

# 2013-2014 Faculty Senate

## MINUTES—March 17, 2014

Faculty Senate—East Tennessee State University

UPCOMING MEETING:	FOLLOWING MEETING:
March 24, 2014 2:45 pm	March 31, 2014 2:45 p.m.
Forum, Culp Center	Forum, Culp Center

*Present:* Katie Baker, Robert Beeler, Jim Bitter, Sally Blowers, Randy Byington, Kathy Campbell, Bruce Dalton, Susan Epps, Tammy Hayes, Jill Hayter, Ken Kellogg, Dharendra Kumar, Mary Ann Littleton, Kurt Loess, Fred Mackara, Theresa McGarry, Lorianne Mitchell, Jerome Mwinyelle, Kerry Proctor-Williams, Thomas Schacht, Melissa Shafer, Kathryn Sharp, Taylor Stevenson, Paul Trogen, Jennifer Vanover-Hall, Shimin Zheng.

*Excused:* Patrick Brown, Doug Burgess, Charles Collins, Virginia Foley, Allan Forsman, Evelyn Hammonds, Tom Laughlin, Alan Peiris, Deborah Ricker, April Stidham, Teresa Wexler.

*Absent:* Dave Arnall, Beth Baily, Sharon Campbell, Daryl Carter, Mohamed Elgazzar, Rosalind Gann, Keith Green, Nick Hagemeyer, Ron Hamdy Bill Hemphill, Bill Stone, Kim Summey, Jerry Taylor, Jim Thigpen, Meng-Yang Zhu, Yue Zou.

*Guests:*

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

President Byington announced that there were a number information items. The senators should have received a legislative update sent by Vice-President Foley via email and he sent another today. The legislative update was a print edition from the March 3<sup>rd</sup> senior staff meeting. The update from this morning is that the Counseling, Social Work/ Psychology bill is going to be introduced into the House Education Committee this week. It is anticipated that it will move slowly if it moves at all. Rusty Crowe is on that particular committee and he is very well aware of the concerns around that bill.

He continued that there is some legislation around the Common Core. One of the false things being said is that the State of Tennessee had no input in the Common Core. It is not true. ETSU's College of Education has been pretty significantly involved in that, the official stance that ETSU is in favor of the Common Core.

Senator Kellogg asked if there is something going on here that we do not know about. President Byington replied that he did not think this was actually said at the meeting but it is one of those

things where 'we don't like the federal government telling us what to do', trying to set standards and they set them for our state.

Senator Epps asked if someone could explain Common Core and the issues around it. Senator Sharp stated that they tried to streamline and unify the standards because the standards were different in every state. It was just field tested 2 years ago and there are some gaps in it. The issue is they are sort of making us do this; we're sort of expected to do this thing. They're dictating what we teach in our schools. That's the biggest issue with it. It is an attempt to stabilize and unify curriculum and it has to some degree done that. But there are some gaps in it and there are definitely some problems.

Senator Epps asked that the issue is then not in terms of content? She had heard people complaining about the common core but with two kids in the K-12 system she didn't see a problem with what they are getting in school. Senator Sharp commented that the problem is the curriculum creators that create the textbooks. Senator Proctor-Williams added that there is also a problem with kids with special needs.

President Byington announced that the bill concerning undocumented aliens is moving quickly through. He said that the legislation that is related to the controversy over student fees and UT's Sex Week, since those are student activity dollars they can't really tell students how to spend their dollars. So they have come up with creative ideas like having to award dollars to student organizations based upon proportional numbers of members of the organizations and having to have speakers pre-approved. That is still going through. He said that he didn't know if that one would be derailed but there are a lot of implications. It is pretty disconcerting to folks in Student Affairs all across the state because speakers come from everywhere.

Senator Beeler asked it that affects people brought in to interview for a position. Typically when a candidate is brought in to interview he or she gives a talk on his or her research or teaching as part of the interview.

President Byington said that as he currently understands it, it doesn't impact that because he or she is not a student speaker; it is part of an interview process. This affects people who come in to do seminars. All of the things student fees are supporting. There has been one proposal where people would be able to opt out of their fees by declaring "I don't want my money to fund this speaker, so therefore I'm going to opt out of that."

President Byington continued that another piece of legislation that is of concerning has to do with the state budget. There is a proposal to limit state employee's fee waiver on tuition reimbursement to 4 credit hours or 120 clock hours per semester. That is something that should be on our radar.

He said regarding the Tennessee Promise and the lottery scholarship changes. TUFS doesn't have an official position although there has been dialog circulated back and forth between some of the faculty senate presidents. Anyone who has tried to talk with the legislators so far at least from a public standpoint has been given a stiff arm. "Thanks for your opinion, but no thanks we'll do this ourselves." In the state of Tennessee there is an organization of Tennessee

Independent Colleges and Universities and they are proposing some changes to the Tennessee Promise Scholarship that seems to be getting a little bit more of a fair hearing than anything that has come from the public side so far. Senator Mackara stated that this is one of those areas where the faculty and administration have a common input and we ought to maintain a dialogue with the administration about this. How can we best work together - whether it is to encourage people to send individual letters or whether we work together as a collective? This is a good avenue for us to work cooperatively.

President Byington announced that housing applications are up 120 over this time last year and commented that it was a good sign. Senator Schacht asked if there was any discussion about potential impact of all the private housing developments. President Byington replied that the only impact he has heard is that the likelihood of ETSU saying that we want to build more on-campus housing is about zero. In the fall semester we usually run at least 93% occupancy. In the spring semester the occupancy can drop into the 80's. There is a rumor that the football players were displacing other students in housing. Athletics encourages their players to stay in on-campus housing. If you have 47 more football players or 47 more soccer players then yes, there potentially are going to be 47 beds filled. It is preferred that the money to be spent at ETSU rather than the Athletics spending the money for the students to stay over at University Edge because it keeps the money within the ETSU system.

President Byington announced that ETSU has just been named an Olympic training facility for kayaking. The Academic Program Review Committee which Vice-president Foley is chairing and the Administration Program Review Committee that Dr. Bach is chairing will begin work sometime during the next week or so. That will be an 18-20 month process. The academic side is very heavily weighted with faculty and there are some faculty representatives on the administrative side. He stated that state revenues are currently \$200 million behind projections. That is not anticipated to make a difference in this current year budget, but it may mean that the budget the Governor just proposed in January may have to be revised quite a bit as it goes into the next year.

President Byington said that we are missing Senator Collins from the College of Pharmacy. Senator Collins had a massive coronary at the Speedway yesterday and he's at Bristol Hospital right now recovering so he will not be back with us for a significant period of time.

He continued that there is a proposal to increase the hotel/motel tax by about 3% which still puts Johnson City's hotel/motel tax under the state maximum and it actually still puts it under the rate Kingsport uses. There is a proposal to use most if not all of that tax increase for particular projects that are related to partnerships between the city and ETSU, as an example, pedestrian safety. There might be some money that would be able to be partnered with ETSU if they go forward with using Freedom Hall as a basketball arena. Johnson City would like to bid on hosting the national NAIA track and field championships and there are a few things required by the NAIA before they'll consider an application to bid that would probably be located at ETSU. The reason that hotel/motel tax is important is because a lot if not all the money would be geared toward projects that seem to be interrelated with tourism and fine arts and joint use of facilities.

President Byington announced that the search for the Director of the Marching Band is underway. The first candidate was supposed to be interviewed today. The College of Business and Technology Dean has been narrowed to 6 candidates and they will begin doing some Skype interviews. The Honors College Dean internal search will be posted this week.

President Byington said that many of you may have already participated in some focus groups related to student retention. The focus groups are pretty much a listening session of faculty opinions as to why students are leaving or why are they not successful. Are there ideas that faculty have that might be helpful to student retention and success? He said that there will be attempts made to get input from students who have left. They are buying data to find out where students enroll once they leave ETSU. That data can actually be bought. Getting in touch with students who have left, they're going to try to do that but it is sort of tough.

Senator Epps asked if they are talking to current students. Students are going to talk to each other more than they're going to talk to most of us. President Byington said that he can't recall. He said that one of the reasons Mike Hoff was going to be here two weeks ago was to solicit people to actually run focus groups. There was some concern that people would not be as honest if their deans or chairs were conducting the focus groups. That had to sort of go forward because of timing. Senator Mackara asked where the SGA stood on this. President Byington replied that they support this and are very supportive in particular of the contacting the students. Senator Blowers commented that you may not be able to reach those students who have actually left, but maybe we could have a target focus group of students who have friends who left. President Byington said that was a good point.

President Byington announced that this came before Academic Council and he said he would take it to Faculty Senate and if need be, he could do a faculty poll - there have been complaints from students and from student's parents that our criteria for Dean's List is out of sync with the criteria for Dean's Lists across the US and in particular across Tennessee. ETSU is higher at 3.7 GPA. In an average semester we have about 20% of our students qualify for Dean's List. The only other university that provided its percentages was MTSU which has a 3.5 GPA and about 30% of their students are on the Dean's List. Our criterion for Dean's List is higher than our criterion for graduating Cum Laude. Graduating Cum Laude takes a 3.5 GPA but it takes 3.7 GPA to get on the Dean's List. The subgroup of Academic Council that has been looking at this basically has suggested that we have four ways that we could go with this: A. We could leave the dean's list as it currently is; B. We could actually go to 3.5 GPA; C. We could say we want to go to 3.5 GPA with no grade lower than a B-, currently we allow people with C's on Dean's List; or D. We could go to a 3.5 and create a new list, say a President's List for people who are at 3.9 GPA or wherever. President Byington Said that his task from this particular subgroup of Academic Council is to come up with a consensus for guidance as to what you would like me to report back or if you want me to poll the faculty.

Senator Kellogg said that he didn't understand the significance of 3.7. He would be in favor for the 3.5 and if you want another level of distinction you could always add the Presidents List at 3.9 as well.

Senator Schacht commented that this sounds like a backdoor into the issue of grade inflation. We happen to be the most rigorous among the group, but why should we engage in a race to the bottom?

Senator Epps said another option is just giving everybody an Honors Distinction. Senator Beeler stated that a 3.5 GPA is not that difficult, but it puts us in line with the other schools. We can always introduce this fourth thing, the President's List at 3.9 then you'd have one that is really selective.

Senator Schacht asked if anyone has talked to the public relations people about how they would spin a news story that says ETSU lowers its standards.

President Byington replied that what has been talked about is the criterion for making dean's list is always listed in every one of those articles. That's what started this ETSU's is 3.7 and 3.5 where everyone else is. He asked if the senate wants him to send this out to the entire faculty. He stated that Mike Wallace is taking this to SGA.

Senator Schacht commented that if it is the Dean's List, it is not something that the faculty has to bless one way or the other. It is the Dean's list. President Byington said that the Academic Council does need approval. Senator Schacht challenged why it needs their blessing. In the same way the Honors College wanted to give an award to designate faculty as Honors Faculty and we said to them it is none of our business. Why can't the deans give an award to anyone they want? President Byington said he thinks the answer is that they can. He thinks it is a matter of Academic Council and has no idea what the dean's preference is. He asked where we should cast our votes.

Senator Bitter said that he is in favor of just leaving it as is. He would prefer them putting energy into explaining why our standards are so high and here is what it means to you if your child makes it.

Senator Mwinylene asked why we really have to worry about parents having a say in the way we do business in the first place. He is concerned that some people might integrate this as lowering standards so he believes we should leave it as is.

Senator Stevenson commented that it seems silly that you could never make Dean's List and receive an honor at graduation.

Senator Epps said that this originated with a parent who was upset that their child did not make Dean's List. Senator Kumar asked if it was just one parent. Senator Epps stated that was what she gathered. Senator Schacht commented that it says something important about our institution that a single letter from a disgruntled parent mobilizes all of this administrative effort on our part. There is something wrong with our system that can't simply digest a complaint without doing this or that validates this parent's complaint on the basis we're different from other institutions. My response to the parent would have been of course we're different. Good. Next.

President Byington said to bring it to a closure, if we could do a show of hands to guide us. All in favor of option one – leaving the GPA at 3.7? Fifteen senators in favor of option one. All in favor of option two, revising the criterion to a GPA of 3.5? Three senators in favor of option two. All in favor of option three - revising to a 3.5 GPA with no grade lower than B-? Three senators in favor of option three. And a show of hands for option four - creating a new list with President's List? Three senators in favor of option four. President Byington stated that what he is hearing as our preference is to leave it at 3.7.

President Byington stated that the next thing on the agenda is the Emeritus Proposal.

Senator Schacht asked if everybody got a copy of the revised emeritus proposal. The proposal that was previously approved by the senate went to the Academic Council. The Academic Council heard it and the representatives of the chairs on the council expressed some concern so the matter was tabled so that the Chair's Council could review it. The Chair's Council came back with some suggestions, most of which were quite reasonable and those are incorporated into a proposed revised draft. Senator Schacht said that he will review with us the chair's comments and the rationale for the changes. In the original version, there was a provision regarding removal of emeritus status from someone and as originally written, such a removal would have to be initiated by the faculty senate and approved by the president. The chair's felt that it was emasculating to the office of the president. So it was reversed in the draft that you have here where removal is approved by the president after consultation with the faculty senate. So the initiation could come from the department itself, it could come from a chair, or multiple sources. It still has to go through the president's office as would any faculty appointment and the faculty senate still has a role in it. The chairs were concerned about the fact that this doesn't mention President Emeritus. That's a non-issue because there is a separate TBR policy for President Emeritus and this policy only refers to academic appointments. The chairs were also concerned about the timeframes and sequences of the appointment process in the original draft. In particular, the original draft had a procedure in which a faculty member tells HR they are going to retire, HR then notifies the department faculty member and the department chair of eligibility for potential emeritus appointment. Then the chair was supposed to take some steps. The chairs felt like putting the burden on them set the stage for problems if for some reason they failed to take that step and so the draft has been rewritten to put the burden on the faculty member. The way it is currently written, if the faculty member wants to pursue an emeritus appointment, the faculty member has to notify the chair of their desire to do that. The chair has a month to convene the committee to review the application. I think that should satisfy the chair's concerns. The chairs were concerned about the fact that the policy requires that the vote on an emeritus application be made by the entire full time faculty of the department. Some asked why it couldn't be simply the Promotion and Tenure Committee of the department. As a practical matter, some departments are too small. They don't have a P&T committee and so convening such a group would be difficult. Also, a vote of the whole faculty is contained in the current policy so this really isn't a change. The chairs were concerned about the fact that this proposed policy required explicit criteria to be developed by departments. For some reason the word "explicit" was seen as too constricting so it has been changed to "clearly described". The chairs were concerned that the proposal which says departments have to

develop criteria for emeritus status specifically states that collegiality shall not be a criterion. They wanted to know why. Senator Schacht said he explained that this is consistent with the AAUP's statement on collegiality as a criterion for faculty evaluation. We do not have collegiality in our P&T criteria, why it should get added to our emeritus criteria? The chairs wanted to know why the balloting process should be secret and not be an open vote. The reason for a secret ballot is to prevent intimidation or retaliation. Senator Schacht said he suggests that we just keep that and that he didn't change that in the language of the document. The original draft of this included an outline of a procedure for appeals in the event of an adverse recommendation. The chairs made a good point - they said why not just use the existing procedure for P&T appeal instead of laying out something different? Senator Schacht said he couldn't see any reason not to do that so this was simply rewritten so if there is an appeal it will go through the same process as the P&T appeal process. The chairs complained that there was nothing in this process that allowed the chair to make a separate independent recommendation apart from the vote of the faculty. He thinks they were thinking about the regular P&T process in which the chair does make a separate recommendation. However, in our existing emeritus policy, the chair doesn't have any special status and gets one vote like every other faculty member. Senator Schacht said he did not change that, if they want to fight for some special status they can come back again, but they didn't give any reason for it. Finally the chairs were concerned about the provisions that allow emeritus faculty to participate voluntarily in department meetings and committees except for P&T meetings. They seem to be concerned that these emeriti would automatically have decision making or voting privileges or in some way be able to intrude into or control departmental activities from beyond the boundary of retirement. That is not what the policy ever says but he tweaked that language a little bit to make it more explicit. Senator Schacht thinks their objection was based on a misunderstanding. He said that we can open the floor to discussion and that he makes a motion that we adopt this revised draft and send it back.

Senator Mackara said that his problem with this whole idea is we're taking something that was kind of an honor that some people receive that didn't have a lot of rules and regulations associated with it and we're creating a whole new bureaucracy here.

Senator Kellogg commented that the first paragraph states that "emeritus status is awarded for life...may be withdrawn only under exceptional circumstances". He said that you are awarding emeritus for something they have done, not what they are going to do. How can you argue that you can take it away?

Senator Schacht replied that let us suppose someone retires and was awarded emeritus status. Then two years after retirement it was discovered they had embezzled \$5 million. Would you want to leave them with emeritus status?

Senator Kellogg asked if we now have to get into the language of what is going to constitute taking it away. If a person does a good job while they are here and two years later they start to develop Alzheimer's or some other disease and they start running around campus half naked - do we take it away?

Senator Schacht replied that we actually changed the name on the College of Medicine for a similar kind of situation. It used to be called the Quillen-Dishner College of Medicine. Dr. Dishner's name was taken off the school because of scandalous behavior. He said that he would like to respond to Senator Mackara's concern about creating a bureaucracy. He said his sentiments are with him, he hates bureaucracy and didn't want to create a bigger one. The balancing issue here is if you have no process then you have the potential for serious injustices with no recourse because you can't claim violation of due process.

Senator Loess asked what are the major privileges of emeritus status. Senator Schacht replied that you get access to the library, a parking sticker, access to the CPA, an email account, reduced athletic event rates, the opportunity to apply for office space and university grants if you want to remain active in that way subject to approval of your department. You get the privilege to participate in other university activities if you wish subject to your department. Senator Beeler asked what privileges we give retired faculty without emeritus status. Senator Schacht said that there is essentially no difference. Senator Beeler asked that the only difference is a title?

Senator McGarry commented that the way that the first paragraph now reads, it sounds like the part about may be withdrawn would not be by initiation of the president or the administration. It would have to be approved by the president which implies that it would be initiated by somebody else. Do you think that any kind of clarifying languages in order there that might suggest who might do that? Senator Schacht said in regard to who could initiate and adverse action against a currently employed faculty member - anybody can do that. Anyone who makes a complaint can start the process - student, custodian, community member - anybody.

President Byington said that the motion is to approve this revised document and send it back to the chairs. Senator Trogen seconded the motion. President Byington asked for the vote. 17 voted in favor, 1 vote opposed, and there were 2 abstentions. The motion carried.

President Byington stated that the last agenda item was the Faculty Code of Ethics.

Senator Loess said that several years ago the concern arose about not having a Code of Ethics. Even though we have an Academic Freedom and Ethics Committee, there was nothing to guide the committee. President Byington had asked for volunteers for a task force and Senators K. Campbell, Foley and Loess worked together to try to create something that might serve this purpose. Senator Loess moved that the senate adopt the proposal. Senator McGarry seconded.

Senator Schacht stated that currently the Academic Freedom and Ethics Committee is a committee that reports to the president. Nothing gets on the committee's agenda unless the president puts it there. It's the president's committee. He controls it. It doesn't have to be that way, but Senator Schacht said that he reads this as a change. He said we need to be clear if we're recommending this now become a committee of the senate so that the senate controls their agenda as opposed to Dr. Noland. He continued that there has been conversation previously with the faculty senate executive committee and Dr. Noland about changing the status of this committee and making it a committee of the senate and removing it from under



his purview. It is one thing for a committee to make a recommendation to the president. It is another thing for the committee to not even be able to consider anything unless it is sent to the committee by the president. President Byington stated that this document puts this in parallel with the grievance committee. It is currently not parallel.

Senator Schacht said that the second issue is in terms of informal complaints. He said that something could be added that states an individual who has an informal complaint can bring it up directly with the individual who is the subject of the informal complaint. He said that his profession's Code of Ethics includes that as the recommended first step. When you have an ethical issue, the first step is to bring it up informally with the person you have the concern about. We might want to say that is an option too.

Senator Epps said that the order of things that should happen in the guidelines for the hearing committee is a little confusing. Item number 5 seems like it should be listed elsewhere as item number 6 and item number 4 are about witnesses and item number 5 isn't. Senator Loess said that was a good point.

Senator Schacht stated that in the passage about witnesses there was a statement that the parties to this don't have the right to question witnesses. They have a right to hear the witnesses' testimony and rebuttal. Senator Epps said that it says the committee members have the right to question witnesses but the complaint and the accused faculty member do not. Senator Schacht said that he is not talking about questioning a witness. In other words, if a witness comes in and lies to the committee and the person who made the complaint is in the room and gets to hear the testimony, are they allowed to say to the committee afterwards the witness just lied and here is the proof? Senator Loess said that these are all good points and the parties are separate so if one witness made a claim we would try to test it with the next witness. Senator Kellogg said that there is a sentence that says the committee may call witnesses that have not been called by either of the two parties. That tells him that the committee knows more about what is going on than the two parties do. He asked if this is becoming a 'he said she said' issue. Senator Loess said that all it does is gives the committee the right to do that.

Senator Mwinyelle commented that if you have a witness who may be connected to the situation it could be very helpful and you can get more information as a member of that committee.

Senator Schacht asked if there should be a statement in the document that makes it explicit that the university doesn't tolerate intimidation or retaliation for such participation. He continued that at the end of this document there is a section on various kinds of consequences. He wondered why the document needed that as opposed to just rendering a judgment on whether something is an ethical violation and stopping there. Senator Blowers said that it is a way to speak to the severity of the violation. The committee can decide yes, there has been an ethical violation, but so what? With a recommendation from this list, the committee is letting it be known that they felt it was mild, severe, whatever.

Senator Schacht asked if Ed Kelly has seen the proposal. Senator Loess asked if it should not go straight to the president and then if he likes it he can take it to Ed Kelly. President Byington said that Ed Kelly should be the next step. It is policy.

Senator Epps asked when it says closed hearings, is that an understood definition of something in particular? Does that mean just the committee and the witnesses? Senator Loess explained that the committee is not rendering a judgment. It is just making a recommendation. What accompanies the recommendation is all of the evidence that has been presented. He said that he thinks it is a good idea to just keep the parties separate. The focus is on a complaint that has been made against somebody and the investigation of that complaint.

President Byington suggested we table the proposal until the next meeting so that Senator Loess could make the few changes that have been discussed. Senator Epps moved to adjourn. Senator K. Campbell seconded.

ADJOURNMENT: The meeting was adjourned at 4:30 p.m.

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