



## Minutes of the Faculty Senate

**Presiding:** Jeffrey Marchetta (Mech Engr)

**Date:** 9-22-20

**Secretary:** R. Jeffrey Thieme (Marketing & Supply Chain Management)

**Senators Present:** Reza Banai (City & Regional Planning), Thomas E. Banning (Engr Tech), Brennan K. Berg (KWS), Eugene Buder (Comm. Sci. Disorders), Theodore J. Burkey (Chemistry), Gerald Chaudron (Univ Libraries), Coriana Close (Art), Jill Dapremont (Nursing), Frances Fabian (Management), Hal Freeman Jr. (Professional & Lib. Studies), Michail Gkolias (Civil Engineering), David Goodman (Communication), David Gray (Philosophy), Denis D. Grele (World Lang & Lit), Melissa Hirschi (Social Work), Leigh Falls Holman (CEPR), Stephanie Huetten (Psychology), Brian Janz (Business Info. Tech), Holly Lau (Theatre & Dance), Erno Lindner (Biomed. Engineering), Jeni Loftus (Sociology), J. Joaquin Lopez (Economics), Scott Marler (History), Melissa Janoske McLean (Jour. & Strategic Media), Sanjay Mishra (Physics), Fawaz Mzayek (Public Health), Deanna Owens-Mosby (Instr. & Curr. Leadership), Michael Perez (Anthropology), Steven L. Nelson (Leadership), Esra Ozdenerol (Earth Sciences), George E. Relyea (Public Health), Zabihollah Rezaee (Accountancy), Curt Schuletheis (Mil Sci-Naval Sci), Steven D. Schwartzbach (Biology), Sajjan G. Shiva (Computer Science), Mark Sunderman (Fin, Ins, & Real Estate), Scott Sundvall (English), Jeff Thieme (Marketing & Supply Chain Management), Jennifer Thompson (Architecture), William P. Travis (Health Studies), Stephen J. Watts (Criminal Justice), & Máté Wierdl (Mathematical Sciences), Mohommed Yeasin (Electrical & Computer Engineering), Daryn Zubke (Music).

**Senator Present by Proxy:** Kris-Stella Trump (Political Science); proxy Dursen Peksen

**Senators Absent:** Alena Allen (Law)

**Faculty Senate Information Officer:** To be determined.

**Guests:** Thomas Nenon (Provost Office), Carol Hull-Toye (Information Tech Services), (Stanley Hyland (UMAR), Martha Robinson (ad hoc Budget & Finance Committee/ Lambuth Liaison), David M. Kemme (Board of Trustees, Faculty Rep.), Gloria F. Carr (Faculty Ombudsperson), and Karen Weddle-West (Student Success).

The four-hundred-and-seventy third meeting of the University of Memphis Faculty Senate was held on Tuesday, September 22, 2020 via the Zoom video conferencing platform due to restrictions imposed in response to the COVID-19 global pandemic.

### 9.22.20.01 CALL TO ORDER (2:40 P.M.)

President Jeff Marchetta called the virtual meeting to order at 2:40 pm with a quorum present.

#### **9.22.20.02 APPROVAL OF AGENDA**

The agenda was approved as written.

#### **9.22.20.03 APPROVAL OF MINUTES**

##### ***Faculty Senate – August 25, 2020***

The minutes of the August 25, 2020 Faculty Senate (FS) meeting were approved as written.

#### **9.22.20.04 PRESIDENT'S REPORT**

##### ***Fall Budget Shortfall***

President Marchetta reported that in the Provost's meeting with deans and chairs and the President's Council meeting it was reported that the university will have an additional \$10M shortfall. To cover the shortfall each unit will be cut an additional 10% in carryforwards (from 50% - 60%). This shouldn't impact employment of faculty and staff. The CFO made the point that additional budget shortfalls may impact operations (employment).

President Marchetta recognized Provost Tom Nenon who emphasized that these are one-time funds. Previous cuts from colleges covered losses anticipated from cuts in state funding. He also emphasized that further budget cuts could result in furloughs or layoffs.

##### ***Discussion Boards***

President Marchetta reported that the Senate discussion boards are active. All Senators have the ability to post and he encouraged Senators to participate in them.

##### ***Agenda Requests***

President Marchetta reminded Senators that if they want a motion on the agenda, to please send it to him or the Senate Office ten days in advance of the FS meeting. This is a rule in our Constitution.

##### ***Calling the Question***

President Marchetta requested that during discussions in online meetings, Senators be patient and let everyone who wants to speak have a chance before making a motion to call the question.

He also reported that an article came out in the Commercial Appeal regarding COVID infections of faculty. He yielded to Provost Nenon who reported that the number of infected faculty in the article is misleading. It is grossly exaggerated because it includes all infections as of March. Lately there have been only a handful of cases and none were contracted on campus.

#### **9.22.20.05 STANDING COMMITTEE UPDATES & REPORTS**

##### ***Faculty Policies Committee***

President Marchetta yielded to Senator Eugene Buder who reminded Senators that the committee shared its report in the last meeting. It has not yet been adopted. He reviewed a few key items in the report (See Appendix for details). The committee's recommendation is that when a faculty member brings forward a grievance with respect to violations of the code of conduct, the Faculty Grievance Committee should hear it and take up the matter as soon as possible. The committee also recommend that a chair be identified for the Faculty Grievance Committee and a pool of eleven tenured faculty be appointed to the committee. The chair and six of the eleven faculty would hear each grievance. If the grievance is more severe, the matter could be referred to the Provost's Office. He also noted that they have added procedures and guidelines for the Faculty Grievance Committee to the report. He wants to post this document on the Senate discussion board for comments. The report will be reviewed by university legal counsel (concurrently with Senate discussion).

Senator Buder moved to accept the report.

**Report accepted by vote of 35 for, 1 against, and 0 abstain.**

##### ***Administrative Policies Committee***

President Marchetta yielded to Senator Ted Burkey who reported that the committee is focused on two charges. One is an investigation of student threats and faculty safety. The committee is moving forward with an anonymous survey of faculty on this issue. The other charge is to determine a process for selection of faculty volunteers to serve as Title IX hearing officers. The primary issue is the extent that the Senate should be involved in this process. The second issue is whether or not the Senate should solicit faculty volunteers to serve as Title IX hearing officers.

Senator Burkey moved to accept the report.

**Report accepted by vote of 40 for, 0 against, and 1 abstain.**

### ***Budget and Finance Committee***

President Marchetta yielded to Senator Zabi Rezaee who welcomed Senator Coriana Close who recently joined the committee. He thanked the Senate for accepting their report in the last FS meeting. He referenced a letter from Provost Nenon that greenlighted their initiatives. The committee will focus on two things: financial sustainability and educational sustainability of the university as they review academic units. The committee has formed two subcommittees, one on financial sustainability and one on educational sustainability. All members of the committee approved their report. He highlighted the members of the Working Group of the Standing Advisory Budget and Finance Committee of the Faculty Senate (WGBFS) committee which is charged with examining sustainable and affordable education at the University of Memphis in the aftermath of the COVID-19 pandemic by reviewing the educational activities of Academic Affairs units. This group has met and is starting their review. He directed Senators to Figure 1 on sustainable education and Figure 3 which is the model they will follow in their review. He also directed Senators to Appendix B of their report which has the main criteria they will use in their review and noted that it is still being revised. The committee is working to finalize their draft report. Next, the committee will present their work to administration (Provost and deans) and ask for data that they can use in their review. They are hoping that reports will be received from all Academic Affairs units by March. Then they will review and put together a final report in April. They will submit their report first to Business and Finance for approval, then the Faculty Senate, and finally the Provost's office. The committee will provide progress updates in all upcoming FS meetings. (See report in Appendix.)

Senator Máté Wierdl reported on progress of the subcommittee. They are working on the premise that there is a \$70 or \$80M budget shortfall overall. THEC reported that our university's budget is flat compared to last year. The other premise is that the Budget Task Force asked the committee to review academic units for low producing programs. He questions the premise that there is such a large budget shortfall and suggests a broader investigation.

Senator Rezaee moved to accept the report.

**Report accepted by vote of 32 for, 4 against, and 4 abstain.**

### ***Academic Support Committee***

President Marchetta yielded to Senator Michael Perez who reported that their charge is to report relevant ITS activities to the Senate. The Bluejeans video conferencing platform has been renewed until August of 2021. Zoom is replacing Bluejeans. Administration is marketing

to students to enroll in DUO authentication. It will be mandatory for students by January 2021. A request has been made to automate course combines. They are discussing alternatives for our learning management system. The learning management system alternatives have been reviewed by the Provost and Academic Affairs. Blackboard is cheaper but Canvas was most preferred by faculty for usability.

Provost Nenon added that this effort was precipitated by the expiration of the current learning management system contract. There's a state process that must be followed. Tennessee Board of Regents (TBR) worked through the process and Blackboard was the least preferred. He believes that open source packages don't integrate with university systems (e.g. Navigate). The Provost's Office wants to support what faculty recommend. Our faculty mostly prefer Canvas. The current learning management system, Desire 2 Learn (D2L), is being extended through summer of 2022. He is looking for a pilot of Canvas to be available in summer 2021.

President Marchetta referred Senators to contact Parliamentarian Mark Sunderman with any questions or concerns as he's the Senate representative on the Teaching and Learning Advisory Committee (TLAC) or Senator Michael Perez, Chair of the Academic Support Committee.

### ***Library Policies Committee***

President Marchetta yielded to Senator David Goodman. Their committee met with Dr. John Evans, Executive Director of University Libraries. University Libraries has had a 4.5% budget cut. Kanopy is costing more than expected and at current usage rates will only be sustainable until December.

### ***Academic Policies Committee***

President Marchetta yielded to Senator Denis Grele who reported that they have been charged with reviewing the student code of conduct. Materials have been posted on the Senate discussion board for review. The proposal is to streamline the current process. They also looked at list of possible student misconducts and the definition of destructive classroom behavior. He referred Senators to the Senate discussion board for details and feedback. Regarding the list of sanctions, the committee decided to remove revise/submit as a sanction. Also, for the Appeals Committee, they are considering multiple options for the makeup of that committee. They have tentatively decided to keep one faculty, one staff, and one student.

There is nothing to report regarding Undergraduate and Graduate Councils. Finally, the committee is reviewing the Student Evaluation of Teaching Effectiveness (SETE). They will gather data from OIR on gender, ethnicity, age, and other factors to identify any discrepancies. So far, there doesn't appear to be any gender bias.

The committee performed an informal survey of faculty on the SETE. They have received 30-40 responses so far. The committee is also gathering evaluation questionnaires from other universities. The goal is to assemble a working group to analyze all the data. The committee plans to consider possible changes in November.

President Marchetta called for any volunteers for these efforts to contact Senator Grele.

### ***Research Policies Committee***

President Marchetta yielded to Senator David Gray who reported that the Research Policies Committee is still working on one charge: the HR document. They are trying to get more feedback from the University of Memphis Research Council (UMRC). So far, their efforts are going well. The entire Research Policies Committee has been added to the UMRC.

### ***Special Committee on Anti-Racism***

President Marchetta yielded to President-elect Jill Dapremont who reported that her special committee's charge was to explore issues of systemic racism and present proposals for improvements. They are working on a new name for the committee. They have started collecting data to inform their suggestions.

### **9.22.20.06 OLD BUSINESS**

There was no Old Business.

### **9.22.20.07 NEW BUSINESS**

#### ***(M2020.21.7) Motion to Appoint Faculty Representatives to University Committees – Committee on Committees***

President Marchetta yielded to Senator Melissa Janoske McLean who presented the motion:

Whereas,

The Faculty Senate is responsible for appointments to various university committees. The Committee on Committees is responsible for making nominations to the Faculty Senate for faculty appointments to University committees.

Be it resolved that,

The Faculty Senate appoints the following faculty members nominated by the Committee on Committees to the following University Committees:

**Office of the Provost**

**Academic Freedom & Responsibility Committee**

Nirmalee Raddatz, Accountancy  
Subhash Jha, Marketing

**Safety and Security Committee**

Douglas Powell, Health Sciences

**Undergraduate Grade Appeals Committee**

Culeta Byars, Nursing - Alternate

**Graduate Grade Appeals Committee**

Aaryani Sajja, Biomedical Engineering - Primary  
Jason Sasser, Nursing - Primary  
Satish Kedia, SPH - Secondary  
Tracy Bruen, Health Sciences - Secondary

**University Graduate Council**

Xinhua Yu, Epidemiology

**Space Policy Council**

Gretchen Peterson, Sociology

**Division of Business and Finance**

**Fee Refund and Appeals Committee**

Kate Sorensen, Accountancy

**Public Records Committee**

Kelly Mollica, Management

**Office of the Faculty Senate**

**Tenure & Promotion Appeals Committee (Faculty Handbook)**

Joy Goldsmith, Communication  
Eric Platt, Leadership Education  
Joseph Zhang, Accountancy  
Sandi Richardson, Business Info & Technology

**Faculty Grievance Committee (Faculty Handbook)**

Mohammed Yeasin, Electrical & Computer Engineering, Chair

Recipients:

Faculty Senate

Tom Nenon, Office of the Provost

James Orr, Office of the Provost

Helen Johnson, Office of the Provost

Melissa Norris, Division of Business and Finance

**Motion is adopted by a vote of 35 for, 1 against, and 1 abstain.**

***(M2020.21.8) Motion to Recommend Approval of Policy Changes to RE7006 Proposed by the Division of Research and Innovation - from Research Policies Committee***

President Marchetta yielded to Senator David Gray who presented and spoke to the motion:

Whereas,

The Division of Research and Innovation is recommending changes to policy RE7006 Faculty Incentive Compensation. The Research Policies Standing Committee has consulted with the Vice-President of Research and Innovation and is in agreement with the proposed changes.

Be it resolved that,

The Faculty Senate recommends approval of the policy changes in the attached document to RE7006 Faculty Incentive Compensation, proposed by Division of Research and Innovation and the University of Memphis Research Council.

Recipients:

Policy Review Board Faculty Senate Representative, William Pat Travis

Jasbir Dhaliwal, Vice President for Research and Innovation

**Motion is adopted by a vote of 30 for, 1 against, and 3 abstain.**

***(M2020.21.9) Motion to Recommend Amendment of Faculty Handbook Section 3.5.5 "Clinical Faculty"***

President Marchetta yielded to Senator Buder who presented the motion:

Whereas: Faculty Handbook Section 3.5.5 'Clinical Faculty' currently states:

"Clinical faculty may not vote on matters relating to appointment, retention, tenure, or promotion; however, clinical faculty may serve as members of appointed faculty committees, subject to the policies and requirements of their individual colleges and departments."



Be it resolved that,

The Faculty Senate recommends amendment of the Faculty Handbook Section 3.5.5 ‘Clinical Faculty’ to replace the current language with the following:

“Clinical faculty may vote on matters relating to appointment and retention of other Clinical Faculty and may serve as members of appointed faculty committees, subject to the policies and requirements of their individual colleges and departments.”

Recipients:

Tom Nenon, Provost

**Motion is adopted by a vote of 30 for, 0 against, and 1 abstain.**

***(M2020.21.10) Motion to Recommend Amendment of Faculty Handbook Section 4.3.4. “Department Committee”***

President Marchetta yielded to Senator Buder who presented the motion:

Be it resolved that,

The Faculty Senate recommends amendment of the Faculty Handbook Section 4.3.4 “Department Committee” as follows:

*“Department Committee Composition:* The tenure and promotion committee of the department consists of all tenured associate professors and professors. For promotion to professor, the subcommittee of tenured professors will make the recommendations. For promotion of Clinical Faculty, the subcommittee of all Clinical Faculty at ranks higher than the Faculty member under consideration and any other Faculty identified by departmental policies will make the recommendations. Note: For small departments, some alternate process may be needed.”

Recipients:

Tom Nenon, Provost

**Motion is adopted by a vote of 31 for, 0 against, and 0 abstain.**

***(M2020.21.11) Motion to Recommend Amendment of Faculty Handbook Section 3.6.2, 3.6.3, & 3.6.4 “Minimum Requirements for Appointments, Tenure, and Promotion”***

President Marchetta yielded to Senator Buder who presented the motion:

Be it resolved that,

The Faculty Senate recommends amendment of the Faculty Handbook Sections 3.6.2, 3.6.3, and 3.6.4 ‘Minimum Requirements for Appointments, Tenure, and Promotion’ to remove the word ‘only’ as follows:

“...provided however, that clinical assistant professors should show evidence of ability in instruction and service-~~only~~;”

Recipients:

Tom Nenon, Provost

**Motion is adopted by a vote of 31 for, 0 against, and 1 abstain.**

***(M2020.21.12) Motion to Recommend Amendment of Faculty Handbook Section 4.9 “Fast-track for Tenure”***

President Marchetta yielded to Senator Buder who presented the motion:

Be it resolved that,

The Faculty Senate recommends amendment of the Faculty Handbook Section 4.9 ‘Fast Track for Tenure’ as follows:

“From time to time, the University will find it necessary to expedite tenure review in order to recruit high-quality faculty. In those cases, the candidate's application file will take the place of the traditional dossier and will be submitted to the departmental committee, the department chair, the college committee, the Dean, the Provost and the President for review before being forwarded to the University of Memphis Board of Trustees. Because recruitment is often time sensitive, the department and college committees are ~~requested~~required to devise and implement methods for expedited review of the candidate's application regardless of the time of year in which the application is submitted.”

Recipients:

Tom Nenon, Provost

**Motion is adopted by a vote of 32 for, 0 against, and 0 abstain.**

**9.22.20.08 GUEST SPEAKER**

***Dr. Karen Weddle-West, Vice President Student Academic Success and Director of Diversity Initiatives – Update on Diversity Initiatives***

President Marchetta yielded to Dr. Karen Weddle-West, Vice President Student Academic Success and Director of Diversity Initiatives, who provided an update on diversity initiatives. She reviewed a PowerPoint presentation (see Appendix).

President Marchetta thanked Vice President Weddle-West for her leadership in this initiative.

**9.22.20.09 ADJOURN**

The meeting adjourned at 5:21 pm.

## **Appendix**

### **FACULTY POLICIES COMMITTEE REPORT (9/22/2020)**

#### **CODE OF CONDUCT DRAFT 2TABLE OF CONTENTS:**

##### **Article I. Title**

##### **Article II. Definitions**

##### **Article III. Professional Rights of Faculty**

##### **Article IV. Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct**

#### **POLICY STATEMENT:**

##### **Article I. Title**

This code shall be known as the University of Memphis Faculty Code of Conduct. This code is based on the premise that both administrators and faculty share responsibility to create a climate suitable for scholarship, research, effective teaching and learning, and service. Except as otherwise provided by federal or state law, Board of Trustees, or provisions of the Faculty Senate Rules and Regulations, no policy or action by the University or its faculty and staff may violate the rights, responsibilities, and standards of conduct established by this code. Substantive changes to this Code will be made only after approval by the Provost's Office and Faculty Senate, subject to the ultimate authority of the President.

##### **Article I. Purpose**

The purpose of University of Memphis Faculty Code of Conduct is to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the University as an institution of higher learning. This Code of Conduct does not supersede any University policy or procedure.

##### **Article I. Policy**

University of Memphis's commitment to excellence is imbued in the institutional values of diversity and inclusion, accountability, collaboration, innovation, service, and student success. In carrying out such a diverse mission the University requires standards of conduct and ethical behavior implicit in its commitment to excellence. Within these boundaries the University establishes a code of ethical conduct to be followed by University faculty. The personal conduct of University of Memphis faculty is expected to facilitate a highly professional academic environment which epitomizes the standards of professionalism and academic achievement as set forth by these policies.

##### **Statement of Non-Discrimination**

The University will not tolerate discrimination against any employee or employment applicant because of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information, nor will it tolerate harassment on the basis of these protected categories or any other category protected by federal or state civil rights law. Further, in accordance with its Title IX responsibilities, the University prohibits all forms of sexual misconduct and discrimination on the basis of sex in employment and under any education program or activity.

Any conduct that implicates harassment, discrimination, or sexual misconduct as referenced above should be reported to the Office for Institutional Equity (OIE) and will be handled in accordance with policies GE2030, GE2031 and GE2024.

**Article II. Definitions. When used in this Code:**

1. The term “University” means the University of Memphis, and collectively, those responsible for its control and operation.
2. The term “student” includes all persons taking courses at the institution, both full-time and part-time, pursuing undergraduate, graduate or extension studies.
3. A trainee is a type of student, but the term is used separately here to emphasize the responsibilities that faculty members have toward post-doctoral fellows, and persons in similar post-graduate positions. A teacher is anyone who holds a faculty position described in the Faculty Handbook and who teaches students or supervises trainees.
4. The University of Memphis faculty includes all University administrators with faculty appointments. The term "faculty member" includes all persons with a tenured, tenure-track, or non-tenured faculty appointment; unclassified academic staff; and any person hired by the University to conduct classroom activities. Determination of a person's status as a "faculty member" or a "student" in a particular situation shall be determined by the surrounding facts.
5. All other terms have their conventional meaning unless the text dictates otherwise.

**Article II. Definitions. Parts of this Code:**

The definitions of the parts of this Code follows:

Article III of this Code sets forth the responsibility of the University to maintain conditions and rights supportive of the faculty’s pursuit of the University’s central functions.

Article IV of this Code elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the University. The articulation of types of unacceptable faculty conduct is appropriate both to verify that a consensus about minimally acceptable standards in fact does exist and to give fair notice to all that departures from these minimal standards may give rise to disciplinary proceedings.

**Article III. Professional Rights of Faculty**

In support of the University’s central functions as an institution of higher learning, a major responsibility of the administration is to protect and encourage the faculty in its teaching, learning, research, and public service. The authority to discipline faculty members in appropriate cases derives from the shared

recognition by the faculty and the administration that the purpose of discipline is to preserve conditions hospitable to these pursuits. Such conditions, as they relate to the faculty, include, for example:

1. Faculty members have the right to freedom of inquiry, exchange of ideas and assembly.
2. Faculty members have the right to present controversial material relevant to a course of instruction.
3. Faculty members have the right to freedom of expression.
4. Faculty members have the right to participate in the governance of the University, as provided in the Bylaws and Standing Orders of the Board of Trustees and the regulations of the University, including (a) approval of course content and manner of instruction, (b) establishment of requirements for matriculation and for degrees, (c) appointment and promotion of faculty, (d) selection of chairs of departments and certain academic administrators, (e) discipline of members of the faculty, and the formulation of rules and procedures for discipline of students, (f) establishment of norms for teaching responsibilities and for evaluation of both faculty and student achievement, and (g) determination of the forms of departmental governance;
5. Faculty members have the right to be judged by one's colleagues, in accordance with fair procedures and due process, in matters of promotion, tenure, and discipline, solely on the basis of the faculty members' professional qualifications and professional conduct.
6. Faculty members have the legal rights and privileges of citizens.
7. Faculty members have the right to participate in the determination of school, department, and University policies and procedures consistent with the principles of shared governance. Faculty members have the right to impartial treatment in the application of school, department, and university policies and decisions.
8. Faculty members have the right to participate in the determination of their teaching, administrative, and other university assignments and responsibilities, subject to Faculty Senate Rules and Regulations and applicable school and unit policies. This right recognizes that the proportions of time and energy devoted to teaching, advising, research, service, administration, and other responsibilities may vary from individual to individual, and for the same individual over time. Faculty members have the right to impartial treatment in the application of university policies and procedures for the evaluation of their performance of these responsibilities, including the right to participate in that evaluation.
9. Faculty members have a right to be informed about personnel files that contain information about them. Faculty personnel files are maintained by the Provost's Office, Human Resources, the college/school or comparable unit, and the department(s) or comparable units(s) in which the faculty member is appointed. Subject to the provisions of Faculty Senate Rules and Regulations, the faculty member shall have the right to examine the contents of such files and notify the Provost of any inaccuracies or missing information in the files.
10. Faculty members have a right to be secure in their persons, offices, papers, computers, electronic files and effects against unlawful searches and seizures.

11. Faculty members have a right to due process in all disciplinary matters. Faculty members have the right to peer judgment through the hearing process. Faculty members can report concerns to the Faculty Grievance Committee, a standing committee specifically charged with responsibility for resolving matters of grievance and developing a process for disciplinary sanctions and procedures.

12. Faculty members, groups, and organizations may invite and hear any persons of their own choosing, subject only to the requirements for use of University facilities, the University policies on fundraising, political activity, and solicitation, University policies on political activity and solicitation, and other relevant policies.

13. University facilities shall be made available for assignment to faculty members, individually or in groups, even though not formally organized, subject to University policies on facilities use. Preference may be given to programs designed for audiences consisting of members of the University community.

14. Faculty members, groups, or organizations may distribute written or electronic material on campus without prior approval so long as the distribution is consistent with University policy and state and federal law. The person or persons responsible for such material must be clearly indicated.

15. Faculty members have the right to pursue opportunities for improving their skills and developing their talents related to their responsibilities as teachers and scholars contingent upon the availability of resources and compliance with applicable University policies (e.g., travel, conflict of interest, leaves, class schedules, etc.).

16. Faculty members have the right to engage in a limited amount of outside work, for pay or without pay, in accordance with state ethics laws and University policy on commitment of time, conflict of interest, consulting, and other employment.

17. Faculty members have a right to legal defense as specified by the Tennessee Law.

18. Faculty members have the right to be evaluated annually according to University policy. Each faculty member shall receive from the departmental chairperson or dean a written statement evaluating his/her performance during the preceding year. Typically, the faculty member will be evaluated on teaching, scholarship, service, and/or professional performance consistent with University and unit expectations as set forth in Faculty Handbook Chapter 4, the position, and approved allocation of effort.

19. Tenured faculty may be removed only for cause, in cases of program discontinuation, or in cases of bona fide financial exigency consistent with Faculty Handbook Chapter 4.

20. Faculty members have the right to utilize applicable grievance procedures without retaliation.

#### **Article IV – Professional Responsibilities, Ethical Principles, and Unacceptable Faculty Conduct**

This listing of faculty responsibilities, ethical principles, and types of unacceptable behavior is organized around faculty's roles as educators, scholars, colleagues, members of the university and overall community.

#### **FACULTY'S ROLE in University's MISSION**

University of Memphis's mission reflects institutional values of diversity and inclusion, accountability, collaboration, innovation, service, and student success. The University of Memphis faculty bears primary responsibility for preserving the conditions necessary to advance this mission, including protection of the freedom of inquiry; participation in the governance of the University; the application of fair and consistent standards and processes in matters of promotion and tenure; and adherence to a shared set of principles governing faculty members in relation to each other, to their students and trainees and to the University and its staff members. University of Memphis faculty members understand the common-sense and reasonable responsibilities that arise from their roles as educators, scholars, colleagues, members of the university and overall community:

##### **Their Role as Educators.**

##### **Ethical Principles.**

The integrity of the teacher-student relationship is crucial to the University's educational mission. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. When acting in their role as teachers, members of the University of Memphis faculty treat students with professional courtesy and respect their rights, including, but not limited to, academic freedom and those rights as outlined in the Student Code of Rights and Responsibilities. They set an example of academic integrity and educate their students and trainees in the requirements of honest scholarship. They evaluate their students' and trainees' work solely based on its intellectual merit and adherence to course or program requirements. They maintain proper professional boundaries and never exploit the unequal institutional power inherent in the relationship between faculty member and student and trainee.

Faculty who teach are expected to teach courses in their department / school in accordance with the needs, requirements and expectations of the unit and the general requirements concerning the conduct of classes specified in various University regulations. Good teaching requires continual application and effort. Faculty who teach are expected to keep abreast of new developments in their fields and must maintain credentials as scholars so that they are part of the creative process by which the frontiers of knowledge and culture are continually being expanded. A teacher should be engaged with his/her particular discipline and should be able to convey to the students the value of the subject. Teaching duties of a professor include planning classroom and/or online activities as appropriate to the method of course delivery; preparing course syllabi; designing



assignments and/or examinations; holding regular office hours or being available for consultation; supervising independent work undertaken by students; directing theses and dissertations; evaluating students: assessing and documenting student learning; advising; and developing and assessing curricula. Teaching responsibilities include prompt and regular presence during scheduled class hours whether in a physical classroom or online, as appropriate to the mode of course delivery. In the case of forms of online course delivery that do not involve regular meeting times for the entire class, teaching responsibilities include meeting unit expectations for other forms of student – teacher and student – student interaction.

### **Types of unacceptable conduct:**

1. Failure to meet the responsibilities of instruction, including:
  - (a) arbitrary denial of access to instruction.
  - (b) significant intrusion of material unrelated to the course.
  - (c) significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled.
  - (d) evaluation of student work by criteria not directly reflective of course performance.
  - (e) undue and unexcused delay in evaluating student work.
  
2. Discrimination, harassment, or sexual misconduct against a student for reasons of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information.
  
3. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student for arbitrary or personal reasons.
  
4. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom.
  
5. Entering a romantic or sexual relationship with any student for whom a faculty member has, or should reasonably expect to have in the future, academic responsibility (instructional, evaluative, or supervisory).
  
6. Violation of the University's policies on sexual misconduct and harassment in all their respective forms.

### **Their Role as Scholars.**

### **Ethical Principles.**

As scholars, members of the University of Memphis faculty devote their professional lives to seeking and disseminating knowledge, using the tools and resources provided by the University and the larger community. To protect their colleagues, their students, their trainees, the University, and the record of knowledge in their field, and to preserve respect for scholarship in the larger community, members of the University of Memphis faculty conduct and publish their research and writing with scrupulous honesty, and they do not allow pecuniary or other improper influences to compromise the integrity of their scholarship.

Faculty members have the responsibility to engage continuously in scholarship consistent with University and unit expectations as set forth in Faculty Handbook Chapter 4, the position, and approved allocation of effort. Scholarship encompasses not only traditional academic research and publication but also the creation of artistic works or performances and any other products or activities accepted by the academic or professional discipline as reflecting scholarly effort and achievement. Scholarship should be subject to the critical scrutiny of peers and should expand the frontiers of knowledge and culture. Faculty members have a responsibility to demonstrate ethical and responsible behavior in the design, conduct, and reporting of academic scholarship consistent with the standards of their disciplines. Faculty have a responsibility to act as positive examples of responsible scholarship for students and developing scholars.

### **Types of unacceptable conduct:**

Violation of canons of intellectual honesty, such as research misconduct and/or intentional misappropriation of the writings, research, and findings of others.

### **Their Role as Colleagues:**

**Ethical Principles.** “As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.” (AAUP Statement, 1966; Revised, 1987.)

### **Types of unacceptable conduct:**

1. Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.

2. Discrimination, harassment, or sexual misconduct against a colleague for reasons of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information.

3. Breach of established rules governing confidentiality in personnel procedures.

## **Their Role as Members of the University of Memphis Community.**

### **Ethical Principles.**

The overriding professional obligation of all full-time faculty members is to the University of Memphis and to its mission, faculty members recognize that the preservation of the University as a self-sustaining community of scholars requires that they accept their share of responsibility for University governance and that they comply with University policies. Faculty members participate constructively and without discrimination in hiring and promotion decisions. By freely associating themselves with the University, members of the faculty affirm their commitment to a philosophy of mutual tolerance and respect. In furtherance of University of Memphis's mission, they have the right and obligation to criticize their colleagues, staff members, and the University, but they endeavor to do so without personal animus and without seeking to intimidate or coerce. Faculty members act as stewards of University of Memphis's resources and treat University of Memphis property and funds with care and prudence.

### **Types of unacceptable conduct:**

1. Intentional disruption of functions or activities sponsored or authorized by the University.
2. Incitement of others to disobey University rules when such incitement constitutes a clear and present danger that violence or abuse against persons or property will occur or that the University's central functions will be significantly impaired.
3. Unauthorized use of University resources or facilities on a significant scale for personal, commercial, political, or religious purposes.
4. Forcible detention, threats of physical harm to, or harassment of another member of the University community, that interferes with that person's performance of University activities.
5. Discrimination, harassment, or sexual misconduct against another member of the university for reasons of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information.
6. Serious violation of University policies governing the professional conduct of faculty, including but not limited to policies applying to research, outside professional activities, conflicts of commitment, clinical practices, violence in the workplace, and whistleblower protections.
7. Violation of the confidential relationship between the University and its students by preserving the privacy of all records relating to students and protecting student information from improper disclosure. They shall receive prior approval from the Office of the Provost when distributing written or electronic materials for solicitation purposes. Faculty shall refrain from the use of campus mail and campus electronic communications devices for political purposes.
8. Violation of use technology in an irresponsible manner that are not in accordance with University guidelines and policies.

9. Knowingly furnishing false information to the University, or forging, altering, or misusing University documents or instruments of identification.

10. Plagiarism, misrepresentation, and fraud in performance of responsibilities.

11. Committing an act that involves such moral turpitude as to render the faculty member unfit for his/her position. As used in this section, conduct involving moral turpitude means intentional conduct, prohibited by law, which is injurious to another person or to society and which constitutes a substantial deviation from the accepted standards of duty owed by a person to other persons and society.

12. Violation of conflict of interest and commitment policies

All decisions and actions taken by faculty, as a member of the University of Memphis community, in the conduct of University business, will be made in a manner that promotes the best interests of University of Memphis. Faculty have an obligation to address both the substance and the appearance of conflicts of interest and commitment and, if they arise, to disclose them to the appropriate University representative and withdraw from debate, voting, or other decision-making processes where a conflict of interest exists or might arise.

12 (a) University of Memphis faculty shall refrain from accepting preferential benefits based solely on public employment and shall refrain from giving preferential benefits to employees, relatives and citizens of the state.

12 (b) University of Memphis faculty shall not accept fees, gifts, payment for experience or any other thing of monetary value which will give rise to: (1) the preferential treatment of any student, employee or citizen (2) the loss of impartiality in decision making.

12 (c) University of Memphis faculty shall not disclose, use or allow others to use confidential information acquired by virtue of employment with University of Memphis or other confidential sources except as provided by law.

12 (d) University of Memphis faculty are not expected to perform or engage in any situation that will have the effect of compromising the integrity of the University, or creating a conflict of interest, to include: (1) use of state property, equipment, facilities, time or investments for private gain (2) articulating employment provisions that reduces the effectiveness of University operations.

13. Violation of Conflict of Commitment Policies

A conflict of commitment occurs when a commitment to activities outside of University responsibilities interferes with faculty's capacity to meet faculty's University responsibilities. It is recognized that some of faculty's outside service and professional responsibilities can and do benefit the University. If faculty is a Corporation member, their outside responsibilities do not ordinarily pose conflicts of commitment because their service to the University is uncompensated. If you are a faculty member, limits on your outside activities are defined in the University of Memphis Conflict of Interest and Commitment Policy and the Conflict of Interest and Commitment Policy for Officers of Instruction and Research. For administrative officers and members of the staff, faculty time allowed for service to other organizations depends

on their job responsibilities and supervisor's expectations for the level of involvement with professional and community organizations, and is defined in the University of Memphis Conflict of Interest and Commitment Policy. As a member of the University of Memphis community, faculty must disclose any outside activity that is, or may be perceived to be, a conflict of commitment so that these activities can be managed properly.

#### 14. Failure to speak up and appropriately report suspected violations

University of Memphis is committed to the highest standards of ethical conduct and integrity in all areas of its mission. Faculty members who are managers or supervisors are required to report to OIE any alleged harassment and discrimination as provided by University policy GE2030 and all University faculty are considered mandatory reporters for the purposes of sexual misconduct and domestic violence as provided for by University policy GE2031. Members of the University community should report suspected violations of applicable laws, regulations, government contracts and grant requirements, and of this Code of Conduct. This reporting should normally be made initially through standard management channels, beginning with your immediate supervisor, instructor or advisor. If for any reason it is not appropriate for faculty to report suspected violations to the immediate supervisor (e.g., the suspected violation is by the supervisor), faculty may go to a higher level of management, contact Chief Audit Executive, or the Tennessee State Comptroller. It is expected that faculty's report will be made in a good faith effort to address legitimate issues needing correction, or to otherwise provide reliable information. If reporting a suspected violation in good faith, it is protected under the Tennessee Law, which prohibits retaliation against employees for disclosing a violation or noncompliance with laws, rules or regulations.

##### *14 (a). Suspected Fiscal Misconduct*

All University employees, including student employees, are responsible for the proper conduct and handling of any University resource or fiscal matter entrusted to them, in accordance with laws, regulations, University policies and other expectation of ethical business conduct. The University's Fiscal Misconduct Policy requires employees, including student employees, to promptly report to the Chief Audit Executive or the Tennessee State Comptroller any actual or suspected fiscal misconduct, whether by members of the University community, or by persons outside the University involving University resources. If you instead report fiscal misconduct to a supervisor, chairperson, director, dean, vice president or another responsible person, that individual must immediately notify the Chief Audit Executive or the Tennessee State Comptroller.

##### *14 (b). Cooperation*

As a member of the University of Memphis community, faculty shall cooperate fully with any audit, inquiry, or investigation undertaken at University of Memphis's direction by its attorneys, investigators, internal auditors or independent public accountants.

## **Their role as the members of the Community**

### **Ethical Principles.**

“Faculty members have the same rights and obligations as all citizens. They are as free as other citizens to express their views and to participate in the political processes of the community. When they act or speak in their personal and private capacities, they should avoid deliberately creating the impression that they represent the University.” (U.C. Academic Council Statement, 1971.)

### **Types of unacceptable conduct**

1. Intentional misrepresentation of personal views as a statement of position of the University or any of its agencies. (An institutional affiliation appended to a faculty member’s name in a public statement or appearance is permissible, if used solely for purposes of identification.)
2. Commission of a criminal act which has led to conviction in a court of law and which clearly demonstrates unfitness to continue as a member of the faculty.

### **C. STANDARDS OF CONDUCT**

1. University of Memphis faculty are expected to serve the University with dignity, respect, courtesy and loyalty.
2. University of Memphis faculty are expected to demonstrate and maintain the highest standards of decency, personal integrity, truthfulness and honesty and shall, through personal conduct, inspire public trust and confidence in the University.
3. University of Memphis faculty shall be fit for duty and strive to meet the highest standards of professional performance being prepared to work with others to make the most effective use of University resources.
4. University of Memphis faculty shall refrain from accepting preferential benefits based solely on public employment and shall refrain from giving preferential benefits to employees, relatives and citizens of the state.
5. University of Memphis faculty shall not accept fees, gifts, payment for experience or any other thing of monetary value which will give rise to: (1) the preferential treatment of any student, employee or citizen (2) the loss of impartiality in decision making.
6. University of Memphis faculty shall not disclose, use or allow others to use confidential information acquired by virtue of employment with University of Memphis or other confidential sources except as provided by law.
7. University of Memphis faculty are not expected to perform or engage in any situation that will have the effect of compromising the integrity of the University, or creating a conflict of interest, to include: (1) use of state property, equipment, facilities, time or investments for private gain (2) articulating employment provisions that reduces the effectiveness of University operations.
8. University of Memphis faculty are expected to maintain the public trust by exposing corruption and legal violations in any area.

9. University of Memphis faculty are expected to conform to all federal, state and local government legal responsibilities that are normally expected of a citizen of the state.

10. University of Memphis faculty are expected to maintain the integrity of higher education goals by encouraging the continuation of faculty and student involvement in research which advances knowledge and leadership in all academic and professional areas.

11. University of Memphis faculty may exercise constitutional rights as citizens to participate in political activities and to express opinions regarding controversial issues provided, they do not create the impression they are acting or speaking as a representative of the University.

12. University of Memphis faculty must recognize that personal gain from public service is limited to respect, recognition, salary and normal employee benefits contracted with University of Memphis and its Board of Trustees.

**D. RESOLUTION OF ETHICAL CONFLICT** In applying the code of ethical conduct, faculty may encounter problems in identifying unethical conduct or in resolving ethical conflict. When faced with significant ethical issues, they should consider the following courses of action:

Discuss such problems with the immediate superior (e.g., department chair or director), except when it appears the superior is involved. If the immediate supervisor is involved, the problem should be presented initially to the next higher managerial or administrative level. Contact with levels above the immediate superior should be initiated with the superior's knowledge, assuming the superior is not involved. If satisfactory resolution cannot be achieved when the problem is initially presented, submit the issues to the next higher managerial or administrative level. It is advised that before any action is taken, Faculty seeks advice from the **Faculty Ombudsperson**.

The University of Memphis **Faculty Ombudsperson** is available to all members of the University faculty, including all tenured, tenure-track, clinical, research, one-year instructors and administrators such as chairs and directors, to facilitate dispute resolution through cooperation, consensus, education and mediation. The University of Memphis **Faculty Ombudsperson** is an independent, confidential, impartial (neutral), and informal resource, chosen from the UM faculty, whose activities assist the faculty to resolve complaints that have not risen to the level of formal grievances, with the goal of promoting alternatives to adversarial processes. The office supplements, but does not replace, the university's existing resources for conflict resolution.

If the ethical problem or conflict still exists, Faculty is referred to the appropriate departments such as Human Resources, OIE (Office of Institutional Equity), ~~or as well~~ as the Faculty Grievance Committee.

#### **E. ADMINISTRATION OF THE CODE OF ETHICAL CONDUCT**

[Administration for the Code of Ethical Conduct shall be conducted by the Faculty Senate Faculty Grievance Committee according to its Description and Guidelines and Procedures.](#)

## Appendix A: Faculty Grievance Committee Description

### Faculty Grievance Committee

#### About

The ad-hoc Faculty Grievance Committee provides an avenue of appeal for faculty who feel mistreated in their relationship(s) with other faculty members or with administrators of the University of Memphis. The Faculty Grievance Committee considers, evaluates, and issues findings related to alleged violations of the Faculty Code of Conduct. The Faculty Grievance Committee also provides advice to faculty members bringing a grievance, decides to accept or reject submitted grievances, investigates grievances, mediates when called upon, and makes recommendations to the president of the university (or other university officials as deemed appropriate).

Likewise, the Faculty Grievance Committee provides a source of appeal for faculty who feel they have been unfairly treated during annual evaluations. In addition, the Grievance Committee provides a source of appeal for faculty regarding their evaluations based on claims of violation of academic freedom or failure to follow the proper procedures in conducting the annual evaluation. Matters regarding the substance of the evaluation are also subject to appeal. Finally, the Faculty Grievance Committee is also charged with reviewing cases where a faculty member alleges that a decision of non-renewal of appointment was a result of inadequate consideration of the relevant standards of the institution.

The Faculty Grievance Committee is comprised of a standing chairperson and eleven (11) tenured faculty members. The eleven (11) tenured faculty members comprise a pool of potential members to hear a grievance. A committee comprised of the chairperson and six (6) of the eleven (11) committee members will hear each grievance. The members of the Faculty Grievance Committee should be diverse and inclusive, representing the broader diversity of the University of Memphis faculty membership (i.e., racial, ethnic, gender, religion, sexual orientation/identity, etc.).



## **Appendix B: Faculty Grievance Committee Guidelines and Procedures**

The Faculty Grievance Committee 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" (HR5052), but for which the faculty member involved seeks redress. In such situations, the Faculty Grievance Committee will consider the complaint and all available evidence and render a recommendation if it deems appropriate. The following guidelines and procedures should be followed for the review of complaints:

1. The issue must concern a matter other than tenure and promotion reviews (for which a committee already exists) or discrimination under the law or any issue for which legal action has begun.
2. The complainant must first determine that his or her request has been denied (or a hearing refused, or no timely response given) by administrators.
3. The Faculty Grievance Committee 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 within five (5) business days whether to hear the case.
4. If the Faculty Grievance Committee agrees to hear the complaint, it will first attempt to mediate the disagreement by working with the complainant and the administrator involved.
5. 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 Faculty Grievance Committee. The Faculty Grievance Committee 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 Faculty Grievance Committee 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.

### **Procedure for Selection**

The Faculty Grievance Committee Chair and members shall be officially nominated by the Faculty Senate Committee on Committees and appointed following a majority vote of the Faculty Senate. Members of the Faculty Grievance Committee shall serve in three-year terms that are staggered.

# **SUSTAINABLE EDUCATION IN THE AFTERMATH OF THE COVID-19 PANDEMIC: IMPLICATION OF LEAN MANAGEMENT AND CONTINUOUS IMPROVEMENT STRATEGIES**

## **I. Introduction**

The public, regulators, business organizations, and the academic community are taking a closer look at colleges and universities to find ways to hold these institutions more accountable for achieving their mission of providing higher education with affordable and relevant curriculum while preparing students for leadership roles in the technology-driven and competitive marketplace. A 2012 study of 1,700 public and private institutions of higher education suggests that about one-third of colleges and universities have been on an unsustainable financial path and another 28 percent are at the risk of becoming unsustainable<sup>1</sup>. Tuition at public universities and colleges has significantly increased in the past decade (about 9% in 2012) as state governments have slashed university funding. Recent higher education is being perceived as costing too much and achieving too little. In recent years and prior to the 2020 COVID-19 pandemic, financial positions of many colleges and universities have been strong because of higher enrollment and generous endowments but conditions have changed for many of these institutions.<sup>2</sup> Colleges and Universities in the United States are anticipating a significant loss of revenues resulting from the pandemic. For example, the University of Michigan anticipate a loss of up to \$1 billion whereas Harvard University is expecting a \$750 million revenue shortfall in 2020.<sup>3</sup> The revenue shortfall for the University of Memphis for 2020 is estimated \$17 million. Recently, the University of Memphis has been ranked among the world's top universities and is only one of only three honored in such a high ranking in the State of Tennessee (in addition to Vanderbilt and The University of Tennessee) according to the 2021

Times Higher Education World University Rankings.<sup>4</sup> The University of Memphis is in the process of obtaining a Carnegie level one research institution and its education sustainability of offering affordable and high-quality education as well as relevant and impactful research and service is essential in this process. Figure 1 presents a model of education sustainability.

The 2020 COVID-19 pandemic has significantly altered business as usual for colleges and universities from primarily in-class learning to mostly virtual learning of delivering the most efficient and effective ways to meet the imposed financial challenges and restructuring of operations to ensure continuity and sustainability. Nonetheless, long-term sustainability of colleges and universities is vital to the economic growth and prosperity of our nation in preparing the next generation of human capital. The short-term financial effects of the pandemic on The University of Memphis include cash flow deficiencies resulted from losing dining revenues, parking fees, refunding of tuitions, room and boarding fees, and long-term uncertainty relevant to the centuriation of delivering affordability and sustainability of education. The university has addressed the short-term budget effects of the pandemic by appointing a Budget Reduction Taskforce on July 7, 2020. The Budget Taskforce has made several recommendations/strategies to address the immediate shortfall of \$17M, known as Phase I.

The long-term effects of the pandemic and sustainability of education at the University of Memphis are addressed by the Working Group of the Standing Advisory Budget and Finance Committee of the Faculty Senate (WGBFS), which was established on September 1, 2020. The WGBFS is charged to examine the sustainable and affordable education at the University of Memphis in the aftermath of the COVID-19 pandemic by reviewing the educational activities of Academic Affairs Units. The review of all Academic Affairs Units will be conducted buy using lean management and continuous improvement strategies presented in Figures 1-3, based on the

financial and non-financial metrics outlined in Appendix B and strengths, weaknesses, opportunities, threats, safeguards/sustainability (SWOTS) analysis described in Appendix A.

## **II. Institutional Background**

The social distancing feature of the COVID-19 pandemic demands universities and colleges worldwide to transform their programs and courses to virtual and online classes in the foreseeable future. The COVID-19 pandemic has also caused many financial challenges for universities and colleges because of potential decreases in students' enrollment and government financial supports. The CARES Act provides some financial assistance by allocating \$32 billion to support all levels of education and \$7 billion for student aid. Each university and college should establish a steering committee to address education challenges of the COVID-19 pandemic and design strategic plans for possible return to campus in the Fall of 2020 and onwards. The University of Memphis (UoM) has considered guidelines provided at local, state, and federal levels to ensure a safe environment for students, staff, and faculty, maintain the education quality, and secure sustainability and financial health of the university.

Sustainable education starts in the classroom where we train future generations of workforces and leaders to better understand community and market demands for higher education. The main objective of the UoM is to provide educational services to the community in creating, disseminating, and implementing knowledge. The main goal is to transform the University from Carnegie level 2 to level 1 in terms of research, academic and non-academic programs, serve the diverse students, and tailor our education programs toward the needs of students, neighborhood, or district betterment involvement.

At the University of Memphis, the administrators and the entire management team are facing significant challenges brought on by the COVID-19 pandemic. Among these challenges are protecting the students and the employees in terms of safety and health, changing the work environment to enable remote working, performing human capital risk assessment, dealing with supply chain disruption, and modifying the financial budget to provide adequate cash and liquidity. These challenges provide opportunities for universities to maintain continuity, sustainability and efficient transformation of their education, business, financial, and operational functions. The University of Memphis has responded to the challenges brought on by the COVID-19 pandemic by appointing a Budget Reduction Taskforce on July 7, 2020. The Budget Taskforce has made several recommendations/strategies for the following two phases:

1. Phase I - Recommendations/strategies to address the immediate known shortfall of \$17M.
2. Phase II - Recommendations/strategies to address any additional budget shortfalls because of a drop in enrollments and/or additional financial impacts given the ongoing difficulties related to the COVID-19 pandemic.

The effective implementation of these two phases require a comprehensive and coordinated approach by the central administration and all colleges, schools, and departments in consultation with the faculty senate in assessing and managing their activities. The lean management and continuous improvement strategies (LMCIS) provide a blueprint for and effective and guided execution of this complex task. The following sections provide insight into the basic features of the LMCIS and how they are applicable to institutions of higher learning as they make necessary adjustments in response to the unusually difficult circumstances brought on by the COVID-19 pandemic.

### **III. Lean Management**

The concept of lean management is very relevant in the post-COVID-19 era and applicable to the charge of the WGBFS in addressing education sustainability at the University of Memphis. There are three guiding principles of the lean management as related to the charge of the WGBFS: (1) promoting the main objective of delivering high quality, sustainable and affordable education by focusing on cost-effective and efficient teaching, research, and service; (2) implementing continuous improvement of identifying strengths and concerns and finding ways to consciously improving the education process; and (3) eliminate waste and duplication by optimizing the use of resources and restructuring, reengineering, and integrating activities. The lean management concept promotes the link between cost management (cost centers) and performance management (revenue centers) as they are affected by managerial strategy in response to the COVID-19 challenges. The lean management is a process of examining efficiency, effectiveness, and program results to offer high-quality and affordable and sustainable educational programs. Two managerial concepts of cost management relevant to the cost centers and performance management relevant to revenue centers are interdependent and should be integrated in achieving lean management and operational objectives and effectiveness. Cost management addresses the budget cuts of phase I in the context of lean management, whereas performance management focuses on continuous improvement in achieving sustainable high-quality education and generating revenues.

### **IV. Continuous Improvement**

Continuous improvement strategies involve classifying university activities into four categories: value-adding, non-value adding, essential, and nonessential, and have traditionally been used by business organizations.<sup>5</sup> The focus on continuous improvement has become more

crucial in the aftermath of the COVID-19 pandemic. The university and its finance function and the CFO in consultation with the Faculty Senate are in a necessary position to work with administration and colleges, schools, and departments in assessing what activities to restructure, what activities to prioritize, and what activities to emphasize. In the post-COVID-19 environment with advanced technological innovation, continuous improvement becomes crucial in gaining a competitive advantage and maintaining sustainability. Continuous improvement can enable the university to cope with challenges brought on by the COVID-19 pandemic and effectively implement recommendations of the Budget Taskforce. University activities and particularly activities of each Academic Affairs unit can be classified into four categories as depicted in Figure 2:

**A. Highest Value-Adding and Essential-** These activities add value to the university's main purpose and mission of offering high-quality, affordable, and sustainable education and are essential in maintaining the continuity and sustainability of the university. These activities such as teaching, and research are adding value and any disruption can have detrimental effects on sustainability. Examples of these activities are productive undergraduate, graduate, and PhD programs with effective teaching, productive research, and meaningful services. All academic programs that are cost-effective and efficient are considered value-adding and essential.

**B. High Value-Adding but Less-Essential**

These are activities that are considered as value-adding but may be minimized without losing the value-added feature through re-engineering and restructuring. Colleges, schools, and departments should consider optimizing these activities in the post-COVID-

19 pandemic and in the light of the current budget cuts. Example of these activities are excessive administrative and staff activities and related compensation.

### **C. Lowest Value-Adding but Essential**

These are activities that do not add value but are essential. Example of these activities are administrative and staff activities including physical plant. However, activities such as middle-level managerial positions (e.g., associate deans, directors, unnecessary staff) should be minimized, especially in the post-COVID-19 era.

### **D. Lowest Value-Adding and Less-Essential**

These are activities typically excluding academic programs that neither add value nor considered essential and thus must be restructured, consolidated, or eliminated in the post-COVID-19 era to ensure continuity and sustainability. Example of these activities are unnecessary administrative, staff, and instructor positions. At the present time the WGBFS is unaware of any University of Memphis programs that should be judged to be, “Non-Value-Adding and Non-Essential”.

## **V. Plan of Action**

Colleges and universities have developed a multi-phase plan for reopening their campus with different timeframes for implementing these phases with the final phase aiming at allowing students, staff, and faculty return to campus eventually. Some classes can continue to be online and conducted virtually with remote learning. The business recovery, sustainability, and transformation are essential strategic planning for coping with growing challenges caused by the COVID-19 pandemic. The central administration in collaboration with colleges and faculty



senate should consider all possibilities and scenarios under which the university can survive, recover, and continue sustainable performance in offering high-quality education.

On September 1, 2020, Provost Nemon requested the Budget and Finance Committee (BFC) to conduct Lean Management and Continuous Improvement reviews on the Academic Affairs units. The BFC has formed the WGBFS consisting of:

Alena Allen (BFC Member, Law School)

Tom Banning (Past President of Senate, Engineering)

Greg Barnes (KPMG Office Managing Partner, Alumni)

Ken Lambert (Past President of Senate, School of Accounting)

Holly Lau (BFC Member, Theatre & Dance)

Fawaz Mzayek (BFC Member, Epidemiology)

James Orr (ex-Officio, Assistant Vice Provost)

Darryl Poole (Bentley University Trustee Emeritus, Advisory: MIT/Sloan School)

Zabihollah (Zabi) Rezaee (Chair, School of Accountancy)

The WGBFS is tasked with:

- Reviewing and evaluating efficiency of administrative faculty and staff support in each unit.
- Reviewing and evaluating academic programs and identifying low producing programs that may be unsustainable and need restructuring, downsizing, or consolidation.

The WGBFS will start the review process in September 2020, to meet with all administrators of the Academic Affairs units in Fall 2020, prepare its preliminary review report in January and February 2021, discuss its review reports and related recommendations with each unit administrators in March 2021, present the final review reports to the BFC for approval,

present review report to the Faculty Senate for the final Approval, and finally forward review reports to the Provost for consideration in April 2021.

We will meet with the central administration, colleges, schools, departments, and other units to discuss the relevance of LMCIS in ensuring continuity and sustainability of our education programs. We view the University and each of the Academic Affairs unit as a community of faculty, students, administrators, and staff who are gathered to support learning by creating knowledge, disseminating knowledge, and implementing knowledge. This can be done through:

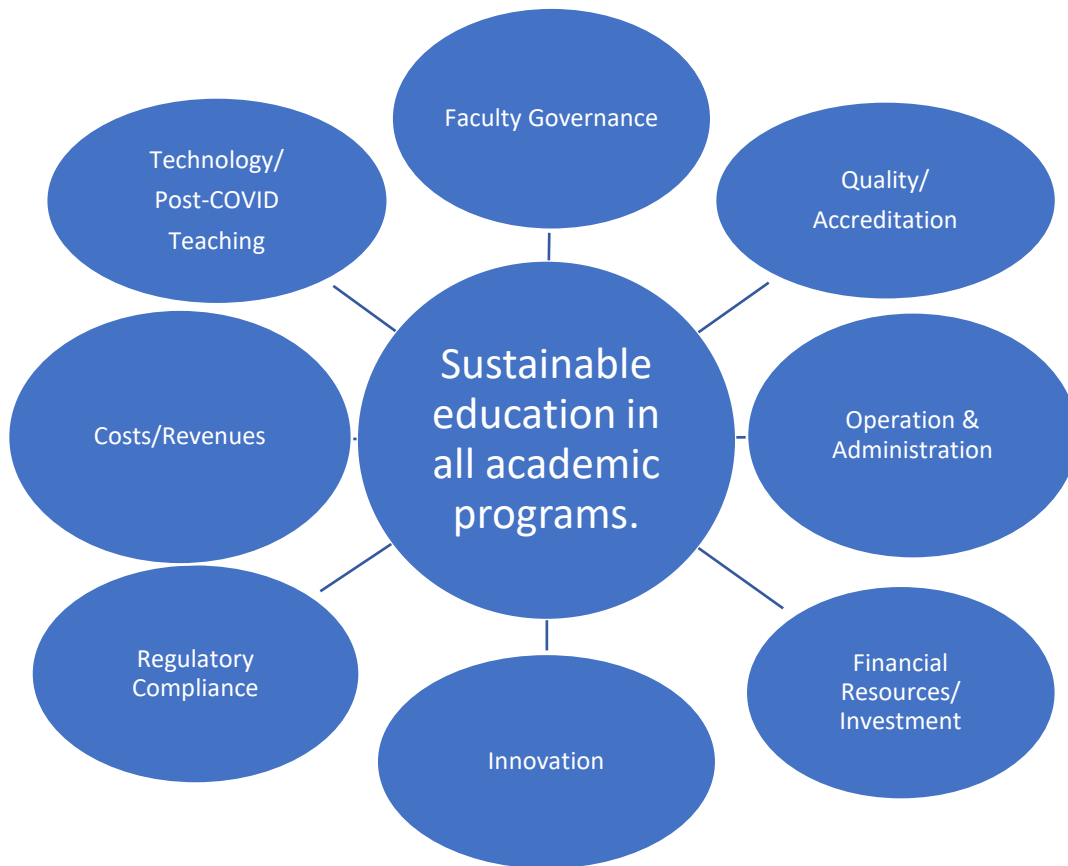
1. Shared governance
2. Respect for others.
3. Diversity and inclusion.
4. Integrity and honesty and competency in our academic, personal, and professional affairs.
5. Shared value creation.
6. A culture of accountability and transparency.

We will work with each Academic Affairs unit in preparing the assessment of strengths, weaknesses, opportunities, threats, safeguards/sustainability (SWOTS) analysis as detailed in Appendix A. Please do not hesitate to reach out to the WGBFS for assistance, consultation, and recommendation. The timeline of the WGBFS' activities is as follows:

1. The first week of September 2020: Dr. Rezaee was given the greenlight by the Provost to initiate the reviews. He formed the WGBFS and prepared the initial plan of action.

2. The second week of September 2020, a few members of the WGBFS reviewed and finalized the plan of action. Dr. Rezaee also invited the members of the WGBFS to join and got their commitment.
3. The third week of September 2020, Dr. Rezaee will submit the plan of action to the Budget and Finance Committee for approval and then to the WGBFS for the final approval and a Zoom meeting to initiate the reviews.
4. The fourth week of September 2020, a Zoom meeting with Deans of all Academic Affairs Units to initiate the reviews.
5. October, November, and December 2020, the WGBFS will visit and work with all Academic Affairs Units in the preparation of their review reports.
6. January and February 2021 will review submitted reports by all Academic Affairs Units and prepare its reports including recommendations.
7. March 2021, the WGBFS will meet with Deans to discuss recommendations and remedial actions.
8. April 2021, the WGBFS will prepare its final report, get it approved by the Budget and Finance Committee, present to the Faculty Senate for acceptance and submit to the Provost for consideration.

**Figure I**  
**Education Sustainability Model**

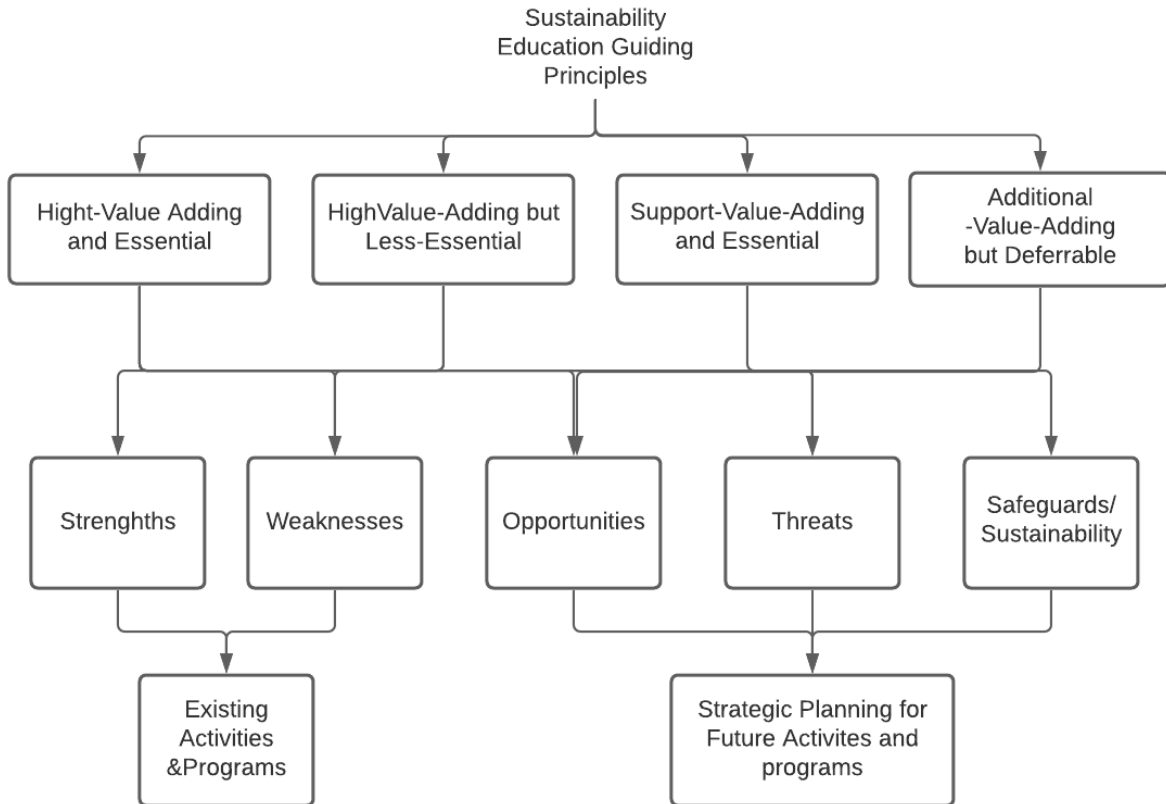


**Figure 2**

**Continuous Improvement Model in the Aftermath of the COVID-19 Pandemic**

	<b>Highest Value-Adding Activities</b>	<b>Lowest Value-Adding Activities</b>
<b>Most Essential Activities</b>	Strategic Focus <b>A</b> Enhance	Managerial Focus <b>C</b> Re-Prioritize
<b>Least Essential Activities</b>	Technical Focus <b>B</b> Prioritize	Cost saving Focus <b>D</b> Minimize and Justify

Figure 3



## **Appendix A**

### **Strengths, Weaknesses, Opportunities, Threats, Safeguards/Sustainability (SWOTS) Analysis**

#### **A. Objective and Goals**

The main objective is to provide educational services to the University Community in creating, disseminating, and implementing knowledge. The attainable goals are to:

1. Transform the University from Carnegie level 2 to level 1 in terms of research, academic, and non-academic programs.
2. Serve the diverse students and tailor our education programs toward the needs of students and the local communities.
3. Engage local communities and promote participatory research based on valid community needs assessments.
4. Continuously support and expand high-quality research and enhance knowledge dissemination and sharing on the local, state, national, global levels.
5. Create an ethical, healthy, safe, educational, and fun campus environment.
6. Promote high quality and quantity academic and non-academic programs.
7. Promote transparency and accountability: At the University, transparency is providing insight into how money is generated and how it is spent, and decisions are made in improving the quality of educational services, innovation, growth, efficiency, and effectiveness.
8. Support student success and wellbeing.
9. Create College-town feeling on and around our campus by investing in the neighborhood betterment projects.

#### **B. Opportunities**

Opportunities provided by LMCIS in achieving high quality, affordable, and cost-effective academic programs and thus, sustainable education are:

1. Classifying activities to the four categories of value-adding, non-value-adding, essential, and non-essential.
2. Implementing the lean management concept.
3. Promoting accountability at the university level and within all colleges and academic programs.
4. Achieving sustainable, affordable, and cost-effective college education.
5. Encouraging colleges and academic units and programs to plan to provide sustainable education in light of potential budget cuts and in the aftermath of the COVID-19 pandemic.

6. Encouraging shared-governance and faculty participation in curriculum design and development.
7. Enabling linking strategic planning to the mission through the strategic resource investment initiative (SRI) model.
8. Identifying strengths and concerns of each academic program, college, and university overall.
9. Promoting risk assessment and management.
10. Creating a system of checks and balances.
11. Discovering ineffectiveness and inefficiencies.
12. Identifying sustainable and productive colleges and academic programs as well as unsustainable and challenging colleges and academic programs.
13. Creating incentives for faculty to improve their research productivity, teaching effectiveness, and service commitments.
14. Creating value for all university constituencies (administrators, faculty, students, staff, alumni, government, and the community).

### **C. Challenges and Threats**

Challenges and threats relevant to the implementation of LMCIS are as follows:

1. It should be linked to the university/college strategic planning.
2. It should be based on flexible planning and budgeting rather than static planning.
3. It should be based on the concept of lean management by identifying multiple revenue drivers and cost drivers and their strengths and weaknesses.
4. It should encourage collaborations and interdisciplinary programs among colleges/academic programs rather than creating competition among colleges and programs.
5. It should not allow colleges to use it as a way of highlighting deficits to reduce their burden of franchise fee demanded by central administration.
6. It should be linked to both quantitative and qualitative factors and drivers based on balance scorecards of achieving both quality and quantity of programs.
7. It should recognize that the LMCIS are not perfect and mistakes may occur in forecasting and judgments may require modifications.
8. It should emphasize the importance of the LMCIS as a planning device.
9. It should encourage wide participation in LMCIS development and preparation at all levels by faculty and administrators.
10. It should demonstrate the LMCIS have the complete support of administrators and faculty, especially the central administration.
11. It should identify both poor and good performance, reward good performance, and minimize bad performance.



#### **D. Strengths/weaknesses**

1. Enhancing quality and quantity of enrolled students.
2. Provide security, health, and safety for students, staff, and faculty.
3. Ensure cybersecurity.
4. Deliver and monitor the integrity of online courses.
5. Use smart classroom with High-Tec equipment.
6. Promote shared governance in all colleges.
7. Prioritization of expenditures.
8. Create a right balance between short term and long-term needs.
9. Focus on longer-term demographics.
10. Address the competitive marketplace in higher education.
11. Invest in capital programs and their impact on current program delivery.
12. Transparency and accountability: lack of hidden agendas and conditions, availability of full, accurate, and complete information. Transparency is not as simple as disclosing and sharing the last budget or sharing minutes of the last meeting about key performance indicators and how accurately they are being disclosed.
13. Focus on Strategic Resource Investment (SRI) initiative to develop a better more responsive, transparent, and flexible way to provide information useful in making resource allocation decision.
14. Address challenges an increasingly complex population which includes 'traditional' students, non-traditional students, students re-entering the workplace, students transitioning from Military service, urban-based students, rural-based students, unprepared student populations, on-line and technology-oriented students, and senior/continuing education students

## Appendix B

### Financial and Non-Financial Key Performance Indicators

Challenges imposed by the COVID-19 pandemic demand colleges and universities to present reliable, relevant, transparent, and useful financial and nonfinancial information on their key performance indicators (KPIs) pertaining to their educational sustainability. Key performance indicators (KPIs) are often quantifiable measurements that reflect the critical success factors of colleges and universities and help them define and measure progress toward achieving goals.

#### 1. Financial/Quantitative Key Performance Indicators

- Admin/Staff expenditures
- Asset performance
- Operating results
- Reserve ratio
- Capitalization ratio
- Leverage ratio
- Physical assets ratio
- Age of facilities ratio
- Facilities maintenance ratio
- Deferred maintenance ratio
- Cash income ratio
- Return on net assets
- Net Operating Revenues
- Total expenses
- Net tuition
- Return on Endowment
- Endowment Pool
- Endowment Scholarship
- **Endowment Assets Per full-time equipment students (FTE)**
- **Primary Reserve Ratio**
- **Core Operating Margin (surplus)**
- **Tuition as A Percentage of Core Revs**
- **Percent Freshman Getting Institutional Grants.**
- **Instruction Expenses Per FTE**

## 2. Non-Financial/Qualitative Key Performance Indicators

- Student admission
- Student retention
- Student success/graduation
- Students' valuation of the program
- Research productivity
- Diversity and inclusion
- Adjustment to challenges imposed by the COVID-19 Pandemic
- Community engagement
- Honors program
- **Promoting a culture of competency, integrity, and accountability**
- **Advancing reputation, trust, and good image**
- **Visibility and reputation (state, national and international rankings, awards)**

### Endnotes:

<sup>1</sup> Blumenstyk, G. 2012. One-Third of Colleges Are on Financially 'Unsustainable' Path, Bain Study Finds. The Chronicle of Higher Education (July 23). Available at [http://chronicle.com/article/One-Third-of-Colleges-Are-on/133095/?cid=at&utm\\_source=at&utm\\_medium=en#top](http://chronicle.com/article/One-Third-of-Colleges-Are-on/133095/?cid=at&utm_source=at&utm_medium=en#top)

<sup>2</sup> Deloitte. 2020. COVID-19 impact on higher education. Available at <https://www2.deloitte.com/us/en/pages/public-sector/articles/covid-19-impact-on-higher-education.html>

<sup>3</sup> World Economic Forum (WEF). 2020. An economist explains how COVID-19 will impact universities. July 16, 2020. Available at <https://www.weforum.org/agenda/2020/07/will-universities-learn-from-lockdowns/>.

<sup>4</sup> Times Higher Education. 2020. The World University Ranking. Available at <https://www.timeshighereducation.com/world-university-rankings>

<sup>5</sup> Rezaee, Z, Agrawal, S and H. Pak. 2006. Continuous improvement: An activity-based model. *Management Accounting Quarterly* (Spring), 14–22.



