



## Minutes of the Faculty Senate

**Presiding:** Thomas E. Banning (Engr Tech) & Jeff Marchetta (Mech. Engr) **Date: 4-28-20**

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

**Senators Present:** Mohd Hasan Ali (Electrical & Computer Engineering), Reza Banai (City & Regional Planning), Brennan K. Berg (KWS), Eugene Buder (Comm. Sci. Disorders), Theodore J. Burkey (Chemistry), Gerald Chaudron (Univ Libraries), Lorinda B. Cohoon (English), Jill Dapremont (Nursing), Frances Fabian (Management), Hal Freeman Jr. (Professional & Lib. Studies-via phone), Michail Gkolias (Civil Engineering), David Goodman (Communication), David Gray (Philosophy), Denis D. Grele (World Lang & Lit), Melissa Hirschi (Social Work), Leigh Falls Holman (CEPR), Brian Janz (Business Info. Tech), Donna R. Jones (Law School), Robyn Jones (Music), Erno Lindner (Biomed. Engineering), J. Joaquin Lopez (Economics), Scott Marler (History), Melissa Janoske McLean (Jour. & Strategic Media), Sanjay Mishra (Physics), Deanna Owens-Mosby (Instr. & Curr. Leadership), Steven L. Nelson (Leadership), Esra Ozdenerol (Earth Sciences), George E. Relyea (Public Health), Brian J. Ruggaber (Theatre & Dance), Steven D. Schwartzbach (Biology), Sajjan G. Shiva (Computer Science), Mark Sunderman (Fin, Ins, & Real Estate), Kris-Stella Trump (Political Science), Stephen J. Watts (Criminal Justice), & Máté Wierdl (Mathematical Sciences), James Williamson (Architecture).

**Senator Present by Proxy:** Katherine Hicks (Anthropology); proxy Michael V. Perez, Joseph C. Ventimiglia (Sociology); proxy Jeni Loftus.

**Senators Absent:** Coriana Close (Art), Peter L. McMickle (Accountancy), Harley P. Thompson (Mil Sci-Air Force)

**New Senators Present:** Alena Allen (Law), Stephanie Huetten (Psychology), Holly Lau (Theatre & Dance), Fawaz Mzayek (Public Health), Zabihollah Rezaee (Accounting), Curt Schultheis (Military Sciences-ROTC), Mohammed Yeasin (Electrical & Computer Engineering), Daryn Zubke (Music)

**New Senators Present by Proxy:**

**New Senators Absent:**

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

**Guests:** M. David Rudd (President Office-absent), Thomas Nenon (Provost Office), Linda Bennett (UMAR), Jim Dorman (UMAR-absent), Martha Robinson (ad hoc Budget & Finance Committee/ Lambuth Liaison), David M. Kemme (Board of Trustees, Faculty Rep-absent), Gloria F. Carr (Faculty Ombudsperson), and Meghan Cullen (President, Staff Senate-absent).

The four-hundred-and-seventy-first meeting of the University of Memphis Faculty Senate was held on Tuesday, April 28, 2020 via the Zoom video conferencing platform due to restrictions imposed in response to the COVID-19 global pandemic.

#### **4.28.20.01 Call to Order**

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

#### **4.28.20.02 Approval of Agenda**

The agenda was approved as written.

#### **4.28.20.03 Approval of Minutes**

*Faculty Senate – April 21, 2020*

The draft minutes of the April 21, 2020 Faculty Senate (FS) meeting were approved as written.

#### **4.28.20.04 Standing Committee Reports**

President Banning expressed appreciation to the new members of the Senate.

#### *Library Policies*

President Banning yielded to Senator Brian J. Ruggaber who reported that of the four charges the committee received, they resolved one regarding the filling of tenure track faculty positions with clinical faculty. He reviewed progress on the other three charges (See Appendix A for details). The committee wasn't able to finish these three charges due to time commitments involved in the online transition due to the COVID-19 pandemic.

#### *Research Policies*

President Banning yielded to Senator Leigh Holman who reported that they had one charge to review a policy change that had come up before the Board (HR5011: Extra Compensation and Outside Employment). They reached out to Human Resources (HR) to determine the motivation for the changes. Most of the changes appear to be semantic (See Appendix A for details).

#### *Faculty Policies*

President Banning yielded to Senator Eugene Buder who reviewed the committee's progress in revising the faculty handbook. A large issue emerged – development of a faculty code of conduct. The committee is submitting their draft code of conduct for the Senate's review. It is submitted as a report and no motions are being put forward at this time (See Appendix A for

details). President-elect Jeff Marchetta suggested that work on the code of conduct will continue in the fall. Senator Buder noted the issue of the faculty grievance committee that's included in the code. He encouraged Senators to review the draft code of conduct.

#### *Academic Support*

President Banning yielded to Senator Melissa Hirschi who reported that all new Information Technology Services (ITS) projects are on hold due to complications stemming from the Covid-19 pandemic. She also reported that the Office 365 single sign on (SSO) integration are scheduled to be completed in May (See Appendix A for details).

#### *Administrative Policies*

The Administrative Policies Committee had no report.

#### *Academic Policies*

The Academic Policies Committee had no report.

#### **4.28.20.05 Old Business**

President Banning introduced the first motion held over from the last FS meeting:

Motion 1: Intellectual Ownership of Online Courses– Motion made by Máté Wierdl and seconded.

It is the instructor who has the intellectual ownership of all teaching materials produced by the instructor during the conversion of a brick and mortar class to an online format, due to the pandemic or other circumstances that prevent the class to be taught in its regular format. As a consequence, the instructor is the owner of the copyrights of the videos, handouts produced by the instructor while converting and teaching such a course.

**The motion failed with a vote of 9 for, 22 against, and 6 abstain.**

President Banning introduced the second motion held over from the last FS meeting:

Motion 2: Cancellation of March Senate Meeting – Motion made by Máté Wierdl and seconded.

The Executive Committee of the Faculty Senate will send a written justification to the senate, via email, why they ordered the cancelation of the March 2020 senate meeting, hence withdrawing the senate from any decision making during the pandemic. In particular, the EC will give an explanation why they allowed the administration's decisions on summer teaching and hiring to bypass the senate.

The deadline for this justification is May 5.

The motion failed with a vote of 9 for, 25 against, and 3 abstain.

#### **4.28.20.06 New Business**

President Banning introduced a motion from the Executive Committee (EC) and emphasized that the motion is needed because the Faculty Policies Committee is overloaded with work. Note: Motion 3 makes an addition to the Faculty Senate Standing Rules and a modification to existing language in the Faculty Senate Standing Rules. Parliamentarian DR Jones submitted a memo detailing guidance on this process to the EC (see Appendix B). These motions do not require a second as they come from the EC. But they do require a two-thirds vote for adoption.

Motion 3: (Add) Faculty Budget and Finance Committee and (Modify) Faculty Policies Committee

The Faculty Budget and Finance Committee shall continuously review and make recommendations to the Faculty Senate on University budgets, revenues, expenditures, and resources, and on all policies and procedures relating to faculty compensation.

The Faculty Policies Committee shall review and make recommendations to the Faculty Senate on academic freedom and responsibility, the Faculty Handbook, ~~faculty salaries and benefits~~ and on all policies and procedures, including appeals, pertaining to faculty appointment, dismissal, promotion, and tenure.

The motion is adopted with a vote of 36 for, 0 against, and 0 abstain.

Senator Michail Gkolias asked Provost Thomas Nenon about faculty evaluations of administrators. What do they mean and how will they be used by administration? Provost Nenon responded that the evaluations have two purposes. 1) He tries to read through and understand where there are opportunities for improvement. 2) He uses them to understand what faculty in various area are thinking about his work and developing, if needed, improvement plans. He also uses them in his evaluation of the deans.

#### **4.28.20.07 Presentation to Tom Banning**

President Banning yielded the floor to President-elect Marchetta to preside as President. Note: This marks the transition from the 2019-2020 session to the 2020-2021 session of the FS. President Marchetta stated that he's hopeful we'll have a celebratory dinner once that's allowed. He thanked Past-president Banning for his leadership. He recognized his work in paid parental leave, providing a seat on the President's Council, and development of the raise dashboard.

#### **4.28.20.08 Discharge of Outgoing Senators**

President Banning discharged those Senators who are not on the Faculty Senate for the 2020-2021 session.

#### **4.28.20.09 Welcome to New Senators**

President Marchetta introduced himself. He asked new Senators to introduce themselves and they did.

#### **4.28.20.10 Election of Faculty Senate Officers**

1. President-Elect

Senator Jill Dapremont was elected by acclamation.

2. Secretary

Senator Jeff Thieme was elected by acclamation.

3. Parliamentarian

Senator Mark Sunderman was elected by acclamation.

#### **4.28.20.11 Election of Two At Large Members**

Four Senators were nominated: Senator Pat Travis, Senator Stephen Watts, Senator Leigh Holman, and Senator Sajjan Shiva.

Senator Leigh Holman was elected in the first round.

Senator Shiva was removed from the ballot after the second round, leaving Senator Travis and Senator Watts on the ballot.

Senator Travis was elected in the third round.

#### **4.28.20.12 Election of Five Members to the Committee on Committees**

*Members to meet immediately following the announcements to elect a chair, via email*

There were five nominations for the Committee on Committees: Senator Esra Ozdenerol, Senator Daryn Zubke, Senator Deanna Owens-Mosby, Senator Melissa Janoske McLean, and Senator Brennan Berg.

The slate of nominees was adopted by acclamation.

#### **4.28.20.13 Announcements**

*Executive Committee & Standing Committees organizational meetings immediately after Adjournment to Elect Chairs (Breakouts)*

President Marchetta asked each committee to elect a chair and report to the Senate office. He also asked Senator Buder to help assign Faculty Policies Committee members to the new Budget and Finance Committee.

Senator Ozdenerol asked to be removed from the Committee on Committees. President Marchetta stated that the FS would vote on her replacement in the first fall meeting.

President Marchetta noted that Senator Owens-Mosby is now on both the Committee on Committees and another committee. He asked if she wanted to be on both committees as Senators are only required to be on one committee. She chose to serve on Committee on Committees only.

President Marchetta announced that he'll be sending out committee charges over the summer and pointed out that committees can also charge themselves with issues consistent within that committee's scope. He reiterated that each committee should elect a chair and report that person to himself and Administrative Assistant Kim Marks.

#### **4.28.20.14    Adjourn**

The meeting adjourned at 4:06 pm.

## Appendix A: Standing Committee Reports

### Library Policies Committee:

President Banning reviewed the new charges to the Library Policies Committee:

“1. Reach out to the UM Library and University Departments/Colleges/Schools to discover what online journals/databases are currently not subscribed to but would be useful.

a. Discover if official requests have been made for online materials that have not been fulfilled or if Departments/Colleges are self-editing their requests.

Answer: This was in process. The Library Committee was putting together a request of the different Departmental Library Liaisons to inquire with their respective departments concerning this charge. I (Chair) was writing this request when we were told to begin preparing for online distribution of our classes. I set this aside to focus on the immediate challenge of transitioning experiential, hand on theatre design course work into a deliverable online format. I will return to formulating the request so it will be ready for the incoming Library Committee Chair to pick up next year. This charge should be reported upon at the end of the Fall semester 2020. Dr. Chaudron was putting together a list of the Library Liaisons.

2. Seek out measurable metrics as they relate to the success of the Embedded Librarian Program in support of our belief that this is a good program. Let's find the supporting evidence and document it.

Answer: The committee has decided to reach out to the English Department and see how they view the Imbedded Library Program. They are, by far, the heaviest utiliziers of this program. It is hoped we will be able to acquire from them information concerning retention rates and average grades for imbedded classes vs non imbedded classes. It was on my plate (Chair) to write the request to English when we were informed to transition to the online format. This too was set aside to deal with the immediate challenge posed by Covid-19. As with charge two I will formulate a request before the end of the semester and have it ready for the incoming chair. The report for this charge should also be pushed back to the end of the Fall 2020 semester.

3. Work with Dr. Evans and the UM Library staff to identify strategies to increase the efficacy of afterhours access to library resources, specifically people.

Answer: How to accomplish this charge was under discussion. The Committee has yet to determine a course of action on how to answer this question. Please move the report to the end of the Fall 2020 semester.



4. The committee is charged to investigate the following statement in the committee's December 2, 2019 Report (page 5): "University administration is moving the UM Library towards a clinical faculty rather than a research-based faculty." Include in the investigation the move of three open tenure-track librarian positions to non-tenure track faculty status in the Fall of 2019. The committee shall provide a report to the Faculty Senate Executive Committee no later than the March 17, 2020 Executive Committee meeting."

Answer: Yes, the three Library faculty hires in question were once tenured faculty lines and are now nontenured clinical faculty. They are hired at the Assistant level and may be promoted to Associate and/or Full Professor, but these positions do not have the protections of tenure.

Written by B. Ruggaber

4/14/2020

Thank you for your understanding in this challenging time. If you have any questions, please do not hesitate to reach out to me. My email is [bjrggber@memphis.edu](mailto:bjrggber@memphis.edu) and my cell number is (513) 375-7609.

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### **Research Policies Committee:**

Explore reason for proposed change to policy in outside employment & potential impact.

-We've gathered information in the potential impact & identified language in the policy that's confusing.

-2 emails to HR requesting information on what prompted the proposed change with no response.

### **Faculty Polices Committee:**

“A working group of the Faculty Policies Committee headed by Esra Ozdenerol developed the draft of a Code of Conduct that we submit for Senate review and consideration for inclusion in Chapter 1 of the next revision of the Faculty Handbook. The process began with study of existing codes of conduct already adopted by many other Universities across the nation, followed by collation of those materials in Fall of 2019 and Spring of 2020. The group subsequently met with members of Legal Counsel and Board of Trustee Faculty member David Kemme regarding matters of enforcement, and after consideration of their input, recommends that the Code be administered under the exclusive control of the Faculty Senate—see the final section titled “Administration of the Code of Ethical Conduct” for language and commentary towards this end. The group also consulted with the Senate Ombudsperson, members of the University’s Human Resources Department and Office for Institutional Equity, and the Title IX Coordinator. These personnel helped to define the scope of language in ways that would facilitate their missions and avoid ambiguities between such missions and the purpose of this Senate document. We anticipate that detailed review by University Legal Counsel will be required before full adoption of this document as a component of University policy, and we recognize that the Provost is signatory to all new Handbook language. At this time we request that Senators study the document and consult their constituents as they see fit.”

-See Additional file titled Draft U of M Faculty Code of Conduct

## **Draft UofM Faculty Code of Conduct for Senate Review:**

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### **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) as well as the Faculty Grievance Committee.

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

Procedures for administration of the University of Memphis Faculty Code of Conduct have not been developed but are referred back to Faculty Senate. The Faculty Policies Committee recommends, however, that the Senate Faculty Grievance Committee be charged with processing cases of Code of Conduct violation. Administrative procedures pertaining to students are set forth in the University of Memphis Student Handbook.

## Faculty Support Committee:

*FY2020 Communication Matrix - April 21, 2020*

Communication Matrix											
Project	Information Security Advisory Committee (ISAC)	Enterprise Systems Advisory Committee (ESAC)	Research Technology Advisory Committee (RTAC)	Teaching and Learning Advisory Committee (TLAC)	Faculty Senate Academic Support Committee	President's Council	CIO Email	CIO Blog	umTech Social Media	This Week	CTL Newsletter
Basic Authentication Decommission, including but not exclusive to POP and IMAP	11/12/2019	11/13/2019	11/20/2019	10/22/2019 11/19/2019	11/6/2019 12/2/2019 01/07/2020 02/03/2020 04/21/2020	12/03/2019 04/14/2020	01/24/ 2020	01/15/2020	01/15/2020	Every week in 01/2020	12/29/2019 01/28/2020
Office 365 SSO Integration Scheduled to complete in May.				2/25/2020	02/03/2020 04/21/2020	04/14/2020					
Student DUO					02/03/2020 04/21/2020						

### *Decommissioning Basic Authentication (POP/IMAP, etc.) for Office 365*

To improve Office 365 security, ITS plans to disable all basic authentication protocols for Office 365 in May 2020. Basic authentication includes but is not limited to POP/IMAP.

### *Office 365 SSO Integration*

For UofM faculty and staff, Banner, the portal (my.memphis.edu), most memphis.edu web applications, etc. are behind our Single Sign On system (SSO) and protected by Duo, the Multi-Factor Authentication (MFA) product we use to protect access to our resources. The one big exception to this is Microsoft Office 365 that includes email and OneDrive. ITS plans to remedy this by putting Office 365 behind SSO which will then protect access to faculty and staff email and OneDrive files with Duo. This will be completed in May, immediately after turning off basic authentication.

### *Student DUO*

Currently only faculty and staff are required to use Duo, the Multi-Factor Authentication product we use to protect access to our resources. ITS proposes to require all students to also use Duo to protect access to their resources. Much of the spam we currently get is a result of phishing emails directed to students, and we anticipate that protecting access to student email will greatly reduce this spam.

### *Network Core Upgrade*

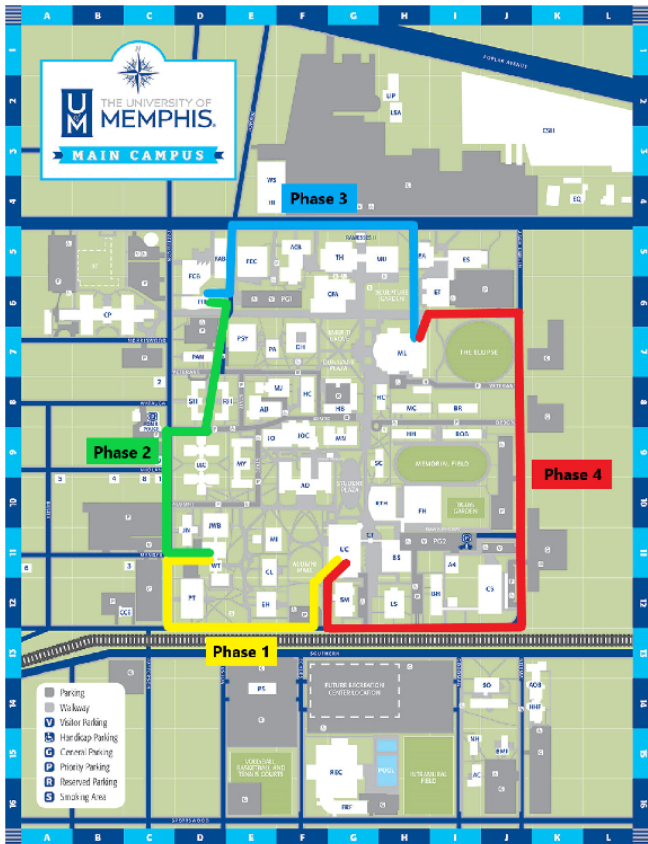
ITS is in the process of upgrading the campus core network. This project will improve throughput for campus traffic along with wireless traffic. New firewalls and security appliances will be part of this upgrade. The end goal is to have a more resilient network topology, eliminating any single point of failure. A map is attached.

### *Fiber Plant*

ITS is currently in the process of constructing a new fiber plant for main and south campus. This project coincides with the network core upgrade. This is a multi-phased project that will take longer to complete than the core network upgrade.



# Fiber Plant Map in Four Phases



**Appendix B: April 22, 2020 Memorandum on Creating New Standing Committees from Parliamentarian D. R. Jones to the Executive Committee.**

**MEMORANDUM**

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**TO: Executive Committee, Faculty Senate**

**FROM: D.R. Jones, Parliamentarian**

**SUBJECT: Creating New Standing Committees**

**DATE:** April 22, 2020

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This memorandum summarizes my advice given in an email discussion on April 16, 2020 regarding the creation of new standing committees for the Faculty Senate.

I analyzed the language of the Faculty Senate Standing Rules and the Constitution of the University Of Memphis Faculty and the Faculty Senate. My analysis shows that the Faculty Senate can create new Faculty Senate standing committees by amending the Standing Rules. There is no need to amend the Constitution.

The Constitution in Section 5 states:

“ Section 5. FACULTY SENATE STANDING COMMITTEES The Faculty Senate Standing Committees shall include The Executive Committee, The Committee on Committees and other standing committees the Senate institutes under its standing rules.” The only committees mentioned by name are the Executive Committee and the Committee on Committees. The Senate “institutes” other standing committees under its standing rules.

The Standing Rules are separate from the Constitution and the Senate can amend them without a vote of the full faculty. The confusion is that the Standing Rules appear to be part of the Constitution although they are not.

The preamble to the Standing Rules states: “The standing rules of the Faculty Senate are those operational guidelines the Senate may adopt, change, suspend or delete to create effective and efficient management of its business.”

There is an entire section on Faculty Senate Committees (Section 2). Section 2 states: “The

Senate shall establish committees to study and make reports on matters of concern to the University Faculty. Committees created by the Senate are committees of the Senate, receive their authority from the Senate, and shall report to the Senate. There is additional language regarding “Committee Procedures.”

Executive Committee, Faculty Senate D.R. Jones, Parliamentarian

Creating New Standing Committees April 22, 2020

All standing committees are listed in the Standing Rules in Section 2 under a heading that reads: “Committees with Standing Authority in Addition to Those Created in the Constitution.”

To amend the Standing Rules, there will need to be a motion with a second if needed and a two-thirds vote of the Senate.