



THE UNIVERSITY OF
TENNESSEE
KNOXVILLE

FACULTY SENATE MEETING MINUTES

Monday, March 7, 2022

3:30 pm via Zoom

Louis Gross, President
Beth Schussler, President-Elect
Shawn Spurgeon, Past-President

Millie Gimmel, Secretary
Ernest Bernard, Parliamentarian
Robert Spirko, Communications Officer

I. ESTABLISHMENT OF QUORUM

Absent: S. Abdoli; C. Barroso; E. Bernard; M. Brannen; T. Estep; S. Groenke; K. Han; M. Harris; A. Hart; J. Hathaway; Q. He; J. Jackel; J. Kelly; L. Knox; E. Lukosi; M. Madhukar; S. Mangum; V. Maroulas; S. Martin-West; K. McCormick; V. Meloy; S. Mobley; G. Neisler; C. Parigger; M. Pittman; J. Scogin; G. Skolits; K. Sun; A. Taylor; E. Teston; R. Toledo; and Z. Zhang

Alternates: Miguel Madurga for Nadia Fomin; and Linda Lay for M. Gelantalis

II. CALL TO ORDER (L. Gross) at 3:31 pm

L. Gross began the meeting by stating that our thoughts go out to our colleagues and friends in the Ukraine in this time of conflict. He then reminded the Senate that since this meeting includes several items that are expected to generate discussion, only elected Senators, alternates attending in place of an elected senator, and the administrative members appointed by the Provost are voting members. For action items the maker and seconder of a motion will give opening remarks then we will alternate between those wishing to speak in opposition to a motion and those speaking in favor. L. Gross reminded the body that speaking for or opposed to a motion doesn't constrain how Senators can eventually vote. Attendees should use the raised hand feature in zoom to be recognized. L. Gross asked Senators to please keep their remarks brief.

III. ITEMS FOR APPROVAL

- A. Approval of Faculty Senate Minutes [February 7, 2022](#)
Motion to approve by E. Schussler. Seconded by C. White.
There was no discussion.
The minutes were approved: 64 in favor, 0 opposed, 3 abstaining
- B. Approval of Undergraduate Council Minutes February 1, 2022 (J. Devlin) ([link](#))
J. Devlin provided an overview of the minutes. Many courses have been approved by the Curriculum Committee for VolCore.
The minutes were approved: 65 in favor, 1 opposed, 6 abstaining
- C. Faculty Handbook Section 5.2 Ombudsperson ([link](#)) and Other Policy Documents and Appendix I ([link](#)). (B. Lyons) Second Reading

Items in the Handbook need to be updated. B. Lyons discussed the two items that were being presented for second readings: (1) reorganization and updates to “Other Policy Documents” from Section 1.11 and Appendix I and (2) to revise Section

5.2: Faculty Ombudspersons to reflect new operations of the office. B. Lyons added that under New Business the Senate will be asked to consider a proposal from the Office of the Provost to revise our Policy Regarding Tenure-Track Faculty Reappointment and Probationary Clock to help address situations impacting tenure-track faculty who encounter visa issues during their probationary period.

B. Lyons also mentioned that under New Business, the Senate will be asked to consider a resolution pertaining to a proposed Workplace Bullying Policy which requests action by the UT System to create a Code of Conduct Policy. Since the Workplace Bullying policy applies to both faculty and staff, we anticipate it will become a UTK HR policy, possibly linked to the *Faculty Handbook* (2.2.5) section on Professional Conduct.

In his role as the chair of the Faculty Affairs Committee B. Lyons felt obligated to call attention to some items that the committee has worked on, in collaboration with the Office of the Provost, which appear to be pending decisions. These include:

1. Revisions to Handbook Section 3.12 regarding consultation with the Faculty Senate in cases of tenure termination. Changes to current policies are being considered as a result of the Anming Hu case. The Office of the General Counsel has not decided any action on this yet according to his information.
2. A proposal developed by the Provost's Task Force on Equity and Fairness to consider changes to the retention review process for tenure-track faculty as outlined in the *Faculty Handbook* (Section 3.11.4.4). Working with my committee and the co-chairs of the task force, I have prepared draft language of this proposed change for which I am seeking input from the Office of the Provost before bringing this forward for consideration by the Faculty Senate. The proposed changes reflect an effort to make retention reviews more fair and equitable.
3. Initiated by Vice Provost D. Kelly, and with key faculty leaders working towards making the campus more inclusive, an effort to implement a series of stylistic and editorial changes in the handbook was started last summer. The current draft also reflects input from a couple of members of the Faculty Affairs Committee. The most recent draft has been sent to the Provost encouraging them to have a professional editor review the document, mostly to check on some information that is out of date organizationally (such as the listing of UTIA and UTSI), as well as formatting inconsistencies.

The posted document also includes a number of other items proposed by Vice Provost D. Kelly that need to be addressed in the future. Finally, the NTTF Issues Committee is working on some proposed changes to *Faculty Handbook* policies in Chapters 4 and 5 that will be presented in our next meeting.

B. Lyons indicated he received no comments on the revisions of Appendix 1 or Section 5.2 of the *Faculty Handbook*. There was no further discussion. These changes are essentially housekeeping to keep the Handbook accurate. M. Black asked if there are any implications to these changes. B. Lyons replied that since these are things that are often changed (names of offices, etc.) they do not need to be in the Handbook. This makes the Handbook more functional and usable by faculty and administrators. A. Langendorfer asked about links that are in the document that were not viable. B. Lyons says all links should be accessible and L. Gross suggested that anyone who has trouble accessing links should send these to Loretta Link for clarification.

The changes were approved: 71 in favor, 0 against, 4 abstaining

IV. ANNOUNCEMENTS

A. President's Report (L. Gross)

The Senate leadership has been very active on several issues since we last met. A major matter of concern has been reports attacking the diversity efforts across the State universities and particularly at UTK under the name "Critical Social Justice". L. Gross signed a letter from TUFS that was distributed to legislators. President Boyd has been clear in meetings with the UFC that the UT System is devoted to defending academic freedom, maintaining commitments to diversity and noting that we in no way are "indoctrinating students" in any particular ideology.

Regarding academic restructuring, the Senate leadership submitted a possible timeline and a few examples for how suggestions might be submitted. These are now posted on the Restructuring website and the Senate leadership worked in collaboration with the Provost's office to establish a feedback form that encourages responses with alternatives aligning with the themes of the working group on restructuring. These examples are simply done to indicate how benefits and challenges associated with each suggestion might be framed. The Senate leadership has encouraged the Provost and Chancellor to focus efforts on the processes here that impede the ability of faculty to do their jobs effectively and to, in particular, consider ways to reduce the clerical burden on both faculty and Heads. Please encourage colleagues to suggest through the feedback form ways that we can change processes to do this and to attend the various sessions set up by the Provost to obtain feedback.

After discussions with the Provost, and the evident challenges in implementing the Budget Model input we had hoped the Senate Budget and Planning Committee would have, L. Gross and President-Elect Schussler and P. Daves have attended the Deans presentations to the Provost. The details of the budgets presented are still mostly being kept within each College since nothing is yet passed by the legislature so we don't know the budget for next year. Faculty are encouraged to ask their Heads and Deans if they would like to know details for their College. A consistent take-away from these budget presentations was the potential benefit for all Deans to hear from others and to make potential connections on projects that could benefit from collaborations. L. Gross encourages that this be enhanced next year and that Deans be able to hear budget presentations from support units as well.

On a personal note, L. Gross has accepted the retirement incentive and will therefore retire on June 30. Although he had planned to be available next year to continue to assist the Senate leadership, that is not possible except informally. He thanked all for allowing him to again serve as President. The Bylaws are silent about how to deal with an opening in the Immediate Past-President position. He then turned the floor over to President-Elect E. Schussler.

E. Schussler indicated that filling the immediate Past President will follow other precedents and nominations will be accepted and voted on by the Executive Council on March 21. The Executive Council will also be voting on the representatives for UTK Advisory Board (Heminway), TUFS (Violante) and UT Faculty Council (Lyons). Senate elections will be happening soon and at the April Senate meeting, Spirko and Gimmel will stand for re-election as information officer and secretary. At that same meeting the Senate will elect the President-Elect

Senate by-law changes will be voted on at the May meeting. The Fall retreat will happen the week before classes on August 19. L. Gross recommends everyone look at the Senate accomplishments documents created by Brooke Killion. There is a link at the end of these minutes.

B. Chancellor's Report (D. Plowman)

The Chancellor indicated that it was her pleasure working with President Gross and wishes him well. Carrie Castille has been hired to be the new VP/VC for UTIA effective July 2022. She previously worked for the USDA and will be an excellent addition. The Chancellor is working on updating the master plan and a company has been hired to assist. Attention will be given to the campus on the south side of the river. The extension of the campus boundaries was approved by the Board of Trustees, and this could include building a pedestrian bridge to the other side of the river. This is a huge and expensive project but there is enthusiasm for this. They are also hoping that more developers will come in to build housing and that the transit system can be improved. The mayor is engaged in these plans.

The Claremont Institute reports have targeted different public universities, including UT and the Carolina system. These reports equate diversity with critical race theory. She and President Boyd responded to these reports in a letter to legislators pointing out the mistakes in the report and they have not yet heard from the legislature regarding feedback on their letter. The bills on Divisive Concepts have not yet been passed. UTK has been opposed to several aspects of the various bills on this topic. One of the Divisive Concepts bills is very similar to legislation being presented to other states across the country.

C. Provost's Report (J. Zomchick)

The Provost congratulated President Gross on his retirement. He will be toasted at the March 24 faculty pub, although L. Gross will not be able to attend. The Divisive Concepts bill has been discussed at length with faculty and he is committed to defending academic freedom. The bill defines divisive concepts and prohibits the university from punishing anyone who does not accept these concepts. We do not hire, reward, or require allegiance to any particular belief. The bill prohibits a public institution from conducting mandatory trainings that contain divisive concepts. This limits the institutions' rights to educate employees. The bill doesn't prohibit training on non-discrimination or infringe

on first amendment or academic freedom rights. It doesn't prohibit the promotion of diversity, equity and inclusion efforts as long as those efforts are consistent with the bill. The bill should not reach into the classrooms or into faculty research and is written as such. The bill is limited to trainings. The Provost said they will defend the right of faculty to teach and research according to their standards.

A. Steiner asked about Section 7 of the bill since it sets up a system where non-discrimination training has to be required by state law and thus limits the university's ability to train staff. J. Zomchick said the only training prohibited is that which included divisive concepts. J. Scoggins (Chief of Staff) said this is just to clarify that federal requirements are respected. M. Black stated that the legislators know that no one is indoctrinating students and the bill is designed to intimidate faculty and make it difficult for faculty to feel comfortable engaging in difficult issues. T. Fridman asked if science and art could be put together on campus. N. Hristov noted that many of the items in the bill directly relate to critical race theory. The interpretation of the bill is open and clearly opens faculty to legal repercussions. The Chancellor responded that the bill does not say what is allowed in the classroom, rather that students cannot be discriminated against for not accepting a particular viewpoint, which we do not do. J. Zomchick reminded faculty that there will be small group meetings on academic restructuring later this week. He encourages as many as possible to attend.

- D. UTIA Report (L. Martin)
Martin did not have a report.

V. NEW BUSINESS

- A. UTK Advisory Board Election ([Candidate Statement for Joan Heminway](#))
J. Heminway discussed why she is interested in being elected to the UTK Advisory Board.

J. Heminway was elected as the faculty member on the UTK Advisory Board.

- B. Request for pilot of curricular approval changes for Undergraduate Council and Graduate Council. ([link](#)).

J. Devlin reviewed the request for the pilot of curricular approval changes. The new plan allows for greater transparency and more rapid evaluation. S. Ohnesorg concurred.

There were no questions.

The pilot program was approved: 65 in favor, 3 against, 7 abstaining.

The pilot will be effective next year and will then be reviewed to see if the changes should be made permanent.

- C. Resolution on a Workplace Bullying Policy (B. Lyons) ([link](#))

B. Lyons discussed the resolution's history and remarked that the policy will apply to faculty and staff and should be a UTK Human Resource R policy. M. Violanti had a number of objections but was unable to stay to discuss them. B. Lyons feels these concerns will be addressed. C. White asked about the implications of this policy for the

system. B. Lyons said that we cannot implement a system change without knowing the current policies. The Senate President will help advance the system policy. L. Gross has been frustrated by the lack of a bullying policy and the resolution if passed gives him authority to speak to the UT System President about the lack of a policy. The Chancellor asked why we can't have a campus policy. B. Lyons replied that the Office of the General Counsel blocked the initiative. The Chancellor suggested that UTK create a campus statement. M. Scoggins did not see why this couldn't be put in place. Chancellor Plowman feels strongly that this is an important policy that needs to be moved forward. She would like to have an interim policy in place as soon as possible. M. McAlpin had a point of order that individuals should be recognized by the President prior to speaking. N. Hristov reminded the Senate that a resolution on bullying was passed in 2017 and keeps getting derailed. She appreciated the Chancellor's support and moves that we accept the resolution for the UTK campus. This is a friendly amendment that asks the Chancellor to move forward in implementing this on our campus. B. Lyons accepted the friendly amendment but would like to address some of the concerns before voting. The task force may need to reconvene and bring the resolution back to the April Senate meeting. N. Hristov feels the concerns could be addressed later and that the need to pass the resolution is urgent. C. White read some of the concerns from the chat, particularly that the person who reports bullying has the greater burden of labor and that it is impossible to have an investigation that does not reveal identities of the individuals involved.

L. Yamagata Lynch (Ombudsperson) indicated that some of the concerns are procedural and reconvening the committee might be difficult before the April meeting.

Resolution:

Be it resolved that the UTK Faculty Senate formally requests that the UTK Chancellor establish a policy for UTK that aligns with the wording in the proposed Bullying Policy above, and furthermore requests that the System administration move forward expeditiously to institute a UT System Code of Conduct Policy and that the Faculty Senate President is charged to bring this request to the UT President for action, noting the extensive effort already invested and that incorporation of such a policy would align us with many of our peer higher education systems.

The resolution was approved: 67 in favor, 1 against, 4 abstaining.

D. Proposed Policy Regarding Tenure-Track Reappointment and Probationary Clock (B. Lyons) (First Reading) ([link](#))

B. Lyons requested feedback on this proposal before this is put to a Senate vote. This is about non-U.S. citizens who are faculty who experience visa issues during their probationary period.

E. Resolution Defending Academic Freedom to Research and Teach Divisive Concepts (L. Jewel) ([link](#)) (Please note that the Executive Council did not have an opportunity to review this resolution but voted to bring it before the Senate for possible action)

L. Jewel indicated that a number of faculty felt it was important to include this on the Senate agenda given the speed with which the legislature is moving. There is a real possibility for lawsuits against faculty and this has a chilling effect on faculty. The

resolution indicated the positive benefit to students having exposure to divisive and controversial topics. Curriculum is controlled only by faculty and THEC.

M. Stanley thanked the authors for this resolution noting NTTF have a different experience of academic freedom and have already felt the chill of this kind of pressure.

R. Spirko made a friendly amendment to correct the resolution to “UTK Faculty Senate affirmatively rejects.” L. Jewell accepts the change.

P. Daves indicated that the legislature could direct THEC to take any type of action and we are required to abide by THEC mandates. He is anxious about the wording of last two components of this resolution. Affirming curricular independence is perhaps not the way to go. L. Jewell responded that the THEC language is there for accuracy. The resolution’s primary goal is to assert our core value of curricular control.

The resolution was approved: 55 in favor, 7 against, 4 abstaining.

VI. INFORMATION ITEMS

- A. [Committee Summary Reports](#)
- B. [Faculty Senate Accomplishments](#) (B. Killion)
- C. [Curriculum Review Taskforce Final Report May 2021](#)
- D. [Graphical Curriculum Calendar](#)
- E. [Faculty Handbook Proposed Changes and Pending Actions](#) (March 2022)

VII. ADJOURNMENT

- L. Gross adjourned the meeting at 5:13 pm.