

## MINUTES

### TENNESSEE BOARD OF REGENTS FACULTY SUB-COUNCIL

October 24, 2008

Present	Voting Representatives	Institution
X	Kay Haralson	APSU
X	Nathan Garner, Chair	CISCC
X	Karen Siska, Chair-Elect	CoSCC
X	Mitchell Rhea	CSTCC
X	William Northcutt	DSCC
X	James Bitter	ETSU
X	John Koons	JSCC
X	Janice Harder, Secretary	MSCC
X	Larry Burriss	MTSU
X	Howard Doty	NaSTCC
X	Eric Fish	NoSTCC
X	Dave Vinson	PSTCC
X	Sam Comer	TSU
X	Gretta Stanger	TTU
X	Jeffrey Berman	UM
X	Robert Moon	VSCC
X	Janice Donahue	WSCC
X	Bruce Fisher	RSCC
	Clark McKinney	STCC
	<b>Nonvoting Representative/TBR Staff</b>	
X	Jane Asamani	RODP/TSU
X	Robbie Kendall-Melton, Associate Vice Chancellor for Academic Affairs	TBR
	Paula Myrick Short, Vice Chancellor for Academic Affairs	TBR
	Bob Adams, Vice Chancellor for Business Affairs	TBR
X	Kay Clark, Associate Vice Chancellor for Academic Affairs	TBR
	Pamela Knox, Associate Vice Chancellor for Academic Affairs	TBR
X	Treva Berryman, Associate Vice Chancellor for Academic Affairs	TBR
X	Randy Schulte, Assistant Vice Chancellor for Academic Affairs	TBR
X	Debbie Johnson, Assistant Vice Chancellor for Human Resources	TBR
X	Tom Danford, Chief Information Officer	TBR
X	Ron Ostenfeld, Director of Employee Benefits	TBR
X	George Malo, Associate Vice Chancellor for Research and Assessment	TBR

#### **Call to Order**

Chair Nathan Garner called the meeting to order at 9 a.m. in the TBR Board Room.

### **Comments from Chancellor Charles Manning**

Chancellor Charles Manning reported that Governor Phil Bredesen reports that the \$300-\$600 million below expected revenue; therefore, the state faces another need to cut back with notice to be given in late January or early February. Presidents should plan for about the same amount as the last cut. Presidents are trying to protect the core missions. Some programs could be cut, but Chancellor Manning has no knowledge of any one program in particular. Institutions will continue to serve students. The opportunity exists for a significant fee increase next year since it is technically difficult to make mid-year changes. Campuses will absorb the immediate reductions with reserves and make adjustments toward the end of the year.

The TBR will begin work on the 2010-2015 strategic plan by holding four scheduled meetings in spring 2009 to be held in different geographical regions and including TBR members and presidents in that geographic area.

In response to questions from Faculty Sub-Council members, Chancellor Manning stated the following:

- No estimate is given for the fee increase in 2009-2010, but it will probably be double digit.
- It is premature to speak to salary increases for 2009-2010. Governor Bredesen is not interested in increasing taxes. State revenues do not look good for providing salary increases; tuition increases might allow salary increases
- The building projects already approved will continue.
- Chancellor Manning is not aware of the economy having any effect on lottery sales.
- The lottery's last change was eligibility of the adult or nontraditional student. This student now could have attended college in the past, but must have been out of college two to three years. The student must accumulate twelve hours and meet the lottery requirements. Communities could bridge the gap in time until the nontraditional student is eligible to receive lottery funds. The lottery amount for nontraditional students is the same as for traditional college-age students.
- When asked if departments within a college can charge other departments within the college for their time spent on projects and consulting, Chancellor Manning said the decision is made by the campus.

### **Approval of July 11, 2008 Minutes**

Members of the Sub-Council were asked to verify the accuracy of the proposed minutes for the previous meeting.

The following corrections were reported:

- Information Items: Date of the third NCAT-assisted workshop for the DSP redesign was June 5, not June 7.
- New Business: Motion by Gretta Stanger concerning elections was that nominations cease and Karen Siska be elected by acclamation.

The following items in the minutes were clarified:

- Information Items: Treva Berryman clarified that what is adopted for the DSP redesign will be the TBR guideline; however, it may not be a specific prescribed model. If approved, the recommendation of the task force (i.e., the revised A-100 Guideline) will be implemented system wide. The program will likely have consistent placement standards and competency standards. The task force will make recommendations based upon data gathered from the pilots, from published research, and from information gathered from other states. It is too early to identify the delivery method(s) that will be recommended for providing academic support, but the TBR Strategic Plan did call for technology to be incorporated. The guideline should go into effect in 2010; it will be presented to the TBR sub-councils in October 2009 and will go through the traditional sub-council approval process.
- New Business: It is correctly reported in the minutes that Karen Siska was elected chair for 2009-2010; she is currently serving as chair-elect.

Doty moved to approve the minutes as amended; second by Robert Moon. Motion passed unanimously.

Question was asked if someone can attend the sub-council meeting by proxy. General consensus was negative. Members can attend via conference call or can send a substitute.

Dr. Kay Clark expressed Dr. Paula Short's regret that she could not be present for the meeting. She is out of town accepting an award; it is purely coincidental that such conflicts have arisen at the last meetings.

### **Action Items**

**Proposed International Education Policies and Guideline.** Clark reported that the TBR Academic Sub-Council on Thursday, October 23, 2008, reviewed and approved the three international policies and the one international education guideline as a group with the following changes:

- Proposed Policy #1, page 5 of 7, Item III. C., No. 3: Change the word "conservative" to "restrictive" so that it reads ". . . , whichever is more restrictive in keeping with Policy 3:02:01:00 *Due Process*."
- Proposed Policy #3, page 1 of 3, Item I. A.: Change the wording as follows: "No TBR institution will contract with any organization, agency, or agent which recruits to the institution international students on a per capita fee basis."

Harder moved to approve the international education policies and guideline with the two changes from Academic Sub-Council as a group; motion by Gretta Stanger.

The following items were discussed:

- The intent of writing these policies is to provide the institutions with the policies and guideline under which to operate given the increasing internationalization of institutions. With such situations as students getting into trouble or becoming sick while engaged in international travel, these policies and guidelines are comprehensive in dealing with both on-campus programs with international students and with students and faculty traveling abroad.

- Clark could not report how these policies and the guideline would alter what is currently being done on campuses. But the danger to the institutions is that some of the items in these policies and the guideline are not covered at this time. These policies and the guideline help to protect the institution.
- Proposed Policy #1, page 6 of 7, Item VII. C., requires a reserve/contingency fund to respond to emergencies and unforeseen problems. The amount of the reserve/contingency fund is determined by the institution. The types of emergencies may include sickness, death, legal matters, or any variety of emergency situations.
- One sub-council member reported that the Tennessee liability coverage named in the first paragraph of Proposed Policy #2, page 1 of 2, is not sufficient. This sub-council member would suggest insurance for international travel, which is very inexpensive.
- Based on Proposed Guideline #1a, Item II. A. 1. a., the institution does have the right to deny participation in the international education program if the student does not meet the requirements to participate.
- In Proposed Guideline #1a, Item III. C., the question was asked as to why the five enumerated items were stated as “may” instead of “will.” One sub-council member reported that it is not the institution’s responsibility to compel students to go through these requirements if the host country does not require it.

The motion to approve the three policies and the guideline was approved unanimously.

**Adjunct Pay Rate Survey.** Clark distributed the results of the AAUP survey on adjunct faculty pay rate and the AAUP recommendation for changes to TBR Guideline No. P-050 Subject: Part-Time Faculty Compensation. These changes raise the maximum rate per semester credit hour for each level by \$300. Clark reported that the Academic Affairs Sub-Council approved the recommended changes on Thursday, October 23, 2008.

James Bitter moved to approve the AAUP recommended changes to TBR Guideline No. P-050 as written; second by Gretta Stanger.

The following points were made in the discussion:

- The Faculty Sub-Council endorsed this recommendation at a previous meeting.
- TBR Guideline No. P-050 states the “maximum rates” for part-time faculty compensation; therefore, institutions are not required to pay these maximum rates. Presidents may make exceptions to this schedule.
- TBR Guideline No. P-055 states the “minimum rates” for overload compensation for full-time faculty; therefore, institutions must pay at least the stated amounts for full-time faculty overloads.
- The use of “minimum rates” or “recommended rates” was suggested as an alternative wording.

Motion to approve as recommended by AAUP passed by a vote of 13 in favor and 5 opposed.

### **Discussion Items**

**Dual Credit Courses.** Clark explained that dual credit is part of a mandate from Public Chapter 459. Colleges were to enact pilot proposals that would allow institutions to cooperate with secondary schools to develop courses that would be high school courses adapted to college courses or college courses taught to high school students. Some institutions devoted Perkins money to the enhancement of these courses.

The following concern was expressed by a community college representative. Business Law is a high school course offered for dual credit. As a result of this program, a university will accept the Business Law from the high school for dual credit but will not give credit for Business Law taught at the community college. A university representative reported that most courses transferring from the high school will be 100-level courses.

Clark reported that this concern is preliminary because the program is still in the development stage. The success of the pilot projects may result in the adoption by other institutions.

**Common Calendar.** Harder expressed concern that the common calendar starts fall semester classes on the Saturday before the last Monday in August. In Fall 2009, 2010, and 2011, August has five Mondays; therefore, the late beginning of classes causes a later than usual end of classes in December. The pattern will repeat in Fall 2015 and 2016. To complete reporting of grades and notification of probations, administrative work will continue to December 23 or 24.

No changes will be made to the common calendar at this time. The current common calendar resulted from the work for six to nine months by a committee that included representatives from colleges, including Stanger as the representative from the Faculty Sub-Council. The presidents committed to a three-year period for the current common calendar; that three-year period will end with the 2010-2011 calendar.

The mid-term breaks (fall and spring) have created problems for those teaching dual/joint enrollment courses. Some colleges have agreements with local education boards to follow the local school system's calendar rather than the TBR common calendar. Other colleges teaching dual/joint enrollment courses follow the TBR common calendar.

Doty moved to amend TBR Guideline A-019 to start fall classes on the fourth Monday in August instead of the fifth Monday. Motion died for lack of a second.

**Day before Thanksgiving Holiday.** Clark reported that the student government presidents had requested discussion about scheduling the Wednesday before Thanksgiving as a holiday. Institutions can take this day as a holiday instead of Good Friday. Student government presidents had requested the opinion of the TBR Faculty Sub-Council.

**Harder moved to recommend that fall semester classes begin the Saturday before the fourth Monday in August and that classes not meet the Wednesday before Thanksgiving holiday. Second by Kay Haralson.**

**Bitter moved to table the motion; second by Howard Doty. Motion to table passed unanimously.**

**TBR Personnel Policy 5:01:01:09 Bereavement Leave.** Debbie Johnson distributed TBR Policy No. 5:01:01:09 Subject: Bereavement Leave which provides for three regularly scheduled work days and up to two days of sick leave for bereavement at the death of immediate family. TBR bereavement policy agrees with state policy. The UT policy provides for five days of bereavement leave for death of immediate family (spouse, child, parent, sibling) and three days of bereavement leave for grandparents, grandchildren, and in-laws. UT does not provide sick leave for faculty.

Discussion of the bereavement leave policy expressed the following concerns and/or alternatives:

- Policy covers a limited number of relationships. It does not address cohabiting couples, fiancés, aunts, uncles, nieces, nephews, etc.
- The employee could request leave, which might be unpaid leave.
- Three days for bereavement may not be an appropriate amount, especially in the death of a spouse or child.
- Family Medical Leave and sick leave banks are available.

Johnson reported that statute (TCA 8-50-113) determines many of the policies. Johnson will look at statute, discuss with Dr. Paula Short, Dr. Bob Adams, and legal counsel, and report to Faculty Sub-Council in January.

Garner appointed the following members to an ad hoc subcommittee to review this issue and make a recommendation in January: Moon, Bitter, and Haralson.

**Telecommuting Policy.** Johnson was asked to develop a policy on telecommuting. Draft No. 2 of Proposed Policy No. 5:01:01:20 Subject: Telecommuting was reviewed. The purpose is to set standards for a consistent process and treatment of employees regarding telework/telecommuting across the TBR system. Application of the policy will be at the institution's discretion. Legal counsel worked with human resources in developing the proposed policy; they looked at several policies from other colleges. While many of those policies at other institutions dealt with nonfaculty, the proposed policy does not eliminate faculty. However, it is not meant to address RODP. Section III Identification of Positions Eligible for Telecommuting identifies the types of positions appropriate for telecommuting.

Clark reported that the policy fits more of a staff model than a faculty model. He reported that the academic officers clarified that the campus can exclude faculty.

A representative asked if faculty would have to have an agreement if they work from home. Johnson said that we all work from home and revisions to the policy should clarify who would need an agreement.

A representative asked if faculty could be required to work five days if they had a four-day-a-week class schedule. TBR policy requires 37.5 hours.

**Technology Access Fees (TAF).** Considerable discussion occurred about the use of the Technology Access Fees (TAF) on various campuses. The following points were made:

- Colleges have discretionary use of TAF funds for different academic areas. At one school, TAF money could not be applied to update faculty computers, but could be used to replace lab computers to handle newer software like Microsoft Office 2007.
- Some schools are giving 25% to 50% of TAF funds to Banner projects. However, the time period that allows this distribution is closing, so those funds can be recaptured.
- The TAF committees at some schools are chaired by the information technology director which may present a conflict of interest if that department is making requests.
- The TAF committee for at least one institution consists primarily of deans.
- The problem is thought to be management of these funds at one school with half of the fees going toward anti-virus protection, toner replacement, anti-spam devices.

Tom Danford said that the TBR Information Technology Sub-Council has a Faculty Sub-Council representative; however, no representative has attended the IT Sub-Council meetings. Garner appointed Berman (UM) to the IT Sub-Council.

### **Information Items**

**Changes to 403b Plan.** Johnson reported changes to the 403b plans as a result of IRS regulations approved in July 2007 and effective January 2009. The first communication was sent to human resources offices the week of October 13. The major issue is the increase in the employer's administrative responsibilities in monitoring the accounts. Under the new law, the employer becomes liable for enforcing a plan designed for the 403b, entering into the agreements, and monitoring changes in those accounts. It affects only 403b, not the 401k and the 457.

TBR is reducing the number of vendors to three—AIG Valic, ING, and TIAA-CREF. These three vendors are also optional retirement vendors and represent over 60% of participants system wide. Approximately 60 vendors will be dropped, affecting approximately 800 employees. The funds deposited with those vendors may or may not still be considered as part of the plan. If the vendors do not sign an agreement, the money will not be part of the plan. If the vendors do sign the agreement, the money will be part of the plan. No employee must transfer funds, but are welcome to move it to one of the three approved vendors. The money must stay in a 403b plan.

Loans and hardship withdrawals are eliminated in new plan. Existing loans are not affected. Loans and hardships are available from other plans like 401K and 457. A Roth 401 plan will be available in January 2009.

**Update on General Education Assessment.** Pilot proposals for general education assessment have been submitted; the majority have been approved. Most institutions had to respond one time, and some proposals are still being reviewed with a few issues. A template for reporting results of the pilot projects will be available by mid-spring.

**Update on Academic Audit.** Randy Schulte reported that 42 academic audits have been conducted addressing 35 performance funding requirements. The most dramatic new program is the Associate of Applied Science in Professional Studies in Information Technology. Four training programs and two teleconferences have been conducted for the virtual study of RODP with one more on Monday, October 24. The academic audit for graduate programs has been piloted. Performance funding summary review sheet is available. Each program undergoing academic audit can appoint one or two members to the auditor teams. A list of over 100 academic auditors is being compiled and will be published and sent to academic audit coordinators on the campuses. Institutions may use auditors from outside the TBR system; however, all auditors must attend an auditor training program. TBR is making every effort to extend visibility of the academic audit process. Schulte presented in December at the Association of Collegiate Business Schools and Programs conference in Nashville and will present at SACS in December. Fourteen institutions participated in the pilot five years ago; data is being collected on what happened with those programs.

**Update on Work Load Strategy Teams.** The following three work load strategy teams have been assigned with TBR staff liaison: (1) Community College Compensation (Randy Schulte); Graduate Issues (Pam Knox); Faculty Work Week Policy, Department Chair Load, and Online Education Issues (Robbie Melton and Kay Clark).

**Review of ROCC Grade Appeal Procedures.** Robbie Melton distributed a handout explaining the ROCC grade appeal process and procedures. General information about the appeal process and procedures is listed on the website. Administrative procedures for coordinating and communication between the instructor's school and the student's school are not on the website. The student's home school is responsible for conducting and deciding the grade appeal, but the instructor's school must be involved. The appeal could be for any grade—final course grade or an assignment grade.

**Update on eLearning.** Melton distributed a copy of an e-mail message sent to the Academic Officers and others reporting the accomplishments of the ROCC toward the four goals of the TBR Strategic Plan.

She also distributed a worksheet summarizing Fall 2008 revenue. The last column of the report shows the college's revenue going to the campus from RODP less instructional costs. Instructional costs come from the campus. These revenues do not include course development fees (\$6,000). On November 1, \$380,000 will be sent to campuses for course development.

Melton reported that a move is under way from the federal level to validate online learning and determine how to validate online students. She distributed information from eSchoolNews about the higher-education law. TBR plans to be proactive on this initiative and is seeking volunteers to serve on a committee in the spring. Vinson, Garner, Rhea, and Asamani volunteered.

Melton reported a 33% increase in RODP enrollment. TBR was able to meet the demand with faculty trained. Online professional development is available 24 hours a day, seven days a week through the Sloan C Foundation. Extra money from the additional revenue from increased enrollment was sent to campuses. Instead of 30% of the online fee, RODP returned \$2 million to campuses, representing 35% of the online fee. If RODP has a big increase in the spring, more will be sent to the campuses. Beginning in 2008, colleges will receive 5% more every other year until they reach 45% of the online fee. The original plan was to begin this cycle in 2012.

A permanent line item in the RODP budget pays for electronic databases at a cost of close to one half million dollars. Every campus has common databases; RODP pays for the online reference person. These databases are available to all students and faculty, not just RODP students and faculty. It does include funds for full-text access to journals. A list of the databases is on the RODP web site.

In Spring 2009, Health Information Technology (HIT) program will begin at Roane, Walters, Volunteer, Dyersburg, and Chattanooga. Other new programs are to be introduced in fire science, criminal justice; new emphases in human resources and training in the Masters of Professional Studies, and a doctoral program with an onground component.

**Update on DSP Redesign.** Berryman reported that six pilots for DSP redesign are in the second of three semesters. All pilots are showing some good results, but all are experimenting difficulties. The task force met October 20 along with four subcommittees. A math survey is circulating now among math faculty system wide.

Berryman explained that within definitions of this research project, "model" refers to the NCAT-identified models that are part of this project. It is safe to say there will not be one model, but a standard guideline.

When asked about consistent placement standards, Berryman reported that she thinks standards will be consistent, but they may not be the same as current standards. High school standards have changed drastically. It is likely that initial assessment will be consistent across the system like it is now. If students are assessed and show need for remediation, campuses will be encouraged to conduct additional diagnosis.

The question was asked about students who attained 19 on the ACT but did not have Algebra 2 in high school. Berryman reported that if students don't have the competency currently, faculty can advise and encourage the student to remediate but do not have the authority to mandate. Students can be referred for further diagnostic assessments. Raising ACT benchmarks is being considered.

**Background Check Laws.** Chris Modisher has sent a memorandum to campuses about background check laws. The laws address only education programs and child-related activities; they do not address allied health programs. Teacher education programs in four-year schools require background checks prior to entrance into the teacher education program; students have only one check during their education careers. They will not need more background checks to student teach or observe. They will be required to have another background check when applying for jobs. At the community colleges, no background check is required, even if students are going to schools to observe. If the local education agency (LEA) is causing problems, colleges should contact TBR.

Modisher reported that college faculty are not necessarily required to have background checks if going to these campuses. If the LEA contracts with an institution, those people are to have background checks, but there are exceptions. Dual/joint enrollment teachers do not have to have background checks; nursing students do not have to have background checks. The LEA cannot require college faculty to have background checks. If colleges are having problems, they should contact Modisher's office.

When asked about bringing elementary age/high school children on the college campus for programs, Modisher reported there are exceptions for short-term programs. One can look at statute and see if it falls under those exceptions.

Faculty members observing student teachers will probably want to have background checks. The requirement is for student teachers, K-12 teachers, and anyone under contract with the LEA that requires a K-12 presence. Faculty advisors do not fall into any one of those categories, but it might be advisable to have a background check.

### **New Business**

**Data and PII Security.** Danford presented a draft policy on Data and Personally Identifiable Information (PII) Security (confidentiality of administrative data). The Faculty Subcouncil will have an opportunity to discuss the policy at the January 2009 meeting. This policy results from high-profile news articles on the front page of the *Tennessean* about loss of state data and data at colleges and universities.

The policy originated with the Information Technology Subcouncil. The five provisions of the policy are (1) approval, (2) protection of portable device, (3) deletion upon completion—deleted off the portable device, (4) training component, and (5) auditing—risk component—on file who is taking the information.

**2009 TBR Faculty Subcouncil Calendar.** The following 2009 dates for Faculty Subcouncil meetings were announced: January 23, April 17, and October 23. The July 2009 date will be announced later. Members were asked to send dates in July that are totally out of their schedules to Clark.

**Overload Pay.** Adjustment of overload pay to reflect proposed adjustments to adjunct pay will be an item requested to be on the January 2009 meeting.

**Organization of Faculty Subcouncil.** Garner presented the idea of increasing the long-term continuity of the Subcouncil by extending the terms of the chair and chair elect to two years, beginning with Karen Siska. Discussion about the subcouncil agenda included the suggestion that the chair should set the agenda with the TBR staff conferring with the chair to add items.

**Harder moved that the Faculty Subcouncil chair set the agenda in consultation with the TBR Staff. Bitter seconded. The initial vote was 9 in favor and 8 opposed; however, the chair determined that nonvoting representatives had been counted. Therefore, a second vote was taken, resulting in 8 in favor and 8 opposed. Motion failed.**

**Vinson moved that the Faculty Subcouncil respectfully request that the chair have the discretion to add agenda items; second by Bitter. 16 in favor; none opposed; 1 abstention. Motion carried.**

**TBR Webpage.** It was reported that since the TBR web site went down, some items, such as the Faculty Subcouncil minutes, are not available.

### **Adjournment**

The meeting was adjourned at 3:45 p.m.

Submitted: Janice Harder, TBR Faculty Sub-Council Secretary