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2-22-2016

### 2016 February 22 - Faculty Senate Agenda and Minutes

Faculty Senate, East Tennessee State University

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## Faculty Senate Agenda

February 22, 2016

Culp Center, Forum (Room 311)

- I. Old Business
  - a. Approval of Minutes for February 8, 2016
  - b. Results of Faculty Senate SWOT
- II. New business
  - a. Digital FAR – Tom Schacht
  - b. Chicago Rules -- Academic Freedom
  - c. New Governance Model
- III. Updates

Report on Executive Committee Meeting with President Noland
- IV. Announcements/Other Business
  - a. Leave of absence for Senators for Spring Semester
    - i. College of Nursing
    - ii. College of Business and Technology
  - b. Welcome new Senator from College of Education
- V. Guest Comments
- VI. Adjournment



## FACULTY SENATE MINUTES

<b>Meeting Date:</b>	2/22/16	<b>Time:</b>	14:45 -15:55	<b>Location:</b>	Culp Center, Room 311
<b>Next Meeting:</b>	3/21/16	<b>Scribe:</b>			Eric Sellers
<b>Present:</b>	Dilshod Achilov, Leila Al-Imad, Fred Alsop, Robert Beeler, Patrick Brown, Doug Burgess, Kathy Campbell, Jackie Church, Erin Doran, Joyce Duncan, Susan Epps, Tavia Flanagan, Bill Flora, Virginia Foley, Lee Glenn, Katherine Hall, Tammy Hayes, Bill Hemphill, Stephen Hendrix, Howard Herrell, Tod Jablonski, Thomas Kwasigroch, Fred Mackara, Anthony Masino, Tim McDowell, Theresa McGarry, Shunbin Ning, Bea Owens, Timir Paul, Jonathan Peterson, Kerry Proctor-Williams, Eric Sellers, Melissa Shafer, Bill Stone, Paul Trogen,				
<b>Absent:</b>	Dorothy Drinkard-Hawkshawe, Lon Felker, Nick Hagemeyer, Koyamangalath Krishnan, Guangya Li, Mary Ann Littleton, James Livingston, Sun-Joo Oh, Deborah Ricker, April Stidham, Craig Turner, Liang Wang, Robert White				
<b>Excused:</b>	Randy Byington, Karin Keith, Mildred Maisonet, Lorianne Mitchell, Jerome Mwinyelle, Peter Panus, Darshan Shah, Ahmad Watted				

Agenda Items	Responsible
Meeting called to order 14:50	
1. Old Business	
1.1 Approval of February 8, 2016 minutes	Dr. Foley
1.2 Results of Faculty Senate SWOT	Dr. Foley
2. New Business	
2.1 Digital FAR	Dr. Schacht
2.2 Chicago Rules – Academic Freedom	Dr. Foley
2.3 New Governance Model	
3. Updates	
3.1 Report on Executive Committee Meeting with President Noland	Dr. Foley
4. Announcements/Other Business	
4.1 Leave of absence for Senators during Spring 2016 Semester	Dr. Foley
4.1.1 College of Nursing	
4.1.2 College of Business and Technology	
4.2 Welcome new Senators	
5. Guest Comments	
6. Adjournment	



**DISCUSSIONS**

1. Old Business

1.1 Approval of February 8, 2016 minutes

**Motion: Brown Second: Epps Approved: Yes**

1.2 Results of Faculty Senate SWOT

- The results will be forwarded to Mike Hoff
- Patrick Brown re-sorted the results and the overall scores changed slightly. The modified version of the document will be distributed via email.

2. New Business

2.1 Digital FAR (Schacht)

- Dr. Bach is in favor of moving forward with such a system. The Faculty Senate (FS) will need to vet the proposal in order to move forward. Thus, the FS Executive Committee should ask Dr. Bach to form a task force to develop ideas for how it could benefit the university.
  - Foley: The task force will examine/evaluate different software packages to determine what type of management system will best suit our needs.
  - Having such a database would prove to be a multi-functional database. For example, faculty vitae would be available in a searchable form, which would allow users to easily find people with specific expertise.
  - Stone: Does the software that is being considered take into account the college of medicine?
  - Foley: Multiple platforms are going to be considered and the COM will be included in the process. In addition, someone from the COM should serve on the task force.
  - Beeler: What expectations would we have for privacy and confidentiality of the information contained in the database?
  - Schacht: There should not be any difference between what currently exists, the information would simply be in a different format. Moreover, all personnel files are accessible in accord with state law. Specific privacy issues should be considered in the design and implementation of the database selected by the task force.
  - Glenn: The main emphasis behind the database is so that the ETSU Institutional Research Office can use the data to determine how much research, teaching, and service faculty are engaged in and use the information to develop a faculty profile.
  - **Alsop: Motion to have the FS ask Dr. Bach to convene a task force to examine the possibility of implementing a digital FAR solution: second Epps**
- Further Discussion – Having such a system will reduce the number of forms we are required to complete.
- **Vote: All in favor except for 2 abstentions**

2.2 Chicago Rules – Academic Freedom (Foley)

- It may be of benefit for us to adopt the rules. Mr. Kelly feels that it would be a good idea for the university to adopt the rules.
- Dr. Foley asked for the FS to examine the document and discuss it with our colleagues to determine if it is something we would like to move forward with.
- Stone: will send it to the Ethics and Standards committee to query the committee for feedback.
- Foley: Senators should compare the standards to our current faculty handbook and if there are concerns share them with constituents for discussion. If we want to adopt the rules we should make a motion to modify the faculty handbook.

2.3 New Governance Model (Foley)

- We did not get all of our suggested changes in the amendments.
  - How should we engage the larger community of ETSU in this process, make sure they are informed, give them opportunities to voice their opinions, etcetera?
- Discussion:
- The University is creating a website so that people can submit ideas and suggestions.
  - Stone: Once the local governing board is established, the FS should have representatives at their meetings and report back to FS.
  - The faculty will have one member on the local board, the person will be selected by the FS and the duration of the term will be two years.
  - Foley: It is stated in the bill that all TBR policies will roll over to ETSU and we can change as we see fit. Dr. Noland has senior staff going through all of the TBR policies in their respective area and ranking them as 1, 2, or 3. Three being good and keep as is, two being needs modification, and one being the policy is no longer needed.



**DISCUSSIONS**

- Hendrix: The FS should ask the senior staff from each area to have round table discussions and post the decisions to the website.
- Glenn: The policy on outside employment and compensation should especially scrutinized because it is very restrictive and we could use more flexibility.
- Shafer: Are the rankings of the policies going to be placed on the website so that we can evaluate what decisions are being made in regard to each policy?
- Foley: It is not clear, but we will ask; hopefully this will be the case and we will have an opportunity to ask how they came to their specific conclusions.
- Flora: Agreed with Hendrix idea, and suggested that they hold multiple roundtable discussions.
- McGarry: It is important that the administration provides us with timelines and that we will have an opportunity to respond to the recommendations. In other words, they should not simply tell us what decisions have been made and how we will move forward.
- Foley: Dr. Noland forwarded the accepted amendments to see if there was anything we could not live with. One issue was that the board members “served at the pleasure of the governor.” Our concern was that the board could be changed each time a new governor is elected. The language was struck out. A second issue had to do with the number of alumni on the board. Three alumni will be on the board. The initial language stated that the alumni would only be required to have completed 60 hours at ETSU. The amendment was changed so that the alumni must have graduated from ETSU; however, we were not successful in getting the number reduced from three to two or one. A third issue was related to the language in regard to the NAVE center being confusing, it was not changed in the approved version of the bill.
- Epps: It is important to note that we submitted many changes and the majority of them were accepted.
- Hemphill: Training of the board may be something that TUFs should take the lead on.
- Alsop: When is the deadline for the vice presidents to have their evaluations to Dr. Noland? Based on their deadlines, we can set deadlines for us to review recommendations and report back to FS.

**3. Updates**

- 3.1 Report on Executive Committee Meeting with President Noland (Foley)
- FOCUS bill was the main topic of discussion.
  - McDowell: Was there any discussion about the RCM budgeting? A shadow rollout was discussed in the Chair’s meeting.
  - Foley: Either the university or two colleges have agreed to participate, how the budget would be managed will be compared to how funds are being managed in the current system; appropriate adjustments will be implemented.
  - McDowell: Thus far, there has been a lack of information. Over the past two or three semesters, Dr. Noland has said we will have a rich discussion in regard to the particulars of the model; however, this has not happened.
  - Foley: Interim University Council is having budget presentations and hearings this spring. The next meeting is on March 21, and hopefully after that meeting, more particulars will be available.
  - McDowell: As senators, we should solicit questions from our departments concerning the shadow rollout and present a list of questions and concerns to the administration. For example, how will the money be budgeted, how are we going to evaluate the budgeting, how will we deal with departments that produce low credit hours, etcetera?
  - Burgess: Dean Anderson and others made trips during November to two universities to examine the RCM models employed by the respective institutions. The group worked throughout December to develop our model, which will be examined during the shadow rollout.
  - Foley: the ETSU Strategic Budget Initiative Committee is in charge of the rollout. We need more information from them before we can ask questions. We can collect and submit questions to Foley, Byington, and Larry Calhoun (Calhoun is the chair of the committee).
  - Flora: We should ask someone from the committee to present in regard to the current findings.
  - Flora: ETSU wants to be part of a renovation of Walnut Street.
  - Trogen: Dr. Noland mentioned that there are early discussions in regard to an additional parking garage.

**4. Announcements/Other Business**

Peterson: The College of Public Health has discussed SARA state compliance, and it does not appear that the administration is involved in helping colleges deal with the issue.  
 Foley: We will put this on the agenda for the Executive Committee meeting with Dr. Bach.

Amorous Relationship policy



DISCUSSIONS

- Masino: Current policy states that you cannot have a relationship with a student enrolled in your class, a student that you can anticipate being in your class, or a student that you supervise. If a more strict policy is adopted, the university could be overstepping its legal boundary if it starts to legislate peoples' private behavior. In fact, there are a number of court cases that side with a faculty member's right to have amorous relationships with students.
  - Foley: Mr. Kelly feels we need to examine our current policy and consider revising it because of the increased scrutiny universities are under due to the Violence Against Women Act. If we do not police ourselves we can get into trouble.
  - Beeler: Have there been recent specific instances that would suggest we need to revise our current policy?
  - Foley: Not in consenting relationships, only cases in which unwanted advances have been reported.
  - Peterson: Previous relationships should be accepted.
  - Trogen: During the code of ethics discussion, the faculty were deadlocked around the topic of whether or not the administration should have the right to be involved in such situations.
- Masino: The university has policies and procedures in place to protect both the faculty and student. The proposed policy suggests that the university should have the right to legislate two consenting adults.
- Schacht: There have been instances where a faculty member is in a relationship with a student and it appears that the faculty member provides preferential treatment for the student.
  - Mackara: Is the Violence Against Women Act specifically for violence against women as perpetrated by men or does it go both ways? And, is this policy specific to faculty/student relationships or does it also include administrator/aid relationships.
  - Foley: this policy specifically addresses faculty/student relationships.

Homework: review the faculty handbook sections that address academic freedom and relationships with students.

We need five people to serve on the T&P appeals committee

- David Champouillion volunteered to serve as a member for the College of Arts and Sciences.

4.1 Leave of absence for Senators during Spring 2016 Semester

4.1.1 College of Nursing

- Candice Short will replace Lee Glenn for the remainder of the Spring 2016 semester.

4.1.2 College of Business and Technology

- Will need to replace James Livingston for the remainder of Spring 2016.

4.2 Welcome new Senator from College of Education

- Heidi Campbell is the new representative from the CCOE and is a social studies teacher at University School.

5. Guest Comments - None

6. Adjournment

Motion: Brown Second: Epps Approved: Yes; Meeting Adjourned at 15:55

Please notify Senator Eric Sellers (sellers@etsu.edu or 9-4476, Faculty Senate Secretary, 2015-2016, of any changes or corrections to the minutes. Web Page is maintained by Senator Doug Burgess (burgess@etsu.edu or x96691).

## Report of the Committee on Freedom of Expression

*The Committee on Freedom of Expression at the University of Chicago was appointed in July 2014 by President Robert J. Zimmer and Provost Eric D. Isaacs “in light of recent events nationwide that have tested institutional commitments to free and open discourse.” The Committee’s charge was to draft a statement “articulating the University’s overarching commitment to free, robust, and uninhibited debate and deliberation among all members of the University’s community.”*

*The Committee has carefully reviewed the University’s history, examined events at other institutions, and consulted a broad range of individuals both inside and outside the University. This statement reflects the long-standing and distinctive values of the University of Chicago and affirms the importance of maintaining and, indeed, celebrating those values for the future.*

From its very founding, the University of Chicago has dedicated itself to the preservation and celebration of the freedom of expression as an essential element of the University’s culture. In 1902, in his address marking the University’s decennial, President William Rainey Harper declared that “the principle of complete freedom of speech on all subjects has from the beginning been regarded as fundamental in the University of Chicago” and that “this principle can neither now nor at any future time be called in question.”

Thirty years later, a student organization invited William Z. Foster, the Communist Party’s candidate for President, to lecture on campus. This triggered a storm of protest from critics both on and off campus. To those who condemned the University for allowing the event, President Robert M. Hutchins responded that “our students . . . should have freedom to discuss any problem that presents itself.” He insisted that the “cure” for ideas we oppose “lies through open discussion rather than through inhibition.” On a later occasion, Hutchins added that “free inquiry is indispensable to the good life, that universities exist for the sake of such inquiry, [and] that without it they cease to be universities.”

In 1968, at another time of great turmoil in universities, President Edward H. Levi, in his inaugural address, celebrated “those virtues which from the beginning and until now have characterized our institution.” Central to the values of the University of Chicago, Levi explained, is a profound commitment to “freedom of inquiry.” This freedom, he proclaimed, “is our inheritance.”

More recently, President Hanna Holborn Gray observed that “education should not be intended to make people comfortable, it is meant to make them think. Universities should be expected to provide the conditions within which hard thought, and therefore strong disagreement, independent judgment, and the questioning of stubborn assumptions, can flourish in an environment of the greatest freedom.”

The words of Harper, Hutchins, Levi, and Gray capture both the spirit and the promise of the University of Chicago. Because the University is committed to free and open inquiry in all matters, it guarantees all members of the University community the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of the University, the University of Chicago fully respects and supports the freedom of all members of the University community “to discuss any problem that presents itself.”

Of course, the ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University’s commitment to a completely free and open discussion of ideas.

In a word, the University’s fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University’s educational mission.

As a corollary to the University’s commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest



speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

As Robert M. Hutchins observed, without a vibrant commitment to free and open inquiry, a university ceases to be a university. The University of Chicago's long-standing commitment to this principle lies at the very core of our University's greatness. That is our inheritance, and it is our promise to the future.

Geoffrey R. Stone, Edward H. Levi Distinguished Service Professor of Law,  
*Chair*

Marianne Bertrand, Chris P. Dialynas Distinguished Service Professor of  
Economics, Booth School of Business

Angela Olinto, Homer J. Livingston Professor, Department of Astronomy and  
Astrophysics, Enrico Fermi Institute, and the College

Mark Siegler, Lindy Bergman Distinguished Service Professor of Medicine and  
Surgery

David A. Strauss, Gerald Ratner Distinguished Service Professor of Law

Kenneth W. Warren, Fairfax M. Cone Distinguished Service Professor,  
Department of English and the College

Amanda Woodward, William S. Gray Professor, Department of Psychology  
and the College