



Minutes of the Faculty Senate

Presiding: Wade M. Jackson (Management Info Systems)

Date: 11-9-10

Secretary: Cynthia G. Tucker (English)

Senators Present: Narahari B. Achar (Physics), Pilar Alcalde (Foreign Languages), Thomas E. Banning (Engr Tech), Jeffrey S. Berman (Psychology), David C. Burchfield (Public Health), Gloria F. Carr (Nursing), Amy L. de Jongh Curry (Biomedical Engr), Antonio de Velasco (Communication), Mark H. Danley (Library), Richard D. Evans (Finance), Tarek R. Farhat (Chemistry), David J. Giacomassi (Crim & Criminal Justice), Reginald L. Green (Leadership), Thomas Hrach (Journalism), Derek E. Hopp (Mil Sci, Navy ROTC), Wade M. Jackson (Management Info Systems), William H. Jermann (Elec & Computer Engr), A. Katherine Lambert-Pennington (Anthropology), James M. Lukawitz (Accountancy), Thomas E. Mason (Architecture), Cathy D. Meredith (Instr & Curr Ldrship), Larry W. Moore (Civil Engr), Cedar L. Nordbye (Art), Michael S. O'Nele (Theatre & Dance) Edward H. Perry (Mechanical Engr), Lawrence A. Pivnick (Law), Jose M. Pujol (Earth Sciences), Carol A. Rambo (Sociology), Vasile Rus (Computer Sci), Steven D. Schwartzbach (Biology), Keith D. Sisson (Univ College), Arwin D. Smallwood (History), Sharon A. Stanley (Political Science), R. Jeffrey Thieme (Marketing & Sply Chain Mgmt), Cynthia G. Tucker (English) Gregory Washington (Sch Urb Aff & Pub Pol), Robert R. Wiggins (Management), Yonghong Xu (Couns, Ed Psy & Res)

Senators Present by Proxy: Linda D. Jarmulowicz (Audiology & Speech-Lang Path) Shaum P. Bhagat, Billy E. Lawson (Philosophy) Gene G. James

Senators Absent: Leonardo G. Altino (Music), Robert Kozma (Math Sciences), Terra L. Smith (Health & Sport Sci)

TBR Representative: Lawrence A. Pivnick (Law)

Faculty Senate Information Officer: Margaret E. Robinson (Univ Libraries)

Guests: Sylverna V. Ford (Dean, University Libraries), Annelle R. Huggins (Assoc Dean University Libraries) David Cox (President's Office), Ralph Faudree (Provost), Thomas Nenon (Provost's Office)

The three-hundred-and-eighty-fifth meeting of the University of Memphis Faculty Senate was held Tuesday, November 9, 2010, in the Senate Chambers (Room 261 of the University Center).

11.09.10.01 Call to Order

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

11.09.11.02 Approval of Agenda

The agenda was approved as amended.

11.09.11.03 Approval of Minutes

The minutes from October 12, 2010, were approved.

11.09.12.04 Invited Guest: Sylverna V. Ford, Dean of University Libraries

11.09.13.05 President's Report

1. Email Survey: President W. Jackson shared the initial result of the Information Technology Division e-mail usage survey that was distributed campus-wide.
2. Additional Testers for Email Vendors: President W. Jackson reported that 10-15 faculty members are needed to test the three email services being evaluated by the campus.
3. Task Force on Teaching Effectiveness: Chair, John R. Petry's Report on this task force is being prepared for discussion as soon as possible.
4. Visit from United Campus Workers - Communication Workers of America: The United Campus Workers' (UCW's) representative, Tom Smith will be given ten minutes to make a presentation at the next full senate meeting.
5. Program Reviews: In response to W. Jackson's request for input from those who attended program reviews, senators spoke of a need for more time for discussion during these sessions and more effective communication with the Provost's office to ensure sufficient faculty representation at every level. J. Berman suggested that next year the deans meet with all the senators in their departments before the reviews. Thomas Nenon (Provost's Office) assured us that steps will be taken to correct the communication problem and encourage the implementation of J. Berman's suggestion.

11.09.10.06 President-Elect's Report

President-Elect and TBR Faculty Subcouncil Representative, L. Pivnick provided the following summary of the October 22 meeting of the TBR's Faculty Subcouncil:

The Subcouncil approved policies regarding system wide consensus curricula; common course rubrics/numbers; and graduate international admissions and requirements. The sub council also discussed the extension of sick leave banks, and was informed that state legislation was necessary. Also discussed was the practice of late entry of students into RODP courses after the deadline in a student's home school by registering at another school in the system; issues involving financial aid and textbook vouchers; image and public relations initiatives; the role of faculty in TBR decision making (Dr. Short was open to faculty appointments to all TBR committees and said she would provide the Subcouncil with of list of all committees); and institutional use of discretionary funds, e.g., what to do with funds generated from summer teaching, for faculty bonuses. It was noted that schools should have already filed their plans with TBR.

Of special concern to us who teach in a state-supported school was the issue of how the Garcetti case (Garcetti vs. Ceballos 547 US 410,) might infringe on our academic freedom. In its 2006

split decision, the Supreme Court ruled that a government employee who spoke publicly pursuant to his position, not as a private citizen, is not protected by the First Amendment.

The Subcouncil voted in favor of adding the proposed language to TBR Policy 5:02:03:30, Academic Freedom & Responsibility, a statement to this effect: Faculty may speak or write without institutional discipline or restraint on matters of public concern as well as on matters related to professional duties and the academic and administrative functioning of the university. Faculty must make it clear, however, that when they are speaking on public matters of public interest, they are not speaking for the institution. The Subcouncil did not have before it the current policy or the context in which the proposal would fit into the current policy.

With L. Pivnick's permission, J. Berman expanded on the Garcetti case and its implications. He also referenced a message from Tom Schacht, Faculty Senate president at East Tennessee State University (ETSU) and member of the TBR Faculty Subcouncil, where the subcouncil is asking each campus to consider the changes (marked in red) in the policy statement (see attached). Senators had been given notice to review the proposed ETSU language statement in the TBR policy before the meeting.

Motion: Move that the Faculty Senate vote to adopt this language.

Adopted by voice vote with 6 abstentions on November 9, 2010.

11.09.10.07 Committee on Committees Motions

Motions from Committee on Committees: The Committee on Committees chaired by A. de Jongh Curry put forward the nominations of individuals who have expressed an interest in serving and agreed to be nominees.

Motion: Move that the Faculty Senate elect A. Katherine Lambert-Pennington, (Anthropology), to serve as the faculty representatives on the Ad hoc Harold Love Outstanding Community Service Award Nomination Committee.

Motion: Move that the Faculty Senate elect Jerome L. Blakemore (Social Work), Robert Ivey (University Libraries), Kenneth R. Lambert (Accountancy), Gladius Lewis (Mech Engr), Stephan J Schoech (Biology), Cynthia Tucker (English) and Jeffrey S. Berman, (Psychology) to serve as the faculty representatives on the Tenure & Promotion Appeals Committee.

Adopted by unanimous voice vote on November 9, 2010, the above motions.

11.09.10.08 Committee Reports

President W. Jackson asked if there was any senate standing committees report.

Academic Policies Committee—Robert R. Wiggins, chair, there was no report.

Academic Support Committee—Billy E. Lawson, chair, there was no report.

Faculty Policies Committee—Vasile Rus, chair, there was no report.

Research Policies Committee—Tarek R. Farhat, chair, there was no report.

Administrative Policies Committee—Derek E. Hopp, chair, there was no report.

Library Policies Committee, M. Danley, chair reported on the letter from Dr. Raines regarding the committee's questions about budget allocation. And the need for senators to discuss the use

of “workarounds” that faculty and students have evolved to accommodate themselves to lack of library resources.

11.09.10.09 Old Business There was no old business

11.09.10.10 New Business

Executive Committee member C. Nordbye brought the following motion to the Senate floor:

“I move that the Faculty Senate create an ad hoc task force to investigate the implementation of a livable wage policy for the University of Memphis. This committee would begin by learning how the Interfaith Task Force waged a successful campaign to create a livable wage policy in the city of Memphis and Shelby County, and also how UT Knoxville, in partnership with the Campus Workers of America, successfully adopted a livable wage policy for their campus.”

Adopted by voice vote with 8 abstentions on November 9, 2010.

11.09.10.11 Announcements/Events

1. TBR-wide Employee Charitable Giving Campaign: Under the banner, “Caring for Tennessee and Beyond,” the 2010 campaign began on October 12 and will run through November 12.

2. AAUP Survey: This survey inquires about Fall 2010 course assignments, salaries, benefits, and general working conditions as members of the contingent academic workforce (faculty, graduate students, researchers, and postdoctoral students. The deadline for participation is November 30, 2010. To do so, visit <http://www.surveymonkey.com/VNNNRVS>

3. Harold Love Outstanding Community Service Award bestowed by THEC. For more information and nomination forms, go to [http://www.tennessee.gov/thec/Divisions/AcademicAffairs/Community Service/pdf/website_print_bro.pdf](http://www.tennessee.gov/thec/Divisions/AcademicAffairs/CommunityService/pdf/website_print_bro.pdf)

4. ID Card Office: Beginning Monday, November 1, Faculty, Staff, and Student IDs will be made at the new campus card office, 5th floor Wilder Tower. Office hours are 8:00-4:30, Monday through Friday. Call Helen Johnson at 678-CARD (2273) or email her at campuscard@memphis.edu.

5. Veterans Day is November 11.

11.09.10.12 Adjournment

The meeting was adjourned at 4:15 p.m.

Policy: 5:02:03:30

Subject: Academic Freedom and Responsibility

I. Introduction

The following policy of the Tennessee Board of Regents on academic freedom and responsibility is applicable to all universities/colleges within the System. The statement in Article II on academic freedom and responsibility may be adopted by each university/college, or a university/college may adopt an alternative statement, provided that the statement is consistent with the policies set forth herein.

University/college policies on academic freedom and responsibility must cite and specifically acknowledge compliance with the Board Policy on Academic Freedom and Responsibility (5:02:03:00). Likewise, university/college policies must embody and communicate clearly as a minimum all provisions, definitions, and stipulations of the Board policy.

II. Academic Freedom and Responsibility

- A. The faculty member is entitled to freedom in the classroom in discussing his or her subject, being careful not to introduce into the teaching unrelated subject matter.
- B. The faculty member is entitled to full freedom in research and in the publication of the results, subject to the adequate performance of his/her other academic duties. Research for financial gain must be based upon an understanding with the authorities of the university, which is documented reduced to writing and signed by the faculty member and the appropriate academic officer(s)
- C. The faculty member is a citizen, a member of a learned profession, and an officer of an educational university/college. **Academic freedom includes the freedom to speak or write without institutional discipline or restraint on matters of public concern as well as on matters related to professional duties and on matters involving the academic and administrative functioning of the university/college.** When the faculty member speaks or writes as a citizen, he/she should be free from university/college censorship or discipline, but his/her special position in the community imposes special obligations. As a man or woman of learning and an educational officer, he/she should remember that the public may judge the profession and the university/college by the faculty member's utterances. Hence, a faculty member should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he/she does not speak for the university/college.

Academic freedom is essential to fulfill the ultimate objectives of an educational university/college - the free search for and exposition of truth - and applies to **participation in shared governance as well as** both teaching and research. Freedom in research is fundamental to the advancement of truth, and academic freedom in teaching is fundamental for the protection of the rights of the faculty member in teaching and of the student to freedom in learning. **Freedom in shared governance is fundamental to the development and maintenance of effective**

academic policies, national and regional accreditation, and shared responsibility for the delivery of educational products and services to students. Implicit in the principle of academic freedom are the corollary responsibilities of the faculty who enjoy that freedom. Incompetence, indolence, intellectual dishonesty, failure to carry out assigned duties, serious moral dereliction, arbitrary and capricious disregard of standards of professional conduct - these and other grounds as set forth in TBR Policy, "Policy on Academic Tenure at Tennessee Board of Regents' Universities, "Section P., may constitute adequate cause for dismissal or other disciplinary sanctions against faculty members subject to the provisions of Article III.

The right to academic freedom imposes upon the faculty an equal obligation to take appropriate professional action against faculty members who are derelict in discharging their professional responsibilities. The faculty member has an obligation to participate in tenure and promotion review of colleagues as specified in university policy. Thus, academic freedom and academic responsibility are interdependent, and academic tenure is adopted as a means to protect the former while promoting the latter. While academic tenure is essential for the protection of academic freedom, all faculty members, tenured or non-tenured, have an equal right to academic freedom and bear the same academic responsibilities implicit in that freedom.

Source: April 2, 2004