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Faculty Senate, East Tennessee State University

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2012-2013 Faculty Senate

MINUTES—11-19-2012

Faculty Senate—East Tennessee State University

UPCOMING MEETING:	FOLLOWING MEETING:
December 3 2:45 pm Forum, Culp Center	January 28 2:45 p.m. Forum, Culp Center

Present: Beth Baily, Jim Bitter, Sally Blowers, Randy Byington, Daryl Carter, Bruce Dalton, Don Davis, Mohamed Elgazzar, Susan Epps, William Fisher, Virginia Foley, Allan Forsman, Rosalind Gann, Ron Hamdy, Evelyn Hammonds, Ken Kellogg, Dhirendra Kumar, Tom Laughlin, Theresa McGarry, Lorianne Mitchell, Alan Peiris, Kelly Price, Susan Rasmussen, Thomas Schacht, Melissa Shafer, Kathryn Sharp, Kim Summey, Paul Trogen, Teressa Wexler, Yue Zou, Ron Zucker.

Excused: Wesley Buerkle, Charles Collins, Jill Hayter, Jerry Shuttle, Taylor Stevenson

Guests: President Noland

CALL TO ORDER: President Byington called the meeting to order at 2:52pm

President Byington began the meeting by introducing University President Brian Noland who requested to come before the faculty senate to give an update on developments of the campus Green Space.

President Noland began by thanking the senate for the opportunity to talk about where planning resides with respect to the proposed green space that will run from Brooks to Gilbreath. He then presented the architectural drawings of the project developed by the Architects in consultation with the Affinity Group. There is a new entrance to Brooks Memorial Hall with a sitting area, and new handicapped access. There is also a new entrance to Sam Wilson, the Campus Center Building, and a new entrance here at the Slocumb Gallery in Ball Hall. The funding for this is primarily stimulus money that the university received for handicapped and pedestrian access. A couple of years ago the university received in excess of 2 million dollars for handicap and pedestrian access under stimulus. There was about 1.2 that remained unspent. That 1.2 is what will be used to cover the cost of this and the total cost of this is right around 1.2 and some change. One of the other things the affinity group felt very strongly about is none of the mature trees will be impacted by this development. The design provides for the mature trees that date back to the founding of the institution to remain. The Tree House Café is also redesigned. Currently the Tree House Café has the highest volume per square foot of sales on campus, and Aramark is interested in the construction of a new facility that would include a coffee shop and a couple of other things. It would include interior

as well as exterior seating and be increased to a 4500 to 5000 sq. ft. facility. The cost of this redesign would be covered by Aramark.

Senator Schacht inquired what Aramark gets in exchange for the investment.

President Noland replied that Aramark s working on a presentation related to meal plans. We are the only institution in the state without some form of mandatory meal plan for freshman. So Aramark is working on a proposal. He does not have the final details of that, but Aramark would absorb the cost of construction.

Senator Schacht continued that he wondered if Aramark builds the facility and then two years down the road for whatever reason, the university and Aramark have a falling out...

President Noland assured him that it is our facility. Just as the improvements that were made to Starbucks downstairs and the improvements that will be made to the cave. Those were improvements the cost of which was born by Aramark and if in 6 months we have a falling out, any and all improvements that are made to university property accrue to the university.

President Noland stated that the proposal in its current form calls for a relocation of the conifer garden. The cost for the relocation is estimated at 20,000 dollars. The proposed home for said relocation is the space between Brown Hall and the Mini-Dome. This is a space which there are no future building development plans and a space that would be secure. The goal would be to conduct the transplant in December, thereby maximizing the probability it would be a successful transplant. He welcomed the opportunity to take any questions, comments, feedback, input that the senate may have regarding the drawings and what changes or adjustments we would like to see made.

Senator Davis commented that he thought that the redesign of the walkways looks like a really positive change in terms of accessibility between the buildings.

President Noland said that it was one of the keys, to improve handicap access as well as the appearance of Brooks which is one of the signature buildings on campus which now has that handicap lift there to the right. So behind the proposed seating area is a new ramp that's graded to make it handicap accessible.

Senator Bitter said that he wanted to go on record saying that he actually liked all the green space and it looks really wonderful. A lot of this seemed to have gotten started when there were a few people that got hit by cars. Were any of the people that were actually hit in this area?

President Noland replied not to his knowledge. The traffic patterns have been adjusted, so there were areas that were part of this traffic pattern where accidents did occur. Since the traffic pattern has been adjusted, last semester there were 11 students who were hit by cars. To date, this semester we've had 2.

Senator Bitter asked if the Green Space proposal had to go through TBR for approval.

President Noland responded yes. TBR approved the architects. We submitted the proposal to the board in February to hire a designer. The designer was hired in March. In March through May, there were meetings with the affinity groups related to traffic circulation and handicap access, fire and emergency access, trash removal, etc. A regional designer was finally picked in late May to begin work on the plans. Those plans are now before you for your consideration. If we move forward with this plan then the next time frame would be for bids to go out for the relocation, and then bids to go out for the work. It would be anticipated that this work would begin at the close of the semester in May and would move through the summer to be finalized by the start of school in the fall.

Senator Bitter asked that in May when we start, will all of that area be closed down then to traffic and everything through the summer.

President Noland said that he doesn't have an answer to that. We haven't gotten that far down the road yet because if the proposal was in question, we were going to go back to the drawing board.

Senator Schacht asked if the grass was going to be irrigated. President Noland replied not to his knowledge. Senator Schacht remarked that it might be nice to have some outdoor electrical outlets somewhere for people to plug in an outlet or plug in things for music. President Noland said that the low wall/benches are areas for students, faculty, and staff to sit and congregate and there would be outlets at the base of those.

Senator Schacht inquired if anybody talked to disability services about how far a disabled person would have to travel from their vehicle to get to those building entrances? President Noland replied that was part of the review that was conducted with the affinity group and the regional designers, so handicap access both with respect to the building as well as parking access were part of that original design work.

Senator Shafer stated that she was a part of the affinity group and one of the things she emailed after the last meeting was asking the architects to consider reworking the front entrance to the Theatre lobby in Gilbreath Hall. It's actually kind of the backside of the building, but the lobby doors open onto that area. Right now there is a big electrical box. It's not a very attractive entrance, and no one uses it, but if that could be reworked to make it more attractive and even have some seating. President Noland said that one of the things that the architects sent to him last week was the potential of putting the Tree House on the back of Gilbreath. He said he was told to look at Great Oaks Hall at Wofford. Wofford developed a green space and in one of the areas they put a large study area, so they were going to work up the costs to see if it would be possible to put something on the back of Gilbreath to dress that up. This is a work in progress, the one thing that is the most critical thing for today is the green space itself. If

folks are comfortable with the green space itself, the rest are moving parts that we could assemble around that core.

Senator Zucker said that he had the fortune of going to Ole Miss in March a couple of years ago. Is it possible to have some rhododendrons or some other flowers? That's the beauty of that campus rather than just lawn. President Noland said that he would take that back to the designers. There is a need to provide some unity between each of these respective buildings. There is not a lot of landscape right in front of the facilities. That's not something they've addressed for today. Today it was the green space.

Senator McGarry inquired that when you say that none of the mature trees are going to be impacted, are you confident that the designers and the workers and the people involved will not do things like put concrete sidewalks over their roots, not park construction trucks on top of the roots and that sort of thing? Trees also get killed accidentally. President Noland said that he understands and honestly cannot stand here and say that an accident may occur, but by design, the design does not call for the mature trees to be taken out. The design calls for the mature trees to stay. Senator Shafer commented that was discussed in the affinity group with the architects. Everyone kind of pledged that that would be a goal, not to have construction damage. Senator McGarry asked is the design consistent with not putting sidewalks on the tree roots? Senator Shafer replied yes, in fact the big tree was killed when the Tree House Café deck went in. That was discussed and Bill Rasnick made the comment that he learned from that mistake. Senator Trogen asked can that be built into the contract. A certain amount is deducted for each mature tree that dies within 3 years of construction.

Senator Dalton said he appreciates all the time put into dialogue about this. The only path he sees across the green space might be from the tree house going south. That space between Campus Center Building and the building next to it. Otherwise, it looks pretty good for accommodating point A to B travel. You can't really do anything about it without hurting the aesthetics too much. President Noland said that one of the designs called for X's to go through the space. The designers felt that by putting in the bench areas, the bench areas would route students away from what would be the normal cross paths. The point on hardiness, the goal is to put in grass that will be sustainable because we want students out there throwing Frisbees, we want folks running around on it, and we want people having picnics. We want it to be something that's used.

President Noland said he was taking this same set of materials to the students this week for the students to give their thoughts on this.

Senator Schacht following up on Senator Shafer's comment about having an area behind the theatre that could be used for receptions and maybe linked with what would be the new Tree House; another idea that might be explored is an additional multiple use for such a site would be the concept of a faculty club. That's been kicked around the senate for a couple of years. If

they're talking about building a facility maybe we could have that conversation. Senator Fisher stated that there would be no liquor there. Senator Schacht replied well never mind. President Noland commented that as we enter into negotiations with the city around the Millennium Center all of these things are going to come to bear.

Senator Schacht stated that in terms of the concern about the sidewalks possibly killing trees, he is under the impression there are materials that could be used for paving that are porous. If that's a concern maybe we could look at those kinds of materials. President Noland replied that we'll explore that as we take the next step of the green space which is Gilbreath all the way down to the Culp. The next phase would be the design work to take all of that pavement that runs the spine of campus and turn that into an extension of the green space.

Senator Schacht continued that the second thing is when he imagines himself sitting on some of those benches there, if the sun was really hot, he might not want to do that. He wonders whether it might be worth thinking about putting in the receptacles that could hold something like a beach umbrella. President Noland said that the sitting area is going to be a point of conversation. The largest concern that the designers have expressed is skateboarders.

Senator Bitter asked if President Noland could walk us through the funding for all of this. He heard the part about the funding coming from accessibility funds for the entrances but where is the funding for all the rest of it coming from? President Noland responded that for this, this entire package is 1.2 million dollars. So everything you see here is approximately 1.2 million dollars. The estimated revenue that we have for compliance is a little shy of 1.2 million, so 1.1 and some change. So the variance, all of that we'll work through as you're going through the engineering and is there an opportunity for value engineering, that variance would have to be made up through university resources. That variance would be minimal because we're close on both ends. This is stimulus money for TBR approved code accessibility project total volume which I think was 2.5, there is about 1.2 remaining and the estimated quad costs are around 1.2 million. Senator Bitter said so you're thinking 3-4 hundred thousand dollar difference. President Noland replied Max. Say if construction costs ran over 1.2 to 1.5. He then thanked the senate for our time.

Senator McGarry asked if there is something to send to the faculty. President Noland replied that he brought it to the senate. So by bringing it to the senate as representatives of the faculty that we are bringing the proposal to the faculty. Senator McGarry asked if he could send the drawings. She would like to share them with the faculty. President Noland requested that we give him a chance to go before the students on Wednesday, because he wants to extend the same courtesy to the students that he has extended to the faculty. The big thing is the conifer garden. The rest are moving parts that work around the open space, but we need to begin the process of that transplant activity in order to maximize successful outcomes.

Senator Mitchell said she thinks the design aesthetically is pleasing. And she appreciates maybe having a sit down area in the tree house. President Noland responded that this is a game changer in terms of the look and feel of campus. It really changes the center of campus.

President Noland continued with an update on the commission meeting last week. The outcomes formula this year resulted in a net increase of operating dollars for ETSU in excess of 4-5 hundred thousand dollars. In his conversations earlier this summer with the governor as well as during conversations the chancellor had with the governor, President Noland is confident that the governor is going to look to again make investments in post-secondary education as well as to make investments in salaries. Also on the THEC list, THEC submitted to the governor planning funding for the Fine and Performing Arts Center. We will launch at some point prior to Christmas an initiative around the arts that I'm happy to come back and flesh out a little bit more, but initiative around the arts to help not only raise funds for this facility but for scholarships, for chairs, and for equipment. We are in negotiations with the city regarding location and we have asked for an appraisal of lot 1 and the bank building. None of that is finalized, but those pieces are now beginning to move. Lot 1 is the lot right next to the millennium center and then the bank building which is the Bank of Tennessee.; the negotiations with the city would be for us to assume the Millennium Center. Then we would build the Fine and Performing Arts Center along lot 1. To say that there are a lot of moving parts in this is an understatement, it involves everything from transfer of existing debt to alcohol to Aramark contracts and you start making a checklist of all the things that could go wrong and we've populated that check list pretty quickly, but for full disclosure, that's where we stand. We are on the THEC list, that list has gone to the governor. President Noland is confident the governor will send that list forward for the general assembly's consideration which means come July, we're beginning planning work. So we need to start our fundraising efforts pretty quickly. That's where we stand with respect to the formula and the capital budgets. All of the THEC agenda materials are out on their website.

Senator Schacht inquired what we can do to help. President Noland replied that once the arts initiative is launched, talk to your friends and neighbors and let them know that this is something for Johnson City, Kingsport, Bristol and the region, not just ETSU. It's been a dream for a long time for the institution as well as the community to build a facility and the hope is to build a facility that meets our instructional needs as well as the needs of the community to bring Broadway, bring performances, and bring things that pass us by here. So once the arts initiative is launched, it's kind of all hands on deck. President Noland said that he had the chance to go to Virginia Tech last month to spend some time with the development firm to see how they're doing some public/private partnerships in Blacksburg. VT has between an 80 and 89 million dollar arts initiative that's underway to build a fine arts facility there. So we have a lot to learn from the institution a little bit up the road. The goal is to create fundraising around the arts as a whole, not just a building. It will be a fundraising campaign that kind of makes the pharmacy fundraising appear small.

Senator Bitter asked if all of those things if the Carnegie Hotel was involved in those things ETSU is negotiating to obtain. President Noland said no. This would just be the Millennium Center and parking garage and then the property that extends out to where the flag poles are. So it would give us that entire block. It would allow us to build some steps on the back side of that bridge so that people could actually use it. It would also allow us to theoretically take access right into the Fine and Performing Arts Center from the bridge. Another thing that we're looking at is the possibility of moving the welcome center that's in the Culp Center and moving it across the street so that there is ample parking. Right now if you're going to come on a tour you have to park on the other side of the railroad tracks and walk in past 4 dumpsters before you begin your tour. This would put the welcome center at a position that students would start their tour in the Performing Arts Center, come across the bridge, and then walk right into the green space.

Senator Carter asked if the administration at ETSU as well as TBR thought about what they will do if the Supreme Court rules in favor of Fischer and if so what types of plans are under consideration to deal with that in affirmative action and higher education? President Noland responded that he was not in a position to answer that question, but that a team of campus council is begin researching the case as well as its implications on Tennessee and how it may potentially impact. The board is looking at it closely.

President Noland again thanked those in the room who are serving on the 125 committees and encouraged everyone to log onto the site. All the minutes and materials are out there. He has addressed each of the committees but has not sat in on the committee meetings. He wants to see what the committees making preliminary recommendations bring to the committee of 125 in December. The Committee for 125 will then review those recommendations and will put forth a preliminary draft that will go out January-February at which point there will be town hall meetings and public forums to go through those recommendations. We've had recommendations from everything to start scholarships, skeet shooting team, to a number of academic proposals.

President Byington announced that the next agenda item is approval of minutes from October 22nd. (Schacht moved, Bitter Second: All approved, One Abstention).

President Byington reported that due to activities on campus and Dr. Noland's travel schedule there has not been a senior staff meeting. He continued that we need to select a senate rep to the ITCG subcommittee. At this point in time the committee will be looking at the idea of providing a tool for lecture capture electronically. So we need to make sure that we have representation. There are other faculty on the committee but they have asked for a rep from faculty senate to be there to take part in those discussions. Senator Schacht asked if this was about technology of lecture capture or is it about whether lecture capture is a good idea.

President Byington replied that his understanding is it is about the technology, that the choice to use the technology would be up to the individual faculty member. He believes they're looking for someone who might be interested in using it so they would know if we wanted to buy software x vs. software y to put in smart classrooms in campus, what would be the difference in the way you would use them. Senator Foley asked if Alan Forsman was interested. Senator Forsman responded that the college of E-learning has a liaison for the department of each college. It is his understanding that we've already decided on the software to use and it's going to be in the classrooms. This was talked about last meeting he was at that a week ago today. He asked Randy how current his information about needing a rep is. President Byington replied that came directly from David Curry within the last 2 weeks. Senator Forsman speculated that it's possible it's turned into a done deal since then. Senator Bitter asked how much did the thing cost? Senator Forsman replied that he didn't remember the numbers on that. It is going to come out of the student technology and we already have the money to pay for it. It's going to be a simple. It will be in any smart room, and it will just be up to the faculty member to push start, when they're done they push stop. If they don't want to use it they don't have to. Senator Zucker inquired as to when the committee meets. President Byington replied he did not know. David Curry didn't tell me what the regular meeting schedule is. President Byington chairs one of the other ITCG committees. It has to do with networking and technology and they only meet when there is an issue that comes up. They don't have a scheduled time. Senator Kellogg inquired if a faculty member comes into one of these rooms and hits the start button then at the end hits the stop button, who owns what was just recorded? Senator Forsman replied the faculty member. Senator Zucker volunteered to serve on the committee but would need to look at the schedule. President Byington asked Senator Zucker to email David Curry and tell him that you'll be the faculty senate rep and ask him about the schedule. If he meets at a time that you cannot meet, just let us know and we'll put it back on the agenda.

President Byington moved to the next item on the agenda, the proposed changes to the faculty evaluation plan. There are three documents here and if the folks who have worked on this would come up and lead the discussion and move us through this it would be appreciated.

Senator Schacht began with a reminder on the history of the documents. As part of the development of an electronic format or rubric for handling faculty reporting and faculty evaluation, deans Garceaux and Anderson proposed some modifications to this section of the faculty handbook entitled Evaluations and Professional Development for full time faculty. The major change that they made was to eliminate all references to professional development for faculty. In response, the senate appointed a subcommittee that met and reviewed what they had done and are proposing this as an alternative. Ultimately, if the senate endorses this it will go to the academic council as a proposal for an update to our faculty handbook. It would also involve rejecting the proposal that deans Garceaux and Anderson made. The first thing that we want to do is to retain references to professional development. This is really in our view not an

option. TBR's own regulations specifically refer to professional development as a part of faculty evaluation, so we don't have the choice to not do that. We also view professional development as something that is akin to continuing education for faculty. It's not remediation for faculty how are having trouble, although it may be. It is also something that faculty who are performing at a very high level may benefit from. At some institutions a sabbatical would be called professional development. We don't have a formal sabbatical policy but we do have non instructional assignments and other kinds of things. It was also the impression of the subcommittee that removing all references to professional development from this policy represented a back door modification of the job description of department chairs. They would no longer be required to consider professional development to negotiate plans for professional development with faculty or to support professional development for faculty because it is not in the handbook. We didn't think that this policy should be used as a back door way to change the job descriptions of the chairs. We want to add the word planning to reporting and evaluation process to indicate that planning is an essential part to the reporting and evaluation process. In the second paragraph, the changes indicating that the reporting would make reference or be in the context of a previously approved workload plan. Again, it refers back to that planning concept. The idea is that planning is not something that is limited to one particular period of time. In talking with various faculty from different colleges, it seems like there is also not a standard or a predictable time frame for when these sorts of things happen. Some people say these things happen in their college or in their department in the fall, others in spring and so forth. Whether or not we're going to have a standard calendar is another question.

Senator Epps asked since that's a list of things could those be a bulleted list? Senator Schacht replied sure, it could be. Senator Epps continued that her other question is about planning. That's one of those things she keeps struggling with because it's November and she still hasn't had a review of her plan for this year yet. By the time she actually has that review it will be halfway into the academic year and at that point there really isn't much she will be able to change. This says reporting and evaluation, this really isn't the section on planning. Is there a separate section on planning? Senator Schacht answered no. He believes that we will come to some additional language which proposes that each department have a calendar for this.

Senator Epps asked if the heading of the document should be "ETSU Faculty Planning, Reporting and Evaluation Process". Senator Schacht replied sure. So faculty members are going to be held to a departmental standard, not a university wide standard. The standard is adopted by the department faculty subject to approval of the dean and the vice president. That doesn't give the chair a veto power over the faculty's plan. We added all statements of criteria be clear and objective and must be transparent. That's language that Dean Garceaux and Anderson proposed. Senator Epps asked does that mean every department then will have a different form for reporting. Senator Bitter replied that they can. Senator Epps commented that it makes sense.

Senator Peiris asked if there is something that actually tells the chair that he or she is expected to do an annual evaluation because there have been departments where such evaluation has not occurred. Senator Schacht replied yes. What this does is it tells the faculty they have a right to it. So if the chair doesn't do it, the chair is essentially not giving the faculty something they're entitled to. We added workload to professional development plans that will be approved in consultation with the dept. chair and/or the dean. This essentially about the possibility of conflict and procedures for conflict resolution that says if a faculty member and a dept. chair have a conference and they don't agree on the evaluation or a professional development plan, faculty members shall be informed of their rights to appeal. We phrased it that way so that we don't have the situation of a faculty member who doesn't happen to know their rights to appeal and the appeal time frame expires. This puts a duty on the university to inform the faculty member they have a right to appeal. Then to exercise the right of appeal, a faculty member can request a meeting with the dean. You can also submit additional information to the dean. If it is appropriate to the matters of dispute, we're proposing that the faculty member would have the right to request an advisory ruling on pertinent issues from university academic freedom, faculty ethics, and professional standards committee. Now at the moment that committee does not exist. It is currently called the Academic Freedom and Faculty Ethics Committee. That committee has been meeting pursuing an authorization from Dr. Noland to review the scope of its work and its charge. One of the recommendations from that committee is going to be that its title be changed. Last year you know we had a tenured faculty member who was terminated because of alleged violation of professional standards for posting messages on twitter. We don't have any faculty committee to review that. So the determination of what is or not a professional standard is essentially left up to the administration and to its lawyers. This would give faculty members recourse to a faculty committee for consultation on an issue when somebody alleges their professional standard has not been met. This language is contingent from President Noland approving that change in the charge for those two committees. We put in a 30 working day time frame for an appeal request then the dean would make a determination.

Senator Bitter suggested that a comma be added to the end of the last sentence, and modify, or renegotiate the faculty member's plan for the coming year. Senator Schacht asked if he was proposing that it essentially gets taken out of the chair's hands. Senator Bitter replied that's what an appeal is. Senator Schacht stated that the dean could also validate the appeal and send it back to the chair for action consistent with the dean's decision. Senator Epps asked What if you don't agree with your dean's evaluation. Senator Peiris suggested that "when appropriate to the disputed matters" be removed because that leaves it open. Shouldn't it be left to the faculty member say I want it sent to advisory ruling rather than appropriate to the disputed matters? That's conjecture. Senator Schacht responded that ultimately it would be up to the academic freedom committee to decide whether the matter that was sent to it was subject to its jurisdiction. You could have a dispute between a faculty member and a chair that has nothing to do with academic freedom, ethics, or professional standards. Here we wanted

to make sure that non-tenured faculty members were not somehow cut out of the expectation that they too would have the benefit of professional development support. Senator Epps asked so are you talking about an associate professor who decides not to seek promotion to professor? Senator Schacht replied it could be a full professor. We wanted to make sure that somebody doesn't say that the only reason you need professional development is because you're going to get promoted, and if you're not pursuing promotion then we don't owe you anything in terms of professional development.

Senator Bitter added that it also allows departments to create an alternative evaluation process for tenured faculty members who are not going for promotion or who are already at the top of the line. All this says is that you still have to give them useful feedback somehow and a professional development plan. Senator Schacht said that the next section is substantially expanded because the existing language is really very vague and is almost like a *carte blanche* for the administration. We wanted to build in some procedural guidelines and safe guards for faculty. What we've added is the idea that an explicit statement any such personnel action faculty members have a right to due process and then specify what elements of due process would include in addition to procedures provided for any other applicable policy. Those rights would include notification in writing, after a second year you get additional goals and objectives that must be met or be given notice of termination and so forth. What we don't have here is what happens to the tenured faculty member after a 3rd year failing to make progress.

Senator Bitter said he has been asking for three weeks for TBR to send whatever policy they have related to post-tenure review and they can't find one, so this whole thing is essentially a back door into a post-tenure review that is aimed at terminating tenured faculty members. If they want to propose that as some kind of new policy that would go through the system and that would be approved by TBR, then they should propose that at some point but they should not get to sneak it in here. He would like the last sentence to read "After a third year of failing to make progress on an approved plan, University officials will take appropriate action for remediation or for change of assignment for cause."

Senator Epps questions whether this whole thing not remediation already though. After three years if they haven't done what they are supposed to do and then you're talking about remediating after three years? Senator Schacht stated that currently, they can terminate tenure if you are sufficiently sub-standard or incompetent. This doesn't say that. This says they may take action to terminate you if you simply fail to meet whatever the agreed plan was, but you don't have to be incompetent or sub-standard. So that is potentially a problem.

Senator Bitter said that might be the ideal last sentence, university officials will take appropriate action if the faculty member is determined to be either incompetent or substantially sub-standard or something like that. The way they have it here, they are essentially saying

you don't meet our expectations for three years in a row we can get rid of you. Senator Kellogg stated that he doesn't like that last sentence at all.

Senator Bitter said that he would be ok with taking the entire last sentence out and just letting it hang at the end of it. He doesn't think we should be approving some kind of process that substantially says yeah, we're in agreement that if you don't like how a tenured faculty member is doing things you can get rid of him. Senator Kellogg stated he thinks that is what the last sentence is doing. Senator Schacht proposed that any termination of tenure would have to be done according to existing policy for that purpose. What this document could do could be to require that any faculty member whose at risk for that be given notice. So you don't get a bad evaluation then get told we think your competency is at issue and boom you're gone.

Senator Bitter suggested that the whole last sentence be removed and put that in with two sentences. One saying about following approved processes and the second saying they must be given notice. Senator Schacht asked if the notice has to come only after the third year. Senator Epps said that it seems like if you're three years in and you are not making progress, if you haven't gotten with the program there is something wrong. The notice should be after the first year. Senator Gann said yes but that assumes fairness upfront, kind of a mutual setting of goals and when that occurs these things usually don't happen. You have issues where people gun for other people, or have an agenda of taking someone who is high salary and replacing them with two people of lower salary and manipulating the system. We don't need protections for the situations where the chair is setting goals realistically. This stuff in tenure and on the whole is there to protect people when they're in those situations where there is potential unfairness. Senator Dalton commented that Senator Gann's remarks were very well said. If elsewhere in the document, it said people could be terminated for sub-standard or incompetent, it doesn't need to be dealt with here, and those last two lines need to be taken out. Senator Schacht asked that Senator Dalton was proposing to end it after the sentence that says academic manner will be assigned? Senator Dalton said no, by the end of the third year period, the sentence that starts after third year failing... that sentence can be taken out and everything after it. Senator Schacht asked if there were any objections and stated that it solves the problem. Senator Kellogg said the only thing is you want to make sure that at this point they follow procedure - you could still add back in the follow procedure for termination of tenured. Senator Schacht responded that they have to follow that procedure anyhow. We could say that if administrators view a faculty member's performance as putting their tenure in jeopardy they're supposed to tell them. Senator Epps asked because then if you don't tell them they've got grounds for appeal if they don't get it right? Senator Byington clarified that this is for tenured. Senator Gann said that there are situations in which the administration does an end run around tenured, they do things like "removal for alleged incompetence" and what we really need is a tightening of that so that you protect due process and you protect the tenured faculty member.

Senator Epps asked who gets to choose the academic mentor. If your problem is with your chair and they're trying to get rid of you and they're assigning you the mentor and they're the puppet master for the mentor, whose going to choose the mentor? Senator Gann stated that it should be mutually agreed upon. Senator Schacht agreed that it should be changed to mutually acceptable. Senator Kellogg said after a second year of failing to make progress, failing to make progress means you've done absolutely nothing. No progress has been made. After two years of failing to make progress on the approved plan, faculty member shall if he/she is not tenured be given additional goals and objectives which must be met or be given notice of termination. It seems sort of strange. One of two things is going to happen if you do nothing for two years. We're going to change the rule and say you do this or we'll terminate you. Senator Bitter stated that you're talking about non-tenured faculty. In the first two years, a person can be terminated without reason. After that, they can be terminated, but they get an additional year. If you're going to take that action of termination, this is just saying you have to notify them of it. We're not talking about tenured faculty members. We're talking about non-tenured. Senator Epps pointed out that this whole section starts, "if a tenured, tenure track or non-tenured...". Are we suddenly switching gears from tenured, tenure track, or non-tenured to tenured. Maybe we need to separate these out so that it's clear we're talking about two different groups. Senator Gann stated that is the heart of the matter with tenure. If you believe in tenure, you believe that people will in general make good use of tenure. What you don't want is to put weapons in the hands of administrators who might abuse it then have people who are following their agenda. You have a certain amount of freedom as a tenured faculty member and you don't want them to then be stripped of the privileges of tenure. Tenured faculty really paid their dues. Senator Schacht asked if we even need to make this distinction or do we simply want to say all faculty members are entitled to a mentor after 2 years if they haven't made progress? Senator Bitter suggested clarifying developmental goals and objectives so that we're not just wiping that out and saying it's up to the mentor now. Senator Kellogg said that you can't have 'shall' in there. You have one of two paths you're saying they can take for the tenured faculty. They may be given a mentor, or they may be terminated, but if you say the member shall be given, you're basically saying you will do this. You're trying to make it work for both tenured and non-tenured in one sentence. Senator Bitter said the he didn't think that you can blend those two together and make sense out of what's going on. You cannot mention termination and tenured faculty. If you do that you're opening a can of worms. Senator Schacht asked why a faculty member should have to wait two years, why not after the first year. Senator Bitter said he was okay with the first year just being a discussion that's going on between the faculty member and the dept. chair and trying to work things out the best they can. It is at the second year that you are starting the concept of a pattern. You are going to get very serious about what the goals and objectives are going to be and how you're going to remediate. Senator Schacht suggested edits so that after the first year you get detail about what needs to be changed, after second year you're assigned a mentor.

Senator Schacht asked if this document is ready to go forward. Senator Zucker stated that with all the changes, he didn't know if we've all had time to digest it. Is there a need for speed on this? Senator Epps expressed that she'd rather do it right than fast. She asked if we could we get a version that doesn't have all the red and blue so we can read it straight down. President Byington said he would send the revised document to the senators before the next meeting.

President Byington stated that on November 7th, Dr. Bach will be here at our next meeting. If there are specific questions that we would like for him to address, we need to get those to him sometime early to mid-next week. Senator Schacht said that he sent President Byington an email about the Committee for 125. Our current strategic plan for the university has only one item in it with respect to supporting employees and faculty and that is salaries. There are a lot of other things that the institution could do to make ETSU a better place to work. He would like to hear Dr. Bach's thoughts about how to broaden our strategic plan to encompass that whole range of things. President Byington asked if there were other questions for Dr. Bach. Senator Bitter suggested that we email them to President Byington.

President Byington asked if the senate wished to go through any committee reports on 125. Are there any new things that weren't discussed at the last meeting? Senator Bitter began that the first thing we need to decide is if we even care about faculty having input on whether there is football here or not. The last meeting he attended it is like 20-1 in relation to voting for moving football forward. Part of this is because President Noland came in and said dream big, so they are doing exactly that. The problem is they are actually sitting there saying things like even if it does lose 3 million dollars a year, it is worth it. If we want faculty to have a say in this that the president will listen to, we need to put out some kind of survey. We need to get answers. If we don't act before December before we get out of here, the committee will. It will be done by mid-December. If we want some say about it, we should move now.

Senator Kellogg responded that he appreciated Senator Bitter's passion. But our leader has instructed everybody in those committees to think big. Throw out grandiose ideas and after they are collected, then at that level the powers that be will figure out what can and cannot be done, what is realistic. He understands Senator Bitter wanting to make sure that the voices are heard, but he thinks we have to let the grandiose ideas go forward. If we want to jump in the middle of the fight, we jump in after everybody recommendations have hit back to the main line. Senator Bitter replied that at some point along the way we ought to know what faculty really think about it. His concern is that if we simply wait until it's a done deal, it's over. Senator Schacht agreed with Senator Kellogg and suggested an alternative strategy - to make sure the committee report is as grandiose as possible so that it will be totally unacceptable. Turn it into a Trojan horse.

Senator Epps stated that she is on the Student Life Committee and part of their dreaming is not necessarily big money, it's a culture change. If she were to come in here and say "here is

what you're going to be doing as a faculty member", you might go "oh we don't want to do that". She doesn't think that's part of the process right now and agrees with Senator Kellogg – the ideas need to go forward. Senator Laughlin stated that the best thing that the faculty members on that committee could do is to try and make sure that there is as much actual information that comes out as possible. Not just big dreams but actual costs and how much is already being paid by students for athletic fees and how much more this will contribute to that.

Senator Rasmussen asked what the plan is for the Minidome if all this happens. Senator Bitter responded that there are multiple things being considered. First if it is decided to make basketball the premier sport on campus there would almost certainly need to be a new basketball stadium and the most likely place is right across the street from ETSU Physicians on the corner of campus. There is also talk of turning Walnut Street into a pedestrian mall that would work its way all the way down to city central. They think they would only be able to fund about half of that. So you're probably looking at using student fees to guarantee a loan of about 25 million. If you added football, the most likely place for the football stadium would be over behind the soccer stadium with a track build into it, an outdoor stadium. If you just built the football field it'd be about 12-16 million. If you build the track and football stadium and a building that would house the football players, tennis players, volleyball players you're talking 35 million. Between the 2 things, if you move forward with both of them immediately, you're looking at a capital outlay of 85 million, about 40% of which would be guaranteed under some kind of student fee basis. President Byington asked if the Minidome would go away. Senator Bitter responded that it would be retooled as a practice facility. There would be a football practice field, basketball practice field, indoor tennis and besides that, that building houses a lot of faculty offices and other things and those are simply not going away. It would also cost more money to get rid of the dome than it would to build new things. One final option is to not build anything new and completely remodel the inside of the dome. That's a hard thing to do because you would have to turn the basketball court 90 degrees, build enclosures and you would have to be able to take everything up for football practice.

President Byington announced that we are about 20 minutes over. He asked are there any other questions? Senator Bitter commented that people don't want to do anything at this point in time and that's fine. We are meeting as an executive committee tomorrow with Dr. Noland and he would probably bring up his concern then.

Senator Epps motioned to adjourn. Senator Forsman seconded.

ADJOURNMENT: The meeting was adjourned at 4:49 p.m.

Please notify Senator Melissa Shafer (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 or x96691).