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### 2014 March 24 - Faculty Senate Minutes

Faculty Senate, East Tennessee State University

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## 2013-2014 Faculty Senate

### MINUTES—March 24<sup>th</sup>, 2014

Faculty Senate—East Tennessee State University

UPCOMING MEETING:	FOLLOWING MEETING:
March 31, 2014, 2:45 pm	April 7, 2014, 2:45 p.m.
Forum, Culp Center	Forum, Culp Center

*Present:* Beth Baily, Katie Baker, Sally Blowers, Patrick Brown, Doug Burgess, Randy Byington, Mohamed Elgazzar, Susan Epps, Virginia Foley, Rosalind Gann, Bill Hemphill, Nick Hagemeyer, Ron Hamdy, Tammy Hayes, Jill Hayter, Todd Jablonski, Ken Kellogg, Tom Laughlin, Mary Ann Littleton, Kurt Loess, Theresa McGarry, Lorianne Mitchell, Jerome Mwinyelle, Kerry Proctor-Williams, Deborah Ricker, Thomas Schacht, Melissa Shafer, April Stidham, Jerry Taylor, Paul Trogen, Shimin Zheng,

*Excused:* Robert Beeler, Jim Bitter, Allan Forsman, Evelyn Hammonds, Dharendra Kumar, Kathryn Sharp, Kim Summey, Jim Thigpen, Jennifer Vanover-Hall, Yue Zou

*Absent:* Kathy Campbell, Sharon Campbell, Daryl Carter, Charles Collins, Bruce Dalton, Tom Ecay, Fred Mackara, Alan Peiris, Taylor Stevenson, Bill Stone, Teresa Wexler, Meng-Yang Zhu

**CALL TO ORDER:** President Byington called the meeting to order at 2:55pm

President Byington introduced and welcomed the new interim representative from the Retirees Association, Todd Jablonski, who will be joining Faculty Senate for the rest of this academic year.

President Byington gave an update on this morning's Senior Staff meeting. Recommendations from the Tennessee private universities and colleges have been implemented into the Tennessee Promise Bill. The amendment would be for freshman and sophomores at the four year institutions to receive \$3500 in Hope Scholarship funding; currently students receive \$4000. The Tennessee Promise originally dropped the funding to \$3000. Junior and senior students will be funded at \$4500.

Hearings on the Counseling Bill are scheduled for this week. Based upon how those hearings go, there may be calls for possible letter writing. Senator Schacht testified last year in front of the Education Committee at one of the hearings. Bridgette Baird is in Nashville and is watching these proceedings very closely.

The bill on student fees is legislation that has implications on guest speakers across campus. It is set for the Senate Education Committee this week and will probably be amended. Rusty Crowe has said that he will vote against that bill so he shares our concerns.

The Governor's revised 2014-2015 budget will probably be submitted either the end of March or the very first part of April as they may wait to see what the March Sales tax revenue looks like before they actually submit a revised budget.

The Board of Regents has issued some guidelines on the Affordable Care Act and in particular how those guidelines impact adjunct faculty and how they would impact other employees on contract, especially in the facilities management area. The TBR has issued the guidelines of how many hours are required for an adjunct to qualify for benefits etc., but they have issued no guidelines for how each individual university should implement those processes. One of the complications regarding adjuncts is that office hours or times spent in meetings counts towards the 30 hours per work week that adjuncts could be here. Currently they are struggling to see how they would even capture and record all of that to track it. On the staff side, the ACA says if you work more than 30 hours per week average over 10 weeks, then you qualify for benefits. That guideline is a little more clear-cut.

Civility week has started this week. It is a campaign week for SGA officers. A number of the SGA folks will be going to Nashville this week to voice concern around the bill regarding student fees and speakers on campus.

During last week's senate meeting we spoke of the city's involvement with projects that were associated with ETSU, especially the one that has to do with pedestrian safety on State of Franklin. The city passed an increase in the hotel/motel tax to cover that. They have since learned that would need some kind of legislation and it is now on a hold while they go through the process to make that happen.

Senator Schacht asked if there was thought about building another pedestrian bridge. President Byington said that the discussion is of a red light from the east parking garage exit directly across from Ruby Tuesdays and the bank. The cost of crosswalks was \$400,000 and the cost of a pedestrian bridge was \$1,000,000. Senator Schacht commented that it is a high speed four lane road with a fine arts center with a seating capacity for 1200 people on one side and a parking garage on the other side. That is potentially over 1000 people crossing that major road on foot.

President Byington said that there are two more items of interest from the Senior Staff meeting. Athletics is doing a caravan designed to engage alumni and it will run over multiple weeks from Abington to Atlanta. Since it is off-season for men's and women's basketball, volleyball, and football, those coaches will be participating in all of the caravan events and the coaches that are currently in season will participate events as their schedules allow.

The budget for next year is being built conservatively on a model of 14,700 students. Our enrollment this past fall was 14,996. The hope is that in reality enrollment will be 15000 or more.

President Byington stated that there are two sets of minutes that are ready for approval. He asked if there were any corrections. Hearing none he asked for a motion to approve minutes. Senator Taylor moved to approve. Senator Schacht seconded the motion. The motion carried with no dissent.

President Byington announced that we are ready to begin our second discussion on the Faculty Code of Ethics proposal. At our last meeting we discussed a few modifications that Senators Loess, Foley, and C. Campbell have taken into consideration. A revision of the proposal was emailed this past week. President Byington asked if there was a motion to take the proposal off the table. Senator Taylor moved to take the Faculty Code of Ethics proposal off the table. Senator Schacht seconded. The motion was approved without dissent.

Senator Schacht stated that he didn't find in the document any time limit on when a complaint can be brought in relation to the alleged bad behavior. In theory, that means somebody could make a complaint now about something that happened 5 years ago. He asked if we should consider having a time limit on complaints.

Senator Loess responded that if somebody wants to bring up something 5, 10, 15, or 25 years ago the committee can consider it and say we recommend no action be taken. He commented that perhaps it is not a good idea to have a statute of limitations on ethical breaches or claims of ethical breaches.

Senator Schacht countered that the notion of a statute of limitations is more about fairness to the person who is accused. If somebody brings up something that happened 5 years ago, who remembers? Where are the witnesses?

Senator Taylor offered that a compromise to those two positions would be a limit based on discovery, so theoretically if something took place and was kept under wraps for five years and somebody finds out about it, they then have a certain length of time to bring attention to it. They can't just sit on it to use it as a form of extortion against the person.

Senator Blowers added that there might be a situation where a person might feel they were going to be penalized severely for reporting, and it may be an ample period of time until they're in a less risky position and better able to report.

Senator Kellogg reminded that at our last meeting we were discussing the Emeritus proposal and there was a statement in that document about emeritus for life, but then there was a sentence that said it could be revoked under extenuating circumstances. He said that he questioned 'well if you give it to them for life, what would be the extenuating circumstances?' and Senator Schacht replied that 'what if years after they retire you find out that they embezzled the university'. This is the same.

Senator Loess asked if we should we modify the document. Senator Mitchell replied that she didn't think so. If there was someone who was pre-tenure and something occurred, they might not feel strong enough to speak up about it or safe enough to speak up about it until 5 years later.

Senator Gann added that all of us have heard about the issues with clergy and people coming back 25-30 years later and saying they were molested as children. There are reasons why people don't speak up. Sometimes the time has to be right for someone to speak up.

President Byington stated that it seems as if the consensus is we leave it as is. He asked if there were other issues within this document. Senator Proctor-Williams said that when she was reading through it, it states that the person who is being complained against could ask for that informal complaint to be put into writing, but then it looked as if as soon as it was in writing it became a formal complaint. She asked was that the intent. There could be a rule regarding asking somebody to put it in writing but still keeping it informal.

Senator Loess responded that if it is just 'floating around' in writing, that doesn't make it a formal complaint. Once it is received formally by the committee in writing, then it would be. Senator Proctor-Williams said that wasn't clear in the document.

Senator Schacht added that the way it reads it sounds like the written complaint has to go to some campus officer or agency; it can't go straight from the complainant to the committee. He asked who has the right to forward the case to the committee. Can anybody do it or does it have to be an officer or agency? Senator Loess replied that anybody could take it directly to the committee. Presumably you'd have to know who is on the committee. That should be addressed - if you had to take it to the committee directly you'd have to find out how to do that.

Senator Schacht said that throughout the document there are various places where the committee needs to receive something or do something and it is not clear how the complainant communicates to the committee. Who is their contact person? Senator Loess replied that the concept was that the committee would form a hearing committee for each complaint. It was kind of a self determination that somebody would be in charge of that hearing committee. He or she presumably would be sort of the gatekeeper for that complaint.

Senator Schacht asked about the statement that if more time is needed, a person can request more time, but who do they ask? Senator Loess responded that the Academic Freedom and Faculty Ethics Committee would determine who facilitates the hearing committee. Similar to the Faculty Concerns and Grievances Committee, there is somebody who chairs that and that would be your person. The parties involved would then go to that person. Senator Schacht said that he thinks it would be helpful if there was a statement in here that tells a person who is making a complaint, here is who you deliver your communications to.

Senator Hemphill raised several questions regarding the Guidelines for Recommendation of Disciplinary Action. Senator Loess responded that they are descriptions only and it was not meant to be an exhaustive list. It was just intended to give sort of a summary of what some of the options might be.

Senator Schacht said that suspension and disciplinary actions do not belong in this policy at all, it is an over-reach. If we had a progressive discipline policy that we all agreed on, then the ethics code could simply say individuals found guilty of an ethics violation are subject to the

progressive discipline policy. The language that is in there now essentially says that an ethics violation can warrant any formal discipline available to the administration including termination of tenure. As a practical matter, termination of tenure requires mobilization of a whole other committee and process that is spelled out in separate regulations. So the administration could not take the results of an ethics committee investigation and go straight to firing a tenured person. They'd have to then run the results of this committee through a separate procedure.

Senator Foley asked about the status of the Progressive Discipline proposal. Senator Burgess replied that it is in a working group with Dr. Bach in Academic Council.

President Byington said it sounds like we will need to come back with at least one more revision on the Code of Ethics. He said that there are two more things on the agenda for this afternoon. There is an executive committee meeting with Dr. Bach on Thursday. One of the questions we will ask him is the current status of the Progressive Discipline Policy. Are there other questions that the senate would like to get some feedback on? The other issue we need to discuss is the Faculty Development Center. Therefore within about 15 minutes we need to come to some resolution on the Code of Ethics such that this group can hopefully work through the very final details.

Senator Schacht stated that he would like to make a motion that we strike section 2.b.3 on Suspension and Guidelines for Recommendation of Disciplinary Action and replace that with language that simply says the committee can make recommendations consistent with any current progressive discipline policy. Senator Trogen seconded the motion. The motion carried with 12 in favor, 4 opposed, and 5 abstentions.

Senator Loess stated that we going to have to table this again and come back with a proposal. President Byington asked if there was a motion to table. Senator Loess moved to table discussion on the Faculty Code of Ethics. Senator Trogen seconded the motion. The motion carried with one vote opposed.

Senator Epps said that it was mentioned in one of the groups as part of the 125 that we don't have a Faculty Development Center. In our last meeting with Dr. Bach she asked what happened to the Teaching and Learning Center. He said it was initiated as part of an issue with SACS. Over time the mentality emerged that if it was recommended that you go to the TLC, that it was a punitive thing and not an improvement thing. She asked Dr. Bach if there was any possibility of starting something like a Faculty Development Center back up again. He said he would welcome the opportunity to have those conversations. Senator Epps asked if anybody is interested in beginning those conversations, please let her know.

Senator Laughlin suggested that instead of staffing another office we might consider along the lines of some institutions where they have something like an academy of teaching excellence, which is a group of faculty who are nominated and elected and function in this way.

Senator Foley asked if there are items senators would like executive committee to bring before Dr. Bach. Senator Shafer said that the deadline for the city to commit to Lot 1 for the Arts Center has come and gone. There have been no announcements.

Senator Taylor said that many of our students have been concerned about the fact when they graduate they get a diploma that says Bachelor of Science and doesn't reference the particular major. In the Survey Program they have a license system that is based upon 3 tiers: A, B, and C. ETSU has the only program in the state that has a Tier A license and yet our students cannot get that put on their diplomas. President Byington commented that he did serve on the committee that looked at our diplomas and one of the things we talked about was whether to include the major. We looked at a lot of different diplomas and most of the diplomas didn't include a major on the diploma, but this may be another reason to revisit that.

Senator Kellogg asked the final word was on the discussions we were having about the intensive courses. President Byington said that we haven't brought that in yet.

Senator Shafer asked about the status of the gender salary equity issue. President Byington explained that there is concern across campus that we may have pockets of gender equity issues in relation to pay. As a course of action he is going to set a meeting with Diana McClay to ask her if she can either substantiate that and let corrective action begin or to help us understand and give us the facts and data that says this is not the problem.

President Byington asked if there was a motion to adjourn.

Senator Epps Moved, Senator McGarry seconded. Motion carried without dissent.

ADJOURNMENT: The meeting was adjourned at 4:40 p.m.

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*Please notify Senator Melissa Shafer ([shaferm@etsu.edu](mailto:shaferm@etsu.edu) or 9-5837, Faculty Senate Secretary, 2012-2013, of any changes or corrections to the minutes. Web Page is maintained by Senator Doug Burgess ([burgess@etsu.edu](mailto:burgess@etsu.edu) or x96691).*