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Faculty Senate, East Tennessee State University

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2012-2013 Faculty Senate

MINUTES—10-22-12

Faculty Senate—East Tennessee State University

UPCOMING MEETING:	FOLLOWING MEETING:
Date, 11-5-12 2:45 pm Forum, Culp Center	Date, 11-19-12 2:45 p.m. Forum, Culp Center

Present: Jim Bitter, Sally Blowers, Doug Burgess, Randy Byington, Bruce Dalton, Don Davis, Mohamed Elgazzar, Susan Epps, Emmett Essin, Virginia Foley, Allan Forsman, Rosalind Gann, Evelyn Hammonds, Jill Hayter, Ken Kellogg, Kumar Dhirendra, Tom Laughlin, Theresa McGarry, Lorianne Mitchell, Alan Peiris, Susan Rasmussen, Thomas Schacht, Melissa Shafer, Jerry Shuttle, Bill Stone, Kim Summey, Jerry Taylor, Paul Trogen, Meng-Yang Zhu, Yue Zou, Ron Zucker.

Excused: Daryl Carter, Charles Collins, Ronald Hamdy, Rick Hess, Kelly Price, Kathryn Sharp

Guests: Dr. Audrey Depelteau

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

President Byington turned the floor over to Dr. Audrey Depelteau, Interim Director of the ETSU Innovation Laboratory. Dr. Depelteau thanked the senate for allowing her to come in and speak. She began with an explanation on the Innovation Lab's history. It was an idea between Jim Hales and Dr. Stanton in the late 1990's and in 2002, through a military surplus grant, ETSU acquired sixty acres and the building which is now the innovation lab. It was created to be a business incubator to provide opportunities for faculty, staff, and students to have real world experiences. Now both ETSU-based businesses and external businesses are located there and in the past year and a half, the Lab has gone from 42% occupancy to 100% occupancy. The mission of the Innovation Lab is to affect the economic development in the community. The Innovation Lab has received two TVA grants. One will be used to create an Entrepreneur Center for faculty. She did advise the faculty to look over procedure 07 about outside employment.

Senator Schacht asked if the conflict of interest policy addressed the situation where a faculty and student are involved in a business venture together. Dr. Depelteau responded that she was not sure. She continued to explain that the Entrepreneur Center is a suite with three new computers and desks thanks to the Tennessee Small Business Development Center (TSBDC). They have a group of core courses in their curriculum that are free of charge. They also have two work spaces- a 'left-brain' space

and a 'right-brain' space available. All of this is free for any faculty, student, staff, and alumni of ETSU.

Senator Peiris asked if a faculty has an idea that has nothing to do with their activities or faculty status how aggressive ETSU would be in pursuing the rights for that and the patent. Senator Stone commented that in his experience, they were not as aggressive as he had anticipated. However, they did not give him a definite answer about whether he could proceed on his own or not which is problematic. He has found the lack of timely response to be the biggest issue.

Dr. Depelteau added that in the past they had no funds to assist faculty with patents. Now that occupancy has increased, they have about \$160,000 in the ETSU research foundation committee that may be given to help fund faculty patents. She suggested that they talk to Bill Duncan. If what is developed is involved in the faculty's research, ETSU will be a bit more aggressive and will want the first right of refusal. If it is something totally outside of ETSU and faculty's research, she doubts that ETSU would be interested. She finished by requesting that the faculty senate members spread the word about the Entrepreneur Center to their departments.

President Byington then moved on to the staff holiday food drive. Last year there were 71 families that were served through the food and monetary donations. He is hoping to do better this year and would like to up the number to 100 families. Some of the food baskets and gift cards go to students with need. Senator Schacht asked if that was different from the food pantry. President Byington said that it is different and is an annual holiday event. Senator Epps asked how is it determined who needs it. President Byington would have to defer that question to the staff senate.

President Byington stated that Dr. Noland has made it clear that he wants to reconvene the salary equity task force from last. The senate should decide if they wanted Tom Schacht, Kurt Loess, and Virginia Foley to continue in the role of representatives on that task force. Senator Essin moved that they continue as representatives and Senator Epps seconded the motion.

Senator Schacht then shared his experience on the salary equity task force committee. The committee chair announced what was and was not on the table. The second thing that happened was the administration punted to the senate the issue of the scope of the Equity Plan and whether it was going to cover only full-time permanent faculty or all faculty. The committee dealt with that in a way that, in Senator Schacht's opinion, divides them, but he understands the reasons for why it happened that way. The process of the committee was similar to the strategy in a basketball game - keeping everything up in the air until the last minute and then winning by running out the clock. When the committee got to September of 2011 it still had a fair amount of work to do and no further meetings were scheduled. Vice-president David Collins announced that President Stanton's got to have something on his desk by such a date. Everything else that happened from that point on happened through email without benefit of the ability to sit down and converse face to face. As a result, significant misunderstandings occurred.

They had thought from the very beginning that they had established as a basic principle that faculty and administrators would share the same group of comparable institutions. Apparently the word “doctoral” means different things when applied to faculty than when applied to administrators. The comparison group for faculty is the one agreed upon, but the one for administrators is a wholly separate group of seventeen institutions, the majority of which are private, one of which is for-profit, and a number of which are church related. How they compare to ETSU Senator Schacht does not know.

Senator Schacht also shared that Dr. Noland has concerns regarding the selection of the 60th percentile as the benchmark. That number was chosen simply because the college of Pharmacy already had an equity plan that improved at the 60th percentile. The committee thought it would be a problem if ETSU had a double standard from one side of the street as compared to the other. Dr. Noland’s take on it is that they have agreed to pay everybody 10% above average. Senator Schacht thinks that among the members of the committee there would have been no problem with going with a 50th percentile so long as it was uniform for the campus as a whole. But he stated that larger policy issue that goes beyond salary equity, is what does ETSU do when one unit wants to adopt a policy and does so that is then going to create competitive pressures with other units within the university? There is nothing in place that requires any higher level review to ask, what is the implication of this policy going to be for the institution as a whole? It could create a situation where rather than working together units are competing with each other.

Senator Schacht expects that President Noland is going to want to roll back the 60th percentile. Senator Hayter asked if there was ever any clarification between administrators, faculty, and the schools that each group is being compared to. She asked if that issue would be looked at by the upcoming Equity Pay Committee. Senator Schacht said that Dr. Noland thinks that the problem is due to the 60th percentile, but Senator Schacht disagrees. It is not the 60th percentile; it is the fact that they have a whole different comparison group. For example, the administrators are being compared to Southern Methodist University that has a 2.5 billion dollar endowment; it is no wonder their administrators are getting paid a lot of money. As a result of the word “doctoral” defining two different groups, when the equity plan came out, administrators appeared to be the lowest paid group on campus relative to their benchmark. Some administrators were scheduled to get really spectacular raises. President Noland lost a few nights sleep over this and then made a decision which Senator Schacht thinks was very wise. His decision was to cap all equity raises at an amount that equaled the highest raise any faculty member was currently scheduled to get. The end result was that would mean that the very large raises that administrators had been scheduled to get would be capped at \$5000 and more money would be pushed down into the pool for other folks.

Senator Essin said that this is the reason that Senator Schacht should be on the committee next year. Senator Schacht said that there were quite frankly strange issues. For example, there had been a consensus expressed repeatedly here in the senate that we wanted to make sure that an equity plan took care of those people who were most

disadvantaged over time. So the committee proposed a simple formula that would have created a weighting based on the size of a deficit and the duration of a deficit so that people who had a large deficit for a long period of time would have benefited more under the way the plan was going to be distributed. They were told by human resources that they could not generate information as to how long somebody had been at ETSU.

Senator Hayter asked if they could look at the anniversary check. Senator Schacht said no because apparently that reflects all state employment and faculty may have been working somewhere else as a state employee gathering seniority credits that way. What they thought were basic statistics which Human Resources claimed does not exist. Vice President Foley said that the human resources department claimed that they could not generate this without physically touching everyone's files. Senator Foley feels that is an important enough issue to go through everyone's file to create that information.

President Byington then moved on to the difference between administrators and faculty with regard to the peer institutions. In the policy, it states that the faculty senate will poll and recommend to HR by January 1st the set of peers for faculty. He does not recall anything in there about what happens for the same process for administrators. Polling the faculty and making a recommendation of any changes in that peer group by January 1st is written in the policy for faculty. That is why he sent out the email and he has gotten some feedback. He will pass the feedback about peers on to Virginia, Tom, and Kurt.

Senator Schacht clarified this saying that the basic rules by which the pools are created is not what is at issue each January. There is one category that is designed to address the needs of specific programs that do not have peers in our groups. Departments were invited to nominate specific schools that have comparable programs. President Byington said there is not even a mechanism for amending within the policy or making suggestions that he could see for the administrators' side. Senator Schacht said it is a plain rule that does not have any additions like that. The rule is simply based on budget size of an institution.

Senator Hayter asked if lecturers are being considered for the second round. President Byington said that is something that needs to be discussed today. Senator Taylor asked if lecturers are a part of ETSU constituents. If so, they should be represented and included. Senator Laughlin stated that they should be included as a part of the faculty. Senator Mitchell also thinks that they should be included in the equity conversation. President Byington then explained the difference between adjuncts vs. lecturers. Adjuncts are categorized in a policy at TBR with maximum per credit hour pay skills. They could not get around that policy at TBR for adjuncts. Lecturers are different.

Senator Kellogg said that giving the administration a way to have a body in the classroom on a much lower pay scale than what a tenure track or tenured faculty would garnish gives the administration a fiscal opportunity to cover the class at a reduced

price. He thinks that to save tenure, lecturers should be included on an equity scale. Senator Essin asked about post-doctorates. Senator Trogen said that post-docs are temporary. Lecturers, on the other hand, have been here for many years and have taught a lot of students. Senator Essin said that in his department, adjuncts have been there for long periods of time. Senator Bitter did not agree because full-time tenured and tenure track faculty have yet to be taken care of. By spreading equity to the lecturers and adjuncts, that is less for the faculty. He also said that lecturers and adjuncts being here for long periods of time is against the TBR policy. Senator Schacht thinks that the administration should have to decide who equity pay should apply to. If the lecturers and adjuncts do not get any money, he does not want the administrators to be in a position of saying the faculty senate did this. He wants the administrators to be responsible for this, not the senate. Vice President Foley agrees that the administration should decide.

Senator Trogen asked what happens to equity money for someone who is not supposed to be here 3 years from now. Does it just disappear? President Byington said that he is sure it addresses how much money is in the line. Senator Mitchell said she would assume it is in the line for that position, not that person. Senator Bitter said that that does not happen at a tenure and tenure track position. If a tenured faculty member leaves and in that position you hire an assistant professor, they do not get the same money that was in the tenured person's position. Senator Kellogg asked Senator Bitter who is responsible for policing the policy that a lecturer or an adjunct not being able to be renewed for more than so many terms. Senator Bitter doubts anyone is policing it because there have been no complaints. He doubts seriously that TBR has the man power to police every lecturer. Secretary Shafer asked if lecturers have any representation on campus. Senator Taylor said that the senate represents all faculty tenured or not. Senator Gann asked if a lecturer or adjunct could be a member of the senate. Senator Trogen pointed out that his wife was a representative in the senate and was a lecturer.

Senator Schacht pointed out another issue on the committee which has arisen because of the Affordable Health Care Act. The money that the university will have to pay to cover those who are not currently covered is going to be in direct competition for what otherwise might be an equity pool. Senator Forsman said that he was on a graduate committee and a student in public health researched it and, according to his calculations, if the university does not give faculty health insurance, it will save approximately \$13,000 per employee by paying the fine.

President Byington said that new statistics came out and the average cost for a family insurance plan is \$15,475. There is nothing in the constitution that says there could not be a member of faculty senate who is an adjunct or a lecturer if they were elected by the college.

Senator Laughlin said that Human Resources should be asked if adjuncts and lecturers fall under the category of staff or faculty. President Byington said that adjuncts are a separate category within TBR policy. Senator Epps said that according to the TBR

website, faculty is defined as regular full time personnel at institutions and area vocational technical schools whose regular assignments include instruction, research, and public service as a principle activity and to hold academic rank as professor, associate professor, or instructor in institutions. By that definition, a lecturer is not faculty.

Senator Stone pointed out that as time goes on more and more courses will be offered free online. He said that this needs to be planned for and is curious as to the effects on faculty income and salaries. He thinks that they should be proactive and planning rather than waiting for it to happen.

Senator Forsman said that on the university liaisons committee they have talked about this and are trying to find the ETSU niche in this. They are considering offering online courses for free so that way students can see how well they will do here before they come and pay to flunk out. This issue has been talked about a lot.

President Byington said that another topic that might come up is that ETSU has selected a group of peers, but ETSU does not know their full time to part time faculty ratio.

He then moved on to reports or updates from the 125 committee. Etsu.edu/125 is now beginning to be populated with mainly all the people on the committees and the minutes for at least these first task force meetings are online. Senator Stone asked if there was a site where faculty could go and make suggestions. President Byington said that each task force has a 'contact us' link. They have not created any blogs yet. He will check the progress of that. He then asked for updates from committee members.

Senator Epps is on the Student Life and Services Task Force. Dr. Noland stopped by their meeting and encouraged them to think big. They are now brainstorming. They are not concerned with details, only ideas. One big idea was that students should fight to come here.

Senator Forsman is on the Academics: Programs and Opportunities Task Force. One idea that kept coming up is that the name ETSU is holding the university back. They are working on 'what if' concepts. President Byington asked Senator Bitter to discuss the Athletics sub-committee on funding. Senator Bitter said that many of the big ideas are very difficult to fund. There is a coalition of people who want a football team because they have been told they should not worry about funding. The cost of a basketball and football team to students in fees would be between twelve and thirteen hundred dollars a semester. The sport that can make the most advancement on campus is basketball. It requires a new facility, but it is also the sport that is most likely to garner city and university cooperation. The most likely place for the stadium is on the corner of ETSU and University Parkway and State of Franklin. It could be used as a combination of a convocation center, basketball center, and welcome center. There is a possibility of creating a pedestrian mall that goes down from Walnut Street from there and restructuring the businesses to create a corridor and a bike path and a number of

other things in the main part of town. There is some financial feasibility for all of that. If that goes well, and ETSU starts filling a 7500 seat stadium for people to come and watch basketball, then that could be a springboard for possibly 5-7 years down the line to start the process of reintroducing football because it's generated enough interest, money, etc. to do that. Then that would be a chance to look at football and ask if it is affordable 7,8,10 years down the line.

Senator Peiris is on the Academics: The Health Sciences Task Force. There is talk of a dental school. It will be funded differently from the college of pharmacy, so there is some interest in that. Senator Peiris then inquired about the status of the creation of a faculty club. President Byington said that he and Senator Schacht had been talking about the faculty club and will look at it again.

Senator Kellogg said that he thinks that talk about 125 is moot because there will be a very different system with the Massive Online Offer Courses. Senator Zucker does think that Epic 2020 is coming. He thinks that ETSU should broaden its scope to go after more research grants and things like that and not solely teaching. They need to open new ground.

President Schacht said that there is an academic freedom issue at Emanuel Seminary because a professor wrote a piece in the Huffington Post about various ways that he believes the bible marginalizes women. That is not what some large donors to Emanuel believe, and they are threatening to withhold their money. It has gotten national press and the senate may want to make a statement about this down the road.

Senator Schacht then introduced a faculty handbook item. He referenced the sub-committee's response to the proposed changes to the handbook by deans Anderson and Garceau. The deans had removed all references to professional development, but sub-committee does not think that they can do that because TBR has its own policy which requires that institutions address the issue of professional development. The subcommittee emphasized the planning component of the evaluation process so that it has been written in such a way that just clarifies that the evaluation follows a plan and should track what was previously planned. There is some language that has been put into the last section emphasizing the importance of due process. There is also something on page 2 that anticipates a potential future development that has not yet happened. There is a reference to the academic freedom faculty ethics and professional standards committee. At this point, that committee does not actually exist. We have the academic freedom and faculty ethics committee, which is in discussion of possibly expanding the scope of its charge to include dealing with issues of professional standards. If that goes through, this will be relevant. If not, it would have to be modified. President Byington requested that he send the electronic document so that it can be made an attachment for a more full discussion at the next senate meeting.

The last thing on the agenda is the TSU situation with the faculty senate. Senator Schacht said that the TUFs meeting at Sewanee was mostly devoted to TSU. The national chair of governance was there, as was Dr. Davis, and TSU's AAUP chapter

president. Dr. Davis described her arrest. She stated that as she had begun to talk while seated in her chair, the president of the university motioned through the door for the police officer who had been stationed outside to come in. The police officer, without further instruction, proceeded to arrest Dr. Davis. Apparently this action had been prearranged.

President Byington asked if there was any other business that needed to be discussed.

Senator Burgess sent out an email to all of the people on the Ombuds Committee to schedule a meeting.

Senator Bitter said that Friday was the faculty sub-council meeting at TBR. They had a meeting with Chancellor Morgan who has agreed to set up a working group that will include a university president, (they have asked for President Hall from Austin Peay), 2 faculty members, 2 chief academic officers, and a couple of people from the board to sit down and essentially start from ground zero to develop the protections for faculty who engage in shared governance. This is a moderated response to the TSU situation and to the fact that last year we proposed an academic freedom expansion that would include shared governance and it was passed unanimously by the faculty sub-council and killed unanimously by the chief academic officers sub-council. That working group will start within the next few weeks.

A second working group was created to look at restructuring the Academic Affairs office at TBR. They recommended that President Noland be put on that working group along with a couple of our faculty and chief academic officers. Senator Bitter stated that one of the problems with TBR from his perspective is that almost everything that is meaningful is being controlled by lawyers. This thing where legal is the major determiner of what goes on is problematic at a lot of different levels. There are going to be many other issues coming up soon including renewable contracts for part-time and adjunct faculty. They are looking at the hiring form and looking how it stands in relation to policy and a number of other minor issues. He thinks that for the next 6 months the TSU issue is going to dominate everything.

Burgess- motion to adjourn, Schacht 2nd.

ADJOURNMENT: The meeting was adjourned at 4:27 p.m.

Please notify Senator Melissa Shafer (shaferm@etsu.edu or x95837), 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).