



## Minutes of the Faculty Senate

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

**Date:** 10-27-20

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

**Senators Present:** Alena Allen (Law School ), Reza Banai (City & Regional Planning), 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 Huette (Psychology), Brian Janz (Business Info. Tech), Holly Lau (Theatre & Dance), Erno Lindner (Biomed. Engineering), Jeni Loftus (Sociology), J. Joaquin Lopez (Economics), Jeffrey G. Marchetta (Mech Engr), Scott Marler (History), Melissa Janoske McLean (Jour. & Strategic Media), Peter L. McMickle (Accountancy), Sanjay Mishra (Physics), Deanna Owens-Mosby (Instr. & Curr. Leadership), , Fawaz Mzayek (Public Health) Steven L. Nelson (Leadership), Esra Ozdenerol (Earth Sciences), Micahel Perez (Anthropology), Zabiholah Rezaee (Accountancy), 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).

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

**Senators Absent:** Curt Schuletheis (Mil Sci, Naval Sciences), Mohommed Yeasin (Electrical & Computer Engineering)

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

**Guests:** M. David Rudd (President Office), Thomas Nenon (Provost Office), Linda Bennett (UMAR-absent), 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 Meghan Cullen (President, Staff Senate), Elena Delvega (Social Work), Bridgette Decent (OIE), James Orr (Academic Affairs), Darren Wibberding (Office of Student Accountability), Raaj Kurapati (CFO), Zaneta Ivy (Athletic Compliance), Robert Jackson (CIO-absent), Carolyn Hull-Toye (CIO), Jasbir Dhaliwal (BIT-absent).

The four-hundred-and-seventy third meeting of the University of Memphis Faculty Senate was held on Tuesday, October 27, 2020 via the Zoom video conferencing platform due to restrictions imposed in response to the COVID-19 global pandemic.

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

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

#### **10.27.20.02 APPROVAL OF AGENDA**

The agenda was approved as written.

#### **10.27.20.03 APPROVAL OF MINUTES**

##### ***Faculty Senate – September 22, 2020***

The minutes of the September 22, 2020 Faculty Senate (FS) meeting were approved as written.

#### **10.27.20.04 PRESIDENT'S REPORT**

##### ***Faculty Survey on Instruction Modality Spring 2021***

President Marchetta reminded Senators to encourage faculty in their department/unit to complete the survey on instruction modality for spring 2021. He thanked Senators Holly Lau and Brennan Berg for initiating this effort.

##### ***Robert's Rules on Electronic Meetings Update – Mark Sunderman (Parliamentarian)***

President Marchetta yielded to Parliamentarian Mark Sunderman who reviewed how Robert's Rules of Order on electronic meetings affect Faculty Senate meetings. We are trying to do everything we can to conduct our meetings as close as possible to how we had them before COVID-19. The Executive Committee (EC) has been developing rules. If necessary, the rules could be brought forward in motions, but that's not necessary. He also addressed how we handle presentations. For those who need to make a presentation to the Senate or have something they want to have shown on the screen, the presentation should be sent to the Senate Office prior to the meeting. We want the President to maintain control of the meetings. That's why they will control the presentation documents. Regarding chat, Senators cannot chat during the formal meeting. Robert's Rules of Order does not formally discuss this. However, looking at our Constitution, Robert's Rules of Order is clearly about maintaining an orderly meeting. Using chat would be in violation of the spirit of Robert's Rules of Order regarding the formal meeting. For example, Senators can only address the President; Senators are limited in time; they can only speak twice on a topic; Senators need to be recognized by the President and identify themselves; only the motion on the floor can be discussed; and all speakers need to be courteous. If we allow chat discussions during formal debate, how is the chat discussion going to be handled? We would be having two different meetings – one formal and one informal. Who will preside over the chat sessions? Parliamentarian Sunderman ruled that this is in direct opposition to how we should be conducting meetings. We would not permit this kind of communication to a formal (in-person) meeting. The ruling is supported by EC.

President Marchetta added that we continue to learn more about Zoom. As we find features that would enhance our meeting, we will incorporate them. For example, attendance is now automatically recorded through features in Zoom and Senators do not need to “check in” with Administrative Assistant Kim Marks.

President Marchetta yielded to Senator Máté Wierdl who added that he disagrees with the EC and Parliamentarian Sunderman that chat should be disabled. He stated that the chat function is not included in Robert’s Rules of Order and that this is super censorship.

President Marchetta yielded to Senator David Gray who agreed with what Senator Wierdl said. Sometimes it is helpful to ask minor questions to other senators during meetings. One option would be to have an “everyone” option in chat. That way questions could be answered without interrupting the meeting.

President Marchetta reminded Senators they if they have questions during meeting, they can ask questions as a Point of information.

President Marchetta yielded to Senator Scott Sundvall who asked, Is there anything in the Constitution that provides for ad hoc conversations during meetings?

President Marchetta replied that Senators can make a motion to suspend the rules and make exceptions.

President Marchetta yielded to Senator Michail Gkolias who stated that he doesn’t think that Robert’s Rules of Order addresses chat in virtual meetings. Would it be possible to allow private discussions through chat?

President Marchetta yielded to Senator Wierdl who stated that he wants to address the issue of screen sharing. He mentioned that the EC wants to make sure that the original file that is presented is submitted prior to the meeting, but that the original purpose of his prior motion was that all presentation materials should be sent to all Senators prior to the meeting for review. He believes that the EC is trying to control what is being presented. He has no argument against enforcing that the original file needs to be presented. But he wants to know why the presenter can’t control the presentation. The presenter should be able to control his/her presentation.

President Marchetta replied to Senator Wierdl that if he had read the email that was sent to him, we found a workaround to allow the presenter to control their presentation during the meeting.

## **10.27.20.05 STANDING COMMITTEE UPDATES & REPORTS**

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

President Marchetta yielded to Senator Eugene Buder, chair of the Faculty Policies Committee, who reported that they have a motion coming up later in this meeting. We need to approve the code of conduct language. There are some technical issues that arose out of the legal department, so we are withholding that business pending further discussion in the committee.

He hopes to address it in the January meeting. The committee is also developing language which will increase faculty members' participation in the evaluation of the selection of their chairs and department heads. The committee will also address term limits for chairs and department heads. He thanked Senator Lau for her work on enhancing the language on post-tenure review. He stated that Professor Henry Kurtz (Chemistry) will help with post-tenure review and the committee is hoping to identify a dean to help as well. The committee is evaluating criteria for chairs of excellence and there will be developments on better specifications for emeritus appointments.

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

President Marchetta yielded to Senator Ted Burkey, chair of the Administrative Policies Committee, who reported that in addition to the committee's motion that will be addressed later in the meeting, the committee is also working to a draft motion to clarify the policy for step down salaries for administrators returning to faculty positions.

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

President Marchetta yielded to Senator Zabi Rezaee, chair of the Budget and Finance Committee, who reported that in addition to the motion he is going to discuss in New Business, the committee has created two subcommittees. One subcommittee, chaired by himself, will develop a framework for evaluating academic affairs units. The second subcommittee is chaired by Senator Wierdl. This subcommittee is in the process of addressing faculty salaries and compensation. Hopefully, they will be ready to present findings in the next FS meeting.

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

President Marchetta yielded to Senator Michael Perez, chair of the Academic Support Committee. He reported that ITS (Information Technology Services) is working on an issue where certain federal grants are required to conform with certain cybersecurity frameworks (NIST-800). Skype is going to be decommissioned in July of 2021. ITS is trying to help migrate Skype users to Microsoft Teams or Zoom. Bluejeans is being shut down in August 2021 and Zoom replaces it. Students are being encouraged to enroll in duo authentication. Faculty can expect to receive an email regarding security awareness training. Feb. 28 is the due date for this training if you're identified. ITS is still participating in the discussion of our LMS (Learning Management System – currently eCourseware). Roy Bowery, Innovation in Teaching and Learning – Director of Distance Learning, is involved in this process. Senators are encouraged to reach out to him with any suggestions or concerns. Senators could also contact the Provost's Office directly. ITS is going to provide the committee with dates where faculty can tour some of the new smart classrooms.

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

President Marchetta yielded to Senator David Goodman, chair of the Library Policies Committee, who reported that the committee continues to work on its charges. They have met with Dr. John Evans, Executive Director of the Libraries, and might need to meet with him again. The committee is evaluating databases and looking ahead to a future meeting with the Provost.

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

President Marchetta yielded to Senator Denis Grele, chair of the Academic Policies Committee, who reported that the committee is working on potential revisions of the Student Evaluation of Teaching Effectiveness (SETE) instrument. The committee is discussing the creation of a workgroup that would provide the committee with recommendations concerning possible revisions of questions on the SETE.

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

President Marchetta yielded to Senator Gray, chair of the Research Policies Committee who reported that the committee has nothing new to report. The committee is meeting with UMRC (University of Memphis Research Council) on Thursday and is working on a couple proposals with UMRC from last time. They will have more to report at next meeting.

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

President Marchetta yielded to President-elect Jill Dapremont who reported that the committee is still trying to finalize recommendations. They are meeting tomorrow and hope to report on recommendations in the next meeting.

### **10.27.20.06 OLD BUSINESS**

There was no Old Business.

### **10.27.20.07 NEW BUSINESS**

#### ***(M2020.21.13) Motion to Approve the Proposal to Conduct Lean Management and Continuous Improvement Reviews of All Academic Affairs Units at the University of Memphis – from Budget and Finance Committee***

President Marchetta yielded to Senator Rezaee who thanked all Senators for voting on the committee's motion in the last meeting. He also thanked the Provost and University President for giving the FS authority to pursue these investigations. He thanked the committee for their work. He reported that University President M. David Rudd has underscored the important work that this committee is doing. He read the motion.

Senator Wierdl moved to amend. He would like to eliminate Henry Kurtz from the list of the working group and also eliminate part IIc. He moved to strike those two items from the motion. The motion to amend was seconded.

Motion to amend is rejected by a vote of 7 for, 25 against, and 4 abstain.

Senator Sundvall moved to amend the list of working group participants to include himself. The motion to amend was seconded.

Motion to amend is adopted by a vote of 37 for, 2 against, and 0 abstain.

Senator Gkolias moved to amend to add language to allow other faculty to join the working group: “Any faculty interested in joining the working group are welcome as long as they email the chair of the working group.” The motion to amend was seconded. Senator Gkolias withdrew the motion to amend.

Senator Rezaee moved to amend: “Any faculty interested in joining the working group are welcome as long as they email the chair of the working group no later than November 3<sup>rd</sup>, 2020.” The motion to amend was seconded.

Motion to amend is adopted by a vote of 41 for, 0 against, and 0 abstain.

Motion is adopted by a vote of 21 for, 13 against, and 8 abstain.

Whereas,

The University of Memphis has responded to the challenges imposed by the COVID-19 pandemic by appointing a Budget Reduction Taskforce on July 7, 2020. The Budget Taskforce made several recommendations/strategies including conducting operational audits using lean management and continuous improvement strategies (LMCIS). There are three guiding principles of the lean management: (1) promoting the main objective of delivering high quality, sustainable, and affordable education by focusing on productive teaching, research, and services; (2) implementing continuous improvement by identifying strengths and concerns while finding ways to consciously improve the education process; and (3) eliminate waste and duplication by optimizing the use of resources and restructuring, reengineering, and integrating activities. Continuous improvement strategies involve classifying university activities according to four criteria: value-adding, non-value adding, essential, and nonessential. The use of LMCIS

model is a strong tool that can help the University of Memphis to address both financial and educational sustainability in the aftermath of the COVID-19 pandemic.

Whereas,

On September 1, 2020, Provost Nenon requested the Budget and Finance Committee (BFC) to conduct Lean Management and Continuous Improvement reviews of the Academic Affairs units.

Be it resolved that,

The Faculty Senate approves the following actions proposed by the Faculty Senate Budget and Finance Standing Committee:

I. The Faculty Senate Budget and Finance Committee's working group (WGBFS) is to be composed of the following members:

Alena Allen (BFC Member, Law School)

Tom Banning (Past President of Senate, Engineering)

Greg Barnes (KPMG Office Managing Partner, Alumni)

Henry A. Kurtz (Chemistry Department)

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

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 Rezaee (Chair, School of Accountancy)

Genae D. Strong (School of Nursing)

Scott Sundvall (Arts & Science, English)

Any faculty interested in joining the working group are welcome as long as they email the chair of the working group no later than November 3<sup>rd</sup>, 2020.

II. The WGBFS is hereby charged with:

- a) Conduct financial and educational sustainability reviews of various academic units at the University of Memphis.
- b) Reviewing and evaluating efficiency of administrative faculty and staff support in each unit.
- c) Reviewing and evaluating academic programs and identifying the low producing programs that may be unsustainable and need restructuring, downsizing, or consolidation.

III. The WGBFS plan of action is to:

- a) Meet with the administrators and faculty representatives of the academic units this Fall 2020 to provide them with LMCIS framework and guidelines.
- b) Supervise the faculty with driven and self-assessed review processes conducted by leadership in all academic units.
- c) Obtain and discuss review reports from all academic units and address recommendations relevant to financial and educational sustainability in March 2021.
- d) Present the final review reports to the Senate Budget and Finance Advisory Committee for approval.
- e) Present review reports to the Faculty Senate for final approval.
- f) Forward review reports along with related recommendations to the Provost for consideration in April 2021.

Recipients:

Faculty Senate

Tom Nenon, Provost

Helen Johnson, Office of the Provost

***(M2020.21.14) Motion on Discussion Board Transparency- from Senator Wierdl***

President Marchetta yielded to Senator Wierdl who read the motion to the Senate. The motion was seconded.

Senator Sundvall moved to amend by removing “and posting”. He withdrew his motion.

Scott Sundvall moved to amend by removing, “, both” and “and posting,”.

**Motion to amend is adopted by a vote of 31 for, 3 against, and 1 abstain.**

**Motion is adopted by a vote of 32 for, 5 against, and 3 abstain.**

Whereas,

The Discussion Board needs to be accessible to all faculty and graduate students for two reasons:

- It will provide quick feedback to the Senate from all UofM employees who contribute to education and research. Presently, such direct and quick feedback doesn't exist. We rarely hear faculty or graduate student voices from trenches.
- It will provide an easily accessible source of information on the workings of the Senate. Presently, the path of information to the wider audience is treacherous, to say the least: a senator has to forward the information to her department and then has to explain in detail all the surrounding and background circumstances.

To achieve the above, the software for this board needs to be flexible, easily maintained and very stable so that the owner of the list (presumably the Senate president or a designated senator) can easily configure it and maintain it to suit the Senate's purposes. Luckily, such software is freely available due to the great demand for them. A specific recommendation is bbPress of WordPress, but there are literally dozens of such softwares to choose from.

<https://www.how2shout.com/tools/free-best-open-source-forum-software-online-discussion.html>

The discussion board coming with ecourseware doesn't satisfy the above criteria.

Be it resolved that,

The Discussion Board of the Faculty Senate will be accessible for reading to every University of Memphis faculty member and graduate student. For this purpose, the University will acquire an appropriately flexible and stable software.

Recipients:

Faculty Senate

***(M2020.21.15) Motion to Recommend Approval of Revised Student Code of Rights and Responsibilities Proposed by the Office of Student Accountability – from Academic Policies Committee***

President Marchetta yielded to Senator Grele who read the motion.

**Motion is adopted by a vote of 37 for, 0 against, and 2 abstain.**

Whereas,

The goal of this proposed rule is to ensure that the University's values are consistently and fairly applied to student behavior and that when a violation of the University's expectations for student behavior occurs, the Campus community is able to hold them accountable through a fundamentally fair process that balances the rights of all involved parties.

Whereas,

Major changes include, but are not limited to:

- Moving from a "solo administrator" decision making model to a "hearing board" model;
- Community responsibility for decision making, creating a pool of faculty, students, and staff who will hear cases;
- Incorporating due process protections required under case, State, and Federal laws and regulations;
- Combining processes for handling academic misconduct and behavioral misconduct;
- Allowing for Alternative Resolutions and Informal Resolutions to occur prior to a formal hearing process;
- Separating functions to reduce conflicts of interest (ex. Non-OSA appeal reader, Non-OSA hearing officer);
- Enumerating, where necessary, behavioral standards to ensure greater understanding.

Whereas,

The University of Memphis is required by the State of Tennessee to complete a rule-making process that elicits and is responsive to feedback from the individuals that will be impacted by the rule.

Be it resolved that,

The Faculty Senate recommends approval of the attached document titled, "Rules of the University of Memphis, Chapter 0240-10-07, Student Code of Rights and Responsibilities" proposed by the Office of Student Accountability.

Recipients:

Darren Wibberding, Associate Dean of Students

Justin Lawhead, Chief Health and Safety Officer & Dean of Students

V. Latosha Dexter, Deputy University Counsel

***(M2020.21.16) Motion to Recommend Faculty Senate Appointment of Title IX Hearing Officers – from Administrative Policies Committee***

President Marchetta yielded the floor to Senator Burkey who presented the motion to the Senate.

**Motion is adopted by a vote of 33 for, 0 against, and 1 abstain.**

Whereas, Title IX states: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Whereas: Faculty volunteers may serve as Title IX hearings officers when other faculty are respondents and may serve as a student advisor when they are not a hearing officer for the student's hearing. All faculty have a vested interest in the outcomes of Title IX hearings and therefore volunteers from all disciplines should be considered equally, particularly when one considers all the volunteers are required to undergo training. Volunteers are interviewed to determine conflicts of interest or bias and respond to a questionnaire to gauge a person's experience with sexual assault/intimate partner violence.

Volunteer duties include training to be hearing officers and party advisors. Volunteer training would be virtual and on demand for hearing officers and advisors. The training will prepare volunteers to serve as hearing officers, advisors or appeal officers. Hearings would include reviewing documents and preparing questions, participating in hearings, and deliberating on hearing proceedings. Based on past hearings, a single hearing typically would last 5 hours (includes reviewing documents, the hearing, and deliberations).

Advising parties can vary depending on the needs of the individual party. Advisors may be asked to attend investigative meetings with the party they advise. Because of new federal regulations, advisors will be required to ask questions on behalf of the party they are advising during the hearing. Appeal officers would be expected to review the case documentation, recording or transcript of the hearing and determine if reversible errors exist.

Eight to fifteen cases are expected in any year and 10-12 faculty volunteers are desired to minimize the commitment for each volunteer. These numbers are likely to be much lower while Covid-19 measures persist.

Be it resolved that,

The Faculty Senate recommends that the Faculty Senate be empowered to recruit and appoint potential faculty members as potential Title IX hearing officers and/or advisors to students for the Office of Institutional Equity (OIE). Pursuant to its charge, The Faculty Senate Committee on Committees would be responsible for faculty recruitment and appointments to OIE. OIE shall retain the right to accept or reject the appointments from the Faculty Senate based on its established vetting processes.

Recipients:

Tiffany Baker Cox, Director, Office for Institutional Equity

***(M2020.21.17) Motion to Recommend Amendment of Faculty Handbook Sections 3.5.5. "Clinical Faculty" and 4.3.2 "Promotions" – from Faculty Policies Committee***

President Marchetta yielded the floor to Eugene Buder who thanked Senator Steven Watts for his work on the motion and read the motion.

**Motion is adopted by a vote of 28 for, 1 against, and 5 abstain.**

Whereas,

Standard salary increases associated with promotions of clinical and tenure-track faculty are not provided in the Faculty Handbook

Be it resolved that,

“For clinical faculty receiving a promotion, the standard salary increase is 5%.”

be added to the end of the second paragraph in Section 3.5.5, and that

“For tenure-track and tenured faculty receiving a promotion, the standard salary increase is 7%.”

be added to the end of the paragraph in Section 4.3.2.

Recipients:

Tom Nenon, Provost

Helen Johnson, Office of the Provost

**10.27.20.08 PRESENTATION AND DISCUSSION**

***“UofM Increases - Comparison of tenured profs' and support staff's increases” by Senator Wierdl***

President Marchetta yielded the floor to Senator Wierdl to make a presentation. Senator Wierdl asked to postpone his presentation until the next meeting.

Secretary Jeff Thieme moved to postpone the presentation until the next FS meeting.

**Motion is adopted by a vote of 35 for, 1 against, and 0 abstain.**

**10.27.20.09 ADJOURN**

The meeting adjourned at 4:37 pm.