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Faculty Senate, East Tennessee State University

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MINUTES—09-10-12

2012-2013 Faculty Senate—East Tennessee State University

UPCOMING MEETING:	FOLLOWING MEETING:
Date, 09-24-12 2:45 pm	Date, 10-08-12 2:45 p.m.
Forum, Culp Center	Forum, Culp Center

Present: Beth Baily, Jim Bitter, Sally Blowers, Doug Burgess, Randy Byington, Daryl Carter, Charles Collins, Bruce Dalton, Don Davis, Dharendra Kumar, Susan Epps, William Fisher, Virginia Foley, Allan Forsman, Rosalind Gann, Ron Hamdy, Evelyn Hammonds, Jill Hayter, Rick Hess, Ken Kellogg, Tom Laughlin, Kurt Loess, Theresa McGarry, Alan Peiris, Kelly Price, Susan Rasmussen, Thomas Schacht, Melissa Shafer, Kathryn Sharp, Jerry Shuttle, Taylor Stevenson, Kim Summey, Jerry Taylor, Paul Trogen, Jennifer Vanover-Hall, Teressa Wexler, Ron Zucker, Yue Zou.

Excused: Sharon Campbell, Rick Hess, Kurt Loess, Lorianne Mitchell, Jim Thigpen

Guests: David Champouillon

CALL TO ORDER: President Byington called the meeting to order at 2:45p.m.

President Byington made a motion to approve the minutes from the Faculty Senate retreat. Vice President Foley seconded this motion. The minutes were unanimously approved.

President Byington then explained that, in order to stay neutral, he would like to be reported as abstained in all future votes.

President Byington went on to the next order of business, which was the senior staff meeting held that morning. The first item from the senior staff meeting involved the press conference and release regarding the enrollment numbers. The enrollment is relatively flat at ETSU this year. Across the state, everyone, with maybe one exception, is down by 3 to 4 percent in enrollment. Some institutions are only down two-tenths of a percent, but the trend across the state is a decline in enrollment. The declining enrollment may be because of the increasing cost of higher education, so this will most likely stir a debate among legislators.

The second item discussed was the committee for 125. The committee met on August 29th. They came up with six task forces to look at division of process. They are looking for at least 3 faculty members to be on each of the committees. Faculty Senate members may nominate colleagues or they may self-nominate. On Monday, [September 17th] the senate executive committee will look through the nominations and choose three to five people per committee. A question that has come up is why there

is no task force on research as a whole, but President Byington believes that research will be covered under the academic matters task force.

Senator Davis asked which task force dealt with the arts department. President Byington replied that it may go across multiple task forces because some aspects of the arts may fall under the culture and outreach task force, while other aspects may fall under the academic task force.

Senator Epps listed the task forces: Academics: Programs and Opportunities, Academics: Health Sciences, Athletics, Culture and Outreach, Extramural Resources, and Student Life and Services.

President Byington added that each of the task forces has a Senior Staff person assigned to it. The Academics: Programs of Opportunities will be Dr. Bach. Dr. Bishop will be working with Academics:- Health Sciences. Dave Mullins will be working with Athletics, Fred Sauceman will be working with Culture and Outreach. Extramural Resources will be Dave Collins and Student Services will be Joe Sherlin. These are not the chairs. The chairs have not been named yet. These are only the staff who will be working with the members of these committees. The chairs will be finalized and named sometime in the next couple of weeks.

Senator Schacht had a question about President Byington's first comment about enrollment. He asked if the budget was based on a projection of increasing enrollment. President Byington replied that the budget for this year was based on zero enrollment growth, so the budget this year will not be affected.

Senator Schacht then asked about the reasons why enrollment was flat this year. He asked if there was more attrition than usual or if it was caused because they had fewer new students.

President Byington does not have the reasons for it yet. He then moved on announcing that the 125 committee will be in place by October 4th and that all of the committee chairs will be in place by this date. If anyone on the senate knows someone in the community that he or she would like to nominate for a particular task force, senate members may do so by sending the nominations to Jeremy Ross, who is working on the 125 committee.

Senator Schacht explained a situation at Tennessee State University that potentially has implications for all faculty members in this state. In late July, the Tennessee Board of Regents Academic Council, the council of provosts, with one abstention unanimously rejected the faculty proposal to extend academic freedom protections to participation in shared governance. Within 4 weeks of that vote, a dispute arose at Tennessee State University between the president of the faculty senate and the president of the university.

The faculty of TSU had raised some concerns about the administration unilaterally changing about 270 grades of incomplete to letter grades without consultation to the faculty who were teaching the courses. The administration's position was this was an administrative correction of some error, and the faculty disagreed. The faculty senate president, as part of dealing with this issue, spoke to the press and also spoke to some legislators. The matter ended up in some ad-hoc legislative hearings that were quite embarrassing to the administration of the institution.

At the first faculty meeting of the year the president of the university criticized the performance of the president of the faculty senate and announced that she would conduct a poll of the faculty to determine whether or not the president of the senate should be retained. That poll was conducted by email, it was announced that morning, it was closed 24 hours later with only a small minority of faculty participating obviously because of when in the year it was held, the very short notice and short time frame.

Several days later, the president of the university sent out an email calling for a faculty senate meeting. When the president of the senate arrived at that meeting, the president of the university handed her a letter which said basically, "I no longer recognize you as the president of the faculty senate". When the president of the faculty senate attempted to speak in protest about all of this, she was basically told to sit down and shut up. When she refused to shut up and refused to leave the meeting she was arrested and taken away in handcuffs - allegedly for violating the statute called disorderly conduct which says that it is a crime to disrupt any lawful meeting. The president of the university then installed the president elect of the senate, the equivalent of our vice president, who is an un-tenured assistant professor, as the new president of the senate.

The TSU chapter of the AAUP [American Association of University Professors] has investigated the situation and has issued a public statement that came out a few days ago saying they do not recognize the legitimacy of any of this process and they recognize the current [deposed] president, Dr. Jane Davis, as the continuing president of their faculty senate. So far the central administration of TBR appears to be backing the administration of the university. A question was raised by Dr. Jane Davis as to what TUFSS should do with respect to who it will recognize as the representative to TUFSS from Tennessee State University.

President Byington interjected for new senators who may or may not know that Tom Schacht is the president of TUFSS.

Past President Schacht continued that since the AAUP statement has come out in the last few days, he is inclined to leave the issue as the status quo and basically say Dr. Davis is the appointed representative to TUFSS and will remain so until a process of TSU is established for either affirming or removing her, or unless there is objection from the TUFSS members. He then asked if the senate had any objections to just leaving Dr. Davis as the representative to TUFSS.

Senator Collins inquired whether there is anything in TUFSS bylaws that states the president of the senate in various locations is automatically the TUFSS representative.

Past President Schacht replied that yes that is pretty much how it goes. A senate can appoint an alternative representative, but in the absence of doing so, the senate president is the representative.

Senator Dalton concluded that the AAUP has stated that they're going to continue seeing her as the senate president. He added that when someone makes a legal challenge to Dr. Davis' representation on TUFSS, we could address it at that time. Until that time Dr. Davis should remain the recognized representative.

President Byington asked that we consider agenda item #4 as it should be a fairly quick item. He stated that a change in the by-laws requires two meetings of the senate. At the senate retreat we initiated a by-laws change adopting the recommendations of the committee that studied our standing committee structure. Ratifying the amendment requires a majority of faculty senate voting in an official senate meeting to be held no sooner than one week after the initiation has been completed. President Byington asked if there was a motion to ratify the amendment. Senator Burgess moved that the proposed changes be ratified. Senator Taylor seconded the motion. All approved with one abstention. President Byington concluded that now that we have a structure in place to know what committees we currently have, we'll begin to fill in our own internal senate committees over the next month or so.

President Byington then turned the floor over to Handbook Committee Chair David Champouillon for agenda item number five, which deals with the handbook regarding the section "Faculty Development and Evaluation."

Champouillon explained that a sub-committee was dealing with section 2.2, "Evaluation and Professional Development." Champouillon added this into the present system. The wording had not changed from what was used. He showed this on a projection and explained that words in red are what was deleted and words in yellow are what the sub-committee is hoping to add. The faculty senate will need to vote on whether the suggestion is good. He then opened the matter to discussion.

Senator Epps asked about the title, "Evaluation of Professional Development." Because there is not mention of professional development and faculty is evaluated on their workload, this title does not fit.

Guest Champouillon replied that this year, the handbook committee is charged with examining the titles to see if they make sense.

Senator Bitter voiced concerns about the last paragraph. The last paragraph regards post tenure review for faculty members who are tenured and are not going up for promotion or tenured at full professor. He then quoted the list of possible outcomes: "Actions may include but are not limited to: implementation of procedures for termination of tenured faculty as stipulated in the ETSU faculty handbook or contract for non-renewal." With this statement, tenure is almost meaningless. If this statement must be there, there needs to be several steps and actions that are less severe so that there is more than just the termination process. This needs to be more clearly designed, more clearly written and the actual steps that would be taken in relation to a tenured faculty member need to be spelled out. Otherwise, it can, in fact, be that somebody just doesn't quite like the faculty member and he or she is trying to find ways to evaluate them that will in years hence, get rid of them. Senator Bitter thinks that, as is, this would be dangerous to send forward.

Vice President Foley agreed with Senator Bitter and added that timelines should be included with the potential actions. She also thinks that faculty should have plenty of notice and opportunity to correct the problem and provide evidence that it has been fixed.

Senator Kellogg agreed that there are too many holes in that paragraph. Senator Epps pointed out that because it is based on faculty development, but now self-improvement effort has replaced faculty development, faculty cannot be evaluated on faculty development because it no longer exists.

Senator Burgess said that he thinks it should be gotten rid of entirely. Senator Schacht said that the problem is it cannot be gotten rid of entirely because what it speaks to is number seven on the list of statutory criteria for termination of tenure. It is falling below professional standards. Senator Schacht suggested that they take language from the faculty handbook at the University of Memphis, which places the determination of when a faculty member falls below professional standards in the hands of a faculty committee. The administration does not get to determine that. That committee is functionally like ETSU's academic freedom and faculty ethics committee that is charged with making the determination of when a faculty member falls below professional standards. Related to that is the meaning of the idea of "falling below professional standards". From reading the statute, that language could be interpreted to mean just below average, which means by definition 50% of the tenured faculty in any department are in jeopardy. Senator Schacht thinks that by making a committee and establishing rules for this, it could be made similar to the concept of malpractice. Malpractice is below a standard, but it is so far below that no one is ever allowed to go there. This would be much better than being judged merely based on an average.

Senator Bitter then moved a down vote on it as written with a specific timeline given to them when we will propose new language for this part of the policy. Senator Schacht seconded this.

Senator Schacht gave another concern about a phrase that talks about the faculty activity plan and report and says that it is previously approved. In his experience, faculty members do not get the plan approved by their chair until after they have written. Saying that it is previously approved means that faculty would have to negotiate with their chair before the report is prepared. Senator Schacht suggested that it not be previously approved, but that it be proposed and if there is going to be any changes, those changes get negotiated at that meeting with the chair so that faculty members have paper trail.

Senator Burgess told of a chairman that, in light of a grievance in his department regarding a revised workload document, proposed to his department a new workload agreement for 2013-2016 which dispenses entirely a departmental level workload and automatically sends any dispute directly to the dean for the dean's decision. It tells the faculty precisely what percentages they can claim.

Senator Blowers asked if there is a college level workload.

Senator Burgess replied yes, there is a college level workload.

Champouillon explained that one of the big subjects about the handbook deals with ownership. There are certain things in there that are TBR's, and ETSU does not own that. There are certain things that are in there that ETSU does own, but this is one of those things that the administration will argue.

Champouillon's concern is that when it gets back on the meeting, and it does come up for a vote, they simply vote it in, which they can.

President Byington said that the dean's council and Dr. Back are aware that there are issues with this. What President Byington anticipates to be the outcome of the vote will not be a surprise to them. It is a matter of how we try to work through the issues to get them modified into ways that provide faculty with protection and result in a better product than what existed before.

Senator Collins said that in section 2 on faculty employment, there is an existing section on faculty workload and how it is determined. We cannot propose how it is determined because that is already in there. It leaves a lot up to the department in establishing things, but it is in there that the workload agreement is made ahead of time. Senator Collins does not think that that is a point that can be argued because it already exists. Champouillon said that it was already there, which does present a problem, but it needs to be changed.

Senator Bitter said that when a policy is opened for review, the entire policy is opened. It does not necessarily have to be taken out, but it does need to be specified and specified in ways that are protective of faculty rights. This is simply adding language to the document.

Senator Gann explained that in her department, they have a workload rubric where the faculty has to predict what percentages their workload will be spread over teaching, service, and research. It does not seem right to her that even though she works hard, her review is based on how close she was to a gamble. It is impossible for faculty to predict exactly what they will do.

Senator Schacht went back to Senator Burgess's comment saying that the chair who is making a one-size-fits all workload for the faculty in his department is essentially saying, "I'm going to modify my own workload to liberate me from the requirement to think about the individual situation of every faculty member in my department. I'm going to do this as simply as possible so I can be lazy." The same thing could apply here. One of the duties of a chair is to support the professional development of their faculty. This document strips that out of the job description of the chair. Senator Schacht is wondering if this might get more traction rhetorically when the senate talks to the administration about this if it is presented in a way that is not merely taking something away from faculty but as a modification to the job description of chairs that has not been reviewed as such.

President Byington then called a vote for Senator Bitter's motion. All approved with one abstention. President Byington then said that the two deans who have been working on this are Anderson and Garceau. One course of action could be that the senate appoints two to four senators to work with Dean Garceau and Dean Anderson on final details of language and then come back to the senate.

Guest Champouillon thinks that Dr. Bach would say it needs to go back to the committee who did this.

President Byington said that he has had discussions with Dr. Bach and he appears to be amenable to having the final details of this worked out with Dr. Garceau and Dr. Anderson. President Byington then raised the question of how many people the senate would like on this ad-hoc committee.

Senator Schacht suggested that the faculty do this on its own, not with the deans; he would like the senate to have an independent proposal without them in the room while the senate is thinking it through.

Vice-President Foley agrees with Senator Schacht.

President Schacht said that he is concerned about having a committee with the deans on it because if there is a division of opinion on that committee, there is going to be some sort of compromise that comes out of the committee. That compromised document will be the only document that gets presented to the academic council and works its way through the flowchart. On the other hand, if the senate makes its own document stating exactly what it wants and the deans create a competing document, at a minimum the academic council will have to choose.

Senator Epps asked if it would put people from those colleges at a disadvantage if they were the representatives to then have to deal with their dean.

Senator Kellogg said that he likes the idea of anonymity, because if the senate puts members of the college of Arts and Sciences and members of CBAT into Garceau and Anderson, and there is a disagreement, nothing good can come of it.

Senator Epps made the motion for an ad hoc committee to address language. Senator Trogen seconded. All approved with one abstention.

President Byington suggested that David Champouillon chair the group because it is a handbook committee issue. Guest Champouillon declined.

President Byington then asked the senate how many members they would like and suggestions for who should be on the committee. Senator Trogen suggested Senator Bitter and Senator Schacht. Both of them are not in either of the two colleges with the deans and they each would be more than ample spokes persons in confronting power with truth.

Senator Byington then asked for any other nominees. Senator Burgess volunteered. Senator Bitter requested that a female from the faculty senate be on it. Senator Gann volunteered.

Champouillon moved on to an unrelated topic saying that in the handbook, it explain the formation of a search committee to hire a chair. Presently, it states that three departmental faculty members, an external faculty member, one student, and three people the dean chooses will be on there. Basically, of the people who decide who the chair of the department is, only 3/8 of the search committee works in that department.

Senator Bitter said that it says that three of them must be in the department; however, it is possible that the dean could pick people from the department. Senator Bitter also pointed out that the faculty does control five votes. Usually, the student will also go in the same direction as the faculty. Although theoretically what Champouillon said is accurate, that is usually not how it works.

Senator Gann said that in her experience, the process was not as satisfactory as Senator Bitter suggests.

Champouillon said that his point is that 3/8 faculty from that department is not enough. Senator Schacht pointed out that having a committee that is over weighted by faculty in the department would be vulnerable to corruption in terms of making deals with potential candidates that would benefit them personally. If the majority of the committee is from outside the department, then there is less potential for conflict of interest. Senator Schacht thinks that the question of how chair searches are handled is important, and that there are problems with the whole process that are more than just numbers.

Champouillon said that another problem is that if a faculty member is in that department but is not on the search committee, he or she cannot look at the candidates' credentials. President Byington said that that issue is currently being discussed with Human Resources.

Senator Gann asked Senator Schacht why a committee weighted in the direction of the faculty would be more susceptible to corruption. Senator Schacht said that this is simply because those people have an interest directly related to what that chair is going to do in the future. Simply because those people have an interest directly related to what that chair is going to do in the future. In theory, they could make a deal with that person saying that they will hire that person if that person promises to do certain things in the future.

President Byington moved the topic to filling university committees. Steve Cockerham has said that he would be willing to continue his role on the instructional development committee subject to the approval by the senate. Vice President Foley moved to recommend him on that committee again. Senator Epps seconded it. All in favor with one abstention.

President Byington said that Bob Morgan has agreed to continue on the veteran committee. Senator Bitter suggested that President Byington name them all and the Senate will vote all of them at once. President Byington said that the only other committee nominations are Jim Bitter on the Commission for Women, Bob Morgan on the Instructional Development and Melissa Shafer on Disclosure Review. Senator Bitter made a motion to move all of them. There was a number of simultaneous seconds. The motion passed with one abstention.

President Byington then said that someone is needed to replace Senator Bitter on the classroom utilization committee. Senator Bitter would like to continue with women's issues, but he would like to be replaced on the classroom utilization committee. Senator Forsman offered to hold the position of both faculty and senate representative on that committee. Senator Collins pointed out that this is not a good idea because it would reduce the number of faculty votes. President Byington asked for recommendations for someone to be on that committee. Senator Hayter volunteered.

President Byington said that Bryan Maxson is the faculty member at large representative for undergraduate general education advisory committee, and he would like to be replaced. Therefore, he is looking for a nominee for that committee. Senator Epps asked if nominations had to be filled today. President Byington said that the senate needs to fill as many as they can. Senator Burgess volunteered.

Senator Schacht suggested that instead, the senate contacts the chair of the QEP task force to see if the senate can get a nominee who is involved with that project. That way, the project will be represented on this committee. President Byington asked who the chair of that committee is. Senator Epps replied Amy Johnson.

President Byington announced that there have been changes in the University Wellness committee. Marie Jones was the Library representative and it has been suggested that she be replaced by Allison DePollo. Susan Hossler is to be replaced by Carolyn Merriman. Since the Honors College has no faculty, staff member Donna Williams is willing to continue as their representative. President Byington stated that he is still waiting on an email back from Richard Gregory. Senator Hayter interjected that she had talked with Richard about it and he said he would do it. President Byington continued that Ann Disque would like to continue in her role and that Stacy Williams would like to rotate off. She has recommended that we contact Dr. Will Dalton, or Jodie Polaha. That covers all of the University level committees at this time with the exception of those two that we will contact.

Vice President Byington said that Dr. Noland is interested in forming a committee to look at some of the traditions we have here on campus. He wants to examine traditions that have outlived their usefulness or new traditions that should be started. This could include everything from Fall Convocation to Graduation. Fred Sauceman will be chairing the committee. He will be looking for three faculty, at least one staff person, and at least one alumni. Vice President Foley nominated Don Good. Senator Schacht nominated Delanna Reed. Senator Collins nominated himself.

Senator Epps said that there should be more representatives from staff on that committee. President Byington said that there may be more than one; the chair requested at least one. President Byington then said that the Arts and Sciences senators need to caucus maybe in the next few minutes and select someone to replace Jerome. It has been suggested that Wesley Buerkle might be willing to serve. Senator Schacht asked if anybody had talked to Wesley. Vice President Foley did last night and he said that if he was selected, he is still willing to serve.

Past-president Schacht noted that there are vacancies on the Academic Freedom and Ethics committee. He was going to be convening that committee shortly and having the full complement of members would be a good idea. President Byington asked if Schacht would convene that group and see if they are still willing to serve and report back with the number of vacancies. Schacht agreed.

The meeting was adjourned with the exception of Arts and Science senators.

ADJOURNMENT: The meeting was adjourned at 4:15p.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).