



## Faculty Senate

**Presiding:** Edward H. Perry

**Date:** 04/22/2008

**Secretary:** Linda C. Finch (elected this meeting)

**Senators Present:** Jan R. Acuff, , Nicholas V. Holland III, , Walter G. Kirkpatrick, William C. McKeown, E. Trey Martindale, David A. Nofsinger, Richard L. Petersen, Lawrence A. Pivnick, Jean-Pierre Reed, Hoke Robinson, Michelle L. Stockton, and Peter Wright

**Senator Present by Proxy:** William H. Jermann (Aaron L. Robinson), and Charles Williams Jr. (Robert P. Connolly).

**Senators Absent:** Joel D. Bumgardner (explained), Donald R. Franceschetti, and Jonathan Judaken.

**New Senator Present:** Thomas E. Banning, James M. Lukawitz, H. Richard Mahood, Christian Mueller, H. Clark Nall, and Frances Pearson,

**New Senator Present by Proxy:** Stephan J. Schoech (David Freeman), Marketing & Supply Chain Management (Balaji C. Krishnan), Wade M. Jackson, William T. Segui (Jerry L. Anderson), Margaret Vandiver (David Giacopassi), and Math Sciences (Bette R. Veteto).

**New Senators Absent:** Economics (explained), Earth Sciences, Journalism (explained), and Tracey White (explained).

**T.B.R. Rep:** Jeffrey S. Berman (elected this meeting)

**Guest:** Thomas Nenon (Provost's Office)

The three-hundred and sixty-fourth meeting of The University of Memphis Faculty Senate was held Tuesday, April 22, 2008, in the Entertainment Lobby of the Michael D. Rose Theatre Lecture Hall.

### **04.22.08.01 CALL TO ORDER**

The meeting was called to order at 2:40 p.m. with a quorum present.

### **04.22.08.02 APPROVAL OF AGENDA**

The agenda was approved.

#### **04.22.08.03 APPROVAL OF MINUTES**

It was moved to approve the minutes of the Faculty Senate meeting of April 15, 2008, with correction to show the name of the proxy, Aaron Robinson for Senator William H. Jermann.

#### **04.22.08.04 WELCOME NEW SENATORS**

President E. Perry asked all new Senators to stand and be acknowledged.

#### **04.22.08.05 PRESIDENT'S REPORT**

Faculty Sub-Council Meeting. President E. Perry reported the following information discussed at the quarterly TBR Faculty Sub-Council meeting, April 18, 2008. Chancellor Charles Manning was present at the meeting:

- SETE will be available for on-line review 8 weeks following the end of spring semester;  
The Desire2Learn (D2L) 8.3 version upgrade with new features, which is outside of BlackBoard's Patent claims, is scheduled for May 8-10, and should not require course conversions.
- Regent's On-Line Degree Programs (RODP) currently generates 11 million dollars with 2.5 million dollars coming back to The University of Memphis;
- RODP currently reimburses the University \$6,0000 for each newly developed course;
- Legislative Funding Board. The board anticipates a fall tuition increase, changes in Lottery Scholarship criteria to assist students with lower grade point averages, and funds for faculty promotion but uncertainty related to salary increases.

#### **04.22.08.06 CONSTITUTIONAL AMENDMENT**

The 2007/08 Faculty Senate Executive Committee **Resolution to the New Senate on Constitutional Amendments.**

##### **The resolution reads:**

BE IT RESOLVED

That we encourage the Faculty Senate of 2008-2009 to consider submitting to the University Faculty at its August 22, 2008, meeting the six amendments to the Constitution of the University Faculty and the Faculty Senate that were proposed during the 2007-2008 academic year.

Senator W. Kirkpatrick moved to amend the above resolution previously adopted relating to the Constitution by striking the amendment on proportional representation from the list of six amendments to the Constitution of the University Faculty and Faculty Senate. Debate ensued on both pros and cons associated with the amendment. Senator M. Battle stated that the proposed six amendments were promised (on the basis of the constitutional amendment process) to be presented to the university faculty at the fall 2008 General Faculty meeting. President E. Perry remarked that the six amendments had been prepared for presentation at the general faculty meeting.

The motion to strike the amendment on proportional representation was adopted by hand vote, with 2 nays and 0 abstentions on April 22, 2008.

The motion to amend the main motion was adopted by voice vote, with 2 nays and 0 abstentions on April 22, 2008.

#### **04.22.08.07 REPORT OF AD HOC FACULTY GRIEVANCE COMMITTEE**

The letter from Charles Bailey, chair, *Ad Hoc* Faculty Grievance Committee, has been accepted as a report. The letter which had been shared with the Faculty Senate was also to be given to Provost Faudree. **Point of Information:** President E. Perry shared with the Senators the *Ad Hoc* Faculty Grievance Committee's memorandum on recommendations to the Provost. (See attached)

#### **04.22.08.08 ELECTION OF TELLERS COMMITTEE**

President E. Perry asked for volunteers to serve on the Faculty Senate tellers committee, to collect and count the members votes taken by ballot. Former Senators B. Krishnan and J. Anderson, proxies for absent department senators, volunteered to serve as tellers. Ballots for election of Faculty Senate officers were distributed.

#### **04.22.08.09 ELECTION OF FACULTY SENATE OFFICERS**

President E. Perry explained that no more than 2 senators from one college could serve on the Executive Committee. The candidates spoke to the Senate expressing their interests and highlighting their skills.

President-Elect – Nominees were Senators Lawrence Pivnick (Law), Wade M. Jackson (Management Information Systems), and Jeffrey S. Berman (Psychology). **Senator Jeffrey S. Berman was elected.**

Secretary – Nominees were Senators Linda C. Finch (Nursing) and Mary V. Battle (English). **Senator Linda C. Finch was elected.**

Parliamentarian – Nominees were Senators Wade M. Jackson (Management Information Systems) and David A. Nofsinger (Theatre & Dance). **Senator Wade M. Jackson was elected.**

#### **04.22.08.10 ELECTION OF TWO AT-LARGE MEMBERS OF THE EXECUTIVE COMMITTEE**

At-Large – Nominees were Senators Mary V. Battle (English), Walter G. Kirkpatrick (Communication), E. Trey Martindale (Education), and Nicholas Holland III (Music). Senator N. Holland, did not speak to his interest and skills because he had to leave to attend a scheduled academic event. **Senators Walter G. Kirkpatrick and E. Trey Martindale were elected.**

#### **04.22.08.11 ELECTION OF FIVE MEMBERS TO THE COMMITTEE ON COMMITTEES**

Committee on Committees – Nominees were Senators Balaji Krishnan (Marketing and Supply Chain Management), William T. Segui (Civil Engineering), Nicholas V. Holland II (Music), William H. Jermann (Electrical & Computer Engineering) and Lawrence A. Pivnick (Law). There being no other nominees, the five mentioned senators were elected by acclamation.

#### **04.22.08.12 ELECTION OF CHAIRMAN M.O.F.S. LECTURE COMMITTEE**

Chairman Marcus Orr Faculty Senate Lecture Committee – Nominees were Senator Mary V. Battle (English) and John R. Petry (Leadership). Senator M. Battle nominated Dr. John R. Petry and Senator P. Wright nominated Senator M. Battle. Senator M. Battle declined the nomination. **John R. Petry was elected.**

#### **04.22.08.13 ANNOUNCEMENTS/EVENTS**

President E. Perry called a meeting of the Executive Committee immediately after the adjournment of the Faculty Senate meeting.

Committee on Committees also called a meeting immediately after the adjournment of the Faculty Senate meeting. Senator L. Pivnick will serve as chair pro-tem until the committee can elect a chairperson. The committee has been tasked to nominate a faculty member to fill the vacancy on Managing Disruptive Students Committee (Provost-level committee). Senator L. Pivnick self nomination to serve on the Managing Disruptive Student Committee.

Senator L. Pivnick resigned his membership on the MOFS Lecture Committee, effective immediately. The committee asked Senator M. Battle whether she would accept the nomination to the lecture committee as a member. Senator M. Battle accepted the nomination.

The Committee on Committees members will vote electronically on the nominations.

Faculty Scholarship Week, April 16-23, 2008, sponsored by the University Libraries with the Support of the Friends of the Libraries,

Faculty Convocation. President E. Perry encouraged all faculty to participate in the spring 2008, Faculty Convocation on **Wednesday, April 23, 2008**. For additional information go to: <http://academic.memphis.edu/provost/convocation-2008.html>

#### **04.22.08.14 ADJOURN**

President E. Perry adjourned the meeting at 4:00 p.m.

Memo to: Stanley E. Stevens, Jr., President, Faculty Senate

From: Charles Bailey, Chair, ad hoc Faculty Grievance Committee,  
for members James M. Blythe, Michael J. Gootzeit, Reginald L. Green,  
Susan Magun-Jackson, Edward H. Perry, Daniel H. Phillips, and David W.  
Spencer

Subject: Recommendations

In keeping with the charge from the Faculty Senate Executive Committee, dated August 28, 2007, the ad hoc Faculty Grievance Committee has developed recommendations to the Faculty Senate, concerning its powers, guidelines, and operating procedures. The committee has met three times, beginning on November 19, 2007. At our March 12, 2008, meeting, we approved the following recommendations:

**The Faculty Grievance Committee (FGC)** should provide an unbiased and independent forum for issues that do not qualify as formal grievances under the University policy for “Grievance Process and Conflict Resolution” (UM1564), but for which the faculty member involved seeks redress. In such situations, the FGC will consider the complaint and all available evidence and render a recommendation if it deems appropriate. The FGC suggests the following guidelines and procedures for the review of complaints:

1. The complaint must involve improper or unfair procedures and not substantive judgments such as those relating to professional competence.
2. The issue involved cannot concern tenure and promotion appeals (for which a committee already exists) or discrimination under the law or any issue for which legal action has begun.
3. The complainant must first determine the following:
  - (a) that their request has been denied (or a hearing refused) by administrators up to the level of Provost; and
  - (b) that a grievance will not be allowed through normal channels under UM1564. (This may be confirmed by an actual denial or by prima facie evidence that the issue does not meet the very restrictive definition of a formal grievance under UM1564.)
4. The FGC will make a preliminary determination whether the reported issue is of sufficient gravity to warrant the issuance of a recommendation to the administration, and will decide promptly whether to hear the case.
5. If the FGC agrees to hear the complaint, it will first attempt to mediate the disagreement by working with the complainant and the administrator involved.
6. If mediation is unsuccessful, both the complainant and the relevant administrator(s) will be asked to provide material evidence at a timely hearing before the FGC. The FGC will arrive at a recommendation by majority vote and forward it to the administration and the complainant within 10 working days of the hearing. In its deliberations, the FGC will

consider its perceptions of procedural and distributional justice, publications of the American Association of University Professors, the prevailing policies of other universities, and other appropriate sources.

7. The recommendation of the FGC will be public information unless the complainant requests that it be kept confidential. The FGC will publish an annual report including a contingency table showing the number of complaints and the ultimate outcomes: agreement/refusal to hear the complaint; and, if heard, the FGC's recommendation and whether the administration followed the recommendation.
- The FGC also may make occasional recommendations for University policy in general as it relates to formal grievances. The first recommendation is as follows:

The policy under UM1564 should be modified, such that the members for a President's Panel Hearing concerning a grievance must be elected by the Faculty Senate, not appointed by the President or any designee other than the Faculty Senate.

Thanks for this opportunity to be of service. Please let me know if you would like me to appear at the Faculty Senate meeting to present these recommendations. Of course, Ed Perry will be present and able to represent us.