolution. The resolution was approved.

Resolution Honoring Sharonne Winston Underwood ([link](#))

Motion made by B. Schussler to approve a consent resolution, seconded by B. Lyons. Gross read the resolution. It was approved without objection. Gross thanks B. Lyons for the creation of the physical resolutions that were given to the recipients.

## ITEMS FOR APPROVAL

Approval of Faculty Senate Minutes – May 3, 2021 ([link](#))

Schussler moved to approve the minutes, seconded by C. White. No changes were requested. 73 in favor, 6 abstentions and none opposed.

It was noted that approval of the Graduate Council Minutes from April 29, 2021 was not needed as it was an information item only.

## ANNOUNCEMENTS

### **President's Report (L. Gross)**

Gross encouraged everyone to remember the challenges and stresses of the year and to treat everyone with kindness. He thanks the leadership of the senate for their guidance and support.

He then turned to the officers of the Senate. E. Bernard has agreed to continue for one more year. Senators are encouraged to step forward to serve as parliamentarian in the future. The Executive Council nominated and approved Spirko as Information Officer and Gimmel as Secretary. The formal approval of these positions will happen later in this meeting.

Linda Martin has been invited in her role as interim VC of UTIA. She was unable to attend this month but will attend in the future.

Gross has nominated a number of people to serve on many councils and committees. He still needs a senator on the Executive Calendar Committee and as the representative to the Coalition for Intercollegiate Athletics .

We are in the process of hiring an administrative assistant, an offer is hopefully in the works and this person will be able to help out with some committees.

The president has participated in many events and meetings in his role as leader of the senate. The senate officers meet weekly and if anyone has issues they would like to bring up to the leadership, please contact Gross.

As part of the university's goal of transparency Gross has uploaded many documents to his website and updates it regularly.

Budget and Planning Committee is hosting a forum on the BAM with Vice Chancellor Cimino on Thursday with the questions that were brought up in the senate retreat.

Discussion: There was no discussion.

## **UTK Chancellor's Report (D. Plowman)**

The chancellor focused her remarks on diversity and inclusion. She has been meeting with community members about how to make UT more welcoming. She has contacted and interviewed all 14 TTF of color who have left recently to find out why they left. She has made commitments to deans to support targeted hires. She is grateful for her connections in the Knoxville community. She reviewed the dedication of the Robinson and Geier dorms and the presence of both the honorees. Many are very pleased with the changes happening on campus around inclusion and diversity. She appreciated the deans, the athletic department and other organizations who have made these changes possible.

Discussion: There was no discussion

## **Provost's Report (J. Zomchick)**

The provost began with a general report. There are record enrollments at all levels with a total 3.7 % increase in enrollment over last year. Graduate and professional school enrollment is up over 5%. Not all institutions are having a boom in enrollment. UT is one of few universities that is growing. He feels that the chancellor's commitment to being back in person is one of the reasons for this.

UT is up in the US News and World Report rankings in many key areas and is up to 46<sup>th</sup> overall.

The freshman class this year has fewer students from TN than in the past. We want more students from UT and there are some new scholarships that will target in-state students. These are merit and need based scholarships, one being through 4-H (Next Chapter). These will help us reach out to rural counties.

There were 54 new TT hires and this has increased significantly the faculty who identify as Black or African American. Part of this arose due to a cluster hire in Africana studies as this IDP moves toward being a full department.

The new strategic vision has a new initiative on student well-being and building student confidence and paths to success. There have been some scheduling issues with so many students. We must spread classes across all valid class times and scheduling will be centralized.

Discussion: Are there statistics about other kinds of diversity hiring? 20% of new faculty hired have self-identified as part of underrepresented groups.

Fridman asked about the increase in class sizes in some areas. This increase impacts the quality of instruction. Classes have been scheduled in a hybrid model to accommodate lack of classroom space. The provost said this is the first time he's heard of class capacity increases and will discuss it with the dean of arts and sciences.

The provost then went on to discuss the Hu case and clarified that information is shared based on the senate's need to know. Because there are non-senators in attendance, some information may

not be shared. The general counsel has constrained the information that can be shared. A faculty affairs committee meeting will be open to all senators who wish to discuss the HU case in a confidential setting.

B. Lyons brought concerns about the Hu case to the Provost. He reviewed the case against Dr. Hu and his eventual acquittal. If senators wish to learn more about this case, they should read President Gross' posts on this topic as well as the APA Justice website devoted to this case which is hyperlinked in the [memorandum](#) from the Faculty Affairs Committee to Provost Zomchick from September 13<sup>th</sup> that was sent as part of this meeting agenda.

Lyons made the following points:

- As a result of the charges against Dr. Hu, the university suspended him without pay. As a consequence of this, his work visa was not renewed. Without a work visa, the university fired Dr. Hu. Essentially, our university created a catch 22 for him.
- The memorandum justifying the acquittal of Dr. Hu from Federal Judge Thomas A. Varlan includes the revelation that the FBI made false claims against him. This is the same agency that sought cooperation from our university, which released personnel files without a subpoena.
- News reports indicate that the FBI harassed Dr. Hu for two years after he refused to work as a spy for the United States.
- Based on the outcome of this case, members of the US Congress, including the US House Committee on Civil Rights and Civil Liberties are seeking the discontinuation of the China Initiative as both racist and contrary to our national security interests. The China Initiative echoes an unfortunate part of American history that includes the internment of Japanese Americans during WWII as well McCarthyism and the Red Scare in the 1950s.
- In seeking to address this case we are motivated by the principles expressed by Chancellor Plowman in advancing the Volunteer Spirit – which she defines as the “willingness to act – to make a difference.” The concerns of our committee about this case reflect our efforts to honor the Volunteer Spirit.
- Based on his acquittal, the Faculty Affairs Committee regards Dr. Hu as a respected colleague seeking to do his research, teaching and service who was the victim of governmental harassment and a failure of our own university to presume his innocence, or to defend his tenure.

Since the Provost indicated that he was willing to answer questions in this full meeting of the senate, several senators/faculty affairs committee members are prepared with questions. They recognize that the Provost may be limited by confidentiality in answering some questions and will ask questions primarily around the policies and procedures in the faculty handbook.

J. Jai asked about the reinstatement of Dr. Hu to his position on the faculty, including back pay. What steps is the university taking to facilitate this including supporting his application for a work visa?

Zomchick answered that he cannot answer this in a public forum. But on President Gross's website there is a communication from the chancellor stating that if Hu gets a work visa he will be reinstated.

K. Sun expressed concern about the reputational damage this case has brought to our university, both among Asian colleagues, and more broadly in the academic profession. In January 2021, President Rafael Reif of MIT issued [a strong letter supporting Prof. Gang Chen](#), who is in a similar situation under “China Initiative.” Why won’t UT issue such a statement to support faculty who are members of the Chinese and Chinese American community? Additionally, what steps will the university take to address this reputational damage?

Zomchick replied that from the beginning the administration has supported a diverse faculty and international collaboration. He would be willing to continue conversations with faculty about how to best support diversity. He did not address the other questions.

M. McAlpin referenced The UTK-UTIA Faculty Handbook (3.12.3.1 Suspension or Reassignment Pending Completion of Termination Proceedings) which does not obligate the provost’s office to enact a suspension without pay. What evidence of misconduct would be required to initiate such an action against a tenured member of the faculty? How does the presumption of innocence play into this decision?

Zomchick replied that any faculty member who is indicted or arrested for a felony crime at any level will be put on administrative leave without pay. There is no distinction among various kinds of felony charges. These policies exist to protect the university.

T. Berg asked what is the provost’s understanding of consultation with the Faculty Senate President or Faculty Senate Executive Council in cases that involve the suspension or termination of a tenured member of the faculty? Does this clause mean simply advising the President of what you plan to do, or would the Faculty Senate President have a meaningful opportunity to impact the decision? Would you be amendable to providing more clarity to this provision of the handbook, for example requiring consultation with the current, immediate-past and president-elect of the Faculty Senate?

Zomchick answered that senate president and executive council should have meaningful input into issues around faculty affairs and he would like to work with the senate on this issue.

C. Greenacre indicated that many faculty are concerned that this case indicates that the university will turn over personnel files to the FBI without a subpoena. For example, how would the university respond to requests from outside groups interested in content in course syllabi, lecture notes, or assignments from courses in the social sciences that address issues of systemic racism? Within the framework of our obligations as a public university, what steps can be taken to revise the handbook to ensure better protections for academic freedom? Will the administration require a subpoena or a formal request for information?

The provost is committed to the principals of academic freedom. The law in TN is such that very little is confidential or would require a subpoena for release. Federal agencies often ask the university for information and the university has an obligation to provide information to federal funders. He understands there are issues around the idea of notice and will work with faculty on this. The provost asked is the faculty handbook the right place for issues of notice and should this be extended toward staff as well?

Lyons returned to the issue on reputational damage. The provost's statement on commitment to diversity does not seem to be enough. Could the provost find measurable and tangible ways to communicate to AAPI members of the community that they are important to the UT community? The provost is willing to discuss this. He says UT treats everyone fairly and equally. The China initiative is not a UT program. He will continue to make the point that UT follows practices and policies so that everyone can be assured of equal treatment.

Gao asked the Provost and Chancellor about repairing reputational damage. Would the provost be willing to issue a statement in favor of Hu and other Chinese Americans? The provost says he would issue a statement supporting Asian faculty. They are still in discussions with Dr. Hu and his attorney and cannot comment on this. He cannot commit to a timeline on this.

Black asked what the university is doing help Hu get his work visa. Zomchick can only say that they have issued a letter to Hu's attorney.

Hristov expressed concern that anyone can be falsely accused at any time and the administration can take disciplinary action with impunity. If we uphold values of equity and diversity, we would reinstate with back pay and put in the handbook that no one will be charged without a trial and disciplined without proven cause. As it stands the university only supports employees after they have been found innocent. Something must be done system wide and the message should be system wide that no one is punished based on accusations.

Zomchick replied that the university does not want to judge guilt or innocence when someone is accused. The university is committed to fairness. The Chancellor said that they will do nothing to obstruct judicial process and this is different than university judicial processes.

Langendorfer found this discussion inconsistent in the light of the chancellor's remarks on the commitment to recognizing black and African American members of the community. Refusing to work harder on issues around the support of AAPI contradicts this value. Why can't the university be more publicly in support?

Zomchick had no comment on this and says that all colleagues are equally supported.

McAlpin wondered about the presumption of innocence. Is everyone always guilty until proven innocence? Why not reassign before taking away pay? This is not the first time faculty have been abandoned.

No comment from the Provost.

The president thanks the provost and chancellor for their willingness to discuss the issues. Lyons will let senators know when a closed meeting will be held to discuss this issue.

## **UFC Report (D. Patterson)**

Patterson shared that President Boyd reported he has been touring the state and visiting all campuses including UT Southern. He asked for funding from the state for replacing equipment at UTIA. Colleges of Education across UT System are working together on the Center for Literacy. State of TN has \$3 billion in surplus funds as well as \$1.3 billion from the federal government. We have requested funding for three new buildings. Parental leave is in effect but not retroactive. The system is working to develop an enterprise resource planning system and this funding may come from the state. Boyd stated that no faculty or students were lost to Covid. Enrollment, graduation, and retention rates were stable. He was asked about air filtrations systems in older buildings and rooms. He stated he would check on the matter and has yet to report back to the UFC on this. There was discussion of eliminating post tenure review. The UFC will consider continuing to push for a faculty member on the BOT. There was a question about recent outside disclosure forms. Regarding the challenge of hiring staff they were told that financial constraints on compensation are set at the campus level. The system financial profile was presented in the September UFC meeting. Here's a link to the report:

<https://drive.google.com/file/d/1ad2AbtLcQia4mB7fvzhP3v2vg7hN0CSU/view?usp=sharing>

It came up in discussion that Andy Holt Tower belongs to the system and that UTK will pay \$10 million from campus reserves to buy out the building. The System is moving to one of the TVA towers in downtown Knoxville. The UT System has selected a vendor for common diplomas and transcripts. Research expenditures have dropped for the last year, most likely as a result of the pandemic.

There was no discussion.

## **NEW BUSINESS**

### **Course Modality Draft Resolution (B. Issa) ([link](#))**

This resolution comes from the Teaching and Learning Council as a reaction to the ongoing pandemic. Faculty need the flexibility to react to changing circumstances and should be able to make decisions about teaching modality in consultation with their department head.

Discussion: Daves asked about the specifics of the resolution. Do faculty have the right to choose or do department heads make the decision? It is ambiguous. The intent was that individual faculty members should be able to choose to teach on-line unless there was disagreement from the DH.

Steiner voiced a concern that this resolution is a non-starter with the administration and that they will counter that in person teaching is what has allowed the university to survive. Would a better resolution give more flexibility to the administration and to faculty with safety issues?

Spirko spoke from his experience on the Commission for Disability. The process thus far has been unwieldy and imperfect. The way we are approving modalities now is not working well. The resolution is worthy of support and faculty should have control over the method of delivery in their classes.

Dean Lee was not clear if this resolution addresses the desire to switch in the middle of the semester or to decide on the modality before the semester begins. She is sympathetic to faculty with at risk family members. Faculty who are vaccinated and wear masks are well protected. We have made a commitment to students and families to deliver in person instructions. Faculty have been given the option of being online in times of instructor or class illness. The number of sick students is not exploding. It seems that many students are vaccinated. Decisions must be made on a case-by-case basis in consultation with department heads and deans.

Cowell indicated that students are open about sharing covid status and students are concerned about getting sick. Faculty are doing a lot of zoom to help students who are sick. Without contact tracing it's impossible to know who is sick and who has been exposed.

Schussler expressed her confusion that faculty aren't allowed to make a modality choice during a pandemic. Faculty make all decisions around their classes and should not have to defend that right.

Hristov spoke in favor of how the resolution is worded. Making formal requests to change modality takes a long time and is detrimental to the faculty members ability to deliver content in a timely way.

Issa requested that the senate move forward on a vote on the resolution as written.

The motion passed 52 In favor, 11 opposed, 4 abstaining

**Correction in Faculty Senate Bylaws – 1st Reading (S. Ohnesorg; B. Lyons) ([link](#))**

This is a minor change, probably a clerical error. This will be voted on at the next senate meeting.

**Election of senate officers for approval of secretary and information officer**

The senate approved Millie Gimmel as secretary by consensus

The senate approved Rob Spirko as information officer by consensus

INFORMATION ITEMS

Committee Annual Goals ([link](#))

Graduate Council Minutes from April 29, 2021 ([link](#))

Memo to Provost re: The Case of Dr. Anming Hu ([link](#))

ADJOURNMENT at 15:17

Respectfully submitted by Millie Gimmel