



UTK Faculty Senate Executive Council Meeting Minutes

Monday, March 21, 2022

3:30 via Zoom

I. Call to Order

The meeting was called to order at 3:31 pm.

Attendance: E. Bernard; M. Brannen; P. Daves; T. Fridman; L. Gross; W. Jennings; A. Langendorfer; B. Long; B. Lyons; S. Madison; T. Freeberg (obo M. McAlpin); B. Ownley; D. Patterson; E. Schussler; R. Spirko; S. Spurgeon; M. Violanti; and J. Williams.

II. Approval of Minutes

a. [Faculty Senate Executive Council Meeting Minutes February 21, 2022](#)

Discussion: Motion by B. Lyons, second by S. Spurgeon. There was no discussion.

The minutes were approved. (9 in favor, 0 against, 1 abstaining).

b. Approval of Undergraduate Council Minutes [February 22, 2022](#) (J. Devlin)

Discussion: J. Devlin provided a summary of the minutes. The UGC voted on the items using an impact approach rather than item by item. Curricular approvals were handled first. There are four new majors for approval by THEC, including a BA in physics. The potential change to the withdrawal policy is not a part of these minutes; it is still in committee. A. Langendorfer thanked J. Devlin for the easy organization of the minutes and suggests that the committee enumerate the items in the executive summary to match up with the minutes.

The minutes were approved. (12 in favor, 0 against, 2 abstaining).

c. Approval of Graduate Council Minutes [February 17, 2022](#) (S. Ohnesorg)

Discussion: S. Ohnesorg reviewed the minutes. Composition of the Master's Committee was discussed. The revision to the catalog language is only for master's students who are in the "coursework only" option for the program. The Graduate Council approved this revision for coursework only (no comprehensive exams) master's programs, so that the department may designate a single faculty member to serve in lieu of the committee. The faculty member will be responsible for assisting the student with approving and signing the Admission to Candidacy form which lists approved coursework for the degree. These students do not have a comprehensive exam. The courses listed for graduate credit under the Africana Studies area were moved to be under the new Africana Studies department and there were a variety of changes in course offerings.

The minutes were approved. (13 in favor, 0 against, 1 abstaining).

III. Announcements and Reports

a. President's Report (L. Gross)

Prior to the University Faculty Council meeting held on March 16, L. Gross had transmitted three emails to President Boyd. He summarized each of these and the President's responses:

1. He expressed concerns about the bill before the legislature on the new Civics Institute and how it would be structured. The Senate leadership team had discussions with the Chancellor about this and L. Gross also had a conversation with Professor Wanamaker in her role as Baker Center Director. L. Gross had expressed to President Boyd issues regarding accreditation given potential interference of the legislature in curricular issues and degree programs. President Boyd assured me that the Institute would be subject to UTK's existing policies and procedures. At the UFC meeting L. Gross expressed the excitement that Baker Center faculty have about the potential for the new Institute but also their concern about the process for choosing a Director for it, which should follow UT policies not those developed by an external Board of Fellows. At the UFC meeting, President Boyd noted that he expected the Chair of the Board of Fellows to be a UT faculty member and that the Board would be advisory to a formal search committee, at least that was his expectation at the time. He noted that procedures for tenure for a Director would follow standard procedures if tenure is appropriate.

D. Patterson added that according to President Boyd the Director will report to the Chancellor but it is not clear if the Director serves at the pleasure of the Chancellor.

2. L. Gross transmitted the Senate Resolution on the Divisive Concepts bills. The President was aware that the Senate had passed this and noted that he would prefer that a discussion of resolutions involving legislation involve his office. L. Gross noted that he and other Senate leaders had discussions with Vice President Carey Whitworth but not about the details of the resolution the Senate passed. L. Gross pointed out to President Boyd that the current wording of the bill notes academic freedom rights of faculty, but not all instructors such as graduate students. L. Gross suggested that it the term "instructors" be used rather than "faculty". President Boyd said that he would work on this matter with legal staff. He was unaware of these concerns.
3. L. Gross transmitted the Senate resolution on establishment of a UT System Code of Conduct policy and requested that President Boyd move expeditiously to incorporate a policy on bullying. The President noted that he would work with the System staff to move forward on this and expressed surprise that it was not already a policy.

At the UFC meeting it was noted that UTK did not receive approval from the Board of Trustees for the pilot program that removed the ACT/SAT requirement for admissions and that the Board is reviewing all this at its June meeting. Also, the Research Visitors policy is being considered for changes and L. Gross encourages anyone with concerns over constraints this System policy has created to send notes to Research Council Chair Brian Long so that he can compile them.

Regarding academic restructuring, L. Gross attended two sessions moderated by external facilitators and his understanding is that none of these meetings were very well attended. He again encourages everyone to submit feedback through the forms online and particularly to submit process changes that will help individuals and colleagues meet their responsibilities more effectively. L. Gross also hopes that everyone will encourage colleagues to attend the meetings with the Provost that have been set up.

Last week the Provost sent President Gross a request to nominate a faculty member to serve a one-year term on the Board of Trustees Education, Research, and Service Committee (ERC). By Board policy the Senate and Deans each nominate one faculty member and the

Chancellor and Provost choose one to be recommended to the Board. Note that there are constraints on who can serve (Full Professor for at least 5 years, exceeds or far exceed expectations for 3 previous years). This position rotates around the campuses and the last UTK person to serve was Bonnie Ownley four years ago. The process used at the time for the Senate nominee was to request nominations from the Executive Council, verify eligibility through the Provost's office, and then poll the Senate (or perhaps the Executive Council). This process must occur quickly (nominee and all materials are due to the Provost by April 8). It makes sense that the nominee be someone very knowledgeable about the University Faculty Council, academic affairs and the Senate. Individuals serving in this role in the past have all been past presidents of their respective campus Senates. Beauvais Lyons has agreed to be nominated for this role but other nominations are welcome. L. Gross suggested that this be on the agenda for vote at the Full Senate meeting. Please send other nominations if you have them. The Chancellor and Provost then choose the nominee they recommend to the board chair.

L. Gross has been asked whether there is something concrete that UTK might do to assist at least a few Ukrainian refugees. One possibility is to offer scholarships and admission to a small number of students whose studies have been disrupted. Another is to offer temporary instructor positions to faculty at Ukrainian colleges. A New York Times article today notes that there is an outpouring of position offers from many countries in the EU but he didn't see anything about faculty. L. Gross is interested in comments about this. Please send them to Loretta Link so she can compile them prior to the next meeting the Senate leadership has with the Chancellor and Provost on Thursday, March 24.

Discussion: B. Lyons commented that another risk of the Civics Institute is AAUP censure. In regard to academic restructuring, it was still unclear to whom the report goes from these meetings. L. Gross indicated he was told the report would go to the task force. Regarding the Ukrainian situation, B. Lyons suggested that some units may already have connections with Ukrainian institutions.

P. Daves pointed out that one of the MBA students is a Russian national and is working with a group helping provide health care to refugees and the student has left the program to do this work. The Chancellor would like to hear more about this.

b. UTK Chancellor's Report (D. Plowman)

The Chancellor indicated that the divisive concepts bill is two bills, a House and Senate version. This week they will work out the differences between the two. The House bill contains the language about investigating complaints and terminating employees. There was legislation about the ACT but it did not get out of committee. UT went test optional during Covid like most of the country. Approximately 75% of universities are still test optional and plan to stay that way. The position of UTK is that we would like to be test optional for at least one more year. The Chancellor would like to see what our peer and aspirant institutions are doing. At this point there has not been much movement away from staying test optional. About 75% of students admitted supplied ACT scores. The other 25% submitted other material to show their readiness for college.

The Civics Institute bill is being clarified so that the Director reports to the Chancellor who is supervised by the UT President. The director can be removed for cause and at the will of their supervisor. The Board of Fellows will include faculty. She has spoken with the dean at Arizona State University who has a similar program.

We are undergoing a review to the master campus plan and there are many consultants involved. There will be opportunities to look at drafts of the plan. They have identified opportunities around using the river more as part of campus, eliminating crowding in buildings. Faculty will be asked to participate in these discussions and plans. L. Gross

indicated that Professor Jon Hathaway serves as the Senate representative to the Campus Planning and Design Committee which is presumably involved in this process.

B. Lyons asked if there are data on students from rural counties and test optional admission. The Chancellor has data and may share it with the Senate. Rural communities were the most hurt in regard to access to testing. A presentation to the Senate would be useful.

D. Patterson asked about the master plan and the issue of climate change and energy conservations. The Chancellor indicated that sustainability is one of the five principles used in the plan. T. Fridman feels that the data associated with ACT impacts for admission are not reliable since instructors are pressured to pass as many students as possible.

c. Provost's Report (J. Zomchick)

The Provost commented on the incoming class of 2023 and stated that we should reach the goal of 6,300 first time students. The consultants on academic restructuring will use all input and there will be more opportunities for engagement. He also indicated that they are working on a digitized version of the Promotion and Tenure process using Interfolio. He met with many colleges and departments, including the Critical Race Theory group, about the divisive concepts bill and reaffirmed the administration's commitment to academic freedom. The university is looking at ways to help Ukrainians who might want to relocate here, particularly graduate students. He hopes to report more on this at future meetings.

L. Gross asked about the timeline for meeting with the academic restructuring group.

J. Zomchick indicated that they are waiting for the facilitators to deliver their report to the working group and then they will continue.

d. UTIA Report (L. Martin)

L. Martin was not available.

IV. New Business

a. Election of the faculty representative to complete the term of David Patterson, due to his upcoming retirement, on the University Faculty Council (UFC): ([Candidate Statement for B. Lyons](#))

Discussion: B. Lyons is also a potential nominee from the Senate for the Board of Trustees Education, Research, and Service Committee. If he is given that position, we will need to elect someone else for the UFC representative position. B. Lyons reviewed his statement of interest in serving on the UFC.

The Executive Council elected B. Lyons by acclamation to complete the term of David Patterson, due to his upcoming retirement, on the University Faculty Council (UFC).

b. Election of the faculty representative to serve a two-year term (July 2022 – July 2024) on the Tennessee University Faculty Senates (TUFS): ([Candidate Statement for M. Violanti](#))

Discussion: The Faculty Senate President serves on this committee as well as a Senate representative. Violanti reviewed her statement of interest in serving on TUFS.

The Executive Council elected M. Violanti by acclamation to serve a two-year term (July 2022 – July 2024) on the Tennessee University Faculty Senates (TUFS).

d. Election of Immediate Past President for 2022 - 2023 due to Dr. Gross's retirement ([Candidate Statement for B. Ownley](#))

Discussion: B. Ownley reviewed her statement of interest.

The Executive Council elected B. Ownley by acclamation to serve as Immediate Past President for 2022-2023 due to Dr. Gross's retirement.

- e. Approval of nominations of Millie Gimmel for "Recording Secretary" and Robert Spirko for "Communication" Officer for one-year terms (2022 – 2023) to be forwarded to the Faculty Senate for a vote.

The Executive Council approved by acclamations the nominations of Millie Gimmel for "Recording Secretary" and Robert Spirko for "Communication" Officer for one-year terms (2022 – 2023) to be forwarded to the Faculty Senate for a vote.

- f. Faculty Affairs Committee: Pending and Proposed Faculty Handbook Changes (Section 3.12 Procedures for Terminating Tenured Faculty and Section 3.11.4.5 Annual Retention Review) for Discussion (B. Lyons) ([link](#))

B. Lyons reviewed the procedure for Handbook changes. The process for these changes begins with discussions with the Provost, Faculty Senate President and then General Counsel before they are brought to the Senate so that the changes are consistent with Board policy. In other instances, the Provost initiated task forces to look at issues and the FAC then worked with the task force to suggest updates to the Faculty Handbook.

B. Lyons is concerned that the *Faculty Handbook* does not always uphold principals of shared governance and changes often get held up in the Office of General Counsel. This is an inefficient process since changes are often rejected by the General Counsel office.

J. Zomchick responded that the General Counsel office doesn't have enough personnel to handle all their responsibilities. He feels we may need to use a workflow system to help move the process along. He will work with Diane Kelley and the FAC to identify a reasonable amount of time for making changes. L. Gross suggested that Loretta Link could help with workflow process related to Handbook changes.

D. Patterson commented on his interactions with the General Counsel and mentioned that getting their approval for *Faculty Handbook* changes can be a very slow process so adding more staff would be helpful on many fronts.

M. Violanti asked about what happens when the General Counsel rejects changes. How can faculty rights be protected if another body can make decisions about faculty affairs? The Board is very concerned with the legality of all university business, thus the involvement of the General Counsel. J. Zomchick indicated that often the General Counsel's concerns are about language but that his office is always trying to defend faculty rights and freedoms.

B. Lyons remarked that General Counsel defends the fiduciary interests of the university above all and this is a broad concept. B. Lyons does not feel there are any malevolent intentions on any part but there has to be a more streamlined process.

- g. Discussion of Faculty Senate By-Laws Changes (E. Schussler) ([link](#))

E. Schussler reviewed the changes that have been suggested to the Bylaws to date. The changes will be presented to the full senate during the April meeting with a vote on these taken at the May meeting. She welcomes comments.

L. Gross commented that as a faculty member, not as a senator, he served on many senate committees and would not have served if he didn't have a vote. B. Lyons suggested we look at committees that have been less than active and consider retiring these committees.

E. Schussler wondered if we need committees that don't yet exist. W. Jennings reminded the Executive Council that in the United States Senate there are often non-voting committee members. B. Ownley commented that on the Athletics committee there are many ex-officio members and they all expect to have a vote. T. Fridman mentioned that Budget and Planning

needed more diversity of voting members and spoke in favor of expanding the committee. M. Violanti asked about the role of the Diversity and Inclusion committee and if it still needs to exist. L. Gross spoke in favor of getting a draft of the revisions to the Senate Bylaws to the full Senate as soon as possible.

E. Schussler asked for feedback through Friday, March 25 from the Executive Council. The proposed changes will be sent to the Senate for consideration in April and a vote in May. The election for President-Elect will occur at the next senate meeting. E. Schussler would like to meet with committee chairs soon.

V. Information Items and Committee Reports

- a. [Faculty Senate Committee Summary Reports](#)
- b. Draft of Faculty Senate Minutes from March 7, 2022 to be considered at the April Faculty Senate meeting. ([link](#))

VI. Adjournment at 5:03 pm (moved by M. Violanti, second by T. Fridman)