



Minutes of the Faculty Senate

Presiding: Lawrence A. Pivnick (Law)

Date: 10-11-11

Secretary: Cynthia G. Tucker (English)

Senators Present: Narahari B. Achar (Physics), Pilar Alcalde (Foreign Lang & Lit), Thomas E. Banning (Engr Tech), Jeffery S. Berman (Psychology), Shaum P. Bhagat (Comm. Sci. Disorders), Gloria F. Carr (Nursing), Mark H. Danley (Univ Libraries), Richard D. Evans (Fin, Ins, & Real Estate), Tomoko Fujiwara (Chemistry), Michael M. Grant (Instr & Curr Ldrship), Reginald L. Green (Leadership), Thomas Hrach (Journalism), Wade M. Jackson (Mang Info Systems), Anita Jo Lenhart (Theatre & Dance), Gladius Lewis (Mechanical Engr), James M. Lukawitz (Accountancy), David G. Matthews (Communication), Edward J. May (Military Sciences, Naval Sci), Larry W. Moore (Civil Engr), Cedar L. Nordbye (Art), Lawrence A. Pivnick (Law), Jose M. Pujol (Earth Sci), Kevin M. Sanders (Music), Steven D. Schwartzbach (Biology), Arwin D. Smallwood (History), Sharon A. Stanley (Political Science) R. Jeffery Thieme (Mrktng & Suply Chain Mang), Cynthia G. Tucker (English), Junmin Wang (Sociology), John L. Williams (Biomed Engr), James F. Williamson (Architecture), Yonghong Xu (Couns, Ed, Psy & Res)

Senators Present by Proxy: Dipankar Dasgupta (Computer Science) Vasile Rus, Robert Kozma (Mathematical Sciences) Alistair J. Windsor, A. Katherine Lambert-Pennington (Anthropology) Michael R. Duke, Billy E. Lawson (Philosophy) Pleshette DeArmitt; Terra L. Smith (Health & Sports Sci) Yuhua Li, Gregory Washington (Sch Urb Aff & Pub) M. Elena Delavega, and Robert R. Wiggins (Management) Carol Danehower

Senators Absent: David C. Burchfield (Public Health), Economics (vacant), Elec & Computer Engr (vacant), David J. Giacomassi (Crim & Criminal Justice), Univ College (vacant)

TBR Representative and Faculty Senate Information Officer: Thomas E. Banning

Guests: David Cox (President's Office), Thomas Nenon (Provost's Office)

The three-hundred-and-ninety-third meeting of the University of Memphis Faculty Senate was held Tuesday, October 11, 2011, in the Senate Chambers, Room 261 of the University Center.

10.11.11.01 Call to Order

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

10.11.11.02 Approval of Agenda

The agenda was approved as submitted.

10.11.11.03 Approval of Minutes

The minutes from our September 6 meeting were approved as submitted.

10.11.11.05 Guest Speaker: President Shirley Raines

President Raines had to cancel her visit. It will be rescheduled.

10.11.11.06 President's Report

As President L. Pivnick has informed all faculty in an email, President Raines has assured us that no positions held by regular faculty members are in jeopardy or were jeopardized by the hires of former Lambuth University faculty members. Those hired at the Lambuth campus are all in contract positions for just one year. These are all teaching positions only, not tenure track posts requiring research; and these positions were all assigned on an exigency basis because the rapid transition did not provide time for full compliance with all of the hiring policies. Hereafter, all open positions will be announced to the general faculty and will follow the hiring procedures of the department where positions are lodged. Dr. Faudree agreed that there should be a faculty presence on the Lambuth Steering Committee. W. Jackson will be a faculty representative on that committee.

2. Administrative Retreat (September 26): In contrast to the tone that prevailed at the 2010 retreat, the financial prognosis and bill of health were remarkably upbeat at this year. President Raines said she expected 2011-2012 to be a turnaround year. For one thing, with both enrollment and tuition having increased, more tuition dollars are coming in. This will allow the U of M to start filling vacant positions, and everyone who has been employed for more than 2 years on the faculty is going to be getting a bonus of \$1000. Other signs of financial recovery include the Music School's expectation of getting a new performing arts center soon; the Fed Ex Institute's help in building relationships between our research faculty and community industries and organizations. President L. Pivnick has sent an email urging all faculty to participate in the Centennial campaign.

3. Faculty Ombudsperson: President Raines and Provost Faudree have approved our proposed procedural guidelines for appointing the faculty ombudsperson and for that person's obligations.

4. T & P Language Governing Third-Year (or Mid-Term) Review: The most recent statement the President's office has offered as a compromise reiterates the condition that faculty coming up for third-year (or mid-term) review be judged by the standards that exist at the time of that review rather than by those standards that were in place at the time they were hired. The Executive Committee of the senate, which continues to deem this language unacceptable, has asked T. Banning to send out a poll to our faculty colleagues so that we can get their input.

4. Family Medical Leave Act (FMLA): Use of Sick Days During Maternity Leave: A troubling inconsistency has come to the EC's attention: The Faculty Handbook policy on maternity leave says a new mother can take up to 12 weeks of unpaid sick leave. It also states she can use her fund of sick days and be paid monthly from that. It does not limit her use of her sick days fund to 30 days. However, a TBR policy departs from the logic implicit in the state statute, which says nothing about a 30-day limit while saying a leave can be used not only when a child is sick but

also when a mother is nursing her baby. The TBR policy limits a faculty member to 30 days of sick leave pay when taking a leave for a birth or adoption of a child. We want to know who put the 30-day stipulation into the TBR policy and to this end will ask that President Raines raise this issue with TBR. T. Banning will bring it up with the TBR faculty subcommittee. The FS will charge Faculty Policies standing committee with investigating this matter.

5. Tenure Clock During Maternity Leave: The discussion of family medical leave prompted a senator to raise the issue of whether or not the tenure clock stops or continues to tick for a female faculty member when she goes on maternity leave. This is clearly a live, if whispered concern, among many female faculty. President L. Pivnick will send this matter to Faculty Policies committee.

6. Participation in Department Budget Meetings: Provost Faudree has invited faculty senators to participate in department budget meetings. In cases where only the college meets, senators representing the college's member departments should decide among themselves which one will attend. T. Nenon (Assistant in the Provost's Office) said that the times for the meetings have not been decided. J. Berman recommended that the representatives first be appointed and then give their schedules to the Provost's office so that the meetings can be scheduled accordingly. Senator J. Lenhart suggested scheduling them for the time the Faculty Senate (FS) usually meets, thus assuring that faculty representatives would be free to attend. Our administrative guests were urged to let the FS office know as soon as the times of the meetings are firm. Senators who attend these meetings should come prepared for discussion of department goals and hiring plans.

10.11.11.07 Old Business

1. Motion to Support Stonewall Tigers Project Safe Zone: C. Nordbye presented a this motion, which had been tabled at our last meeting and subsequently revised to be more inclusive of those whom needed programs support and not limited to the LGBT community. Discussion produced additional changes, including most significantly deleting these lines:

Among the means towards this end, the Faculty Senate endorses the use of a network of volunteers who provide information and assistance on campus for all students subjected to bullying by other students or faculty including but not limited to lesbian, gay, bisexual, and transgendered (LGBT) members of our community. In addition to developing literature and programs that seek to educate students, faculty, and staff who want to be well-informed on diversity issues including LGBT concerns, this network would work with the faculty senate and the university administration to develop the clear guidelines and disciplinary processes required to foster on the University of Memphis campus a safe and civil environment respectful of all individuals. The Safe Zone network would educate the University community on the guidelines fostering a safe and civil community and assist students in presenting instances of uncivil or unprofessional conduct by students and faculty respectively to the appropriate student or faculty body with responsibility for enforcing the civility and professional standards to which the University of Memphis is committed.

In its final version, the motion read:

BE IT RESOLVED: The University of Memphis Faculty Senate supports the creation and implementation of “SafeZone” programs at the University of Memphis campuses which aims to promote and advocate for safe and civil environments respectful of all individuals, including students, faculty, and staff regardless of sex, sexual orientation, gender identity and expression, age, race, religion, disability or national origin.

Adopted by unanimous voice vote on October 11, 2011.

10.11.11.08 NEW BUSINESS

1. Back Pay for Wrongful Termination: In 2007, a faculty member at East TN State University was terminated and sued. When the courts found that he had been wrongfully fired, he got his position back but did not get any back pay because the statute did not mandate that there be any. TUFS believes that we need a statutory change to the law and is asking its member senates to vote on whether or not to support this proposal. If a majority of the member senates vote in favor of it, they will take their case to state legislators. Accordingly, J. Berman, our Past-President and Past-President of TUFS made a motion that the U of M Faculty Senate support a change in the statute. TUFS will be informed of the vote.

BE IT RESOLVED: The Faculty Senate directs its representative to Tennessee University Faculty Senates (TUFS) to report to the TUFS president that The University of Memphis Faculty Senate endorses an amendment to the Tennessee Code that would provide for the back pay when a university faculty member is reinstated following wrongful termination

Adopted by unanimous voice vote on October 11, 2011.

2. University Research Policies: The federal government has been increasing its regulation of government grants, and the U of M has amended its research policies so that even grants from the state, city, or some private agency must comply with the federal rules. This is causing our research faculty so much frustration that we have been asked to charge our Research Policies Committee with looking into whether federal regulations should govern non-federal research grants.

3. Faculty Senate Retreat: One of our committees will be charged with looking into the benefits of having a Faculty senate retreat.

4. Access to Photographs for Online Teaching: Many faculty who teach online courses see benefits in having (posting) the students’ photographs. University Legal Counsel Sheryl H Lipman thinks getting these photographs might have no educational value and be used in ways that would violate FERPA privacy protections. She would not therefore authorize faculty who are teaching online to get photographs of their students. President L. Pivnick, himself a lawyer, observed that not all legal minds agree with Lipman’s opinion since FERPA regulations have had to adapt to technology’s growing use in higher education.

5. Resolution supporting Centennial Campaign: J. Berman moved that all senators contribute to the Centennial Campaign.

BE IT RESOLVED: The University of Memphis Faculty Senate unanimously recommends that all the members of the university faculty support the University of Memphis Centennial

Campaign by making a contribution, by payroll deduction or otherwise, in any amount with a general or specific designation as to the use of the contribution.

Adopted by voice vote with 1 abstention on October 11, 2011.

10.11.11.09 Committee on Committees Nominations

C. Nordbye present the nominations of individuals who have expressed an interest in serving and agreed to be nominees for FS approval. Motion: Move that the Faculty Senate accept the following nominations:

1. For the Dining Services Committee: Terra L. Smith (Health& Sport Sciences)

2. For the Undergraduate Grade Appeals Committee: As primary members: Guiomar Duenas-Vargas, (History), David A. Rosenthal, (Health Administration). As alternates: Kevin D. Richmond, (Music); Maureen E Gray, (Nursing)

4. For Business and Finance Standing Committees (4 committees):
 - a. Facilities & Services (two nominations requested/one at this time): Kevin D. Richmond, (Music)
 - b. Fee/Refund Appeals (three nominations requested/two at this time): Gayle H. Shiba (Nursing), M. Ruth Williams (Health Sport Sciences)
 - c. Public Records (two nominations requested): Peter L. McMickle (Accountancy), George E. Relyea (Public Health)
 - d. Traffic and Parking Authority (two nominations requested): Pepper E. Walker (Student Support Services)
Mitchell M. Withers (Center for Earthquake Research and Information)

Adopted by unanimous voice vote on October 11, 2011.

10.11.11.09 Announcements

1. Centennial Anniversary (2011-2012): For more information about events visit <http://www.memphis.edu/centennial/>
2. Centennial Campaign: "Empowering the Dream": Dr. Charles J. Biggers and Calvin Strong, Campaign Co-chairs, have set a goal of \$250 million.
3. Next Meeting 2011-12 Faculty Senate: Nov 8, 2011

10.11.11.10 Adjournment: The meeting was adjourned at 4:30 p.m.